

**FINDINGS AND RECOMMENDATION
OFFICE OF PLANNING AND ZONING
ANNE ARUNDEL COUNTY, MARYLAND**

APPLICANT: Emanuel Komninos

ASSESSMENT DISTRICT: 5th

CASE NUMBER: 2024-0105-V

COUNCILMANIC DISTRICT: 1st

HEARING DATE: September 3, 2024

PREPARED BY: Donnie Dyott Jr.
Planner



REQUEST

The applicant is requesting a variance to allow a multifamily dwelling (5 units) with no commercial floor area and with greater density than allowed on property located at 602 Church Street in Baltimore.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of approximately 10,665 square feet of land and is identified as Lots 6-8 of Parcel 15 in Block 20 on Tax Map 2 in the Brooklyn View subdivision.

The property is zoned C1 - Local Commercial District as adopted by the comprehensive zoning for Councilmanic District 1, effective July 10, 2011. The property is outside of the Chesapeake Bay Critical Area, and is currently improved with a 5 unit multifamily dwelling and associated facilities.

APPLICANT'S PROPOSAL

The property is currently improved with a 2 ½ story 5 unit multifamily dwelling that has no commercial component. The applicant is seeking variances to allow the multifamily dwelling to remain with no commercial use and at a greater density than allowed.

REQUESTED VARIANCES

§ 18-10-125(1) of the Anne Arundel County Zoning Code stipulates that multifamily dwellings in a C1 district cannot exceed a net density of 12 units per acre. The 5 unit multifamily dwelling on the property represents a density of 20.4 units per acre, necessitating a variance of 9 units per acre.

§ 18-10-125(2) of the Anne Arundel County Zoning Code stipulates that multifamily dwelling development shall include commercial uses that equal at least 25% of the floor area in a C1 District. The existing building contains no commercial use, necessitating a variance of 25% to the required commercial floor area requirement.

FINDINGS

The applicant describes that they have owned the property since November 2001 and at that time and ever since, the building has been a 5 unit multifamily dwelling with no commercial use. No changes have been made to the structure other than routine maintenance. The owner would like to keep the current configuration based on the continual and historic use of the structure.

The **Health Department** commented that the property is served by public water and sewer facilities and has no objection to the request.

The **Office of the Fire Marshall** deferred to the Office of Planning and Zoning and the Department of Inspections and Permits.

With respect to the variance standards, this Office does recognize that the longstanding use of the property as a multifamily dwelling would make complying with the density and commercial use requirements difficult and may cause practical difficulties to the applicant. The property has had a valid Multiple Dwelling License (MDL-348) for 4 units that was issued in 1998 and expired this year. Given the historic use of the site as a multifamily dwelling there is no evidence that the variances would alter the essential character of the neighborhood, be detrimental to the public welfare or have negative effects on adjoining properties.

However, the variances as requested are not considered the minimum necessary to afford relief in this case. Given that the property's multiple dwelling license has historically been for 4 units, it is the opinion of this Office that variances to recognize a 4 unit multifamily dwelling would represent the minimum necessary.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends ***approval*** of a modified zoning variance to §18-10-125(1) of 5 units per acre to allow a 4 unit multifamily dwelling with a density of 16.3 units per acre and ***approval*** of a zoning variance to §18-10-125(2) of 25% to allow a multifamily dwelling with 0% commercial use.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) shall apply for and obtain the necessary building permits and obtain any other approvals required to perform the work described herein. This includes but is not limited to verifying the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.

REF: #602 CLUB ST.

KEMN INC. W.G.L. L. 2843/264
ACCT# 02722100

#610 CLUB ST. #3432 WASENA AVE.

