

# LAND USE COMMITTEE

## FINDINGS OF FACT

### City Council Bill No. 20-0611

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 2 Dwelling Units in the R-7 Zoning District - Variances - 810 Argonne Drive**

- (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:**

Establishment, location, construction, maintenance, and operation of a multifamily dwelling at 810 Argonne Drive would not be detrimental to or endanger public health, safety, or welfare, as it is a continuing use that has not had an obvious deleterious effect on the block or its surrounding community.

- (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, including an Urban Renewal Plan, as it is authorized by the Zoning Code in this Residential district and there is no Urban Renewal Plan for this area.

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

Use of this property for a multi-family dwelling is not otherwise in any way contrary to the public interest, as it would allow the current provision of two dwelling units on this property to continue. The use has not had an obvious deleterious effect on the block or its surrounding community.

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

The authorization would allow a multi-family dwelling use of this property to continue in a district in which it is permitted, thereby providing housing resources for the residents of Baltimore.

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 located on the north side of Argonne Drive approximately 98' 3" northeast of the intersection with Wilsby Avenue. It is currently improved with a two-story attached residential structure measuring approximately 20' by 32', behind which lies the junction of two alleys at least 10' wide. The structure, built in 1940, is a mid-block rental property in a group of eight dwellings. It was converted to a two-dwelling unit multi-family dwelling prior to 2019, as shown by its continued occupancy and utility meters, one for gas and one for electricity, for each of the two units. The site, including its size and shape, is appropriate for the proposed use.

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

Authorizing this use will not change traffic patterns or off-street parking, as it is a continuation of the existing use of the property.

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

The block is at the southern edge of the Pen Lucy Area Master Plan area and the Pen Lucy community. The area is predominantly residential, with a large garden apartment building approximately 40' northeast of this property and with scattered uses such as religious institutions and small commercial uses found several blocks to the west along Old York Road. The proposed use will not impair present and future development in the area as it is a continuing use that has not had an obvious deleterious effect on the surrounding community.

- (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 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;

The proposed use will not interfere with preservation of cultural and historic landmarks and structures.

- (9) the character of the neighborhood;

The neighborhood is predominantly residential, with a large garden apartment building approximately 40' northeast of this property and with scattered uses such as religious institutions and small commercial uses found several blocks to the west along Old York Road. Approval of the proposed use as a multi-family dwelling would not affect the existing character of the neighborhood, as it is a continuing use that has not had an obvious deleterious effect on the surrounding community.

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

The proposed use is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, Live Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 1: Expand Housing Choices for all Residents.

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

The proposed use is not prevented or limited by any 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. With those 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 that may be considered to be in the interest of the general welfare.

**FINDINGS OF FACT FOR VARIANCE**

**City Council Bill No. 20-0611**

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 2 Dwelling Units in the R-7 Zoning District - Variances - 810 Argonne Drive**

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

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*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 size 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. 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 was previously converted to a two-dwelling unit multi-family dwelling, as shown by its continued occupancy and utility meters, one for gas and one for electricity, for each of the two units. Because the multi-family use was pre-existing in 2019, when the property was sold to the current owners, the practical difficulty is not being created by the intentional action of a person with a present interest in the property. Additionally, the purpose of the variance 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 2 Dwelling Units in the R-7 Zoning District - Variances - 810 Argonne Drive**

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

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*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 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. 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 was previously converted to a two-dwelling unit multi-family dwelling, as shown by its continued occupancy and utility meters, one for gas and one for electricity, for each of the two units. The applicant would need to build an addition onto the house in order to meet the unit size requirements. Because the multi-family use was pre-existing in 2019, when the property was sold to the current owners, the practical difficulty is not being created by the intentional action of a person with a present interest in the property. Additionally, the purpose of the variance 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 2 Dwelling Units in the R-7 Zoning District - Variances - 810 Argonne Drive**

#### **VARIANCE FROM OFF-STREET PARKING 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:*

- (3) 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:

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*or that:*

(4) 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 off-street parking 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. 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 was previously converted to a two-dwelling unit multi-family dwelling, as shown by its continued occupancy and utility meters, one for gas and one for electricity, for each of the two units. While there may be enough room in the rear of the property for the two required parking spaces, there would be little to no green space left for the use of the residents. Because the multi-family use was pre-existing in 2019, when the property was sold to the current owners, the practical difficulty is not being created by the intentional action of a person with a present interest in the property. Additionally, the purpose of the variance 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 October 9, 2020, which included the Department of Planning Staff Report, dated October 8, 2020.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- Martin French, Planning Department
- Victor Tervalá, Law Department

Written:

- Department of Transportation, Agency Report – Dated November 30, 2020
- Board of Municipal and Zoning Appeals, Agency Report – Dated November 2, 2020
- Law Department, Agency Report – Dated October 21, 2020
- Department of Housing and Community Development, Agency Report – Dated October 29, 2020
- Baltimore Development Corporation, Agency Report – Dated October 28, 2020
- Fire Department, Agency Report – Dated November 23, 2020
- Parking Authority, Agency Report – Dated October 23, 2020

**COMMITTEE MEMBERS VOTING IN FAVOR**

Edward Reisinger, Chair  
Shannon Sneed, Vice Chair  
Mary Pat Clarke  
Eric Costello  
Ryan Dorsey  
Sharon Green Middleton  
Leon Pinkett  
Robert Stokes