

# LAND USE COMMITTEE

## FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE 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:

### City Council Bill No. 19-0417

#### **Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1410 West Saratoga 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 authorization will allow the applicant to use the existing structure as two dwelling units, with a 1-bedroom unit on each floor level of the structure. The establishment, location, and operation of this property as a multi-family dwelling containing two dwelling units would not be detrimental to or endanger public health, safety, or welfare.

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

The proposed use is not precluded by any other law and there is no Urban Renewal Plan for this area.

- (3) the authorization **would not** be contrary to the public interest **for the following reasons:**

The use of the property as a two-family multi-family dwelling would allow preservation of a piece of the community's traditional architectural fabric while responding to more contemporary, smaller-scale residential needs in a location with convenient access to downtown for residents of the two dwelling units. Additionally, the authorization could advance the public interest by creating housing affordable to moderate-income families.

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

The use of the property as a two-family multi-family dwelling would allow preservation of a piece of the community's traditional architectural fabric while responding to more contemporary, smaller-scale residential needs in a location with convenient access to downtown for residents of the two dwelling units. Additionally, the authorization could create housing affordable for moderate-income families.

After consideration of the following, **where applicable (fill out all that are *only* relevant):**

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;

The property measures approximately 14' 9" by 107' 7" and is currently improved with a two-story attached residential building measuring approximately 14' 9" by 50'. The nature of the proposed site, including its size and shape, are adequate for the proposed use.

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

There will be no negative impact to traffic patterns. While no off-street parking space would be provided on this property, the available on-street parking inventory is greater than the demand for on-street parking in the area. The site is located in a dense, walkable neighborhood that is served by public transportation.

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

Most of the housing in this area was originally developed in the mid-19th Century. There are also scattered nonresidential uses such as offices, churches and small businesses in the area. Directly opposite this property is Franklin Square Elementary School. During the 20th Century many of the single-family dwellings in the area were converted to multi-family or residential mixed-use structures. The proposed use would be consistent with other residential and mixed uses in the area and would allow continuing use of a structure that contributes to the neighborhood.

- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;

There will be no negative impact resulting from proximity to dwellings, churches, schools, public structures, and other places of public gathering.

- (5) accessibility of the premises for emergency vehicles;

There is adequate accessibility of the premises for emergency vehicles.

- (6) accessibility of light and air to the premises and to the property in the vicinity;

There is adequate light and air to the premises and to properties in the vicinity.

- (7) the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;

Adequate utilities, access roads, drainage, and other necessary facilities have been provided.

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

The proposed use will not interfere with preservation of cultural and historic landmarks and structures. Approving the property for use as a two-family multi-family dwelling would allow preservation of a piece of the community's traditional architectural fabric while responding to more contemporary, smaller-scale residential needs in a location with convenient access to downtown for residents of the two dwelling units.

- (9) the character of the neighborhood;

Most of the housing in this area was originally developed in the mid-19th Century. There are also scattered nonresidential uses such as offices, churches and small businesses in the area. Directly opposite this property is Franklin Square Elementary School. During the 20th Century many of the single-family dwellings in the area were converted to multi-family or residential mixed-use structures. The proposed use would not alter the character of the neighborhood.

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

The proposed use supports the goals of the Comprehensive Master Plan for Baltimore, specifically Live Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 1: Expand Housing Choices for all Residents. The use of the property as a two-family multi-family dwelling would allow preservation of a piece of the community's traditional architectural fabric while responding to more contemporary, smaller-scale residential needs in a location with convenient access to downtown for

residents of the two dwelling units. Additionally, the authorization could create housing affordable for moderate-income families.

- (11) the provisions of any applicable Urban Renewal Plan;

There is no Urban Renewal Plan for this area.

- (12) all applicable standards and requirements of this Code;

The proposed use requires variances from the gross floor area, gross floor area per unit type, and off-street parking requirements of the Zoning Code. With the variances, the proposed use meets all applicable standards and requirements of the Zoning 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 that may be considered to be in the interest of the general welfare.

**FINDINGS OF FACT FOR VARIANCE**

**City Council Bill No. 19-0417**

MOTION OF THE CHAIR OF THE LAND USE 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 THE PROPERTY LOCATED AT:

**Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1410 West Saratoga Street**

**VARIANCE FROM GROSS FLOOR AREA REQUIREMENTS**

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*(Use a separate Variance form for each Variance sought in the bill)*

**THRESHOLD QUESTION:**

- In accordance with Section 5-305(c), it has been determined that there is no written decision by the Board of Municipal and Zoning Appeals on an application for this same subject matter.*

**HARDSHIP OR PRACTICAL DIFFICULTY:**

*The City Council has considered at least one of the following:*  
(check all that apply to evidence consideration)

