

WAYS AND MEANS COMMITTEE

FINDINGS OF FACT

City Council Bill No. 24-0548

MOTION OF THE CHAIR OF THE WAYS AND MEANS 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 3 Dwelling Units in the R-8 Zoning District - Variances - 2035 McCulloh 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:**

The bill authorizes the conversion of a single-family dwelling unit to three dwelling units at 2035 McCulloh Street. Establishment, location, construction, maintenance, and operation of the property as a multi-family dwelling will not negatively impact public health, safety, or welfare.

2. the use **would not** be precluded by any other law, including an applicable Urban Renewal Plan;

No other law or Urban Renewal Plan precludes the use of this property as a multi-family dwelling.

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;

2035 McCulloh Street is located on the northeastern side of the street, approximately 34'6" southeast of the intersection with Bloom Street. This property measures approximately 17' by 115' and is currently improved with a three-story rowhome measuring approximately 17' by 67'.

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

There is sufficient off-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;

The location of the property is predominately residential in character, with a majority of housing stock comprised of rowhomes. No impairment is expected from this use.

4. the proximity of dwellings, churches, schools, public structures, and other places of public gathering;

There are scattered commercial and institutional uses throughout the neighborhood.

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 the preservation of cultural and historic landmarks and structures.

9. the character of the neighborhood;

The location of the property is predominately residential in character, with a majority of housing stock comprised of rowhomes. There are scatter commercial and institutional uses throughout the neighborhood. The Druid Heights Community Development Corporation has been notified of this action.

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 any Urban Renewal Plan.

12. all applicable standards and requirements of this Code;

The Code requires that an additional space in addition to the one parking space provided in the rear yard; because there is sufficient off-street parking a variance is appropriation. Therefore, with the variance this use will meet requirements of the 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. 24-0548

Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 3 Dwelling Units in the R-8 Zoning District - Variances - 2035 McCulloh Street

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; q1w
(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.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Commission's report, dated July 15, 2024 including the Planning Commission's Staff Report dated July 11, 2024.

[X] Testimony presented at the Committee hearing.

Oral – Witness:

- Elena DiPietra, Law Department
- Eric Tiso, Planning Commission
- Luciana Diaz, Department of Transportation
- Jason Wright, Department of Housing and Community Development
- Mica Fetz, Baltimore Development Corporation
- Arco Sen, Parking Authority of Baltimore City

Written:

- Department of Transportation, Agency Report – Dated July 2, 2024
- Board of Municipal and Zoning Appeals, Agency Report – Dated June 17, 2024
- Law Department, Agency Report – Dated July 17, 2024
- Department of Housing and Community Development, Agency Report – July 23, 2024
- Baltimore Development Corporation, Agency Report – Dated July 7, 2024
- Fire Department, Agency Report – Dated June 28, 2024
- Parking Authority, Agency Report – Dated July 18, 2024

COMMITTEE MEMBERS VOTING IN FAVOR

Danielle McCray, Chair

Sharon Green Middleton

Robert Stokes

Isaac "Yitzy" Schleifer