KEMN INC. W.G.L. L. 2843/259
ACCT# 02717400

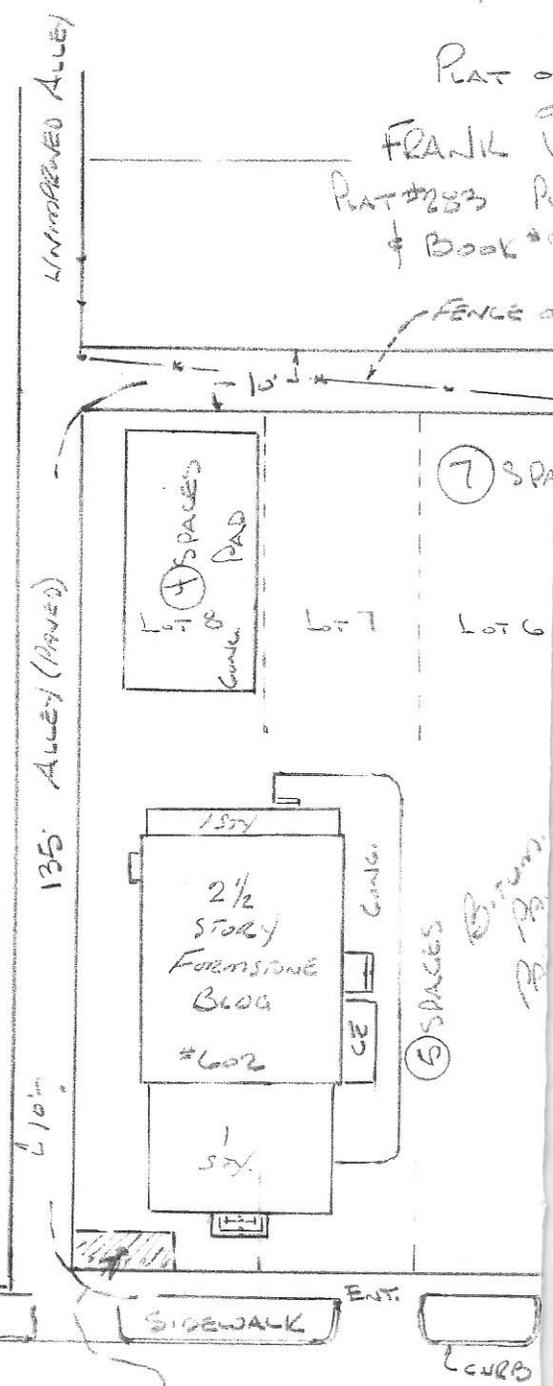
(25) PAINTED PARKING SPACES

* S.H.A. R/W PLATS/DEEDS

RIGHT-OF-WAY LINE
S.H.A. PLAT: 55134

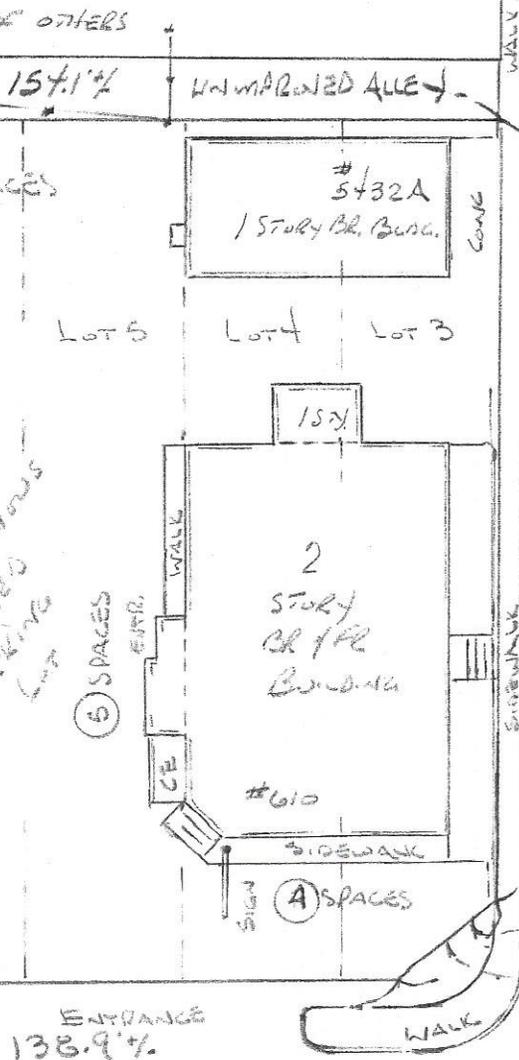
PERPETUAL EASEMENT
FOR DRAINAGE
FACILITY

