

COMMITTEE ON ECONOMIC AND COMMUNITY DEVELOPMENT

FINDINGS OF FACT

City Council Bill No. 21-0171

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 Dwelling Units in the R-7 Zoning District - Variance - 811 Chauncey 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:**

Establishment, location, construction, maintenance, and operation of a multi-family dwelling at 811 Chauncey Avenue 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 an Urban Renewal Plan.

- (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.

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

The authorization would be in harmony with the purpose and intent of the Zoning Code.

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 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;

There would be no change to traffic patterns if this use would be authorized.

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

This site is zoned R-7 and is located within the Reservoir Hill National Register Historic District and the Reservoir Hill community. During the mid-20th Century there was much conversion of single-family dwellings to multi-family dwellings in Reservoir Hill. There are scattered religious, institutional, and small-scale commercial uses in the area, and residential uses range from single-family attached housing of various sizes to small and large apartment houses, including twin high-rise public housing buildings for the elderly and disabled on the north edge of Reservoir Hill along Druid Park Lake Drive. In the southeast of the community is the redevelopment site known as Madison Park North, where new townhouses are now being planned. It is unlikely that the proposed multi-family use would impair present or future development.

- (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 light and air to the premises and to other 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;

There are adequate utilities, roads, drainage, and other necessary facilities.

- (8) the preservation of cultural and historic landmarks and structures;

The proposed use of a portion of the existing structure would not affect preservation of

cultural and historic landmarks and structures.

- (9) the character of the neighborhood;

Approval of the proposed use as a multi-family dwelling would not affect the existing character of the neighborhood, as noted above.

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

The proposed use is consistent with the City's Comprehensive Master Plan. The Planning Commission, which approved the request, also found that, as a matter of equity, multi-family dwelling units provide additional opportunity for residents to live in this neighborhood.

- (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 meets all applicable standards and requirements of the Zoning Code.

- (13) the intent and purpose of this Code; and

The multi-family use would meet all applicable standards and requirements of the Zoning Code and would be 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.

SOURCE OF FINDINGS (Check all that apply):

- [X] Planning Commission, Agency Report – Dated December 17, 2021 which included the Department of Planning Staff Report – Dated December 16, 2021
- [X] Testimony presented at the Committee hearing

Oral – Witness:

- Councilmember James Torrence, Sponsor
- Tamara Wood, Planning Department
- Nina Themelis, Board of Municipal Zoning Appeals
- Elena DiPietro, Law Department
- Liam Davis, Department of Transportation
- Kris Misage Parking Authority of Baltimore City
- Stephanie Murdock, Department of Housing and Community Development
- Raven Thompson, Baltimore Development Corporation

Written:

- Councilmember James Torrence, Sponsor – Dated March 8, 2022
- Planning Commission, Agency Report – Dated December 17, 2021 which included the Department of Planning Staff Report – Dated December 16, 2021
- Department of Transportation, Agency Report – Dated March 7, 2022
- Board of Municipal and Zoning Appeals, Agency Report – November 5, 2021
- Law Department, Agency Report – Dated March 7, 2022
- Department of Housing and Community Development, Agency Report – Dated February 23, 2022
- Baltimore Development Corporation, Agency Report – Dated January 6, 2022
- Parking Authority, Agency Report – Dated November 17, 2021

COMMITTEE MEMBERS VOTING IN FAVOR

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

FINDINGS OF FACT FOR VARIANCE City Council Bill No. 21-0171

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 Dwelling Units in the R-7
Zoning District - Variance - 811 Chauncey Avenue**

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

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:

The Zoning Code requires, for conversion of a single-family dwelling in the R-7 zoning district, 1,100 square feet of lot area per dwelling unit (BCZC §9-703.d.), citing Table 9-401). A lot area of 2,200 square feet is thus required for the proposed use. This lot has approximately 1,680 square feet and thus does not meet this requirement for conversion. This lot area variance, which is approximately 24% of the amount otherwise required, is included in this bill.

The maximum lot coverage allowed for a multi-family dwelling structure in the R-7 district is 70% (BCZC, Table 9-401). The existing structure covers approximately 60% of the lot and is not being enlarged. No variance of this requirement is needed.

The conditions on which this application is based are unique to the property for which the variances are sought and not generally applicable to other property within the same zoning classification, as this is a two-story structure with a basement, which has the required floor area per dwelling unit and rear yard space for the required off-street parking space needed for the conversion. An unnecessary hardship or practical difficulty is not being created by the intentional action of a person with a present interest in the property.

The purpose of the variances is not based exclusively on a desire to increase the value or income potential of the property, given its large floor area that meets the floor area per unit type conversion standards in the Zoning Code, and that its existing structure is large in relation to the lot on which it is situated. The variances would not be injurious to the use and enjoyment of other property in the immediate vicinity; nor substantially diminish and impair property values in the neighborhood; nor adversely affect the City's Comprehensive Master Plan. nor be detrimental to or endanger the public health, safety, or welfare, or be in any way contrary to the public interest.

SOURCE OF FINDINGS (Check all that apply):

[X] Testimony presented at the Committee hearing

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