

# ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

## FINDINGS OF FACT

### City Council Bill No. 23-0470

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 4 Dwelling Units in the R-8 Zoning District - Variances 704 North Gilmor 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:**

Multi-family dwellings are permitted in the R-8 district and this property was previously authorized as a multi-family dwelling but remained vacant and the use lapsed.

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 Harlem Park II 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.

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;  
704 North Gilmor Street is located on the west side of the street, approximately

37' north of the intersection with Harlem Avenue. This property measures approximately 17' by 100'7" and is currently improved with a three-story attached residential building measuring approximately 17' by 70'.

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 located in the Harlem Park 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 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 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 preservation of cultural and historic landmarks and structures.

9. the character of the neighborhood;

This property is located in the Harlem Park neighborhood, which is predominantly residential in nature, with the housing stock largely comprised of row homes. Staff has received a letter of support from the Harlem Park Neighborhood Council.

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 II 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 lot area size, 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

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#### Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 4 Dwelling Units in the R-8 Zoning District - Variances 704 North Gilmor Street

#### VARIANCE FROM LOT AREA SIZE REQUIREMENTS

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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:*

*(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:

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

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#### Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 4 Dwelling Units in the R-8 Zoning District - Variances 704 North Gilmor Street

#### OFF-STREET PARKING REQUIREMENTS

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#### **THRESHOLD QUESTION:**

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(check all that apply to evidence consideration)

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*(underline one)*
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*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:

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SOURCE OF FINDINGS (Check all that apply):

[X] Planning Commission's report, dated March 3, 2023, including the Department of Planning Staff Report, dated January 29, 2024.

[X] Testimony presented at the Committee hearing.

Oral – Witness:

- Michele Toth, Law Department
- Renata Southard, Planning Commission
- James Turner, Department of Transportation
- Jason Wright, Department of Housing and Community Development
- Mica Fetz, Baltimore Development Corporation
- Ty'lor Schenlla – Mayor's Office of Government Relations

Written:

- Department of Transportation, Agency Report – Dated May 18, 2024
- Board of Municipal and Zoning Appeals, Agency Report – Dated December 7, 2023
- Law Department, Agency Report – Dated March 27, 2024
- Department of Housing and Community Development, Agency Report – April 2, 2024
- Baltimore Development Corporation, Agency Report – Dated January 2, 2024
- Fire Department, Agency Report – Dated January 10, 2024
- Parking Authority, Agency Report – Dated February 1, 2024

**COMMITTEE MEMBERS VOTING IN FAVOR**

Sharon Green Middleton, Chair

John Bullock

Mark Conway

Odette Ramos

Robert Stokes

Ryan Dorsey

Antonio Glover