

# ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

## FINDINGS OF FACT

### City Council Bill No. 24-0572

MOTION OF THE CHAIR OF THE COMMITTEE ON WAYS & MEANS, 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 1730 North Broadway**

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:**
  - Multi-family dwellings are permitted in the R-8 district and staff finds that this use would not be detrimental to or endanger the public health, safety, or welfare.
2. the use **would not** be precluded by any other law, including an applicable Urban Renewal Plan;
  - The use is permitted by the R-8 district and would not conflict with the Oliver Urban Renewal Plan.
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. The proposed use has support from the local community organization.
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;
  - 1730 North Broadway is located on the west side of the street. The lot is 15'5" X 100'. It as a three-story rowhome measuring 15'5" x 68'.
2. the resulting traffic patterns and adequacy of proposed off-street parking and loading;
  - Staff find that there would be no change in traffic patterns and the Parking Authority finds that there is sufficient on-street parking to accommodate demand.
3. the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;
  - This property is in the northeastern Oliver neighborhood, which is predominantly residential in nature, with the housing stock largely comprised of row homes. There are scattered institutional and small commercial uses throughout the neighborhood.
4. the proximity of dwellings, churches, schools, public structures, and other places of public gathering;
  - There is reasonable proximity to 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 historical landmarks and structures.
9. the character of the neighborhood;

- This property is located in the Oliver neighborhood, which is predominantly residential in nature, with the housing stock largely comprised of row homes. The Committee has received a letter of support from the Historic Oliver Community Association.

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 Oliver Urban Renewal Plan which applies to the property.

12. all applicable standards and requirements of this Code;

- The proposed use requires a variance from the off-street parking requirements. With the variance, 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. 24-0572

MOTION OF THE CHAIR OF THE COMMITTEE ON WAYS & MEANS 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 1730 North Broadway  
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:
- The property has one off-street space in the rear of the property – staff finds that the lot cannot support additional spaces – the lot itself is noted to be irregular in the planning staff report. The Parking Authority finds that there is sufficient on-street parking to meet demand

*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.

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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 1730 North Broadway  
GROSS FLOOR AREA**

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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:*

15. 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:
- a. The property will need variances for the second and third-floor units because they will lack the 1,000 square feet of space for the conversion standards. According to a statement by the applicant, this is due to the irregularity of the lot.

Conditions on which this variance is based are unique to this property and are not generally applicable to other properties 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 1730 North Broadway  
BULK YARD - LOT AREA**

*(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:*

16. 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:*



- (3) 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:
- a. The property will need a variance for the size of the lot which does not meet the conversion standard listed in the zoning code. The zoning code requires 1,875' and the lot provides 1,465.75'. Thus, a variance is needed.

Conditions on which this variance is based are unique to this property and are not generally applicable to other properties 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 August 23, 2024, including the Department of Planning Staff Report, dated August 22, 2024.

[X] Testimony presented at the Committee hearing.

Oral – Witness:

- Michele Toth, Law Department
- Hillary Ruley, Dept of Law
- Eric Tiso, Planning Commission
- Christian McNeill, Department of Transportation
- Jason Wright, Department of Housing and Community Development
- Kris Misage, Parking Authority
- Ty'lor Schnellla – Mayor's Office of Government Relations

Written:

- Department of Transportation, Agency Report – Dated August 7, 2024
- Board of Municipal and Zoning Appeals, Agency Report – Dated July 22, 2024
- Law Department, Agency Report – Dated September 24, 2024
- Department of Housing and Community Development, Agency Report – September 10, 2024
- Baltimore Development Corporation, Agency Report – Dated August 27, 2024
- Fire Department, Agency Report – July 30, 2024
- Parking Authority, Agency Report – Dated August 13, 2024

**COMMITTEE MEMBERS VOTING IN FAVOR**

Eric Costello, Chair  
Danielle McCray  
Sharon Green Middleton  
Robert Stokes