

# **LAND USE AND TRANSPORTATION COMMITTEE**

## **FINDINGS OF FACT**

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION COMMITTEE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING A CONDITIONAL USE FOR:

### **City Council Bill No. 17-0042**

Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variance – 2304 North Fulton Avenue

According to the Baltimore City Zoning Code, agency reports and public testimony a conditional use is being granted under:

#### **Title 14-204**

Upon finding that:

- (1) the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals;
- (2) the use is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization is not otherwise in any way contrary to the public interest; and
- (4) the authorization is in harmony with the purpose and intent of this article

#### **Title 14-205**

After consideration of:

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;
- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;



- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;
- (5) accessibility of the premises for fire and police protection;
- (6) accessibility of light and air to the premises and to the property 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;
- (8) the preservation of cultural and historic landmarks;
- (9) the provisions of the City Master Plan;
- (10) the provisions of any applicable Urban Renewal Plan;
- (11) all applicable standards and requirements of this article;
- (12) any other matters considered to be in the interest of the general welfare.

**LAND USE AND TRANSPORTATION COMMITTEE:**

\_\_\_\_\_  
**Chairman**

\_\_\_\_\_  
**Member**

\_\_\_\_\_  
**Member**

\_\_\_\_\_  
**Member**

\_\_\_\_\_  
**Member**

\_\_\_\_\_  
**Member**

\_\_\_\_\_  
**Member**

\_\_\_\_\_  
**Member**



CITY OF BALTIMORE

CATHERINE E. PUGL, Mayor

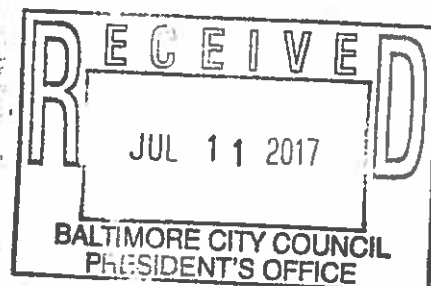


DEPARTMENT OF LAW

101 City Hall  
Baltimore, Maryland 21202

July 10, 2017

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna B. Austin, Executive Secretary  
Room 409, City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202



Re: City Council Bill 17-0042 – Zoning – Conditional Use Conversion of 1 Unit  
to 2 Dwelling Units in the R-8 Zoning District – Variance – 2304 North  
Fulton Avenue

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0042 for form and legal sufficiency. The bill permits the conversion of 1 Dwelling Unit and to 2 Dwelling Units in the R-8 Zoning District on the property known as 2304 North Fulton Avenue. The bill also grants a variance. We point out that conversions are permitted in an R-8 Zoning District only by ordinance. Zoning Code of Baltimore City ("ZC"), § 3-305(b)(2).

This bill was introduced on March 20, 2017. Article 32, § 2-203 permits a development to be governed under the zoning code in effect prior to June 5, 2017 (Old Zoning Code) if certain conditions are met. Specifically, if an application is filed – in this case, an application for a conditional use by ordinance – prior to June 5, 2017, the effective date of Article 32, and the application is considered complete, the requirements of the Old Code govern the development. New Code, § 2-203(k). Pursuant to the Old Zoning Code, a bill proposing a conditional use is governed by Title 16. Old Zoning Code, § 14-208. Title 16 requires the applicant to submit a written statement that contains certain prescribed elements, which will inform the City Council and the public as to the intended uses and changes that are being sought. Old Zoning Code, § 16-202. From the information available to the Law Department, the required statement was made and completed prior to June 5, 2017. Therefore, this conditional use conversion can be governed under provisions of the Old Code.

The Law Department points out that, if this bill is to be adopted, findings of fact are required in a quasi-judicial proceeding such as granting a conditional use. *Montgomery County v. Woodward & Lothrop, Inc.*, 280 Md. 686, 713 (1977). To this end, the Zoning Code requires the Planning Commission ("Commission") and the Board of Municipal Zoning Appeals ("Board") to report their findings of facts and considerations to the City Council in regard to a bill authorizing a conditional use. ZC § 16-302. The Zoning Code directs both entities to base their recommendations on considerations outlined in Title 14 of the Zoning Code. ZC § 16-304. Title 14 outlines the elements the Board must consider in regard to a proposed conditional use as well

F+ Comment



the type of facts it must find before it can approve a conditional use. See ZC §§ 14-204 & 14-205. Title 14 does not address the duties of the Commission, but since the Zoning Code directs the Commission to make findings of fact and considerations with respect to those stated in Title 14, the Law Department concludes that the required considerations and findings of fact applicable to the Board apply to the Commission.

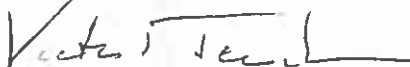
We note further that, pursuant to the Old Zoning Code, a bill concerning a conditional use is classified as a "legislative authorization." ZC § 16-101. Legislative authorizations require that certain procedures be followed in the bill's passage. Specifically, certain notice requirements apply to the introduction of the bill. See ZC § 16-203. The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. See ZC §§ 16-301, 16-302 & 16-304. Additional public notice and hearing requirements also apply to the bill. See ZC § 16-402. Finally, certain limitations on the City Council's ability to amend the bill apply. See ZC § 16-403.

As part of an ordinance authorizing a conditional use conversion, a variance from the requirements of the zoning code may be granted. Old Zoning Code § 15-101(2)(i). This bill provides for a variance from off-street parking requirements. Furthermore, the Planning Commission Report states that a variance is needed from the lot area requirement. The Planning Commission Report states that both variances are within the permitted limits for granting a variance.

In order for the City Council to grant these variances it must make certain findings of fact. The findings were not the subject of the Planning Commission's hearing. The required facts must therefore be adduced at the public hearing before the City Council in written or verbal form. Old Zoning Code §§ 15-218 and 15-219.

The Law Department further notes that the Planning Commission's Report provides necessary findings of fact in regard to the conditional use. If the City Council finds facts identical or similar to those found by the Planning Commission for the conditional use, and if facts to support the variance are adduced at the public hearing, the Law Department is prepared to approve the bill for form and legal sufficiency if all other procedural requirements are met.

Sincerely,



Victor K. Tervala  
Chief Solicitor

cc: David Ralph, Acting City Solicitor  
Karen Stokes, Director, Mayor's Office of Government Relations  
Kyron Banks, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Hilary Ruley, Chief Solicitor  
Jennifer Landis, Assistant Solicitor





**CITY OF BALTIMORE**

CATHERINE E. PUGH, Mayor



**BOARD OF MUNICIPAL AND  
ZONING APPEALS**

DAVID C. TANNER, Executive Director  
417 E. Fayette Street, Room 1432  
Baltimore, Maryland 21202

July 3, 2017

The Honorable President and  
Members of the City Council  
City Hall  
100 N. Holliday Street  
Baltimore, MD 21202

Re: City Council Bill No. 17-0042: Zoning - Conditional Use Conversion of 1 Dwelling  
Unit to 2 Dwelling Units in the R-8 Zoning District – Variance – 2304 North Fulton  
Avenue

Ladies and Gentlemen:

City Council Bill No. 17-0042 has been referred by your Honorable Body to the Board of  
Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 17-0042 is to permit, subject to certain conditions,  
the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the  
property known as 2304 North Fulton Avenue, as outlined in red on the accompanying  
plat; and granting a variance from certain off-street parking requirements.

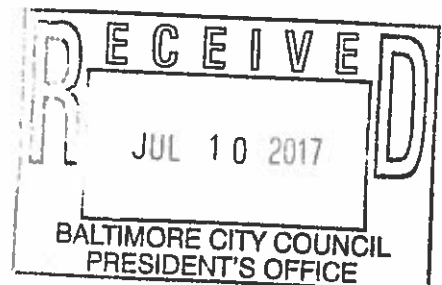
The BMZA has reviewed the legislation and has no objection to approval to the passage  
of Bill Number 17-0042.

Sincerely,

David C. Tanner  
Executive Director

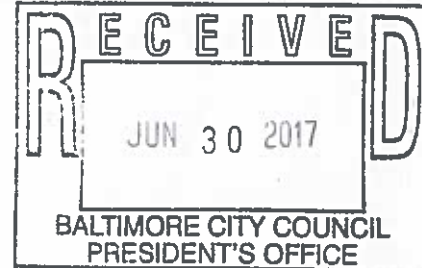
DCT/rdh

CC: Mayors Office of Council Relations  
Legislative Reference



*No obj*





**Certificate Of Posting 06/27/2017**

**City Council Bill 17-0042**

**2304 N. Fulton Ave Baltimore MD 21217**

**Andre Hackett**

**10006 Palatte Court Clinton MD 20735**

**240-593-7897**





501 N. Calvert St., P.O. Box 1377  
Baltimore, Maryland 21278-0001  
tel: 410/332-6000  
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5044865

**Sold To:**

Andre Hackett - CU00607074  
10006 Palatte Ct  
Clinton, MD 20735-5821

**Bill To:**

Andre Hackett - CU00607074  
10006 Palatte Ct  
Clinton, MD 20735-5821

Was published in "The Baltimore Sun", "Daily", a newspaper printed and published in Baltimore City on the following dates:

Jun 27, 2017

The Baltimore Sun Media Group

By S. Wilkins

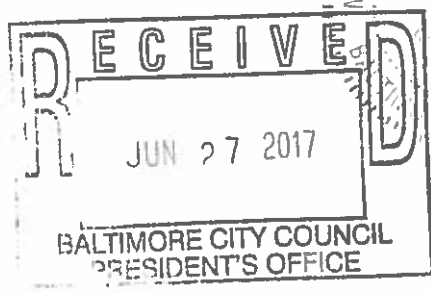
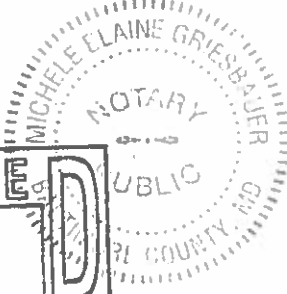
Subscribed and sworn to before me this 27 day of June 2017

By

Michele Elaine Griesbauer

Notary Public

My commission expires 10/5/19



**BALTIMORE CITY COUNCIL  
PUBLIC HEARING ON  
BILL NO. 17-0042**

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, July 12, 2017 at 1:45 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 17-0042.

**CC 17-0042 ORDINANCE - Zoning**  
- Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the R-6 Zoning District - Variance - 2304 North Fulton Avenue - FOR the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-6 Zoning District on the property known as 2304 North Fulton Avenue, as outlined in and on the accompanying plat; and granting a variance for certain off-street parking requirements.

BY authority of Article - Zoning Sections) 3-303(b), 14-102, 15-101, 15-214, 15-218, and 15-219  
Baltimore City Revised Code (Baltimore 2000)

NOTE: This bill is subject to amendments by the Baltimore City Council.  
**EDWARD REISINGER**  
Chairman





## BALTIMORE HOUSING

CATHERINE PUGH  
Mayor

MICHAEL BRAVERMAN  
Acting Executive Director, HAABC  
Acting Commissioner, HCD

## MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council  
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Acting Commissioner

Date: May 15, 2017

Re: City Council Bill 17-0042 - Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variance – 2304 North Fulton Avenue

---

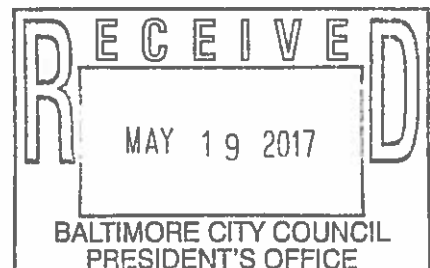
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0042 for the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2304 North Fulton Avenue and granting a variance from certain off-street parking requirements.

If enacted, this bill would support the renovation of an existing structure into two dwelling units, one per floor, to encourage the reuse of the property. The property is located in the Parkwood-Woodbrook neighborhood which is in the 7<sup>th</sup> Council district.

The Department of Housing and Community Development supports the passage of City Council Bill 17-0042.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*  
Mr. Kyron Banks, *Mayor's Office of Government Relations*







<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #17-0042 / ZONING - CONDITIONAL USE CONVERSION OF 1 DWELLING UNIT TO 2 DWELLING UNITS - VARIANCE - 2304 NORTH FULTON AVENUE

CITY of  
BALTIMORE  
**MEMO**



DATE:

TO

The Honorable President and  
Members of the City Council  
City Hall, Room 400  
100 North Holliday Street

May 5, 2017

At its regular meeting of May 4, 2017, the Planning Commission considered City Council Bill #17-0042, for the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2304 North Fulton Avenue, as outlined in red on the accompanying plat; and granting a variance from certain off-street parking requirements.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #17-0042 as amended, and adopted the following resolution, six members being present (six in favor):

RESOLVED, That the Planning Commission finds, in accordance with §16-304 and §14-204 of the Zoning Code of Baltimore City, that the proposed use provided in this bill:

- will not be detrimental to or endanger the public health, security, general welfare, or morals;
- is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
- is not otherwise in any way contrary to the public interest; and
- is in harmony with the purpose and intent of that article;

and further RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #17-0042 be amended and passed by the City Council.

