

FINDINGS OF FACT

To: The Mayor and City Council of Baltimore
From: AB Associates, on behalf of Kenneth Hobbs
Date: February 10, 2025
Re: CCB 2025-022, for conditional use approval to construct a rowhouse dwelling requiring conditional use approval for maximum height and variances from bulk and yard regulations.

Council Bill 2025-022 concerns the conditional use of 1121 Bayard Street to accommodate the rebuild of a rowhouse following a gas-line explosion in 2022 that destroyed the subject property and irreparably damaged the neighboring structure at 1123 Bayard. Kenneth Hobbs, who owned 1121 Bayard at the time of the explosion, purchased 1123 Bayard in May of 2024, consolidated the two lots, and engaged an architect to design a double-wide rowhouse he and his partner could live in after construction is complete.

Plans for this rebuild include a three-story, 37-foot tall rowhouse that covers the entire consolidated lot, creating a footprint of 24 feet by 60 feet. Such a development requires conditional use approval for the building height and variances from the Zoning Code's requirements for maximum lot coverage and rear-yard setbacks.

Because this new construction will be owner-occupied, Mr. Hobbs will not recoup construction costs by leasing out the building. The high cost of construction and relatively low value of the land requires that Mr. Hobbs secure the entitlements necessary to build a home to the specifications that he desires. Also motivating Hobbs' pursuit of the three entitlements is the medical condition of his partner, who requires an elevator and covered parking area to appropriately navigate the demands of rowhouse living. Hobbs has designed a home that works for the couple's personal circumstances and requires the City's accommodation of those circumstances in order to move forward with its construction.

1. Bayard Street

Bayard Street is located on the southwestern edge of Pigtown, straddling Washington Boulevard. The four blocks west of Washington are lined with Formstone-façade rowhouses, all built before 1900. These are small lots; the properties on Hobbs's block measure only 60 feet deep. Notable is that most of the corner lots on Bayard Street are covered entirely by their respective structures; the original builds each exceeded the dimensions permitted by the modern code. This is a common theme in this section of Pigtown, where 27 of the 36 corner lots are non-conforming to maximum lot coverage and rear-yard setback requirements.

Bayard Street is distinct in that it bookends the northeast side of Carroll Park. From Washington Boulevard, it is the first street in Pigtown that people see when they drive into the city. At present, because of the gas-line explosion, 1121 Bayard is the street's only vacant lot. In that sense, there exists a public interest in the property's rehabilitation: A new home will improve the look of the block. Hobbs would like to improve this park-front street and bring new value to a stretch of Pigtown that has not seen new construction since 1900. The public benefit of this project represents one reason why the Citizens of Pigtown support this legislation.

2. Entitlements Necessary

Mr. Hobbs would like to build a 24-foot-wide rowhouse that covers the full expanse of the consolidated lot. He seeks an ordinance for two variances and the conditional use of a 37-foot building height to make that happen.

- Conditional use for height: 35 feet required; 37 feet proposed.
- Minimum rear yard setback: 20 feet required, 0 feet proposed, 20 feet variance requested.
- Maximum lot coverage: 80 percent allowed, 0 percent proposed, 100 percent variance requested.

3. ZC § 5-406: Conditional Use Approval Standards

A conditional use is a use that may be authorized as a special exception subject to the City Council's review. As a guide to its decision on the facts of each case, the Council must consider the following, where appropriate:

- a. The nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;

The proposed site is a corner lot in an R-8 zoning district, where building heights between 35 feet and 45 feet are allowed if the lot is bordered by street rights-of-way that are both at least 30 feet wide. That is the case here with both Bayard and Sargeant.

- b. The resulting traffic patterns and adequacy of proposed off-street parking and loading;

The height will allow for a three-story rowhouse to be built on these lots. It will have no impact on traffic patterns or off-street parking and loading.

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

This corner of Pigtown is fully developed by century-old single-family rowhouses. Approval of this conditional use will have no adverse impact on present or future development.

- d. The proximity of dwellings, churches, schools, public structures, and other places of public gathering;

There are no churches, schools, public structures, or other places of public gathering in the immediate vicinity aside from Carroll Park, across the street. The proposed development will have no impact on the public's use or enjoyment of that park. 1121 Bayard is located in close proximity to rowhouses that will not be impacted by the conditional use of this increased height.

