

# COMMITTEE ON ECONOMIC AND COMMUNITY DEVELOPMENT

## FINDINGS OF FACT

### City Council Bill No. 21-0185

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 Single-Family Dwelling Unit to 8 Dwelling Units in the R-8 Zoning District - Variances - 2044 Walbrook Avenue**

- (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:**

Establishment, location, construction, maintenance or operation of a multi-family dwelling, containing six dwelling units at 2044 Walbrook Avenue, would not be detrimental to or endanger public health, safety, or welfare.

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

The proposed use is not precluded by any other law, including any Urban Renewal Plan.

- (3) the authorization **would not** be contrary to the public interest **for the following reasons:**

Use of this property for a multi-family dwelling is not otherwise in any way contrary to the public interest.

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

The authorization, if amended as recommended by the Planning Commission, would be in harmony with the purpose and intent of the Zoning Code.

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

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;

The site, including its size and shape, is appropriate for the proposed use.

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

There would be no change to traffic patterns if this use would be authorized.

- (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 was originally single-family owner-occupancy row-housing, but in which some conversions of single-family to multi-family dwellings occurred during the 20th Century. For this reason, it is unlikely that the proposed multi-family 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 for emergency vehicles accessibility of light and air to the premises and to the property in the vicinity.

- (6) 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.

- (7) the preservation of cultural and historic landmarks and structures;

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

- (8) the character of the neighborhood;

Approval of the proposed use as a multi-family dwelling would not affect the existing character of the neighborhood.

- (9) the provisions of the City's Comprehensive Master Plan;

The proposed use is consistent with the City's Comprehensive Master Plan.

- (10) the provisions of any applicable Urban Renewal Plan;

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

- (11) all applicable standards and requirements of this Code;

The proposed use meets all applicable standards and requirements of the Zoning Code upon granting of amended variances as proposed by the Planning Commission.

- (12) the intent and purpose of this Code; and

Multi-family use would meet all applicable standards and requirements of the Zoning Code upon granting of amended variances and would be consistent with the intent and purpose of the Zoning Code.

- (13) any other matters considered to be in the interest of the general welfare.

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

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Commission's report, dated February 11, 2022, which included the Department of Planning Staff Report, dated February 10, 2022.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- Martin French, Planning Department
- Hilary Ruley, Law Department
- Liam Davis, Department of Transportation
- Nina Themelis, Mayor's Office of Governmental Relations

Written:

- Planning Commission, Agency Report – Dated February 11, 2022, which included the Department of Planning Staff Report – Dated February 10, 2022,
- Department of Transportation, Agency Report – Dated March 28, 2022
- Board of Municipal and Zoning Appeals, Agency Report – January 18, 2022
- Law Department, Agency Report – Dated March 1, 2022
- Department of Housing and Community Development, Agency Report – Dated March 17, 2022
- Baltimore Development Corporation, Agency Report – Dated March 24, 2022
- Parking Authority, Agency Report – Dated January 6, 2022
- Fire Department, Agency Report – December 10, 2021

**COMMITTEE MEMBERS VOTING IN FAVOR**

Sharon Green Middleton, Chair  
John Bullock  
Mark Conway  
Odette Ramos  
Antonio Glover  
Robert Stokes

**FINDINGS OF FACT FOR VARIANCE City Council Bill No. 21-0185**

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 THE PROPERTY LOCATED AT:

**Zoning - Conditional Use Conversion of Single-Family Dwelling Unit to 8 Dwelling Units in the R-8  
Zoning District - Variances - 2044 Walbrook Avenue**

**VARIANCE FROM LOT AREA SIZE AND GROSS FLOOR AREA 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** exist if the strict letter of the  
*(underline one)*  
applicable requirement from which the variance is sought were applied because:

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*or that:*

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

The Zoning Code requires, for a property in the R-8 zoning district, 750 square feet of lot area per dwelling unit (Table 9-401). A lot area of 5,625 square feet is thus required for eight dwelling units. As this lot has approximately 1,260 square feet, a 4,365 square feet lot area size variance, amounting to approximately 77.6%, is needed for approval of eight dwelling units. This amount of variance is excessive in amount and proportion in the context of the Zoning Code, and was the reason Planning staff recommended disapproval of this conversion. Planning staff suggested, however, that if the amount of this variance would be reduced in order to authorize six dwelling units rather than eight dwelling units (please refer to "Basement conversion" below), the lot area variance amount would no longer be inordinately large. As a lot area of 4,125 square feet would be required for six dwelling units, which is recommended as an amendment to this bill in order to allow no objection to this bill, a lot area variance of approximately 69.5% would be needed for approval of the residential conversion. A lot area variance has been included in Section 2 of the bill, but should be amended to reflect numbers matching what six dwelling units call for.