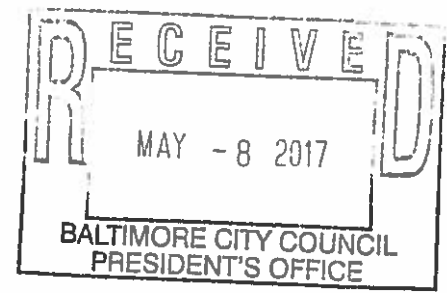
If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

cc: (next page)

*fav w/ Amend*





## ANALYSIS

**Project:** This legislation would allow the petitioner to renovate the existing structure into two dwelling units, one per floor, providing new life for this original building. Adaptive re-use as a two-family attached dwelling would allow preservation of part of the neighborhood's traditional architectural fabric while offering a more affordable housing alternative to persons who wish to live in an area convenient to downtown Baltimore.

**Zoning Analysis:** This property was formerly a rental dwelling unit, but suffered some fire damage in 2016. This bill would encourage re-use of a structure consistent with its current zoning.

- The Zoning Code requires, for a property in the R-8 District, 750 square feet of lot area per dwelling unit (BCZC §4-1106.a.). A lot area of 1,500 square feet is thus required for the proposed use. This lot has 1,479 square feet, so a lot area variance of 1.4% is needed to reduce this requirement.
- A rear yard setback of 25' is required (BCZC §4-1107.a.). The property has a 35' deep rear yard that meets this requirement and is suitable for off-street parking, and no encroachment upon this setback is proposed by the petitioner. However, the 10' wide alley in the rear of the property does not meet the Zoning Code minimum of 15' width needed for acceptable accessibility, and so a variance of the off-street parking requirement is needed, and has been included in the bill.
- The maximum floor area ratio (FAR) in this zoning district is 2.0 (BCZC §4-1108.a.). This premises has a FAR of 0.57, so a variance of that requirement is not needed.

**Conditional Use – Required findings:** In accordance with §16-304 of the Zoning Code of Baltimore City, the Planning Commission must base its recommendation to the City Council to approve a conditional use on these considerations required by Title 14 {"Conditional Uses"} of the Zoning Code:

1. the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals;
2. the use is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
3. the authorization is not otherwise in any way contrary to the public interest; and the authorization is in harmony with the purpose and intent of this article (§14-204).

In addition, the Zoning Code requires review of these considerations, as appropriate:

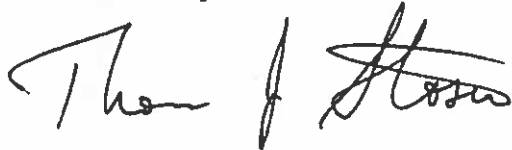
- the nature of the proposed site, including its size and shape, are adequate for the proposed use;
- there will be no negative impact to traffic patterns in the immediate area;



- development of the proposed use will not impair the present and future development of this lot or the surrounding area;
- there will be no negative impact resulting from its proximity to dwellings, churches, schools, public structures, or other places of public gathering;
- there is adequate accessibility of the premises to fire and police protection;
- there is adequate light and air to the premises and to properties in the vicinity; adequate utilities, access, drainage, and other necessary facilities have been or will be provided; and
- the use of the property as two dwelling units meets all other applicable standards and requirements of this article (§14-205).

The proposed use as a 2-family dwelling would be consistent with residential use in the area; would not be detrimental to or endanger public health, security, general welfare, or morals; and would allow constructive re-use of a vacant structure that could otherwise become a blighting influence on the community. The site is adequate for the proposed use, would not create a negative impact on traffic patterns in the immediate area, nor impair present or future development of the surrounding area, nor have a negative impact on other dwellings, churches, schools, public structures, or other places of public gathering. The site has adequate fire and police protection, adequate air and light, adequate utilities, access, drainage, and other facilities; and use as two dwelling units meets all other applicable standards of the Zoning Code.

Notification: Planning staff notified the Greater Mondawmin Coordinating Council and the New Auchentoroly Terrace Association of this action.



**Thomas J. Stosur**  
**Director**






**Baltimore**  
Development Corporation

**MEMORANDUM**

**TO:** Honorable President and Members of the City Council  
Attention: Natawna Austin, Executive Secretary

**FROM:** William H. Cole, President and CEO 

**DATE:** April 6, 2017

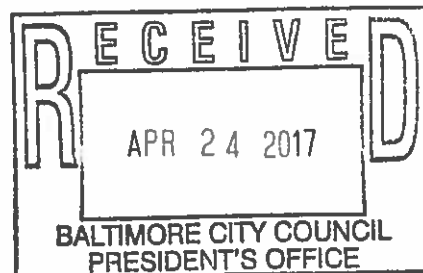
**SUBJECT:** City Council Bill 17-0042  
Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling  
Units in the R-8 Zoning District – Variance – 2304 North Fulton Avenue

---

The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill 17-0042, *Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variance – 2304 North Fulton Avenue.*

The proposed bill allows a conditional use necessary for the additional dwelling unit in the R-8 Zoning District and grants a variance from the zoning code requirements for off-street parking. BDC has no objection in this matter.

cc: Colin Talbert  
Kyrone Banks



No  
obj





**CITY OF BALTIMORE  
COUNCIL BILL 17-0042  
(First Reader)**

---

Introduced by: Councilmember Pinkett  
At the request of: Andre Hackett  
Address: 10006 Palatte Court, Clinton, Maryland 20735  
Telephone: 240-593-7897

Introduced and read first time: March 20, 2017  
Assigned to: Land Use and Transportation Committee

---

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Conditional Use Conversion of 1 Dwelling Unit to**  
3 **2 Dwelling Units in the R-8 Zoning District – Variance –**  
4 **2304 North Fulton Avenue**

5 FOR the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to  
6 2 dwelling units in the R-8 Zoning District on the property known as 2304 North Fulton  
7 Avenue, as outlined in red on the accompanying plat; and granting a variance from certain  
8 off-street parking requirements.

9 BY authority of

10 Article - Zoning  
11 Section(s) 3-305(b), 14-102, 15-101, 15-214, 15-218, and 15-219  
12 Baltimore City Revised Code  
13 (Edition 2000)

14 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That  
15 permission is granted for the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning  
16 District on the property known as 2304 North Fulton Avenue, as outlined in red on the plat  
17 accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 3-305(b) and  
18 14-102, subject to the condition that the building complies with all applicable federal, state, and  
19 local licensing and certification requirements.

20 **SECTION 2. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted by Title  
21 15 of the Zoning Code of Baltimore City, specifically by §§ 15-101, 15-214, 15-218, and 15-219,  
22 permission is granted for a variance from the requirements of the Zoning Code for off-street  
23 parking.

24 **SECTION 3. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the  
25 accompanying plat and in order to give notice to the agencies that administer the City Zoning  
26 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**Council Bill 17-0042**

1 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;  
2 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the  
3 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of  
4 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and  
5 the Zoning Administrator.

6 **SECTION 4. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
7 after the date it is enacted.

STATEMENT OF INTENT  
UNDER ZONING CODE § 16-202  
FOR

2304 N. Fulton Avenue  
{Address}

1. Applicant's Contact Information:

Name: Andre Hackett  
Mailing Address: 10006 Palatte Court  
Clinton, MD 20735  
Telephone Number: 240-593-7897  
Email Address: andrehackett5@gmail.com

2. All Proposed Zoning Changes for the Property: From Single Family Dwelling  
to 2 Unit Multi Family Dwelling

3. All Intended Uses of the Property: Rental

4. Current Owner's Contact Information:

Name: Andre Hackett  
Mailing Address: 10006 Palatte Court  
Clinton, MD 20735  
Telephone Number: 240-593-7897  
Email Address: andrehackett5@gmail.com

5. Property Acquisition:

The property was acquired by the current owner on 01/14/2005 by deed recorded in the  
Land Records of Baltimore City in Liber \_\_\_\_\_ Folio \_\_\_\_\_.

6. Contract Contingency:

- (a) There is \_\_\_\_\_ is not  a contract contingent on the requested legislative authorization.
- (b) If there is a contract contingent on the requested legislative authorization:
  - (i) The names and addresses of all parties to the contract are as follows {use additional sheet if necessary}: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

42



(ii) The purpose, nature, and effect of the contract are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7. Agency:**

(a) The applicant is \_\_\_\_\_ is not  acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows {use additional sheet if necessary}: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AFFIDAVIT**

I, Andre Hackett, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Applicant's signature

3/15/2017  
\_\_\_\_\_  
Date



STATEMENT OF INTENT  
UNDER ZONING CODE § 16-202  
FOR

2304 N. Fulton Avenue  
{Address}

1. Applicant's Contact Information:  
Name: Andre Hackett H  
Mailing Address: 10006 Palatte Court  
Clinton, MD 20735  
Telephone Number: 240-593-7897  
Email Address: andrehackett5@gmail.com
  
2. All Proposed Zoning Changes for the Property: From single Family Dwelling  
to 2 Unit Multi Family Dwelling
  
3. All Intended Uses of the Property: Rental
  
4. Current Owner's Contact Information:  
Name: Andre Hackett H  
Mailing Address: 10006 Palatte Court  
Clinton, MD 20735  
Telephone Number: 240-593-7897  
Email Address: andrehackett5@gmail.com
  
5. Property Acquisition:  
The property was acquired by the current owner on 01/14/2005 by deed recorded in the  
Land Records of Baltimore City in Liber \_\_\_\_\_ Folio \_\_\_\_\_.
  
6. Contract Contingency:  
(a) There is \_\_\_\_\_ is not  a contract contingent on the requested legislative authorization.  
(b) If there is a contract contingent on the requested legislative authorization:  
(i) The names and addresses of all parties to the contract are as follows {use additional sheet if  
necessary}: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





(ii) The purpose, nature, and effect of the contract are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7. Agency:**

(a) The applicant is \_\_\_\_\_ is not  acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows {use additional sheet if necessary}: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AFFIDAVIT**

I, Andre Hackett, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Applicant's signature

3/15/2017  
\_\_\_\_\_  
Date



STATEMENT OF INTENT  
UNDER ZONING CODE § 16-202  
FOR

2304 N. Fulton Avenue  
{Address}

1. Applicant's Contact Information:

Name: Andre Hackett  
Mailing Address: 10006 Palatte Court  
Clinton, MD 20735  
Telephone Number: 240-593-7897  
Email Address: andrehackett5@gmail.com

2. All Proposed Zoning Changes for the Property: From Single Family Dwelling  
to 2 Unit Multi Family Dwelling

3. All Intended Uses of the Property: Rental

4. Current Owner's Contact Information:

Name: Andre Hackett  
Mailing Address: 10006 Palatte Court  
Clinton, MD 20735  
Telephone Number: 240-593-7897  
Email Address: andrehackett5@gmail.com

5. Property Acquisition:

The property was acquired by the current owner on 01/14/2005 by deed recorded in the  
Land Records of Baltimore City in Liber \_\_\_\_\_ Folio \_\_\_\_\_.

6. Contract Contingency:

(a) There is \_\_\_\_\_ is not  a contract contingent on the requested legislative authorization.

(b) If there is a contract contingent on the requested legislative authorization:

(i) The names and addresses of all parties to the contract are as follows {use additional sheet if  
necessary}: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_




(ii) The purpose, nature, and effect of the contract are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7. Agency:**

- (a) The applicant is \_\_\_\_\_ is not  acting as an agent for another.
- (b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows {use additional sheet if necessary}: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AFFIDAVIT**

I, Andre Hackett, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Applicant's signature

3/15/2017  
\_\_\_\_\_  
Date



STATEMENT OF INTENT  
UNDER ZONING CODE § 16-202  
FOR

2304 N. Fulton Avenue  
{Address}

1. Applicant's Contact Information:  
Name: Andre Hackett  
Mailing Address: 10006 Palatte Court  
Clinton, MD 20735  
Telephone Number: 240-593-7897  
Email Address: andrehackett5@gmail.com
  
2. All Proposed Zoning Changes for the Property: From Single Family Dwelling  
to 2 Unit Multi Family Dwelling
  
3. All Intended Uses of the Property: Rental
  
4. Current Owner's Contact Information:  
Name: Andre Hackett  
Mailing Address: 10006 Palatte Court  
Clinton, MD 20735  
Telephone Number: 240-593-7897  
Email Address: andrehackett5@gmail.com
  
5. Property Acquisition:  
The property was acquired by the current owner on 01/14/2005 by deed recorded in the  
Land Records of Baltimore City in Liber \_\_\_\_\_ Folio \_\_\_\_\_.
  
