

# COMMITTEE ON ECONOMIC AND COMMUNITY DEVELOPMENT

## FINDINGS OF FACT

### City Council Bill No. 22-0227

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 Unit to 2 Dwellings Units in the R-8 Zoning District - 43-45 South Carey 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:**

Establishment, location, construction, maintenance, and operation of a multifamily dwelling at 43-45 South Carey Street would not be detrimental to or endanger public health, safety, or welfare.

- (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 the Urban Renewal Plan, as the use is authorized by the Zoning Code in this Residential district and the Union Square Historic District.

- (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 for two dwelling units on this property. This area was developed in the middle decades of the 19<sup>th</sup> Century and its architecture reflects changes in consumer choices of housing as well as evolution of commercial buildings that happened in that span of time. During the 20<sup>th</sup> Century there was conversion of single-family dwellings to multi-family dwellings in Union Square.

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

The authorization would allow for the use of this property as a multi-family dwelling in a Residential district, thereby improving a vacant unit and 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;

This property measures approximately 41' by 80' and is currently improved with a two-story semi-detached historic former firehouse building measuring approximately 30' by 76' that was constructed in 1900.

The appearance of the existing structure as seen from the front sidewalk along Carey Street would not appear changed significantly, as the only readily observable change would be a replacement garage door recessed in the front facade, which would be approved for compatibility with the historic structure. From the south side of the property, the only readily observable change could be new historically appropriate replacement windows for the new dwelling units.

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

Authorizing this use will not change traffic patterns. This property can provide the necessary off-street parking spaces, as the building is approximately 30' wide with an open area approximately 21' wide by 28'-deep inside the 12' wide front garage door.

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

Residential uses range from single-family attached housing of various sizes to rowhouses used as small apartment houses.

There are multiple improvement projects underway in the surrounding area. As a result, this site's mix of residential and commercial buildings is viewed as part of a particularly important area for improving quality of life in both the Union Square and Hollins Market communities.

- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;

There are religious, institutional, and small-scale commercial uses in the area, with the commercial uses historically concentrated on the principal commercial corridor of Baltimore Street.

Two blocks east of this property, the Baltimore Development Corporation and the Baltimore Public Markets Corporation are implementing multi-phase improvements to the Hollins Market and Headhouse.

- (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;

This property is in the eastern portion of the historic predominantly residential and residential mixed-use community known as Union Square that is between Fulton Avenue and Schroeder Street (from west to east) and between Baltimore Street and Pratt Street (from north to south).

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

The proposed use is consistent with the Comprehensive Master Plan for Baltimore.

- (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 coverage. 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 that may be considered to be in the interest of the general welfare.

**FINDINGS OF FACT FOR VARIANCE**

**City Council Bill No. 22-0227**

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 THE PROPERTY LOCATED AT:

**Zoning - Conditional Use Conversion of Single-Family Dwelling Unit to 2 Dwellings Units in the R-8 Zoning District - 43-45 South Carey Street**

**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 existing building is an historic firehouse structure that contains approximately 4,500 square feet of gross floor area, thus the interior space of the building is larger than what would ordinarily be needed for a single-family dwelling. Likewise, although the width of the property only allows creation of one exterior parking space meeting Zoning Code standards, the Zoning Code requires a space for each of the two newly-created dwelling units (Table 16-406), which the owner proposes to place in the downstairs area that once housed a fire engine. The upstairs area includes the upper part of the historic stairway linking the two levels of the interior, and a reasonable way to divide the proposed living space is in front of and back of that stairway. This results in two nearly identical dwelling units of three bedrooms each. Within the existing structure, this leaves approximately 1,100 gross square feet of floor area for each dwelling unit.

The Zoning Code, Section 9-703.c, requires 1,250 square feet of gross floor area for each unit. In theory, the owner could build a modest addition on the south side of the existing structure. However, because this is an historic building in an historic district, such an addition would be inappropriate. Therefore, it would be a practical difficulty for the applicant to comply with the specific floor area requirement for the proposed residential conversion.

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 July 22, 2022, which included the Department of Planning Staff Report, dated July 21, 2022.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- ✓ Martin French, Planning Department
- ✓ Elena DiPietro, Law Department

Written:

- ✓ Department of Transportation, Agency Report – Dated October 21, 2022
- ✓ Board of Municipal and Zoning Appeals, Agency Report – Dated July 21, 2022
- ✓ Law Department, Agency Report – Dated December 12, 2022
- ✓ Department of Housing and Community Development, Agency Report – December 13, 2022
- ✓ Baltimore Development Corporation, Agency Report – Dated December 12, 2022
- ✓ Fire Department, Agency Report – Dated December 8, 2022
- ✓ Parking Authority, Agency Report – Dated December 1, 2022

**COMMITTEE MEMBERS VOTING IN FAVOR**

Sharon Green Middleton, Chair  
John Bullock  
Mark Conway  
Antonio Glover  
Odette Ramos  
Robert Stokes