

# ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

## FINDINGS OF FACT

### City Council Bill No. 23-0409

MOTION OF THE CHAIR OF THE COMMITTEE ON ECONOMIC AND COMMUNITY DEVELOPMENT, AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO ARTICLE 32, SECTION 5-406 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING A CONDITIONAL USE FOR:

#### **Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 3 Dwelling Units in the R-8 Zoning District - Variances - 2127 McCulloh Street**

1. the establishment, location, construction, maintenance, or operation of the conditional use **will not** be detrimental to or endanger the public health, safety, or welfare **for the following reasons:**

The bill authorizes the conversion of a single-family dwelling unit to three dwelling units at 2127 McCulloh Street. Establishment, location, construction, maintenance, and operation of the property as a multi-family dwelling will not negatively impact public health, safety, or welfare.

2. the use **would not** be precluded by any other law, including an applicable Urban Renewal Plan;

No other law or Urban Renewal Plan precludes the use of this property as a multi-family dwelling.

3. the authorization **would not** be contrary to the public interest **for the following reasons:**

Use of this property as a multi-family dwelling is in the public interest because it will provide additional housing options in the community.

4. the authorization **would** be in harmony with the purpose and intent of this Code **for the following reasons:**

Use of this property as a multi-family dwelling will provide additional housing options in the community with no negative impact on public health, safety, or welfare.

After consideration of the following, **where applicable (fill out all that are relevant):**

1. the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;

The property is located on the northeast side of the street, southeast of the intersection with Gold Street. It is a 3-story building 14'8" by 63' built in the 19<sup>th</sup> century as a single-family home it is zoned R-8. The intent of the owner is to create one single-bed unit on the ground floor, a two-bedroom unit on the second floor, and a two-bedroom unit on the third floor.

2. the resulting traffic patterns and adequacy of proposed off-street parking and loading;

Authorizing this use will not change traffic patterns. The property can only provide one off-street parking space due to the size of the lot and a variance for parking is required.

3. the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;

The surrounding area is one in which the predominant residential type with scattered non-residential use. Some of the other single family homes in the area have been converted to multifamily use. For this reason, it is unlikely that the proposed multifamily use would impair present or future development.

4. the proximity of dwellings, churches, schools, public structures, and other places of public gathering;

There is reasonable proximity of other dwellings, churches and other places of worship, schools, public structures, and places of public gathering.

5. accessibility of the premises for emergency vehicles;

There is adequate accessibility of the premises for emergency vehicles.

6. accessibility of light and air to the premises and to the property in the vicinity;

There is adequate light and air to the premises and to properties in the vicinity.

7. the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;

Adequate utilities, access roads, drainage, and other necessary facilities have been provided.

8. the preservation of cultural and historic landmarks and structures;

The proposed use will not interfere with the preservation of cultural and historic landmarks and structures.

9. the character of the neighborhood;

The property is located in the Old West Baltimore Historic District. It is primarily residential in nature and was rezoned from R-9 to R-8 during the 2017 comprehensive rezoning process.

10. the provisions of the City's Comprehensive Master Plan;

The proposed use is consistent with the Comprehensive Master Plan for Baltimore.

11. the provisions of any applicable Urban Renewal Plan;

The proposed use is not prevented or limited by any Urban Renewal Plan.

12. all applicable standards and requirements of this Code;

The proposed use requires variances from the lot area size, off-street parking, and gross floor area per unit type requirements of the Zoning Code. With the variances, the use meets all applicable standards and requirements of the Zoning Code.

13. the intent and purpose of this Code; and

The proposed use is consistent with the intent and purpose of the Zoning Code.

14. any other matters considered to be in the interest of the general welfare.

The proposed use is consistent with any other matters considered to be in the interest of the general welfare.

## FINDINGS OF FACT FOR VARIANCE

### City Council Bill No. 23-0409

MOTION OF THE CHAIR OF THE COMMITTEE ON ECONOMIC AND COMMUNITY DEVELOPMENT AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO THE APPLICABLE SECTIONS OF ARTICLE 32 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING ANY VARIANCES OF APPLICABLE STANDARDS FOR:

#### Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 3 Dwelling Units in the R-8 Zoning District - Variances - 2127 McCulloh Street

#### VARIANCE FROM LOT AREA SIZE REQUIREMENTS

*(Use a separate Variance form for each Variance sought in the bill)*

#### **THRESHOLD QUESTION:**

- In accordance with Section 5-305(c), it has been determined that there is no written decision by the Board of Municipal and Zoning Appeals on an application for this same subject matter.*

#### **HARDSHIP OR PRACTICAL DIFFICULTY:**

*The City Council has considered at least one of the following:*  
(check all that apply to evidence consideration)

- The physical surroundings around the **STRUCTURE / LAND** involved;  
(underline one)
- The shape of the **STRUCTURE / LAND** involved;  
(underline one)
- The topographical conditions of the **STRUCTURE / LAND** involved.  
(underline one)

*and finds **either** that:*

(1) An unnecessary hardship **WOULD / WOULD NOT** (underline one) exist if the strict letter of the applicable requirement from which the variance is sought were applied because:

*or that:*

(2) Practical difficulty WOULD / **WOULD NOT** (*underline one*) exist if the strict letter of the applicable requirement from which the variance is sought were applied because:

There is a practical difficulty with complying with the lot area size requirements in the Zoning Code that has not been caused by the action or inaction of any person with a present interest in this property. The property would require 1875sq feet for 3 units (750 per unit). This lot has approximately 1750sq feet of space which is approximately 93% of the required space. A variance for 125sq feet is appropriate.