6. Contract Contingency:  
(a) There is \_\_\_\_\_ is not  a contract contingent on the requested legislative authorization.  
(b) If there is a contract contingent on the requested legislative authorization:  
(i) The names and addresses of all parties to the contract are as follows {use additional sheet if  
necessary}: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





(ii) The purpose, nature, and effect of the contract are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7. Agency:**

(a) The applicant is \_\_\_\_\_ is not  acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows {use additional sheet if necessary}: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AFFIDAVIT**

I, Andre Hackett, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Applicant's signature

3/15/2017  
\_\_\_\_\_  
Date



STATEMENT OF INTENT  
UNDER ZONING CODE § 16-202  
FOR

2304 N. Fulton Avenue  
{Address}

1. Applicant's Contact Information:

Name: Andre Hackett  
Mailing Address: 10006 Palatte Court  
Clinton, MD 20735  
Telephone Number: 240-593-7897  
Email Address: andrehackett5@gmail.com

2. All Proposed Zoning Changes for the Property: From single Family Dwelling  
to 2 Unit Multi Family Dwelling

3. All Intended Uses of the Property: Rental

4. Current Owner's Contact Information:

Name: Andre Hackett  
Mailing Address: 10006 Palatte Court  
Clinton, MD 20735  
Telephone Number: 240-593-7897  
Email Address: andrehackett5@gmail.com

5. Property Acquisition:

The property was acquired by the current owner on 01/14/2005 by deed recorded in the  
Land Records of Baltimore City in Liber \_\_\_\_\_ Folio \_\_\_\_\_.

6. Contract Contingency:

(a) There is \_\_\_\_\_ is not  a contract contingent on the requested legislative authorization.

(b) If there is a contract contingent on the requested legislative authorization:

(i) The names and addresses of all parties to the contract are as follows {use additional sheet if  
necessary}: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



(ii) The purpose, nature, and effect of the contract are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7. Agency:**

- (a) The applicant is \_\_\_\_\_ is not  acting as an agent for another.
- (b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows {use additional sheet if necessary}: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AFFIDAVIT**

I, Andre Hackett, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Applicant's signature

3/15/2017  
\_\_\_\_\_  
Date



STATEMENT OF INTENT  
UNDER ZONING CODE § 16-202  
FOR

2304 N. Fulton Avenue  
{Address}

1. Applicant's Contact Information:  
Name: Andre Hackett  
Mailing Address: 10006 Palatte Court  
Clinton, MD 20735  
Telephone Number: 240-593-7897  
Email Address: andrehackett5@gmail.com
  
2. All Proposed Zoning Changes for the Property: From Single Family Dwelling  
to 2 Unit Multi Family Dwelling
  
3. All Intended Uses of the Property: Rental
  
4. Current Owner's Contact Information:  
Name: Andre Hackett  
Mailing Address: 10006 Palatte Court  
Clinton, MD 20735  
Telephone Number: 240-593-7897  
Email Address: andrehackett5@gmail.com
  
5. Property Acquisition:  
The property was acquired by the current owner on 01/14/2005 by deed recorded in the  
Land Records of Baltimore City in Liber \_\_\_\_\_ Folio \_\_\_\_\_.
  
6. Contract Contingency:  
(a) There is \_\_\_\_\_ is not  a contract contingent on the requested legislative authorization.  
(b) If there is a contract contingent on the requested legislative authorization:  
(i) The names and addresses of all parties to the contract are as follows {use additional sheet if  
necessary}: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





(ii) The purpose, nature, and effect of the contract are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7. Agency:**

(a) The applicant is \_\_\_\_\_ is not  acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows {use additional sheet if necessary}: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AFFIDAVIT**

I, Andre Hackett, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Applicant's signature

3/15/2017  
\_\_\_\_\_  
Date



STATEMENT OF INTENT  
UNDER ZONING CODE § 16-202  
FOR

2304 N. Fulton Avenue  
{Address}

1. Applicant's Contact Information:  
Name: Andre Hackett  
Mailing Address: 10006 Palatte Court  
Clinton, MD 20735  
Telephone Number: 240-593-7897  
Email Address: andrehackett5@gmail.com
  
2. All Proposed Zoning Changes for the Property: From single Family Dwelling  
to 2 Unit Multi Family Dwelling
  
3. All Intended Uses of the Property: Rental
  
4. Current Owner's Contact Information:  
Name: Andre Hackett  
Mailing Address: 10006 Palatte Court  
Clinton, MD 20735  
Telephone Number: 240-593-7897  
Email Address: andrehackett5@gmail.com
  
5. Property Acquisition:  
The property was acquired by the current owner on 01/14/2005 by deed recorded in the  
Land Records of Baltimore City in Liber \_\_\_\_\_ Folio \_\_\_\_\_.
  
6. Contract Contingency:  
(a) There is \_\_\_\_\_ is not  a contract contingent on the requested legislative authorization.  
(b) If there is a contract contingent on the requested legislative authorization:  
(i) The names and addresses of all parties to the contract are as follows {use additional sheet if  
necessary}: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

42



(ii) The purpose, nature, and effect of the contract are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7. Agency:**

- (a) The applicant is \_\_\_\_\_ is not  acting as an agent for another.
- (b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows {use additional sheet if necessary}: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AFFIDAVIT**

I, Andre Hackett, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Applicant's signature

3/15/2017  
\_\_\_\_\_  
Date



STATEMENT OF INTENT  
UNDER ZONING CODE § 16-202  
FOR

2304 N. Fulton Avenue  
{Address}

1. Applicant's Contact Information:

Name: Andre Hackett  
Mailing Address: 10006 Palatte Court  
Clinton, MD 20735  
Telephone Number: 240-593-7897  
Email Address: andrehackett5@gmail.com

2. All Proposed Zoning Changes for the Property: From single Family Dwelling  
to 2 Unit Multi Family Dwelling

3. All Intended Uses of the Property: Rental

4. Current Owner's Contact Information:

Name: Andre Hackett  
Mailing Address: 10006 Palatte Court  
Clinton, MD 20735  
Telephone Number: 240-593-7897  
Email Address: andrehackett5@gmail.com

5. Property Acquisition:

The property was acquired by the current owner on 01/14/2005 by deed recorded in the  
Land Records of Baltimore City in Liber \_\_\_\_\_ Folio \_\_\_\_\_.

6. Contract Contingency:

(a) There is \_\_\_\_\_ is not  a contract contingent on the requested legislative authorization.

(b) If there is a contract contingent on the requested legislative authorization:

(i) The names and addresses of all parties to the contract are as follows {use additional sheet if  
necessary}: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





(ii) The purpose, nature, and effect of the contract are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7. Agency:**

(a) The applicant is \_\_\_\_\_ is not  acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows {use additional sheet if necessary}: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AFFIDAVIT**

I, Andre Hackett, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Applicant's signature

3/15/2017  
\_\_\_\_\_  
Date



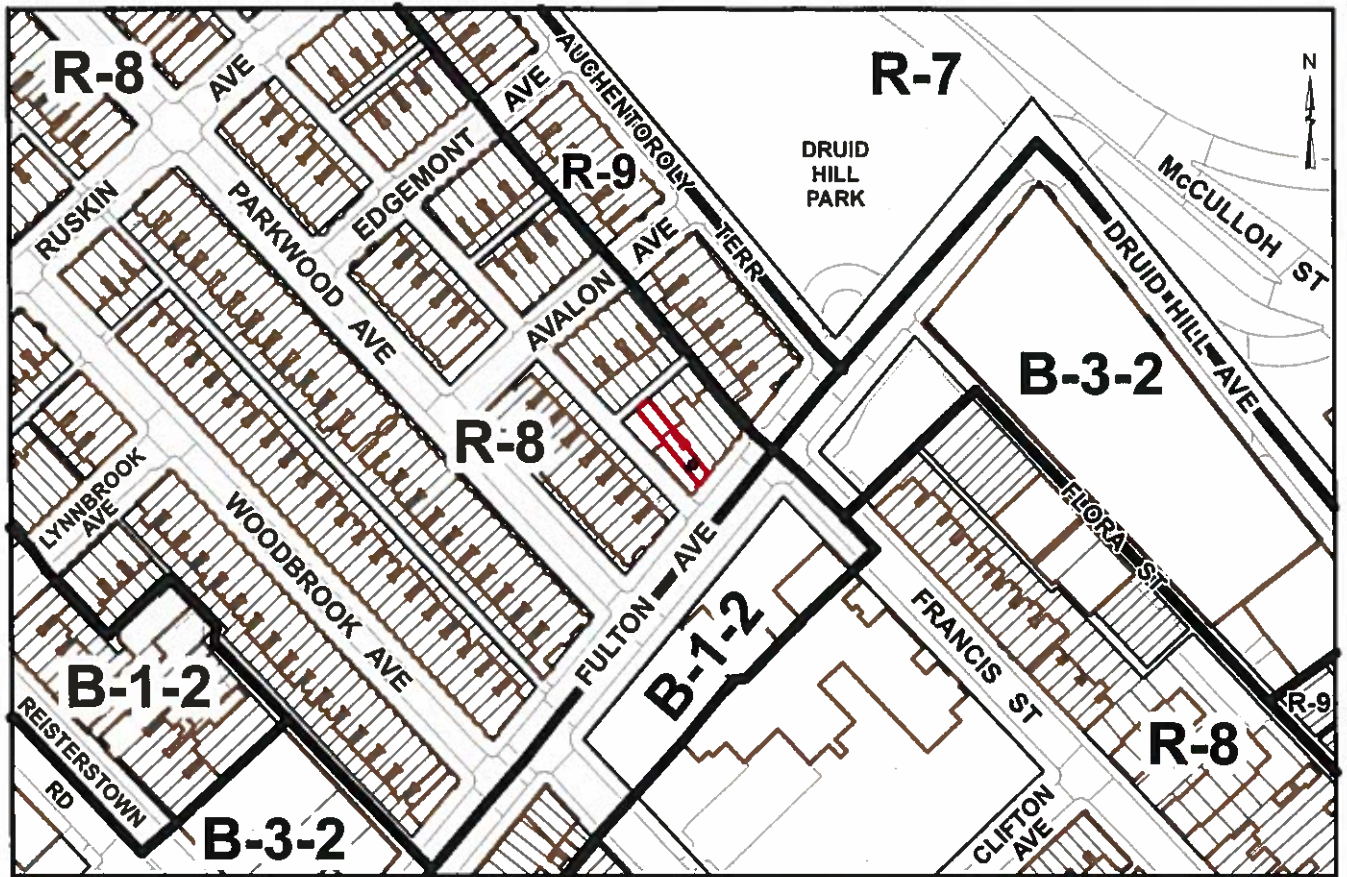
STATEMENT OF INTENT  
UNDER ZONING CODE § 16-202  
FOR