The floor plans filed by the owner propose creation of two one-bedroom dwelling units on each floor of the structure and two one-bedroom dwelling units in the basement. A one-bedroom dwelling unit requires 750 square feet of gross floor area (BCZC §9-703). Each proposed one-bedroom unit would contain approximately 600 square feet of gross floor area. As this would not meet Zoning Code standards for residential conversions, a floor area variance has been included in Section 3 of the bill. Given the size and location of the existing structure at 2044 Walbrook Avenue, six one-bedroom dwelling units of less than 750 square feet of floor area should be marketable.

**Basement conversion:** The existing basement is not accessible from the exterior of the building. In order to provide required fire and safety access to the proposed two basement-level dwelling units, floor plans provided by the petitioner show a new basement doorway would be constructed and a new exterior stairway leading to that door would be created out of part of the existing sidewalk beside the building. The new basement entry door would lead to a common hallway parallel to the foundation wall, with each end giving access to a new dwelling unit door. In the context of crime prevention through environmental design principals, this would create an outer entry door not readily observable from street level, leading to an interior hallway shared by two tenants, neither of whom would be able to claim exclusive control of that interior hallway or outer basement entrance door. Therefore, it is considered inadvisable to authorize use of the basement of the existing building as dwelling units and recommend amendment of the bill accordingly. The basement would be better left to use for building utilities and/or for storage.

The existing building covers the property entirely, yet also contains approximately 3,420 square feet of gross floor area (excluding the basement), which creates an unusual ratio of floor area to lot area. The interior space of the building is larger than what would ordinarily be needed for a single-family dwelling, and so a lot area variance to allow six dwelling units would be reasonable.

In conclusion, the conditions on which this application is based are unique to the property for which the variances are sought and not generally applicable to other property within the same zoning classification, as this is a three-story 19th Century structure largely covering a lot that is large in relation to the lot it is on. Similarly, it is concluded that unnecessary hardship or practical difficulty is not being created by the intentional action of a person with a present interest in the property; and that the purpose of the variances is not based exclusively on a desire to increase the value or income potential of the property, given its large floor area that partially meets the floor area per unit type conversion standards in the Zoning Code, and that its existing structure is large in relation to the lot on which it is situated. The amended variances would not be injurious to the use and enjoyment of other property in the immediate vicinity; nor substantially diminish and impair property values in the neighborhood; nor adversely affect the City's Comprehensive Master Plan or any Urban Renewal Plan; nor be detrimental to or endanger the public health, safety, or welfare, or be in any way contrary to the public interest.

SOURCE OF FINDINGS (Check all that apply):

- [X] Planning Commission's report, dated February 11, 2022, which included the Department of Planning Staff Report, dated February 10, 2022.
- [X] Testimony presented at the Committee hearing

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**COMMITTEE MEMBERS VOTING IN FAVOR**

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**FINDINGS OF FACT FOR VARIANCE**

**City Council Bill No. 21-0185**

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 THE PROPERTY LOCATED AT:

**Zoning - Conditional Use Conversion of Single-Family Dwelling Unit to 8 Dwelling Units in the R-8 Zoning District - Variances - 2044 Walbrook Avenue**

**VARIANCE FROM 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:*  
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(*underline one*)

applicable requirement from which the variance is sought were applied because:

Seven off-street parking spaces are required to serve the proposed seven newly-created dwelling units (Table 16-406). Five off-street parking spaces would be required if this bill authorized a residential conversion to six dwelling units by excluding the basement from use as dwelling units. Since this property cannot provide any parking spaces meeting Zoning Code standards, as the lot is completely covered by the existing structure, a parking variance has been included in Section 4 of the bill. Given the density of the community surrounding this location, placing a lesser demand on on-street parking resources would create less adverse effect on current residents of the Mondawmin area.

The existing building covers the property entirely, yet also contains approximately 3,420 square feet of gross floor area (excluding the basement), which creates an unusual ratio of floor area to lot area. The interior space of the building is larger than what would ordinarily be needed for a single-family dwelling, and so a lot area variance to allow six dwelling units would be reasonable. Likewise, existing lot coverage allows creation of no parking spaces meeting Zoning Code standards, while the Zoning Code requires a space for each of the newly-created dwelling units (Table 16-406). The owner is not able to provide any off-street parking space without first demolishing a part of the rear of the building, and so a complete parking variance is more reasonable than strict compliance with the requirement.

In conclusion, the conditions on which this application is based are unique to the property for which the variances are sought and not generally applicable to other property within the same zoning classification, as this is a three-story 19th Century structure largely covering a lot that is large in relation to the lot it is on. Similarly, it is concluded that unnecessary hardship or practical difficulty is not being created by the intentional action of a person with a present interest in the property; and that the purpose of the variances is not based exclusively on a desire to increase the value or income potential of the property, given its large floor area that partially meets the floor area per unit type conversion standards in the Zoning Code, and that its existing structure is large in relation to the lot on which it is situated. The amended variances would not be injurious to the use and enjoyment of other property in the immediate vicinity; nor substantially diminish and impair property values in the neighborhood; nor adversely affect the City's Comprehensive Master Plan or any Urban Renewal Plan; nor be detrimental to or endanger the public health, safety, or welfare, or be in any way contrary to the public interest.

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