

ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

FINDINGS OF FACT

City Council Bill No. 22-0325

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 2 Dwelling Units in the R-7 Zoning District - Variances 466 Hornel 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 two dwelling units at 466 Hornel 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;

466 Hornel Street is located on the northwest corner of the intersection with Eastern Avenue. This property measures approximately 18'8" by 92' and is currently improved with a two-story end-of-row residential building measuring approximately 18'8" by 43'. The topography of this property is such that the front of this end-of-row building appears as only two stories, but what is the basement level in its front becomes a fully exposed street level facing Eastern Avenue along the end wall of the building. The end wall shows indications, in the form of two large commercial-scale window openings on either side of an entrance door, that during part of the 20th Century a commercial use existed in the basement. 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;

Authorizing this use will not change traffic patterns. The property cannot provide off-street parking, but on-street parking supply is sufficient to meet the demand in the area. A variance from the off-street parking requirement is included in the bill.

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 a few conversions of single-family to multi-family dwellings occurred during the mid and late 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 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 preservation of cultural and historic landmarks and structures.

9. the character of the neighborhood;

The surrounding area is one in which the predominant residential type was originally single-family owner-occupancy row housing but in which a few conversions of single-family to multi-family dwellings occurred during the mid and late 20th Century. For this reason, the proposed multi-family use is consistent with the character of the neighborhood.

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. 22-0325

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 2 Dwelling Units in the R-7 Zoning District - Variances 466 Hornel 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 existing building covers approximately 47% of the property, yet also contains approximately 1,600 square feet of gross floor area, which creates an unusual ratio of floor area to lot area. The interior space of the building may be considered larger than what would ordinarily be needed for a single-family dwelling.

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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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:

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. Although the width of the property would allow creation of one parking space meeting Zoning Code standards for width, the rear yard depth does not meet those same standards. The property owner would need to demolish part of the rear of the building to provide an off-street parking space.

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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GROSS FLOOR AREA PER UNIT TYPE 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 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. Floor plans provided by the owner propose creation of a two-bedroom dwelling unit on the first-floor level, and a two-bedroom unit on the second-floor level, of existing the structure. A two-bedroom dwelling unit requires 1,000 square feet of gross floor area. The first floor and second floor levels each provide approximately 800 square feet of gross floor area.

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, Law Department
- Eric Tiso, Planning Commission
- Liam Davis, Department of Transportation
- Stephanie Murdock, Department of Housing and Community Development
- Luis Cardona, Baltimore Development Corporation
- Arco Sen, Parking Authority
- Sophia Gebrehiwot, Board of Municipal and Zoning Appeals / Fire Department

Written:

- Department of Transportation, Agency Report – Dated May 1, 2023
- Board of Municipal and Zoning Appeals, Agency Report – Dated December 5, 2022
- Law Department, Agency Report – Dated April 13, 2023
- Department of Housing and Community Development, Agency Report – May 2, 2023
- Baltimore Development Corporation, Agency Report – Dated March 6, 2023
- Fire Department, Agency Report – Dated March 8, 2023
- Parking Authority, Agency Report – Dated December 20, 2022

COMMITTEE MEMBERS VOTING IN FAVOR

Sharon Green Middleton, Chair

John Bullock

Mark Conway

Odette Ramos

Robert Stokes