2304 N. Fulton Avenue  
{Address}

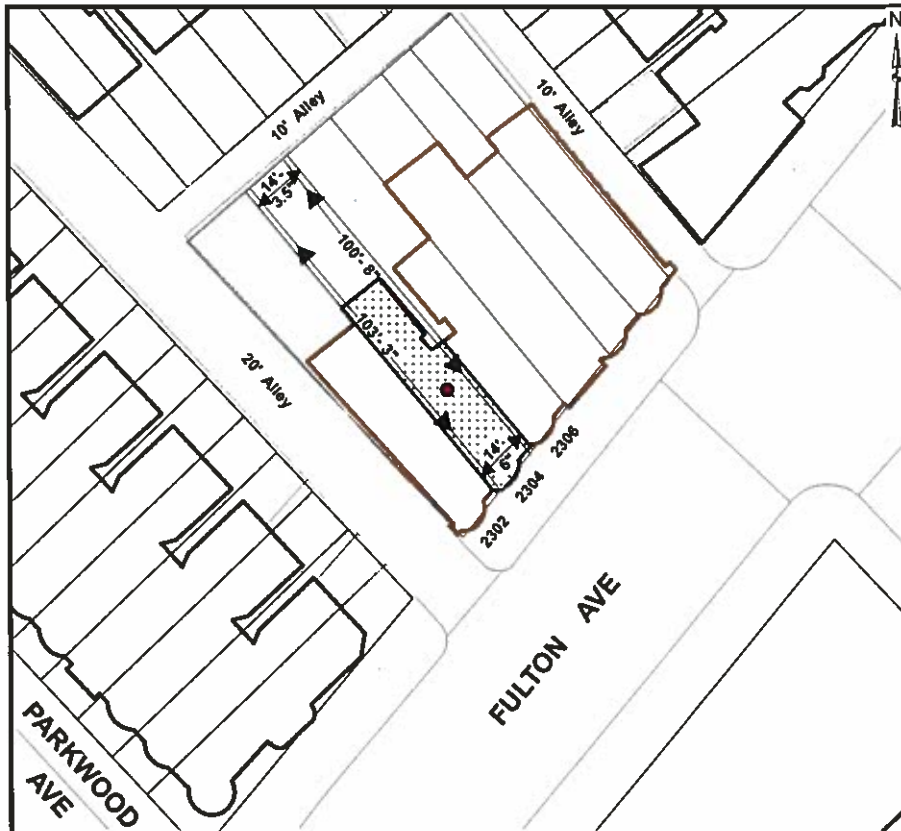
1. Applicant's Contact Information:  
Name: Andre Hackett  
Mailing Address: 10006 Palatte Court  
Clinton, MD 20735  
Telephone Number: 240-593-7897  
Email Address: andrehackett5@gmail.com
2. All Proposed Zoning Changes for the Property: From single Family Dwelling  
to 2 unit Multi Family Dwelling
3. All Intended Uses of the Property: Rental
4. Current Owner's Contact Information:  
Name: Andre Hackett  
Mailing Address: 10006 Palatte Court  
Clinton, MD 20735  
Telephone Number: 240-593-7897  
Email Address: andrehackett5@gmail.com
5. Property Acquisition:  
The property was acquired by the current owner on 01/14/2005 by deed recorded in the  
Land Records of Baltimore City in Liber \_\_\_\_\_ Folio \_\_\_\_\_.
6. Contract Contingency:
  - (a) There is \_\_\_\_\_ is not  a contract contingent on the requested legislative authorization.
  - (b) If there is a contract contingent on the requested legislative authorization:
    - (i) The names and addresses of all parties to the contract are as follows {use additional sheet if necessary}: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**SHEET NO. 34 OF THE ZONING DISTRICT MAP OF  
THE BALTIMORE CITY ZONING CODE**



Scale: 1" = 200'



**Note:**

In Connection With The Property Known As No. 2304 NORTH FULTON STREET. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A One Family Dwelling Unit To A Two Family Dwelling Unit In The R-8 Zoning District, As Outlined In Red Above.

WARD 13 SECTION 5  
BLOCK 3229 LOT 5

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
PRESIDENT CITY COUNCIL

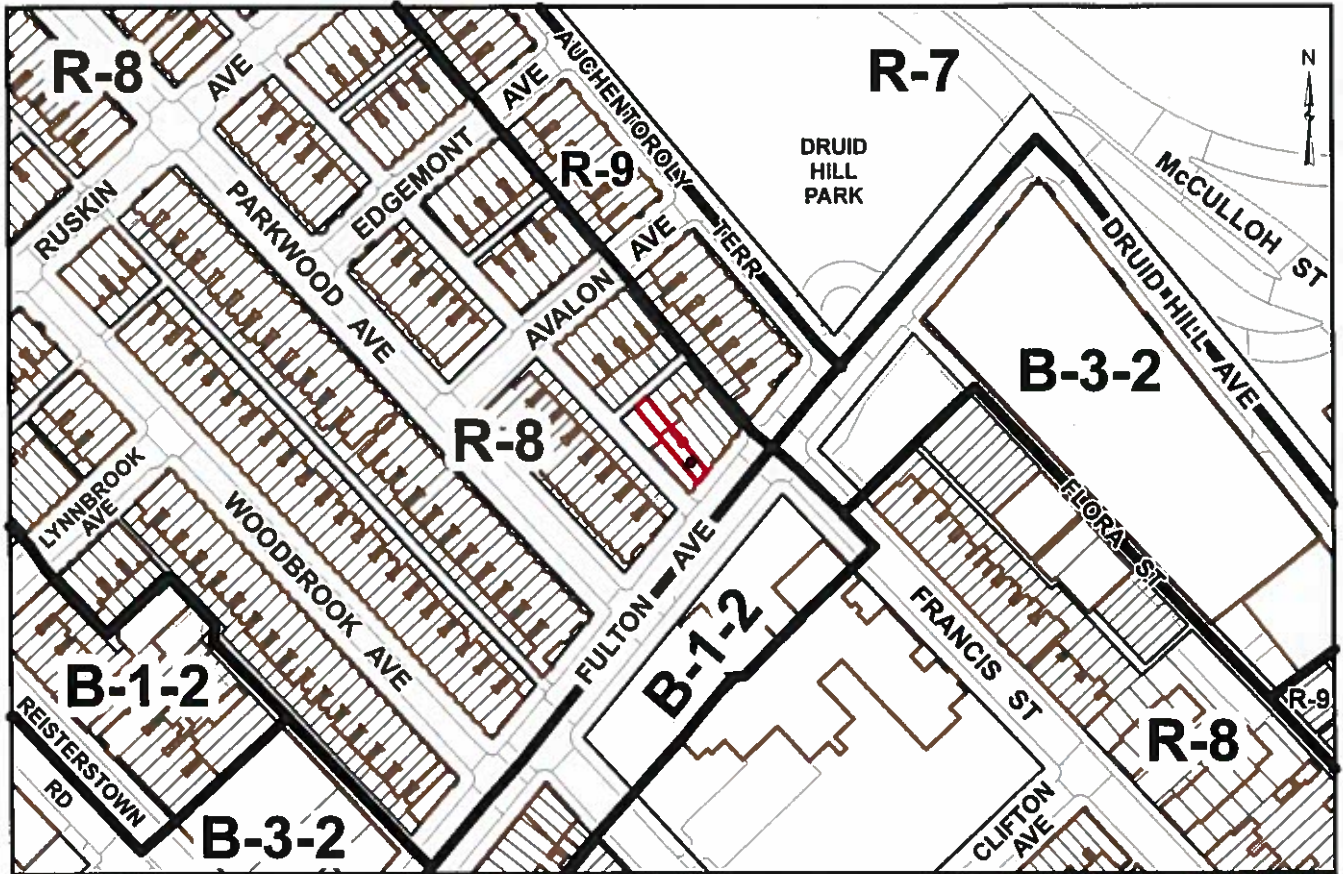
Scale: 1" = 50'

42

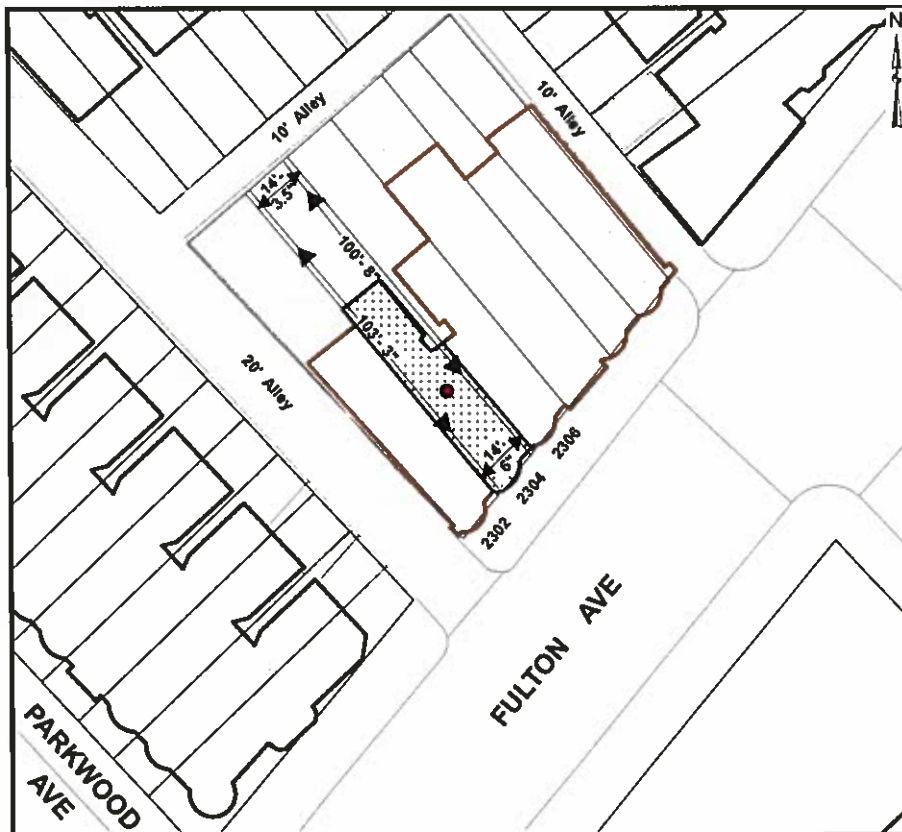




**SHEET NO. 34 OF THE ZONING DISTRICT MAP OF  
THE BALTIMORE CITY ZONING CODE**



Scale: 1" = 200'



**Note:**

In Connection With The Property Known As No. 2304 NORTH FULTON STREET. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A One Family Dwelling Unit To A Two Family Dwelling Unit In The R-8 Zoning District, As Outlined In Red Above.

WARD 13                      SECTION 5  
BLOCK 3229                      LOT 5

\_\_\_\_\_

MAYOR

\_\_\_\_\_

PRESIDENT CITY COUNCIL

Scale: 1" = 50'







Catherine E. Pugh  
Mayor

## PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

### STAFF REPORT



Thomas J. Stosur  
Director

May 4, 2017

**REQUEST:** City Council Bill # 17-0042 / Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variance – 2304 North Fulton Avenue

For the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2304 North Fulton Avenue, as outlined in red on the accompanying plat; and granting a variance from certain off-street parking requirements.

**RECOMMENDATION:** Amendment, and Approval as amended

Amendment: Add a variance of the lot area requirement: 1,479 square feet in lieu of the required 1,500 square feet needed for two dwelling units in a R-8 Zoning District, or 1.4%.

**STAFF:** Martin French

**PETITIONER(S):** Councilmember Pinkett, at the request of Andre' Hackett

**OWNER:** Andre' Hackett

#### **SITE/ GENERAL AREA**

Site Conditions: 2304 North Fulton Avenue is located on the northwest side of the street, approximately 122' north of the intersection with Parkwood Avenue. This property measures approximately 14'6" by an average of 102' and is currently improved with a two-story attached residential building measuring approximately 14'6" by 58'. This site is zoned R-8.

General Area: This is a predominantly residential area known as Parkview-Woodbrook, with scattered other uses such as religious institutions and small commercial uses. The northeastern boundary of this area is within the Auchentoroly Terrace Historic District; the southwestern boundary is Reisterstown Road.

#### **HISTORY**

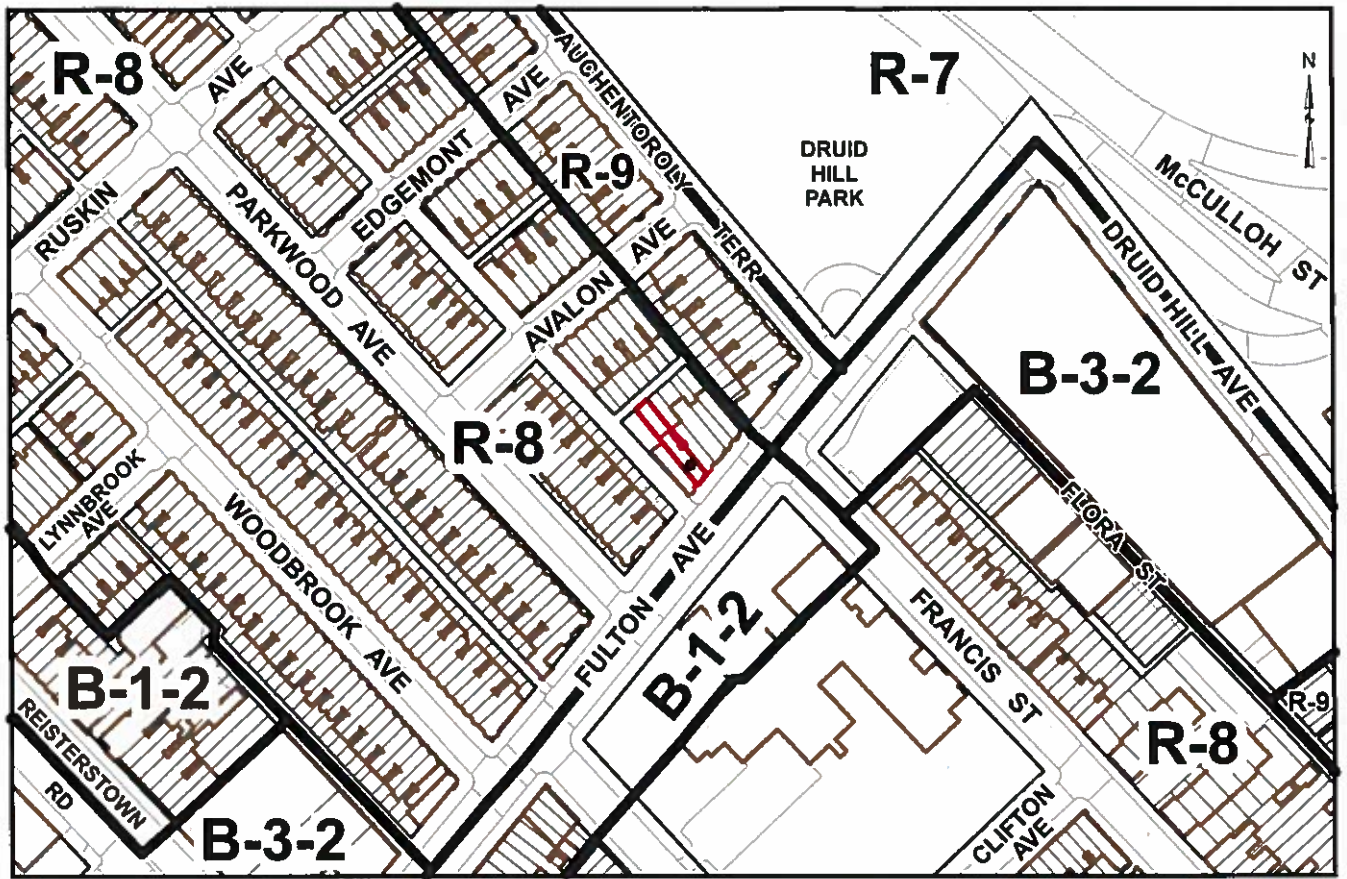
There are no previous legislative or Planning Commission actions regarding this site.