- e. Accessibility of the premises for emergency vehicles;

The conditional use will not impact accessibility of the premises for emergency vehicles.

- f. Accessibility of light and air to the premises and to the property in the vicinity;

The conditional use will have no impact on accessibility of light and air to the premises or to property in the vicinity.

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

The conditional use will have no impact on utilities, access roads, drainage, or other necessary facilities.

- h. The preservation of cultural and historic landmarks and structures;

The conditional use will not impact any cultural or historic landmark or structure.

- i. The character of the neighborhood;

The conditional use will not negatively impact the character of the neighborhood. It will facilitate the construction of a home on this vacant property, which will improve the character of the neighborhood.

- j. The provisions of the City's Comprehensive Master Plan;

The conditional use does not conflict with the provisions of the City's Comprehensive Master Plan. The Comprehensive Master Plan articulates an interest in restoring vacant properties. This conditional use will assist in the restoration of a vacant property in Pigtown.

- k. The provisions of any applicable Urban Renewal Plan;

The Washington Village Urban Renewal Plan includes 1121 Bayard Street but does not prohibit the conditional use of a 37-foot structure.

- l. All applicable standards and requirements of this Code;

With the approval of the necessary variances, the conditional use authorization of the proposed expansion meets all applicable standards and requirements of the Zoning Code

- m. The intent and purpose of this Code; and

The Zoning Code allows for rowhomes in R-8 zoning districts to be built to a height in excess of 35 feet if they meet certain criteria. This property will meet that criteria.

- n. Any other matters considered to be in the interest of the general welfare.

The applicant has met with the Citizens of Pigtown neighborhood association about this proposal. That association voted unanimously to support the plan.

The City Council may not approve a conditional use unless, after public notice and hearing and on consideration of the standards required by this subtitle, the Council finds that:

- a. The conditional use would not be detrimental to or endanger the public health, safety, or welfare;

The conditional use will have no impact on the public health, safety, or welfare.

- b. The use is not precluded by any other law, including an applicable Urban Renewal Plan;

No law or Urban Renewal Plan prohibits this use.

- c. The authorization will not be contrary to the public interest;

The authorization will not be contrary to the public interest. The conditional use will have no impact on the public interest.

- d. The authorization will be in harmony with the purpose and intent of this Code.

The Zoning Code allows for rowhomes in R-8 zoning districts to be built to a height in excess of 35 feet if they meet certain criteria. This property will meet that criteria.

4. ZC § 5-308(a) Variance Approval Standards

Granting a variance requires the Council find in part that, because of the structure or property's physical surroundings, shape, or conditions, an unnecessary hardship or practical difficulty would result if the Zoning Code were strictly followed. This standard requires applicants establish: (1) uniqueness, (2) an unnecessary hardship or practical difficulty imposed by the Code, and (3) that

the uniqueness is the proximate cause of that hardship. The Council must also find that the request meets other elements outlined § 5-308(b).

a. Uniqueness

This property is unique because of the damage incurred by the gas-line explosion, requiring a full rebuild. It is currently the only vacant lot on Bayard Street. As a result, of the 34 lots on this section of Bayard Street, 1121 Bayard will be the only structure to be built within the past 125 years.

b. Practical Difficulty Imposed by the Code

The Zoning Code exists, in part, to protect the public health, welfare, and quality of life for Baltimore's residents and communities. Since the gas-line explosion that destroyed the house at 1121 Bayard Street, the property has been subject to squatters, used as a dumping site for trash, and incurred other issues that have created problems for the neighbors. There should be a shared motivation for a full rebuild on the property. Ken Hobbs has taken every step to accommodate that rebuild, purchasing the neighboring property, consolidating the lots, and working with the City to improve the conditions on Bayard Street.

Any productive use of the land requires a completely new building. 1121 Bayard sits on a shallow lot at the end of a stretch of blocks with shallow lots. The lots on the 1100 block of Bayard measure on 60 feet deep. These are particularly short; the neighboring lots on Bayard are all 70 feet deep. The shallow lots on Bayard result in a moderate proliferation of structures that are non-conforming to lot coverage requirements.

