

ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

FINDINGS OF FACT

City Council Bill No. 24-0495

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 Units to 2 Dwelling Units in the R-8 Zoning District - Variances - 509, 511, and 516 North Carrollton 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:**
 - a. The current buildings at these properties are vacant shells – not presently suitable for use – the conversion of these buildings to functional housing would not be detrimental to the public interest.
2. the use **would not** be precluded by any other law, including an applicable Urban Renewal Plan;
 - a. This use would not be precluded by any law or plan – including the Harlem Park Urban Renewal Plan which is applicable to these properties.
3. the authorization **would not** be contrary to the public interest **for the following reasons:**
 - a. The public interest would be served by this use by the increased housing offered by these units as well as the reduction of vacant properties reducing blight.
4. the authorization **would** be in harmony with the purpose and intent of this Code **for the following reasons:**
 - a. As one part of the City’s plan is to increase housing opportunities in order to attract and retain residents this use would be in support of the Code

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;
 - a. These properties are located in the southeastern portion of the Harlem Park neighborhood, which is predominantly residential in character, where the

majority of the housing stock are rowhomes. There are occasional institutional and commercial uses scattered through the neighborhood. The Harlem Square Park is located one block north and two blocks to the west, as is the Harlem Park Community Center.

2. the resulting traffic patterns and adequacy of proposed off-street parking and loading;
 - a. the properties would require a variance for off-street parking as the lots do not have the ability to support off-street parking spaces. The Department of Transportation does not object to this use and notes that the properties are adjacent to the proposed path of the Red Line transit project as well as Baltimore City DOT's active West Baltimore United planning effort. Residents in the units may well benefit from these projects.
3. the nature of the surrounding area and the extent to which the proposed use might impair its present and future development.
 - a. The Harlem Park area is primarily residential in nature and there is no foreseen effect that having these units would impair future development.
4. the proximity of dwellings, churches, schools, public structures, and other places of public gathering;
 - a. The area is well served by institutional and commercial facilities. The Harlem Square Park is located one block north and two blocks to the west, as is the Harlem Park Community Center.
5. Accessibility of the premises for emergency vehicles;
 - a. There is adequate accessibility for emergency vehicles,
6. accessibility of light and air to the premises and to the property in the vicinity;
 - a. 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;
 - a. There are adequate utilities, roads, drainage, and other necessary facilities.
8. the preservation of cultural and historic landmarks and structures;
 - a. The proposed use of the existing structure would not affect preservation of cultural and historic landmarks and structures.
9. the character of the neighborhood;
 - a. This property is located in the Harlem Park neighborhood, which is predominantly residential in nature, with the housing stock largely comprised of row homes.
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 Harlem Park Urban Renewal Plan which is applicable to the property.

12. all applicable standards and requirements of this Code;

The proposed use requires variances from the off-street parking, 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. 24-0495

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 Single-Family Dwelling Units to 2 Dwelling Units in the R-8 Zoning District - Variances - 509, 511, and 516 North Carrollton Avenue
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:

The properties are landlocked and do not have access to allow for off street parking on their lots.

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.

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

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