* DEED: LIBEL 13507
Folio 020.2t
S.H.A. PLAT: #55615

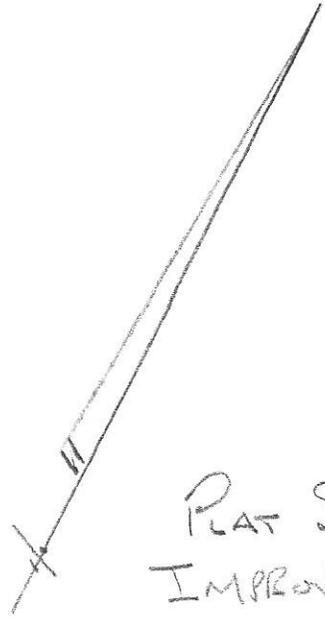


CHURCH

F PROPERTY Lot 10
 F NASIELEWSKI
 AT BOOK F.S.R. N# 1022
 1029 Lot 9



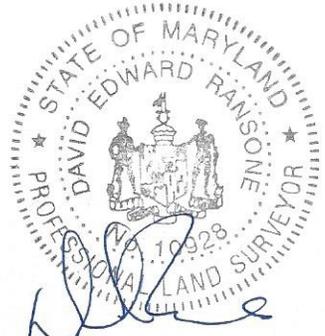
WASENA AVENUE



PLAT SHOWING
 IMPROVEMENTS K/A
 #602 / #610 CHURCH STREET
 #5432 WASENA AVENUE
 5th DIST. - ANNE ARUNDEL CO. MD

RIGHT OF WAY LINE
 *DEED: LIBER 9829
 FOLIO 779, etc.
 SHA PAT: 55134
 19.86'

STREET - MD Rte. 171



[Signature]
 C.C. Renew 6-17-16

SCALE = 1" = 30' MARCH 27, 2015
 PREPARED BY:
 DAVID RANSOME - LAND SURVEYOR
 MD#10928
 204 RIDGE AVE
 TOWSON, MD 21286 410.287.8358

May 9, 2024

Anne Arundel County
Zoning Administration

RE: 602 Church Street
Baltimore, MD 21225

To whom it may concern:

I, Emanuel P. Kompinos the owner of 602 Church Street, 610 Church Street and 5432 Wasena Avenue the operator of KEMN., Inc. I have been the owner since November 2001. When I took over all this it was as follows and continues to remain the same:

- 610 Church Street
 - Bar Restaurant and 5 apartments
- 602 Church Street
 - 5 Apartments
- 5302 Wasena Street
 - 2 Apartments

The regular maintenance and upkeep of the buildings has always been a priority and keeping everything updated. Everything onsite remains the same as per the original structure, foundation etc. When initially buying and arriving to take over the business and property all apartments were rented and the one apartment at 602 Church Street facing the street was occupied by 2 brothers who also did baseball trading and lived on the premises. I did not make any changes to that apartment till 2020 after about 25 or so years later that the brothers moved out, because as I mentioned they were already living there. Taking into consideration they were there for at least 20 years, plus the years prior of course the apartment needed some alterations, such as removal of old destroyed flooring, painting, installation of new bathroom sink, toilet and some other repairs in the bathroom. After these repairs were completed and I rented it out again.

Then when I noticed it was 4 vs the 5 apartments registered, I wanted to make this correct and this is where, I received a call telling me this was to be retail, but this was not something I was aware of in the past. I tried through many calls to get answers on how we can make this correct and I was directed to an online platform to find the information under zoning and proceed in that manner.

Just want to confirm that there have been no changes to the structure, foundation, sidewalks, parking, lot, etc.

Kindly asking your understanding and am here to help with any questions or concerns you may have, please do not hesitate to contact me at (410-789-3848).

Sincerely,

A handwritten signature in cursive script, appearing to read "Emanuel Komninos". The signature is written in black ink and is positioned above a horizontal line.

Emanuel P. Komninos

2024-0105-V

Menu Cancel Help

Task Details Fire Marshal

Assigned Date

06/20/2024

Assigned to

Robert Flynn

Current Status

Complete w/ Comments

Action By

Robert Flynn

Comments

Defer to OPZ and Inspection and Permitting

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

Due Date

07/11/2024

Assigned to Department

Fire Marshal's Office

Status Date

06/20/2024

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

Fire Marshal's Office

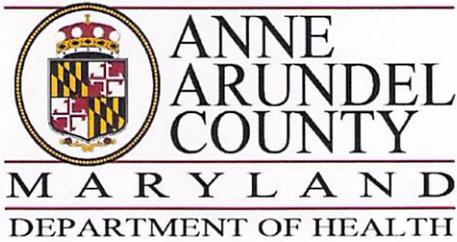
Est. Completion Date

Display E-mail Address in ACA

Display Comment in ACA

Task Specific Information

Expiration Date	Review Notes	Reviewer Name
Reviewer Phone Number	Reviewer Email	



J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
Maryland Relay (TTY): 711
www.aahealth.org

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sadé Medina, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager
Bureau of Environmental Health *BC*

