

WAYS AND MEANS COMMITTEE

FINDINGS OF FACT

City Council Bill No. 24-0571

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 2 Dwelling Units in the R-8 Zoning District - Variances 730 East Preston 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:**
Multi-family dwellings are permitted in the R-8 district. Also, as a result of this request, a possible danger will be removed as a vacant home will be rehabilitated and returned to productive use.
2. the use **would not** be precluded by any other law, including an applicable Urban Renewal Plan;
The use is permitted by the R-8 district and would not conflict with the Johnston Square Urban Renewal Plan and the Old East Baltimore National Register Historic District.
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 encourage the redevelopment of a vacant home.
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;

730 East Preston Street is located on the north side of the street, approximately 30' east of the intersection with Proctor Street. This property measures approximately 14' by 100' and is currently improved with a three-story rowhome measuring approximately 14' by 58'.

2. the resulting traffic patterns and adequacy of proposed off-street parking and loading; One parking space will be provided, which would serve the new dwelling unit. Staff notes that a variance for parking is included in the bill, but may not be needed. There will be no impact on traffic patterns.
3. the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;

The redevelopment of the presently vacant building will compliment ReBuild's broader revitalization efforts in the Johnston Square community and encourage future development by other parties.

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 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 property is in the Old East Baltimore National Historic District but is not in a CHAP District. The requested approval will involve the rehabilitation of the long-deteriorating historic structure.

9. the character of the neighborhood;

The Johnston Square Neighborhood is residential and the two-unit building is compatible not only with the historic rowhomes, but also with ReBuild's soon-to-be-completed Teachers Square teacher housing development and the 109-unit Greenmount Park Apartments.

10. the provisions of the City's Comprehensive Master Plan;

The conditional use approval will further the Master Plan's "Live" goal, as it will convert a presently vacant rowhome into two livable units.

11. the provisions of any applicable Urban Renewal Plan;

The property is in the Johnston Square Urban Renewal Area's residential land use designation, which permits the proposed use.

12. all applicable standards and requirements of this Code;

The Applicant has requested the variance relief from the Code's minimum lot area and minimum gross floor area per one-bedroom unit requirements.

13. the intent and purpose of this Code; and

The requested approval will promote public welfare by converting the presently vacant building into two dwelling units.

14. any other matters considered to be in the interest of the general welfare.

The Johnston Square Neighborhood Organization provided the attached letter in support of this application.

FINDINGS OF FACT FOR VARIANCE

City Council Bill No. 24-0571

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 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 730 East Preston Street

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** *(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:

To limit the building to one dwelling unit due to the 100 sq. ft. lot area deficit would preclude the Applicant from creating a unique two-unit homeownership opportunity for a Johnston Square resident.

FINDINGS OF FACT FOR VARIANCE

City Council Bill No. 24-0571

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 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 730 East Preston 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;
(*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:

The first reader of the Bill includes a variance from the Code's off-street parking requirements. Because the Applicant proposes to add one off-street parking space for the additional dwelling unit, a parking variance is not required.

FINDINGS OF FACT FOR VARIANCE

City Council Bill No. 24-0571

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 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 730 East Preston Street

GROSS FLOOR AREA PER UNIT TYPE 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** (*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:

To require the Applicant to conform with the 750 sq. ft. gross floor area requirement would require the Applicant to borrow square footage from the 2-bedroom unit on the second and third floors, defeating the purpose of a larger owner's unit and a ground floor rental/in-law suite.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Commission's report, dated August 23, 2024.

[X] Testimony presented at the Committee hearing.

Oral – Witness:

- Elena DiPietro, Law Department
- Eric Tiso, Planning Commission
- Luciano Diaz, Department of Transportation
- Jason Wright, Department of Housing and Community Development
- Tom Whelley Baltimore Development Corporation
- Kris Misage, Parking Authority
- Ty'lor Schnell, Mayor's Office

Written:

- Department of Transportation, Agency Report – Dated August 7, 2024
- Board of Municipal and Zoning Appeals, Agency Report – Dated July 22, 2024
- Law Department, Agency Report – Dated August 27, 2024
- Department of Housing and Community Development, Agency Report – Dated September 10, 2024
- Baltimore Development Corporation, Agency Report – Dated August 7, 2024
- Fire Department, Agency Report – Dated July 31, 2024
- Parking Authority, Agency Report – Dated August 13, 2024

COMMITTEE MEMBERS VOTING IN FAVOR

Eric Costello, Chair
Kristerfer Burnett
Sharon Middleton
Isaac Schleifer