#### **CONFORMITY TO PLANS**

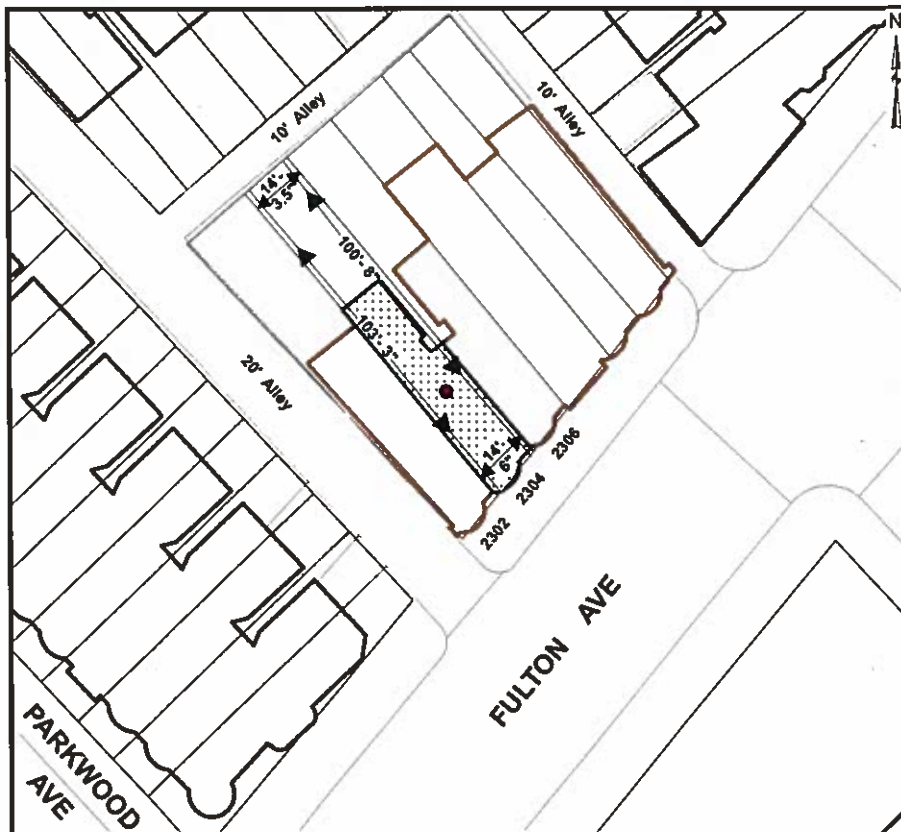
The proposed action is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, Live Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 1: Expand Housing Choices for all Residents.



**SHEET NO. 34 OF THE ZONING DISTRICT MAP OF  
THE BALTIMORE CITY ZONING CODE**



Scale: 1" = 200'



**Note:**

In Connection With The Property Known As No. 2304 NORTH FULTON STREET. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A One Family Dwelling Unit To A Two Family Dwelling Unit In The R-8 Zoning District, As Outlined In Red Above.

WARD 13                      SECTION 5  
BLOCK 3229                      LOT 5

\_\_\_\_\_

MAYOR

\_\_\_\_\_

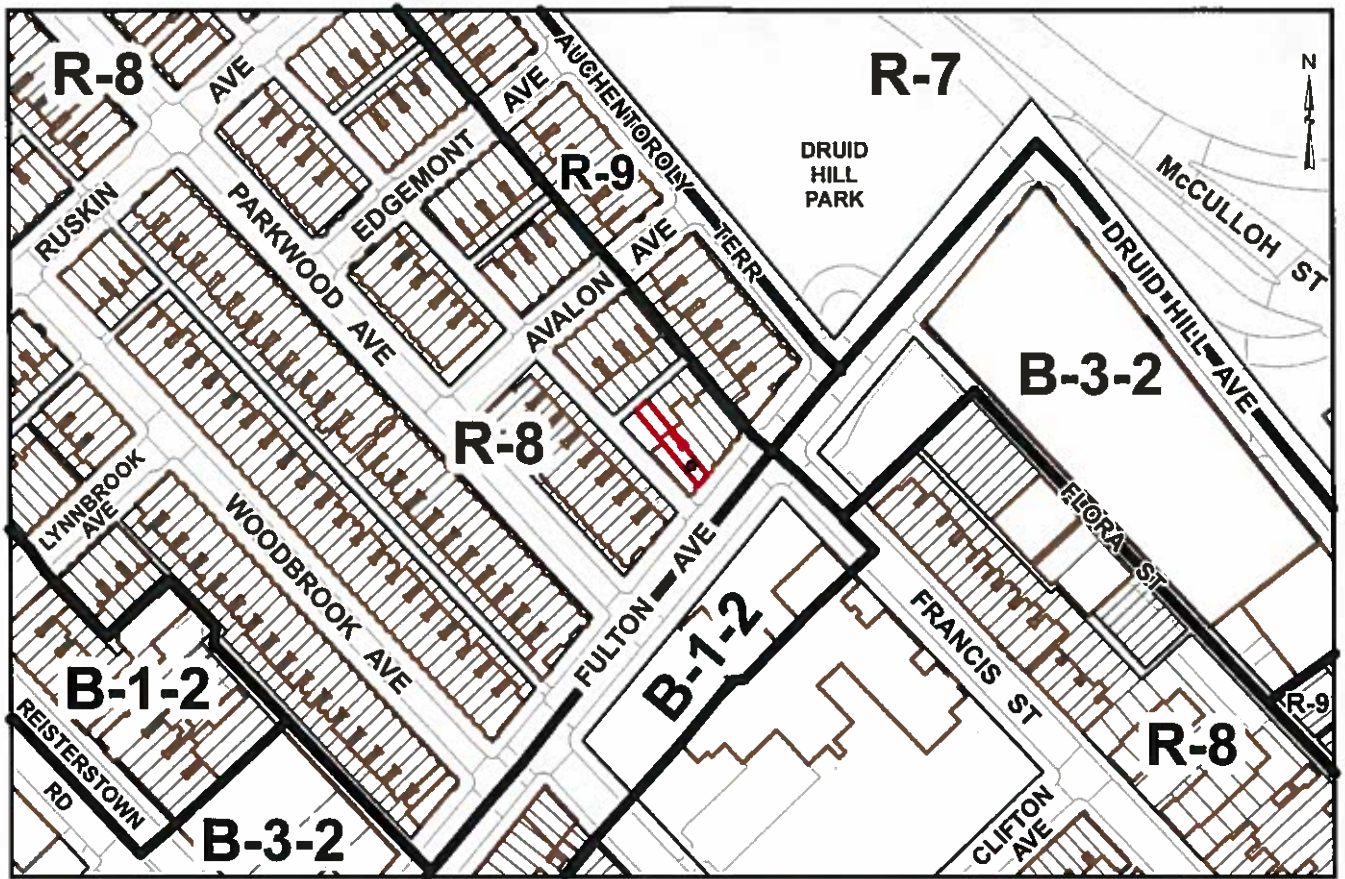
PRESIDENT CITY COUNCIL

Scale: 1" = 50'

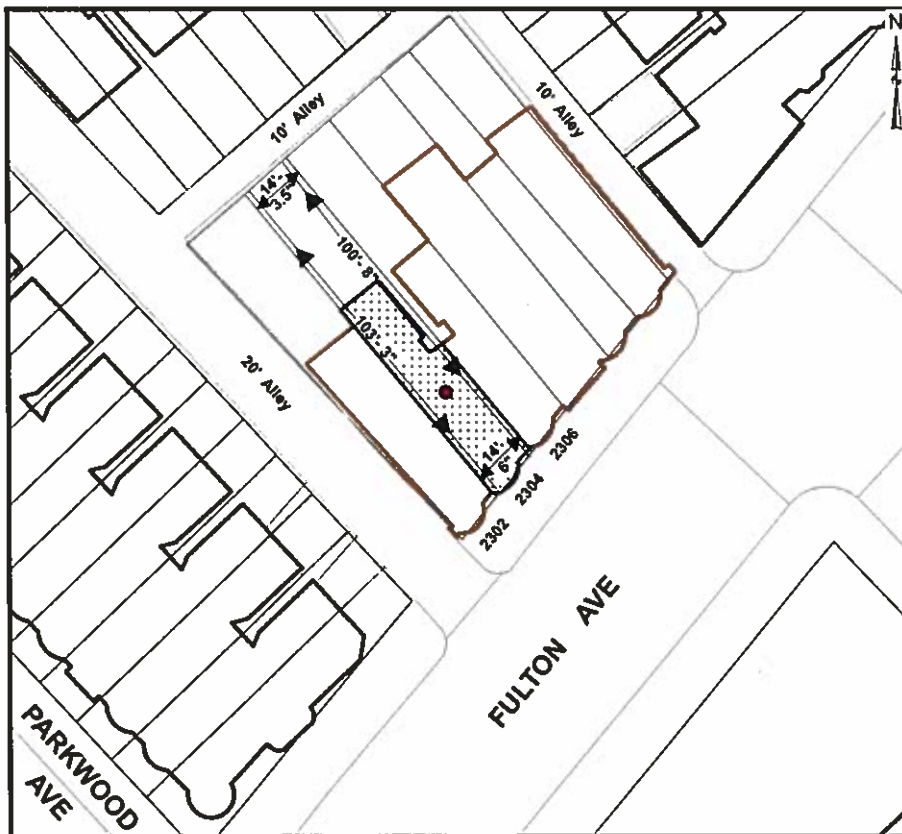
42



**SHEET NO. 34 OF THE ZONING DISTRICT MAP OF  
THE BALTIMORE CITY ZONING CODE**



Scale: 1" = 200'



Scale: 1" = 50'

**Note:**

In Connection With The Property Known As No. 2304 NORTH FULTON STREET. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A One Family Dwelling Unit To A Two Family Dwelling Unit In The R-8 Zoning District, As Outlined In Red Above.

