

# LAND USE COMMITTEE

## FINDINGS OF FACT

### City Council Bill No. 20-0560

MOTION OF THE CHAIR OF THE LAND USE COMMITTEE, 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 4 Dwelling Units in the R-7 Zoning District - Variances - 2437 Madison 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:**

The bill authorizes the conversion of a single-family dwelling unit to 4 dwelling units in the R-7 Zoning District on the property known as 2437 Madison Avenue and grants variances from the lot area size, gross floor area per unit type, and off-street parking requirements. The establishment, location, and operation of this property as a multi-family dwelling containing four dwelling units will 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 or Urban Renewal Plan for this area.

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

The use of the property as a multi-family dwelling containing 4 dwelling units will allow preservation of a piece of the community's traditional architectural fabric while responding to more contemporary, smaller-scale residential needs in a location with convenient access to downtown for residents of the dwelling units. Additionally, the authorization could advance the public interest by creating housing affordable to moderate-income families.

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

The use of the property as a multi-family dwelling containing 4 dwelling units will allow preservation of a piece of the community's traditional architectural fabric while responding to more contemporary, smaller-scale residential needs in a location with convenient access to downtown for residents of the dwelling units. Additionally, the authorization could create housing affordable for moderate-income families.

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 property is approximately 20' by 150' and is currently improved with a three-story semi-detached dwelling measuring approximately 20' by 72'. The structure was built in 1907 and is located in mid-block. The nature of the proposed site, including its size and shape, are adequate for the proposed use.

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

There will be no negative impact to traffic patterns. The property can provide at least two of the three required off-street parking spaces and the available on-street parking inventory is sufficient to meet the demand for on-street parking in the area. The site is located in a dense, walkable neighborhood that is served by public transportation.

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

The property is located in the Eutaw Place – Madison Avenue Historic District, a locally designated historic district within the Reservoir Hill National Register Historic District. The area is predominantly residential, with scattered uses such as religious institutions, schools, and small commercial uses found outside the local historic district. To the east is the central area of Reservoir Hill, and two long blocks to the south of the property is North Avenue, a major Baltimore City thoroughfare. The northern end of the historic district is adjacent to the southwestern edge of Druid Hill Park.

The predominant residential housing type in the surrounding area was originally single-family owner-occupancy rowhouses, but many properties were converted from single-family to multi-family dwellings during the 20th Century. The proposed use is consistent with other uses in the area and would allow for re-occupancy of a structure that contributes to the neighborhood.

- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;

There will be no negative impact resulting from proximity to dwellings, churches, schools, public structures, and other 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;

Re-occupancy of the vacant existing structure would contribute to preservation of cultural and historic landmarks and structures, notably the 2400 block of Madison Avenue that is part of the Eutaw Place – Madison Avenue Historic Districts.

- (9) the character of the neighborhood;

The property is located in the Eutaw Place – Madison Avenue Historic District, a locally designated historic district within the Reservoir Hill National Register Historic District. The area is predominantly residential, with scattered uses such as religious institutions, schools, and small commercial uses found outside the local historic district. To the east is the central area of Reservoir Hill, and two long blocks to the south of the property is North Avenue, a major Baltimore City thoroughfare. The northern end of the historic district is adjacent to the southwestern edge of Druid Hill Park.

The predominant residential housing type in the surrounding area was originally single-family owner-occupancy rowhouses, but many properties were converted from single-family to multi-family dwellings during the 20th Century. The proposed use is consistent with the character of the neighborhood.

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

The proposed use supports the goals of the Comprehensive Master Plan for Baltimore, specifically Live Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 1: Expand Housing Choices for all Residents. The use of the property as a multi-family dwelling will allow preservation of a piece of the community's traditional architectural fabric while responding to more contemporary, smaller-scale residential needs in a location with convenient access to downtown for residents of the dwelling units. Additionally, the authorization could create housing affordable for moderate-income families.

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

The proposed use does not conflict with any applicable Urban Renewal Plan.

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

The proposed use requires variances from the lot area size, gross floor area per unit type, and off-street parking requirements of the Zoning Code. With the variances, the proposed 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 that may be considered to be in the interest of the general welfare.

**FINDINGS OF FACT FOR VARIANCE**

**City Council Bill No. 20-0560**

MOTION OF THE CHAIR OF THE LAND USE COMMITTEE: 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 a Single-Family Dwelling Unit to 4 Dwelling Units in the R-7 Zoning District - Variances - 2437 Madison Avenue**

**VARIANCE FROM LOT AREA REQUIRMENTS**

---

*(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:

---

---

---

---

---

---

*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:

There is a practical difficulty with complying with the lot area standard in the Zoning Code that has not been caused by the action or inaction of any person with a present interest in this property. 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 subject lot measures approximately 20' by 150' and contains only 3,000 square feet. The existing structure is semi-detached with open space on the adjacent property and windows along one side of the structure.

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.

**FINDINGS OF FACT FOR VARIANCE**

**City Council Bill No. 20-0560**

MOTION OF THE CHAIR OF THE LAND USE COMMITTEE: 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 a Single-Family Dwelling Unit to 4 Dwelling Units in the R-7 Zoning District - Variances - 2437 Madison Avenue**

**VARIANCE FROM GROSS FLOOR AREA PER UNIT TYPE REQUIRMENTS**

---

*(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:

---

---

---

---

---

*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:

There is a practical difficulty with complying with the lot area standard in the Zoning Code that has not been caused by the action or inaction of any person with a present interest in this property. 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. Changes to the original structure on the property are limited by Commission for Historical and Architectural Preservation regulations and historic preservation tax credit requirements.

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.



**FINDINGS OF FACT FOR VARIANCE**

**City Council Bill No. 20-0560**

MOTION OF THE CHAIR OF THE LAND USE COMMITTEE: 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 a Single-Family Dwelling Unit to 4 Dwelling Units in the R-7 Zoning District - Variances - 2437 Madison Avenue**

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

---

---

---

---

---

*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:

There is a practical difficulty with complying with the lot area standard in the Zoning Code that has not been caused by the action or inaction of any person with a present interest in this property. 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 property is only approximately 20 feet wide allowing for only two side-by-side parking spaces. However, the property can accommodate up to five parking spaces using an alternative layout.

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 Report – Planning Commission’s report, dated August 21, 2020, which included the Department of Planning Staff Report, dated August 20, 2020.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- Martin French, Planning Department
- Elena DiPietro, Law Department

Written:

- Department of Transportation, Agency Report – Dated August 24, 2020
- Board of Municipal and Zoning Appeals, Agency Report – Dated August 24, 2020
- Law Department, Agency Report – Dated August 24, 2020
- Department of Housing and Community Development, Agency Report – Dated August 17, 2020
- Baltimore Development Corporation, Agency Report – Dated August 25, 2020
- Parking Authority, Agency Report – Dated August 4, 2020

**COMMITTEE MEMBERS VOTING IN FAVOR**

Edward Reisinger, Chair  
Mary Pat Clarke  
Eric Costello  
Ryan Dorsey  
Sharon Green Middleton  
Leon Pinkett