

LAND USE COMMITTEE

FINDINGS OF FACT

City Council Bill No. 20-0525

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:

Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variance - 316 East 21st 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, each a 2-bedroom unit, using all floors plus the basement 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 or 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 14'3" by 79' and is currently improved with a three-story attached residential structure, constructed before 1900, measuring approximately 14'3" by 53'. 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. The property can provide the required off-street parking space and 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;

The property is part of the Barclay community, which grew in the 1880s following establishment of the Women's College of Baltimore, which became Goucher College a few years later, to the west. The area has predominantly attached housing, with a few commercial uses mixed in closer to Greenmount Avenue to the east and closer to North Avenue to the south. To the north is the 25th Street commercial-office-residential corridor. To the south is the commercial corridor of North Avenue which also includes the headquarters of the Baltimore City Public Schools System located in the "Old Poly[technical Institute]" building.

The community has recently seen considerable redevelopment and revitalization activity associated with the Barclay-Greenmount People's Homestead Historic District to the northeast of the property along East 22nd Street, and the multi-phase Telesis Corporation development of new and rehabilitated housing on several blocks in the vicinity of this

property. The proposed use would be consistent with other 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. Authorizing 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.

- (9) the character of the neighborhood;

The property is part of the Barclay community, which grew in the 1880s following establishment of the Women's College of Baltimore, which became Goucher College a few years later, to the west. The area has predominantly attached housing, with a few commercial uses mixed in closer to Greenmount Avenue to the east and closer to North Avenue to the south. To the north is the 25th Street commercial-office-residential corridor. To the south is the commercial corridor of North Avenue which also includes

the headquarters of the Baltimore City Public Schools System located in the "Old Poly[technical Institute]" building.

The community has recently seen considerable redevelopment and revitalization activity associated with the Barclay-Greenmount People's Homestead Historic District to the northeast of the property along East 22nd Street, and the multi-phase Telesis Corporation development of new and rehabilitated housing on several blocks in the vicinity of this property. 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;

The proposed use does not conflict with any applicable Urban Renewal Plan.

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

The proposed use requires a variance from the lot area requirements of the Zoning Code. With the variance, 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. 20-0525

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 - Variance - 316 East 21st Street

VARIANCE FROM LOT AREA REQUIRMENTS

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

THRESHOLD QUESTION:

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

HARDSHIP OR PRACTICAL DIFFICULTY:

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

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

and finds either that:

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

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 lot 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 subject lot only contains 1,125 square feet, which is unusually small for properties within the R-8 Zoning District.

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 May 28, 2020, which included the Department of Planning Staff Report, dated May 28, 2020.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- Martin French, Planning Department
- Victor Tervalá, Law Department

Written:

- Department of Transportation, Agency Report – Dated July 13, 2020
- Board of Municipal and Zoning Appeals, Agency Report – Dated June 29, 2020
- Law Department, Agency Report – Dated June 30, 2020
- Department of Housing and Community Development, Agency Report – Dated July 7, 2020
- Baltimore Development Corporation, Agency Report – Dated June 29, 2020
- Fire Department, Agency Report – Dated May 5, 2020
- Parking Authority, Agency Report – Dated June 2, 2020

COMMITTEE MEMBERS VOTING IN FAVOR

Edward Reisinger, Chair
Shannon Sneed, Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Sharon Green Middleton
Leon Pinkett
Robert Stokes