WARD 13                      SECTION 5  
BLOCK 3229                      LOT 5

\_\_\_\_\_

MAYOR

\_\_\_\_\_

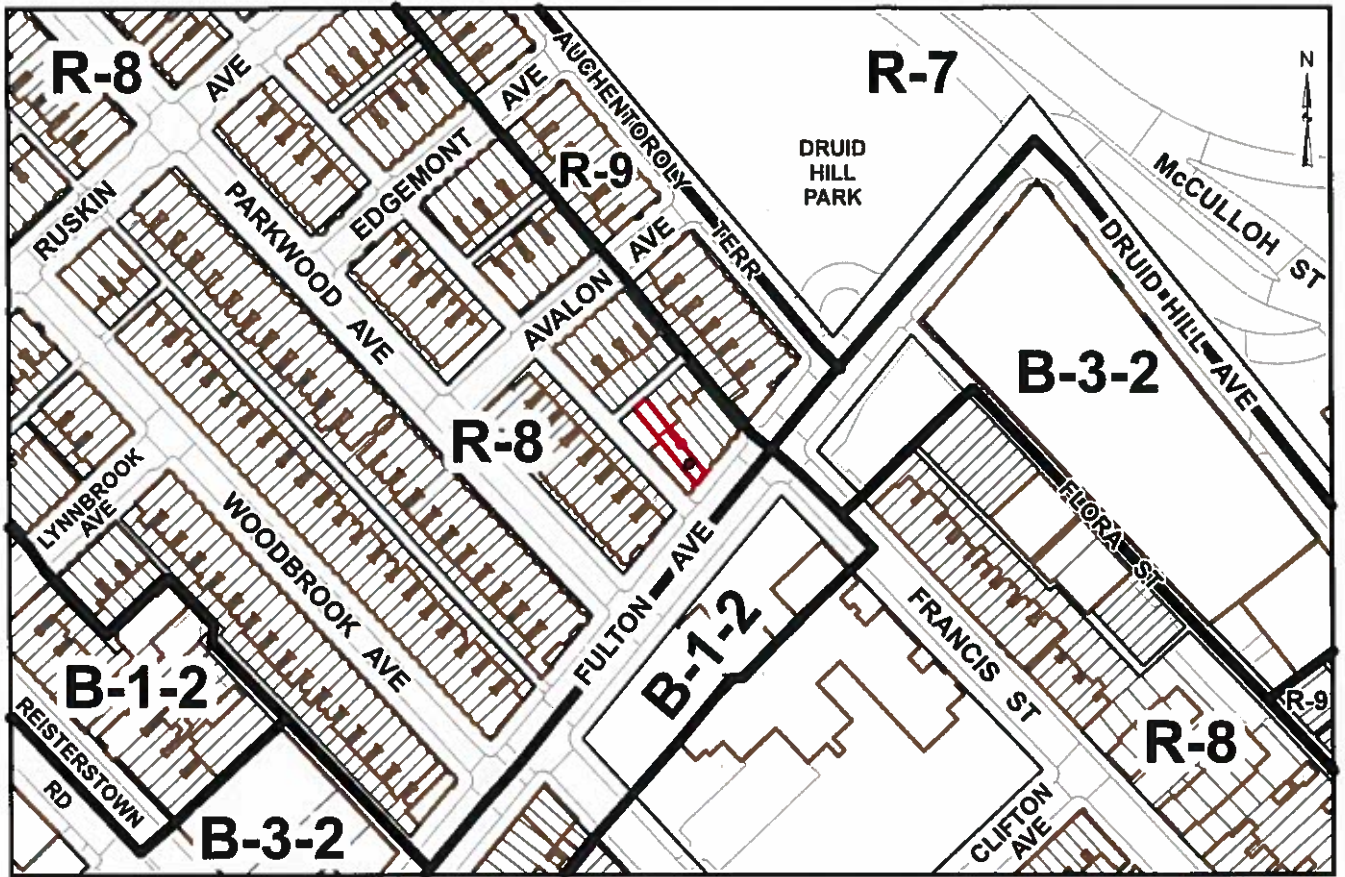
PRESIDENT CITY COUNCIL

42

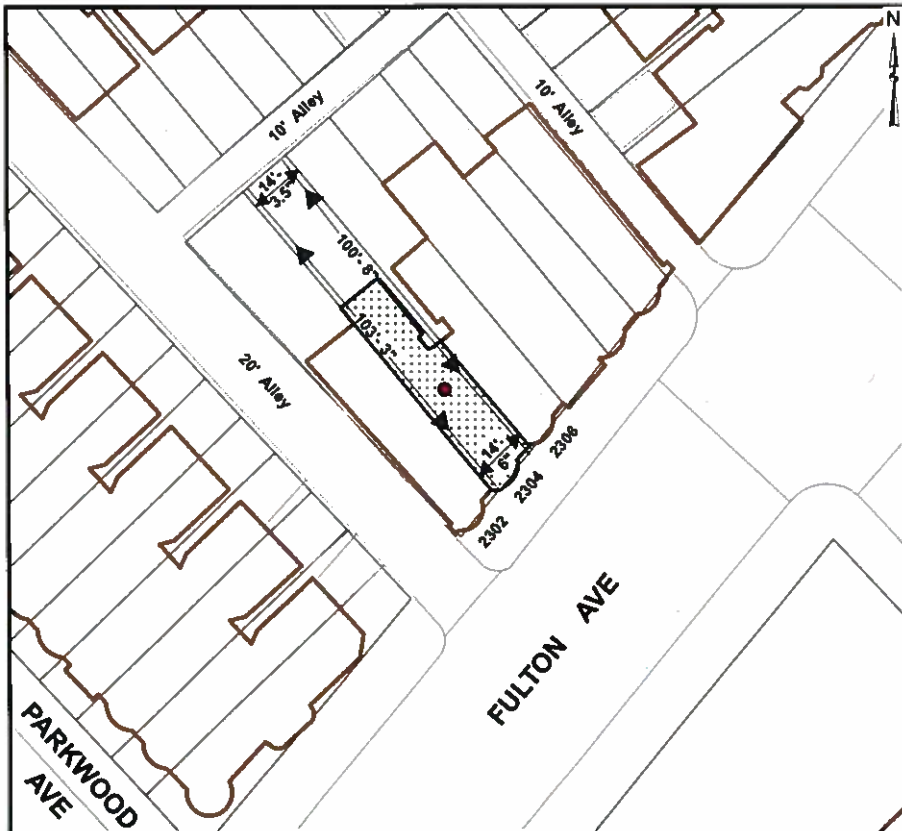




**SHEET NO. 34 OF THE ZONING DISTRICT MAP OF  
THE BALTIMORE CITY ZONING CODE**



Scale: 1" = 200'



Scale: 1" = 50'

**Note:**

In Connection With The Property Known As No. 2304 NORTH FULTON STREET. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A One Family Dwelling Unit To A Two Family Dwelling Unit In The R-8 Zoning District, As Outlined In Red Above.

WARD 13                      SECTION 5  
BLOCK 3229                      LOT 5

\_\_\_\_\_

MAYOR

\_\_\_\_\_

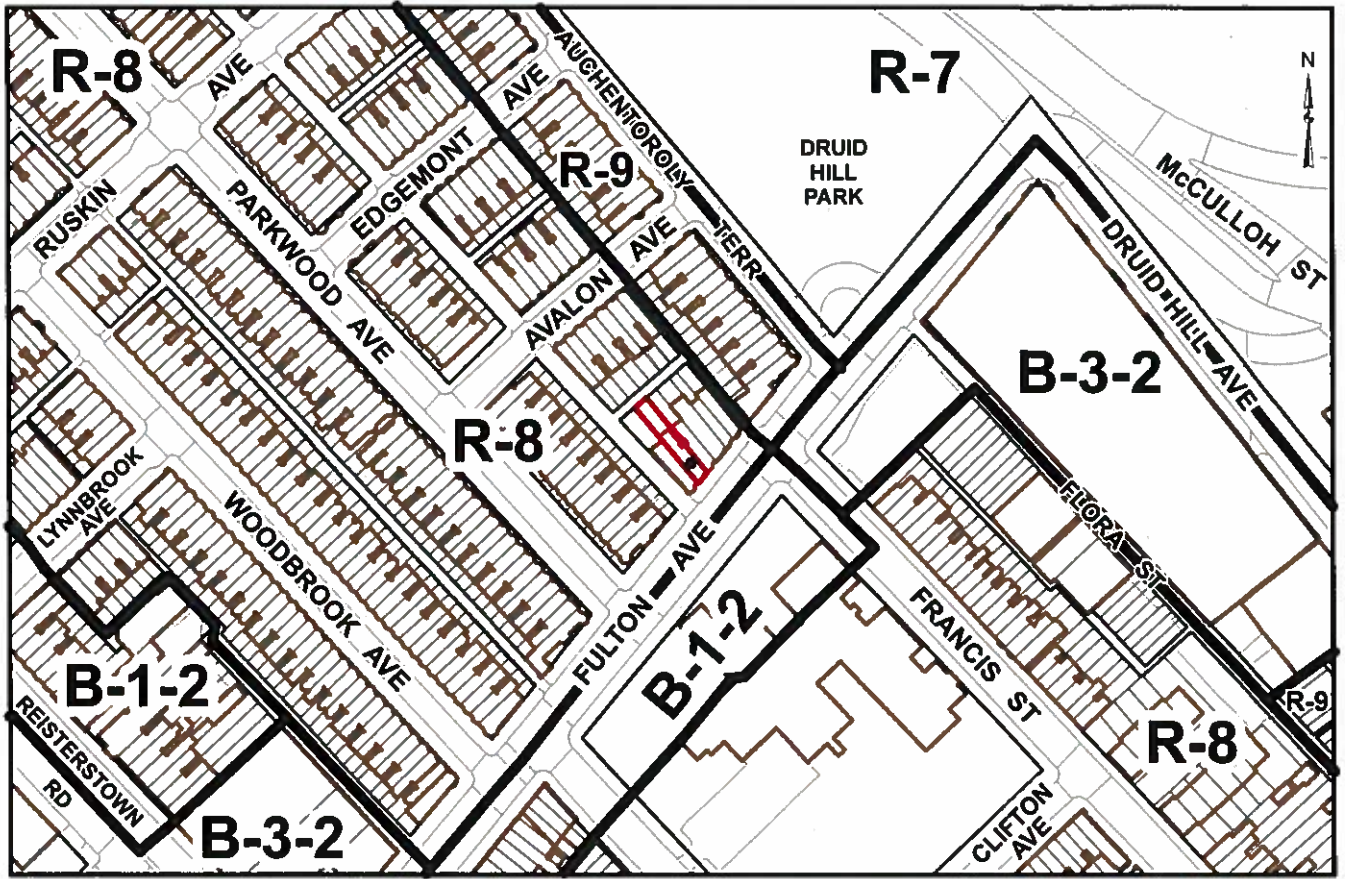
PRESIDENT CITY COUNCIL

42

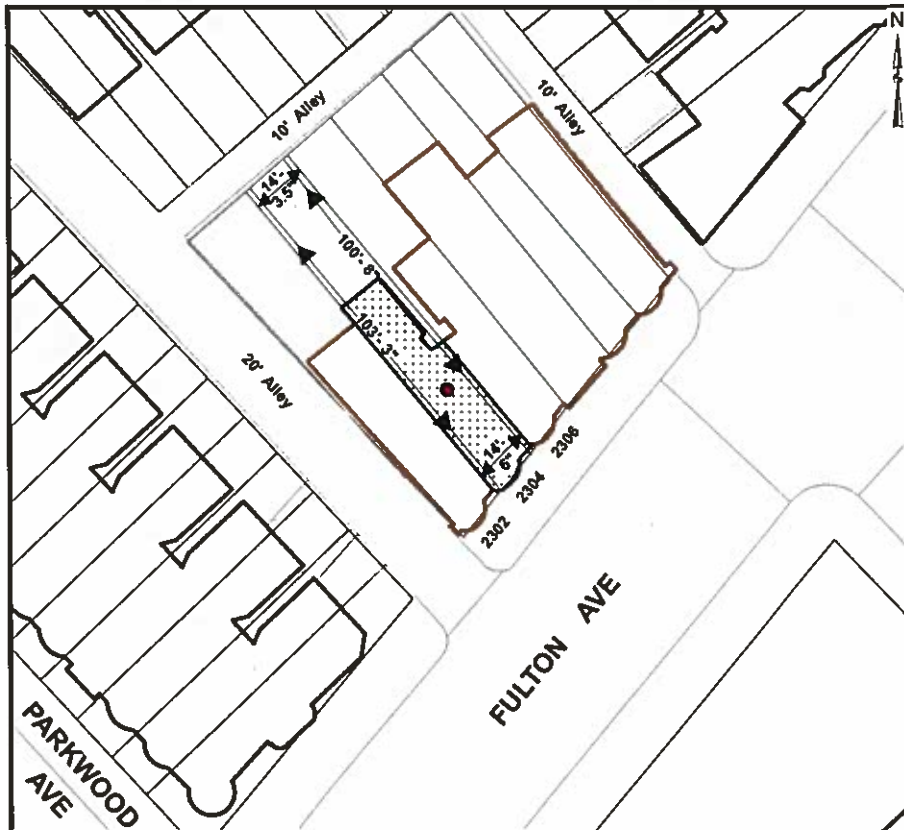




**SHEET NO. 34 OF THE ZONING DISTRICT MAP OF  
THE BALTIMORE CITY ZONING CODE**



Scale: 1" = 200'



Scale: 1" = 50'

**Note:**

In Connection With The Property Known As No. 2304 NORTH FULTON STREET. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A One Family Dwelling Unit To A Two Family Dwelling Unit In The R-8 Zoning District, As Outlined In Red Above.

