

ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

FINDINGS OF FACT

City Council Bill No. 24-0486

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 Banquet Hall - Variance - 601 Cherry Hill Road

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 site is a small space next to a barbershop and a beauty salon. Event sizes will be small and reasonable to the surrounding area and not pose a detriment to the area.

2. the use **would not** be precluded by any other law, including an applicable Urban Renewal Plan;
The use is permitted by the C-2 commercial district and not precluded by any Urban Renewal Plan

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

The planned site use supports community interest and is supported by the community association.

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

The planned use of this property would be permitted under the zoning code for this area C-2 Commercial which allows for banquet halls.

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;
601 Cherry Hill Road is located on the southern corner of the intersection with Seabury Road. This property is zoned C-2, and is improved with a one-story commercial building measuring 100' by 115', as well as a surface parking lot.

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

The site is serviced by a surface parking lot. And the use of the building would have negligible impacts on parking and traffic

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

This site is located in the Cherry Hill neighborhood, which is characterized by predominately residential uses with pockets of commercial uses located throughout and industrial uses aligning the southern and northwestern edge. No impairment is expected from this use.

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 for emergency vehicles,

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

There is adequate accessibility of light and air to the premises.

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

There are adequate utilities, roads, drainage, and other necessary facilities.

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

The proposed use of the existing structure would not affect the preservation of cultural and historic landmarks and structures.

9. the character of the neighborhood;

Cherry Hill neighborhood, which is characterized by predominately residential uses with pockets of commercial uses. Staff has received a letter of support from the community association for this use.

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

While consistent with provisions of the City's Comprehensive Master Plan, the proposed use is not prevented or limited by any Urban Renewal Plan.

11. the provisions of any applicable Urban Renewal Plan;

The proposed use is not prevented or limited by the Harlem Park II Urban Renewal Plan which is applicable to the property.

12. all applicable standards and requirements of this Code;

The proposed use requires variances from off-street parking if it is found that the required number of spaces is exceeded by the number of spaces offered by the off-street parking attached to the building.

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. 24-0486

Zoning - Conditional Use Banquet Hall - Variance - 601 Cherry Hill Road OFF-STREET PARKING 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:

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 April 1, 2024.

[X] Testimony presented at the Committee hearing.

Oral – Witness:

- Michele Toth, Law Department
- Eric Tiso, Planning Commission
- Luciano Diaz, Department of Transportation
- Jason Wright, Department of Housing and Community Development
- Luis Cardona, Baltimore Development Corporation
- Arco Sen, Parking Authority
- Ty'lor Schnellla – Mayor's Office of Government Relations

Written:

- Department of Transportation, Agency Report – Dated February 23, 2024
- Board of Municipal and Zoning Appeals, Agency Report – Dated January 30, 2024
- Law Department, Agency Report – Dated July 1, 2024
- Department of Housing and Community Development, Agency Report – April 16, 2024
- Baltimore Development Corporation, Agency Report – Dated May 20, 2024
- Fire Department, Agency Report – Dated February 22, 2024
- Parking Authority, Agency Report – Dated June 7, 2024

COMMITTEE MEMBERS VOTING IN FAVOR

Sharon Green Middleton, Chair

John Bullock

Mark Conway

Odette Ramos

Robert Stokes

Ryan Dorsey

Antonio Glover`