

# ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

## FINDINGS OF FACT

### City Council Bill No. 24-0501

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 2 Dwelling Units in the R-8 Zoning District - Variances - 1833 West Lexington 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:**
  - a. Planning staff reviewing this request do not believe that this will impact or be detrimental to public health, safety, or welfare. The property has previously been used as a multi-unit dwelling.
2. the use **would not** be precluded by any other law, including an applicable Urban Renewal Plan;
  - a. The site is not in any Urban Renewal Plan Area.
3. the authorization **would not** be contrary to the public interest **for the following reasons:**
  - a. This use is supported by the Community Association.
4. the authorization **would** be in harmony with the purpose and intent of this Code **for the following reasons:**
  - a. Considering the prior use of this property this Use would bring the property into compliance with the zoning code.

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;
  - a. This property measures approximately 17'8" by 138' and is currently improved with a three-story rowhome that is now an end-of-group house due to the adjacent two properties having been demolished, and the former party-wall braced. The building measures approximately 17'8" by 70'. This site is zoned R-8 and is located within the Franklin Square National Register Historic District.
2. the resulting traffic patterns and adequacy of proposed off-street parking and loading;
  - a. The reports from the Department of Transportation and the Parking Authority do not note any concerns about the impact of parking an additional on the traffic patterns or the adequacy of on-street parking in the area. The Department of Planning does recommend that the property receive a 100% variance for off-street parking.

3. the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;
  - a. This property is located in the western edge of the Franklin Square neighborhood, which is predominantly residential in character in that western portion, with the majority of the homes comprised of rowhomes. There are no concerns from the referred agencies about the impact of this Use on current and future development.
4. the proximity of dwellings, churches, schools, public structures, and other places of public gathering;
  - a. There is adequate accessibility to public structures and services.
5. accessibility of the premises for emergency vehicles;
  - a. There is adequate accessibility for emergency vehicles,
6. accessibility of light and air to the premises and to the property in the vicinity;
  - a. 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;
  - a. There are adequate utilities, roads, drainage, and other necessary facilities.
8. the preservation of cultural and historic landmarks and structures;
  - a. The proposed use of the existing structure would not affect preservation of cultural and historic landmarks and structures.
9. the character of the neighborhood;
  - a. This site is zoned R-8 and is located within the Franklin Square National Register Historic District. It is predominantly residential in nature.
10. the provisions of the City's Comprehensive Master Plan;
  - a. This use would comply with the City's Master Plan.
11. the provisions of any applicable Urban Renewal Plan;
  - a. The site is not in any Urban Renewal Plan Area
12. all applicable standards and requirements of this Code;
  - a. This use would allow the property to comply with the Code.
13. the intent and purpose of this Code; and
  - a. This use is in compliance with the intent and purpose of the zoning code.
14. any other matters considered to be in the interest of the general welfare.

## FINDINGS OF FACT FOR VARIANCE

### City Council Bill No. 24-0501

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:

#### Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1833 West Lexington Street

#### VARIANCE FROM OFF STREET PARKING REQUIRMENTS

*(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:

While there is a possibility that an off-street space could be constructed at the site – the area has adequate street parking to accommodate the need that a dwelling unit would require.

*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 March 3, 2023, including the Department of Planning Staff Report, dated March 2, 2023.

[X] Testimony presented at the Committee hearing.

Oral – Witness:

- Michele Toth, Law Department
- Eric Tiso, Planning Commission
- Liam Davis, Department of Transportation
- Stephanie Murdock, Department of Housing and Community Development
- Luis Cardona, Baltimore Development Corporation
- Arco Sen, Parking Authority
- Sophia Gebrehiwot, Board of Municipal and Zoning Appeals / Fire Department

Written:

- Department of Transportation, Agency Report – Dated April 3, 2024
- Office of Equity & Civil Rights – Dated April 5, 2024
- Board of Municipal and Zoning Appeals, Agency Report – Dated March 5, 2024
- Law Department, Agency Report – Dated July 30, 2024
- Department of Housing and Community Development, Agency Report – May 2, 2024
- Baltimore Development Corporation, Agency Report – Dated April 9, 2024
- Fire Department, Agency Report – Dated March 22, 2024
- Parking Authority, Agency Report – Dated April 30, 2024

**COMMITTEE MEMBERS VOTING IN FAVOR**

Sharon Green Middleton, Chair  
John Bullock  
Odette Ramos  
Robert Stokes