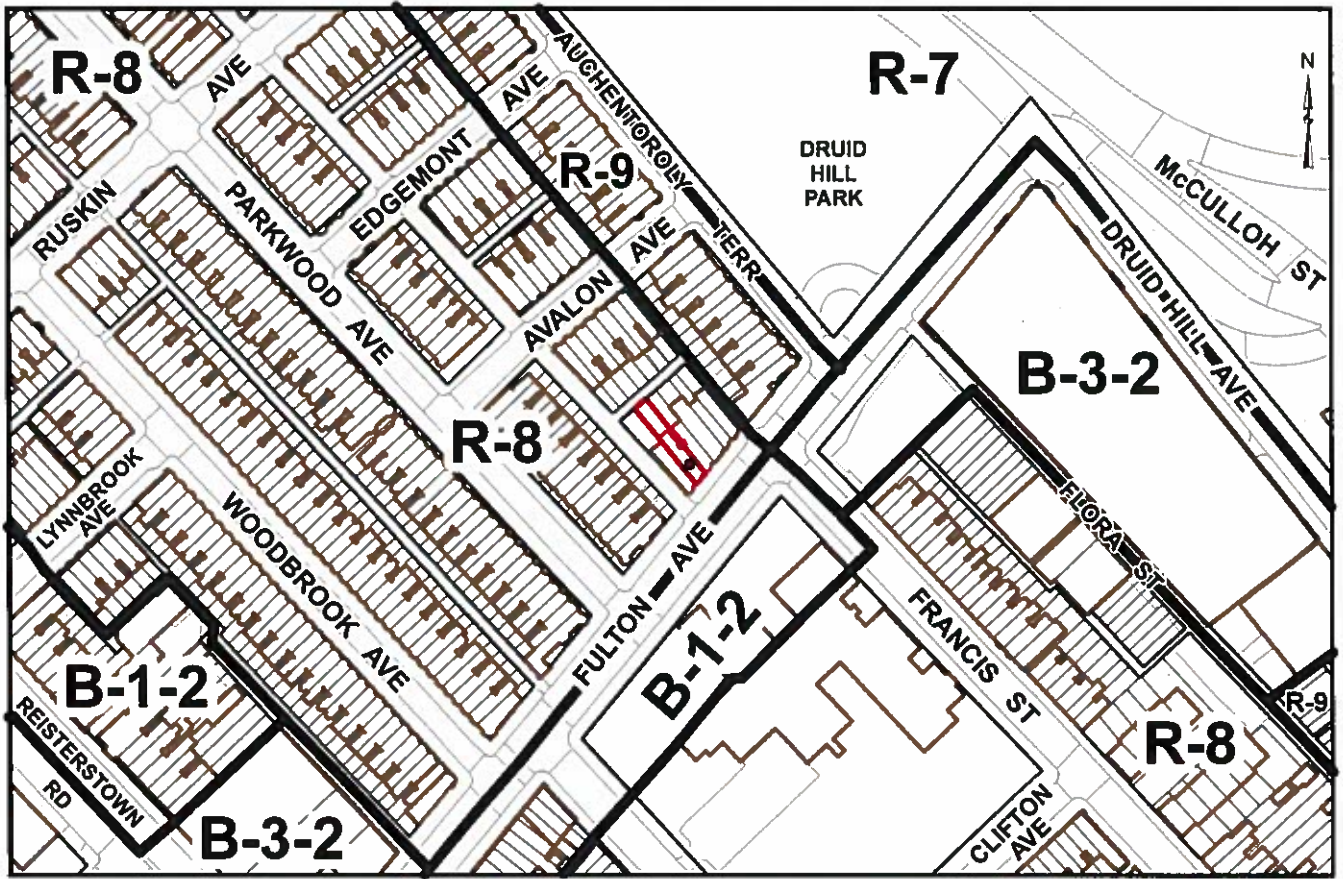
WARD 13 SECTION 5  
BLOCK 3229 LOT 5

\_\_\_\_\_ MAYOR

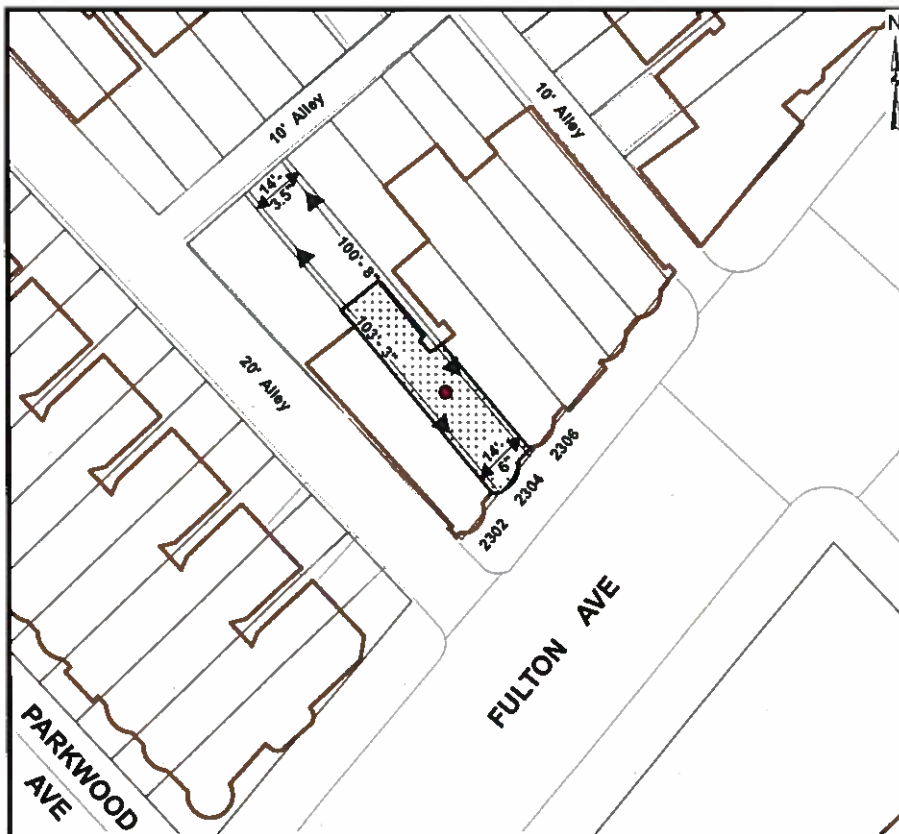
\_\_\_\_\_ PRESIDENT CITY COUNCIL



**SHEET NO. 34 OF THE ZONING DISTRICT MAP OF  
THE BALTIMORE CITY ZONING CODE**



Scale: 1" = 200'



Scale: 1" = 50'

**Note:**

In Connection With The Property Known As No. 2304 NORTH FULTON STREET. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A One Family Dwelling Unit To A Two Family Dwelling Unit In The R-8 Zoning District, As Outlined In Red Above.

WARD 13                      SECTION 5  
BLOCK 3229                      LOT 5

\_\_\_\_\_

MAYOR

\_\_\_\_\_

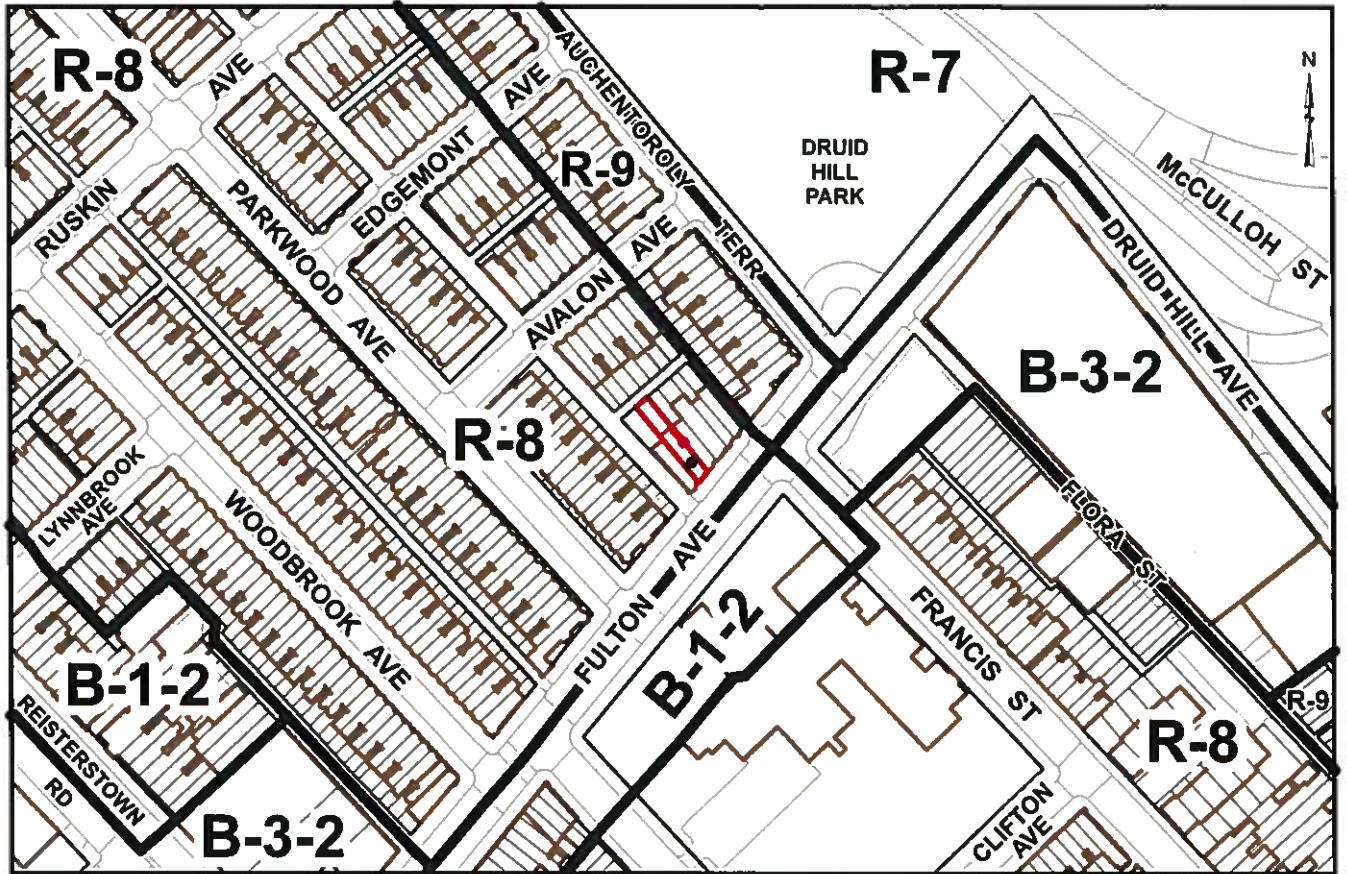
PRESIDENT CITY COUNCIL

*42*

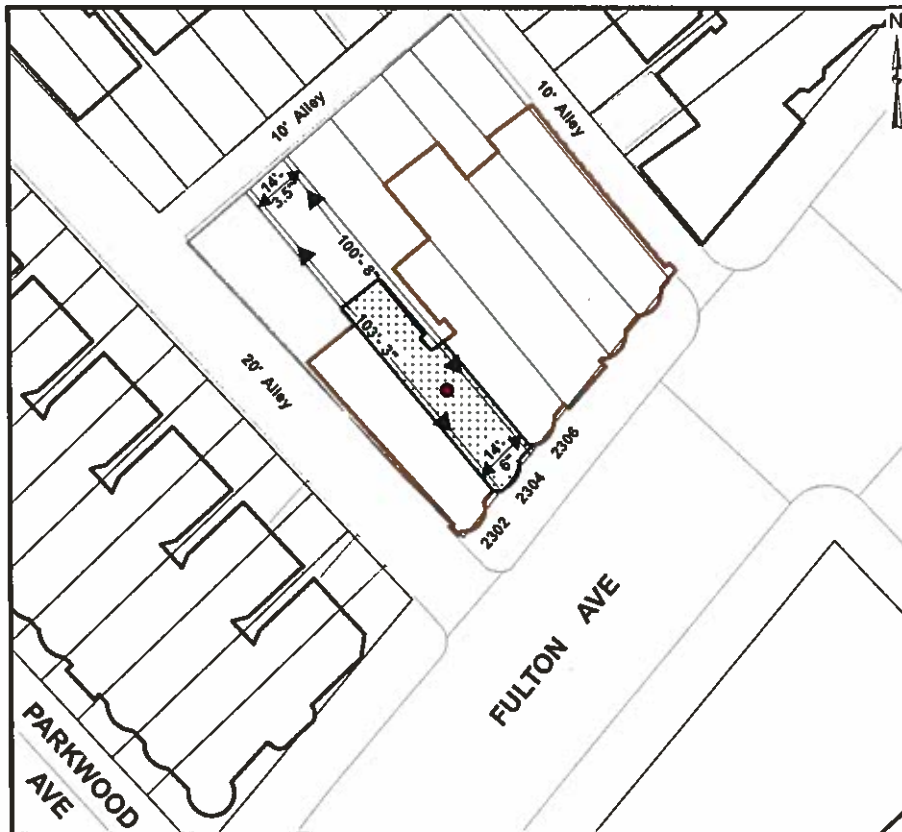




**SHEET NO. 34 OF THE ZONING DISTRICT MAP OF  
THE BALTIMORE CITY ZONING CODE**



Scale: 1" = 200'



Scale: 1" = 50'

**Note:**

In Connection With The Property Known As No. 2304 NORTH FULTON STREET. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A One Family Dwelling Unit To A Two Family Dwelling Unit In The R-8 Zoning District, As Outlined In Red Above.