- The physical surroundings around the **STRUCTURE / LAND** involved;  
*(underline one)*
- The shape of the **STRUCTURE / LAND** involved;  
*(underline one)*
- The topographical conditions of the **STRUCTURE / LAND** involved.  
*(underline one)*

*and finds either that:*

- (1) An unnecessary hardship **WOULD / WOULD NOT** exist if the strict letter of the  
*(underline one)*  
applicable requirement from which the variance is sought were applied because:

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*or that:*

(2) Practical difficulty WOULD / **WOULD NOT** exist if the strict letter of the  
(*underline one*)  
applicable requirement from which the variance is sought were applied because:

There is a practical difficulty with complying with the gross floor area standard in the Zoning Code that has not been caused by the action or inaction of any person with a present interest in this property. 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 existing structure contains approximately 1,475 square feet of gross floor area.

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.

## FINDINGS OF FACT FOR VARIANCE

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#### **Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1410 West Saratoga Street**

#### **VARIANCE FROM GROSS FLOOR AREA PER UNIT TYPE REQUIREMENTS**

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*(Use a separate Variance form for each Variance sought in the bill)*

#### **THRESHOLD QUESTION:**

- In accordance with Section 5-305(c), it has been determined that there is no written decision by the Board of Municipal and Zoning Appeals on an application for this same subject matter.*

#### **HARDSHIP OR PRACTICAL DIFFICULTY:**

*The City Council has considered at least one of the following:*  
(check all that apply to evidence consideration)

- The physical surroundings around the **STRUCTURE / LAND** involved;  
*(underline one)*
- The shape of the **STRUCTURE / LAND** involved;  
*(underline one)*
- The topographical conditions of the **STRUCTURE / LAND** involved.  
*(underline one)*

*and finds either that:*

- (1) An unnecessary hardship **WOULD / WOULD NOT** exist if the strict letter of the  
*(underline one)*  
applicable requirement from which the variance is sought were applied because:

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*or that:*

- (2) Practical difficulty WOULD / **WOULD NOT** exist if the strict letter of the  
(*underline one*)  
applicable requirement from which the variance is sought were applied because:

There is a practical difficulty with complying with the gross floor area per unit type requirement in the Zoning Code that has not been caused by the action or inaction of any person with a present interest in this property. 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 existing structure contains approximately 700 square feet of floor area on each of its two levels. Neither floor of the structure can provide sufficient floor area to meet the Zoning Code requirement for the planned 1-bedroom dwelling units.

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.



**FINDINGS OF FACT FOR VARIANCE**

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**Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1410 West Saratoga Street**

**VARIANCE FROM OFF-STREET PARKING REQUIREMENTS**

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*(Use a separate Variance form for each Variance sought in the bill)*

**THRESHOLD QUESTION:**

- In accordance with Section 5-305(c), it has been determined that there is no written decision by the Board of Municipal and Zoning Appeals on an application for this same subject matter.*

**HARDSHIP OR PRACTICAL DIFFICULTY:**

*The City Council has considered at least one of the following:*  
(check all that apply to evidence consideration)

- The physical surroundings around the **STRUCTURE / LAND** involved;  
*(underline one)*
- The shape of the **STRUCTURE / LAND** involved;  
*(underline one)*
- The topographical conditions of the **STRUCTURE / LAND** involved.  
*(underline one)*

*and finds either that:*

- (1) An unnecessary hardship **WOULD / WOULD NOT** exist if the strict letter of the applicable requirement from which the variance is sought were applied because:

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*or that:*

(2) Practical difficulty WOULD / **WOULD NOT** exist if the strict letter of the  
(*underline one*)  
applicable requirement from which the variance is sought were applied because:

There is a practical difficulty with complying with the off-street parking requirements in the Zoning Code that has not been caused by the action or inaction of any person with a present interest in this property. 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 property cannot provide the required off-street parking without the removal of green space in the rear yard.

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 Report – Planning Commission’s report, dated September 13, 2019, which included the Department of Planning Staff Report, dated September 12, 2019.

[X] Testimony presented at the Committee hearing

Oral – Witness Name:

- Martin French, Baltimore City Department of Planning
- Victor Tervalá, Department of Law
- Representatives from other City agencies

Written – Submitted by: (Include documents that have relevant facts only)

- Department of Transportation, Agency Report – Dated September 9, 2019
- Board of Municipal and Zoning Appeals, Agency Report – Dated June 12, 2020
- Law Department, Agency Report – Dated March 12, 2020
- Department of Housing and Community Development, Agency Report – Dated June 11, 2020
- Baltimore Development Corporation, Agency Report – Dated September 13, 2019
- Fire Department, Agency Report – Dated August 19, 2019
- Parking Authority, Agency Report – Dated August 13, 2019