Conditions on which this variance is based are unique to this property and are not generally applicable to other property within the same zoning classification. The purpose of the variance needed is not based exclusively on a desire to increase the value or income potential of the property. The variance would not be injurious to the use and enjoyment of other property in the immediate vicinity and not substantially diminish or impair property values in the neighborhood. The variance requested is in harmony with the Comprehensive Master Plan, and related considerations of public health, safety, and general welfare.

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#### Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 3 Dwelling Units in the R-8 Zoning District - Variances - 2127 McCulloh Street

#### OFF-STREET PARKING REQUIREMENTS

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*(Use a separate Variance form for each Variance sought in the bill)*

#### **THRESHOLD QUESTION:**

- In accordance with Section 5-305(c), it has been determined that there is no written decision by the Board of Municipal and Zoning Appeals on an application for this same subject matter.*

#### **HARDSHIP OR PRACTICAL DIFFICULTY:**

*The City Council has considered at least one of the following:*  
(check all that apply to evidence consideration)

- The physical surroundings around the **STRUCTURE / LAND** involved;  
(underline one)
- The shape of the **STRUCTURE / LAND** involved;  
(underline one)
- The topographical conditions of the **STRUCTURE / LAND** involved.  
(underline one)

*and finds **either** that:*

(1) An unnecessary hardship **WOULD / WOULD NOT** (underline one) exist if the strict letter of the applicable requirement from which the variance is sought were applied because:

*or that:*

(2) Practical difficulty WOULD / **WOULD NOT** (*underline one*) exist if the strict letter of the applicable requirement from which the variance is sought were applied because:

There is a practical difficulty with complying with the off-street parking requirements in the Zoning Code that has not been caused by the action or inaction of any person with a present interest in this property. The width of the property would not allow the creation of two parking spaces.

Conditions on which this variance is based are unique to this property and are not generally applicable to other property within the same zoning classification. The purpose of the variance needed is not based exclusively on a desire to increase the value or income potential of the property. The variance would not be injurious to the use and enjoyment of other property in the immediate vicinity and not substantially diminish or impair property values in the neighborhood. The variance requested is in harmony with the Comprehensive Master Plan, and related considerations of public health, safety, and general welfare.

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#### Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 3 Dwelling Units in the R-8 Zoning District - Variances - 2127 McCulloh Street

#### GROSS FLOOR AREA PER UNIT TYPE REQUIREMENTS

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*(Use a separate Variance form for each Variance sought in the bill)*

#### **THRESHOLD QUESTION:**

- In accordance with Section 5-305(c), it has been determined that there is no written decision by the Board of Municipal and Zoning Appeals on an application for this same subject matter.*

#### **HARDSHIP OR PRACTICAL DIFFICULTY:**

*The City Council has considered at least one of the following:*  
(check all that apply to evidence consideration)

- The physical surroundings around the **STRUCTURE / LAND** involved;  
*(underline one)*
- The shape of the **STRUCTURE / LAND** involved;  
*(underline one)*
- The topographical conditions of the **STRUCTURE / LAND** involved.  
*(underline one)*

*and finds either that:*

(1) An unnecessary hardship **WOULD / WOULD NOT** *(underline one)* exist if the strict letter of the applicable requirement from which the variance is sought were applied because:

*or that:*



(2) Practical difficulty WOULD / **WOULD NOT** (*underline one*) exist if the strict letter of the applicable requirement from which the variance is sought were applied because:

There is a practical difficulty with complying with the gross floor area per unit type requirements in the Zoning Code that has not been caused by the action or inaction of any person with a present interest in this property. The existing building contains 2200 square feet of gross floor area and the owner intends to augment this by reconstructing a portion of the structure to provide full depth to the third floor. A variance is reasonable.

Conditions on which this variance is based are unique to this property and are not generally applicable to other property within the same zoning classification. The purpose of the variance needed is not based exclusively on a desire to increase the value or income potential of the property. The variance would not be injurious to the use and enjoyment of other property in the immediate vicinity and not substantially diminish or impair property values in the neighborhood. The variance requested is in harmony with the Comprehensive Master Plan, and related considerations of public health, safety, and general welfare.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Commission's report, dated March 3, 2023, including the Department of Planning Staff Report, dated March 2, 2023.

[X] Testimony presented at the Committee hearing.

Oral – Witness:

- Michele Toth – City Law Department
- Dominic McAlily – Mayor's Office of Government Relations
- Martin French – Department of Planning
- Stephanie Murdock – Department of Housing and Community Development

Written:

- Department of Transportation, Agency Report Dated 11/27/2023
- Board of Municipal and Zoning Appeals, Agency Report Dated 10/10/2023
- Law Department, Agency Report Dated 11/16/2023
- Department of Housing and Community Development, Agency Report Dated 11/28/2023
- Baltimore Development Corporation, Agency Report Dated 8/15/23
- Parking Authority, Agency Report Dated 07/31/2023
- Department of Planning, Agency Report Dated 08/31/2023
- Planning Commission Memo, Dated 09/01/2023

**COMMITTEE MEMBERS VOTING IN FAVOR**

**Middleton**

**Ramos**

**Conway**

**Dorsey**

**Bullock**

**Stokes**