There is not much value to the land on Bayard Street. Of the 10 homes on the 1000 and 1100 blocks that have sold in the last 10 years, the average sales price has been \$80,4000. The seven sales on the 900 block have each been above \$120,000; those lots are all 70 feet deep and are improved by rowhouses that are non-conforming to maximum lot coverage requirements. Hobbs does not intend to use 1121 Bayard Street as a rental property. He plans to live there, with his partner, and not earn rental income from the property. His new build will improve property values in the neighborhood, which is a priority of the Zoning Code.

However, Hobbs cannot build a house that conforms to the bulk and yard requirements of the Zoning Code; it does not make financial sense for him to do so. The costs associated with the project are too significant to bear without achieving the floor plans necessary to facilitate the rebuild.

In addition, because of his partner's disability, Hobbs's personal demands require certain elements that necessitate a structure that covers the full lot. A house that conforms to the Zoning Code and includes the elevator shaft and garage necessary to accommodate the property owner's living conditions would create particularly

small living quarters. A house that conforms to the Zoning Code that has no elevator shaft or garage would render the house unlivable for the property owner and his partner. A house that does not conform to the Zoning Code but is consistent with the neighborhood's aesthetics and character with regard to lot coverage, allows for the property owner to build a house that works for those who will live in it.

c. Uniqueness as Proximate Cause of Hardship

The need for a complete rebuild puts a financial strain on this project that requires the owner receive the entitlements necessary to build a house that works for he and his partner, who will live in the house.

Under ZC § 5-308(b), the Council must also find that:

- a. the conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification;

The conditions are based on the present state of the property following the gas-line explosion and structural damage to the house on what was 1123 Bayard.

- b. the practical difficulty is caused by this Code and has not been created by the intentional action or inaction of any person who has a present interest in the property;

The practical difficulty is caused by the Code's regulations that govern rear-yard setbacks and maximum lot coverage.

- c. the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;

The purpose of the variances is to design a new rowhouse that is not impractically shallow and allows for a layout that is necessary for the property owner's personal circumstances.

- d. the variance will not:
- a. be injurious to the use and enjoyment of other property in the immediate vicinity; or
 - b. substantially diminish and impair property values in the neighborhood;

The variances will not impact the use and enjoyment of other property in the immediate vicinity. The new home will not diminish or impair property values in the neighborhood. The Citizens of Pigtown neighborhood association supports this plan.

- e. the variance is in harmony with the purpose and intent of this Code;

The Zoning Code functions in part to accommodate the development of suitable housing on lots zoned for residential use, including the property at issue. These variances will allow for such a development to occur.

- f. the variance is not precluded by and will not adversely affect:
 - a. any Urban Renewal Plan;
 - b. the City's Comprehensive Master Plan; or
 - c. any Historical and Architectural Preservation District; and

The property is located in a National Register Historic District but is not located in a CHAP district. The variances are not precluded by and will not adversely affect the National Register Historic District. The property is also located in the Washington Village Urban Renewal Plan. The variances are not precluded by and will not adversely affect the URP.

- g. the variance will not otherwise:
 - a. be detrimental to or endanger the public health, safety, or welfare; or
 - b. be in any way contrary to the public interest.

These variances will accommodate the development of a rowhouse on a property that is currently vacant and continues to be negatively impacted by the gas-line explosion that blew up and fully destroyed a home. These variances will improve the conditions on this part of Bayard Street by facilitating the development of a new rowhome.

5. Summary and Conclusion

This is a shallow lot in need of a full rebuild following a gas-line explosion that destroyed one house and damaged another. The variances requested will allow for a rowhouse to be built at appropriate scale and in conformity with a significant majority of the other corner lots in this part of Pigtown., and also to the specifications necessary to allow the property owner to live comfortably within the house, given the medical condition of one of the occupants. The conditional use requested will not have any negative impact on the public health, safety, or welfare and is presumed to be permitted if the property meets certain criteria, which this property does. For those reasons, the Council should vote to approve this legislation.