WARD 13 SECTION 5

BLOCK 3229 LOT 5

\_\_\_\_\_

MAYOR

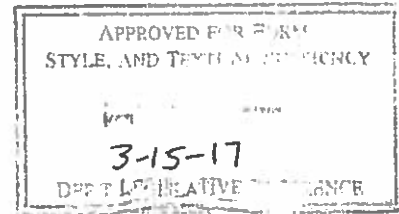
\_\_\_\_\_

PRESIDENT CITY COUNCIL



INTRODUCTORY\*

CITY OF BALTIMORE  
COUNCIL BILL 17-0042



Introduced by: Councilmember Pinkett  
At the request of: Andre Hackett  
Address: 10006 Palatte Court, Clinton, Maryland 20735  
Telephone: 240-593-7897

A BILL ENTITLED

AN ORDINANCE concerning

**Zoning – Conditional Use Conversion of 1 Dwelling Unit to  
2 Dwelling Units in the R-8 Zoning District – Variance –  
2304 North Fulton Avenue**

LUT  
Law  
Planning/Comm  
BMZA

FOR the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2304 North Fulton Avenue, as outlined in red on the accompanying plat; and granting a variance for certain off-street parking requirements. HCP  
BDC

By authority of  
Article - Zoning  
Section(s) 3-305(b), 14-102, 15-101, 15-214, 15-218, and 15-219  
Baltimore City Revised Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That permission is granted for the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2304 North Fulton Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 3-305(b) and 14-102, subject to the condition that the building complies with all applicable federal, state, and local licensing and certification requirements.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted by Title 15 of the Zoning Code of Baltimore City, specifically by §§ 15-101, 15-214, 15-218, and 15-219, permission is granted for a variance from the requirements of the Zoning Code for off-street parking.

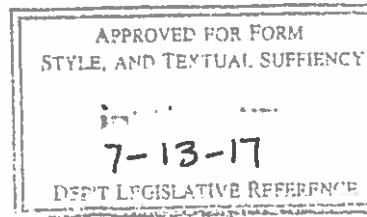
**SECTION 3. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

\* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

**SECTION 4. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day after the date it is enacted.



AMENDMENTS TO COUNCIL BILL 17-0042  
(1<sup>st</sup> Reader Copy)



By: Land Use and Transportation Committee

**Amendment No. 1**

On page 1, after line 23, insert

“SECTION 3. AND BE IT FURTHER ORDAINED. That pursuant to the authority granted by Title 15 of the Zoning Code of Baltimore City, specifically by §§ 15-101, 15-202(a), and 15-218, permission is granted for a variance of 1.4% for lot area size.”

**Amendment No. 2**

On page 1, in line 3, strike “Variance” and substitute “Variances”; on page 1, in line 7, strike “a variance” and substitute “variances”; on page 1, in line 8, after “parking”, insert “and lot area size”; and, on the same page, in line 11, after “15-101,”, insert “15-202(a)”.

**Amendment No. 3**

On page 1, in line 24, and on page 2, in line 6, strike “3” and “4”, respectively, and substitute “4” and “5”, respectively.



# LAND USE AND TRANSPORTATION COMMITTEE

## FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION COMMITTEE:  
THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING THE  
VARIANCE OF

City Council Bill No. 17-0042

**Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the  
R-8 Zoning District – Variance – 2304 North Fulton Avenue**

1. According to the Baltimore City Zoning Code, agency reports and public testimony a variance for Off Street Parking is being granted under:

Section 15-218

2. The particular physical surroundings, shape, or topographical conditions of the structure or land involved creates an unnecessary hardship or practical difficulty to the applicant if the strict letter of the zoning code is carried out;

Section 15-219

3. The conditions on which the application is based are unique to the property and are not generally applicable to other property within the same zoning classification.;
4. The unnecessary hardship or practical difficulty is caused by this article and has not been created by the intentional action or inaction of any person who has a present interest in the property;
5. The purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;
6. The variance is not:
  - (i) injurious to the use and enjoyment of other property in the immediate vicinity; or



(ii) substantially diminish and impair property values in the neighborhood;

7. The variance will not:

(i) impair an adequate supply of light and air to adjacent property;

(ii) overcrowd the land;

(iii) create an undue concentration of population;

(iv) substantially increase the congestion of the streets;

(v) create hazardous traffic conditions;

(vi) adversely affect transportation;

(vii) unduly burden water, sewer, school, park, or other public facilities;

(viii) increase the danger of fire; or

(ix) otherwise endanger the public safety;

8. The variance is not precluded by and will not adversely affect:

(i) any Urban Renewal Plan; or

(ii) the City's Master Plan;

9. The variance will not otherwise:

(i) be detrimental to or endanger the public health, security, general welfare, or morals; or

(ii) in any way be contrary to the public interest;

10. The variance is in harmony with the purpose and intent of the zoning code; and

11. The variance granted is the minimum necessary to afford relief, to which end a lesser variance than that applied for may be permitted.



**LAND USE AND TRANSPORTATION COMMITTEE:**

\_\_\_\_\_  
**Chairman**

\_\_\_\_\_  
**Member**

\_\_\_\_\_  
**Member**

\_\_\_\_\_  
**Member**

\_\_\_\_\_  
**Member**

\_\_\_\_\_  
**Member**

\_\_\_\_\_  
**Member**

\_\_\_\_\_  
**Member**





**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 17-0042**

---

Introduced by: Councilmember Pinkett  
At the request of: Andre Hackett  
Address: 10006 Palatte Court, Clinton, Maryland 20735  
Telephone: 240-593-7897  
Introduced and read first time: March 20, 2017  
Assigned to: Land Use and Transportation Committee

---

Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: July 17, 2017

---

**AN ORDINANCE CONCERNING**

1                   **Zoning – Conditional Use Conversion of 1 Dwelling Unit to**  
2                   **2 Dwelling Units in the R-8 Zoning District – ~~Variance~~ Variances –**  
3                   **2304 North Fulton Avenue**

4           FOR the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to  
5           2 dwelling units in the R-8 Zoning District on the property known as 2304 North Fulton  
6           Avenue, as outlined in red on the accompanying plat; and granting a ~~variance~~ variances from  
7           certain off-street parking and lot area size requirements.

8           BY authority of  
9           Article - Zoning  
10          Section(s) 3-305(b), 14-102, 15-101, 15-202(a), 15-214, 15-218, and 15-219  
11          Baltimore City Revised Code  
12          (Edition 2000)

13          **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That  
14          permission is granted for the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning  
15          District on the property known as 2304 North Fulton Avenue, as outlined in red on the plat  
16          accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 3-305(b) and  
17          14-102, subject to the condition that the building complies with all applicable federal, state, and  
18          local licensing and certification requirements.

19          **SECTION 2. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted by Title  
20          15 of the Zoning Code of Baltimore City, specifically by §§ 15-101, 15-214, 15-218, and 15-219,  
21          permission is granted for a variance from the requirements of the Zoning Code for off-street  
22          parking.

23          **SECTION 3. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted by Title  
24          15 of the Zoning Code of Baltimore City, specifically by §§ 15-101, 15-202(a), and 15-218,  
25          permission is granted for a variance of 1.4% for lot area size.

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike-out~~ indicates matter stricken from the bill by  
amendment or deleted from existing law by amendment.



**Council Bill 17-0042**

1        **SECTION 3.4. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the  
2 accompanying plat and in order to give notice to the agencies that administer the City Zoning  
3 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council  
4 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;  
5 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the  
6 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of  
7 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and  
8 the Zoning Administrator.

9        **SECTION 4.5. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup>  
10 day after the date it is enacted.

Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City

# **LAND USE AND TRANSPORTATION COMMITTEE**

## **FINDINGS OF FACT**

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION COMMITTEE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING A CONDITIONAL USE FOR:

### **City Council Bill No. 17-0042**

Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variance – 2304 North Fulton Avenue

According to the Baltimore City Zoning Code, agency reports and public testimony a conditional use is being granted under:

#### **Title 14-204**

Upon finding that:

- (1) the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals;
- (2) the use is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization is not otherwise in any way contrary to the public interest; and
- (4) the authorization is in harmony with the purpose and intent of this article

#### **Title 14-205**

After consideration of:

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;
- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;



- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;
- (5) accessibility of the premises for fire and police protection;
- (6) accessibility of light and air to the premises and to the property 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;
- (8) the preservation of cultural and historic landmarks;
- (9) the provisions of the City Master Plan;
- (10) the provisions of any applicable Urban Renewal Plan;
- (11) all applicable standards and requirements of this article;
- (12) any other matters considered to be in the interest of the general welfare.

**LAND USE AND TRANSPORTATION COMMITTEE:**

\_\_\_\_\_  
**Chairman**

\_\_\_\_\_  
**Member**

\_\_\_\_\_  
**Member**

\_\_\_\_\_  
**Member**

\_\_\_\_\_  
**Member**

\_\_\_\_\_  
**Member**

\_\_\_\_\_  
**Member**

\_\_\_\_\_  
**Member**



**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 17-0042**

---

Introduced by: Councilmember Pinkett  
At the request of: Andre Hackett  
Address: 10006 Palatte Court, Clinton, Maryland 20735  
Telephone: 240-593-7897  
Introduced and read first time: March 20, 2017  
Assigned to: Land Use and Transportation Committee

---

Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: July 17, 2017

---

**AN ORDINANCE CONCERNING**

1                   **Zoning – Conditional Use Conversion of 1 Dwelling Unit to**  
2                   **2 Dwelling Units in the R-8 Zoning District – ~~Variance~~ Variances –**  
3                   **2304 North Fulton Avenue**

4       FOR the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to  
5       2 dwelling units in the R-8 Zoning District on the property known as 2304 North Fulton  
6       Avenue, as outlined in red on the accompanying plat; and granting a ~~variance~~ variances from  
7       certain off-street parking and lot area size requirements.

8       BY authority of  
9       Article - Zoning  
10       Section(s) 3-305(b), 14-102, 15-101, 15-202(a), 15-214, 15-218, and 15-219  
11       Baltimore City Revised Code  
12       (Edition 2000)

13       **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That  
14       permission is granted for the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning  
15       District on the property known as 2304 North Fulton Avenue, as outlined in red on the plat  
16       accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 3-305(b) and  
17       14-102, subject to the condition that the building complies with all applicable federal, state, and  
18       local licensing and certification requirements.

19       **SECTION 2. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted by Title  
20       15 of the Zoning Code of Baltimore City, specifically by §§ 15-101, 15-214, 15-218, and 15-219,  
21       permission is granted for a variance from the requirements of the Zoning Code for off-street  
22       parking.

23       **SECTION 3. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted by Title  
24       15 of the Zoning Code of Baltimore City, specifically by §§ 15-101, 15-202(a), and 15-218,  
25       permission is granted for a variance of 1.4% for lot area size.

**EXPLANATION: CAPITALS indicate matter added to existing law.**  
**[Brackets] indicate matter deleted from existing law.**  
**Underlining indicates matter added to the bill by amendment**  
**~~Strike-out~~ indicates matter stricken from the bill by**  
**amendment or deleted from existing law by amendment.**



**Council Bill 17-0042**

1        **SECTION 3 4. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the  
2 accompanying plat and in order to give notice to the agencies that administer the City Zoning  
3 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council  
4 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;  
5 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the  
6 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of  
7 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and  
8 the Zoning Administrator.

9        **SECTION 4 5. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup>  
10 day after the date it is enacted.

Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
Mayor, Baltimore City