DATE: June 27, 2024

RE: KEMN, Inc.
602 Church Street Apt. #5
Brooklyn Park, MD 21225

NUMBER: 2024-0105-V

SUBJECT: Variance/Special Exception/Rezoning

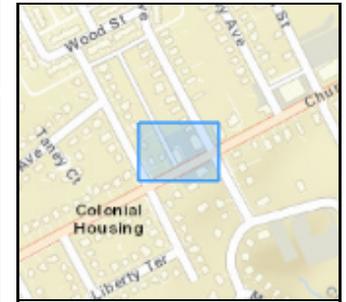
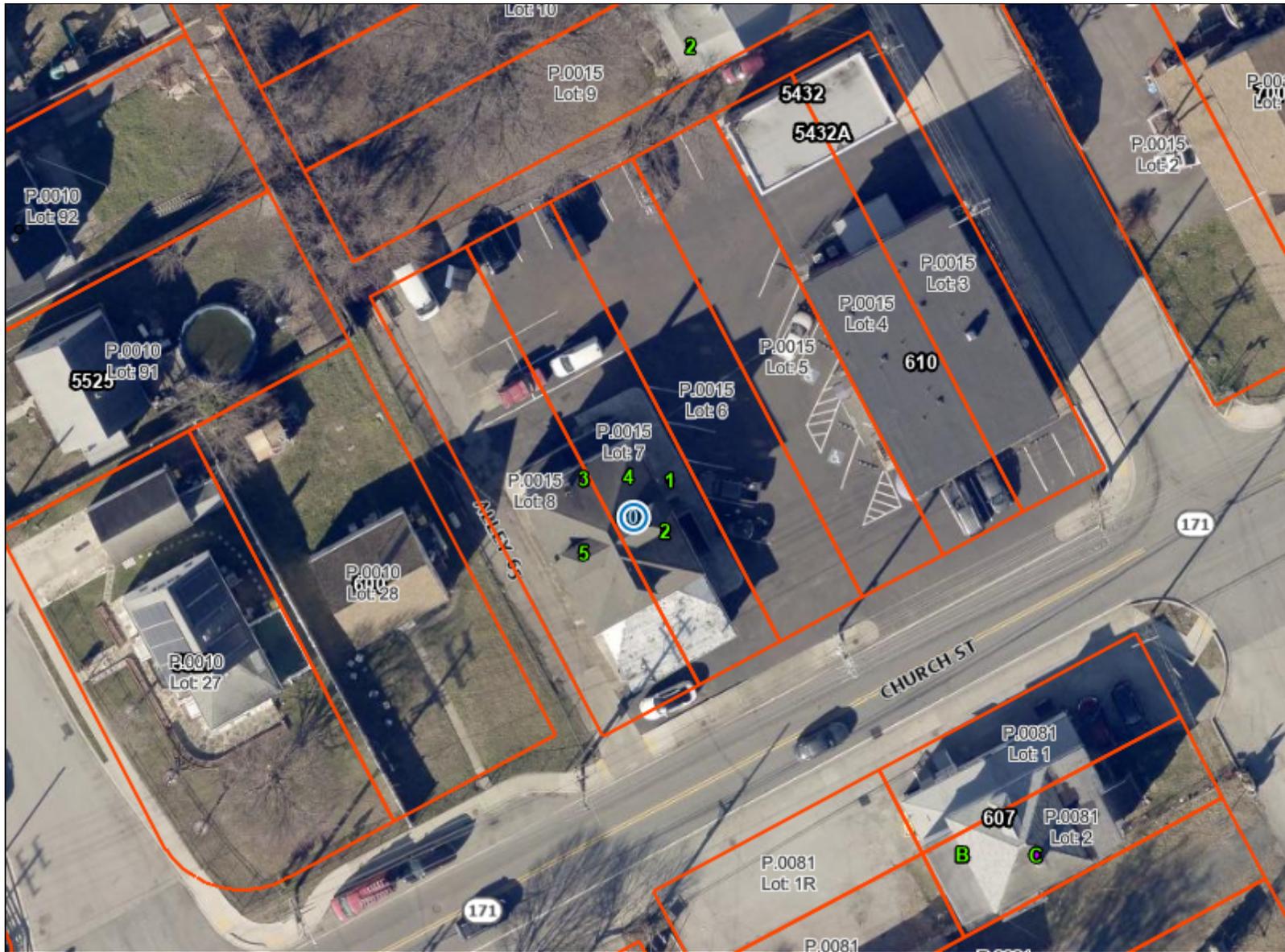
The Health Department has reviewed the above referenced variance to allow a Multifamily dwelling (5 units) with no commercial floor area and with greater density than allowed.

The Health Department has reviewed the above-referenced request. The property is served by public water and sewer facilities. The Health Department has no objection to the above-referenced request.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay

Map Title



Legend

Foundation

Addressing



Parcels



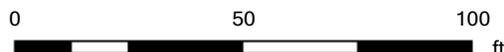
Parcels - Annapolis City



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

none

Notes



THIS MAP IS NOT TO BE USED FOR NAVIGATION