
CITY OF BALTIMORE

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Mayor



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April 8, 2025

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

Re: City Council Bill 25-0020 – Zoning – Conditional Use Conversion of Single-Family Dwelling Unit to 3 Dwelling Units in the R-8 Zoning District – Variances – 2001 West Baltimore Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 25-0020 for form and legal sufficiency. The bill would permit, subject to certain conditions, the conversion of a single-family dwelling unit to 3 dwelling units in the R-8 Zoning District on the property known as 2001 West Baltimore Street (Block 0206, Lot 045), as outlined in red on the accompanying plat; granting variances regarding certain bulk regulations (lot size area) and off-street parking requirements; and providing for a special effective date.

Conditional Use Standards

The conversion of a single-family dwelling to a multi-family dwelling in an R-8 Zoning District requires conditional-use approval by ordinance. Baltimore City Code, Art. 32, § 9-701(2). The only properties eligible for conversions are those that were “originally constructed as a single-family dwelling” and contain “1,500 square feet or more in gross floor area” exclusive of the basement. Baltimore City Code, Art. 32, § 9-703(b). The Planning Commission Report indicates that this property was originally constructed as a single-family dwelling with a total lot area of 1,350 square feet, requiring a variance of 28%.

When a property is converted to multiple dwelling units, as in this bill, each unit must have a certain amount of square feet of gross floor area depending on the number of bedrooms in the unit. Baltimore City Code, Art. 32, § 9-703(c). In this case, according to the Planning Commission Report, the conversion proposed is for three 1-bedroom dwelling units. One-bedroom dwellings are required to have at least 750 square feet. Baltimore City Code, Art. 32, § 9-703(c)(1). The Planning Commission Report (“Report”) notes that two of the proposed one-bedroom dwelling units would only contain 600 square feet, requiring a 20% variance of this requirement. While the original bill does not include this variance, the Report includes this amendment.

To approve a conditional use, the City Council must find:

- (1) the establishment, location, construction, maintenance, or operation of the conditional use or sign would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use or sign would not be precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization would not be contrary to the public interest; and
- (4) the authorization would be in harmony with the purpose and intent of this Code.

Baltimore City Code, Art. 32, § 5-406(b).

Variance Standards

The bill also contains a 100% variance for off-street parking requirements. Dwellings that are to be converted must have one off-street parking space per converted dwelling unit. City Code, Art. 32, §§ 9-703(f); 9-804; 16-203, 16-602; Tbl. 16-406. Since the property does not provide off-street parking, a 100% variance is needed.

To grant a variance, the City Council must find that, “because of the particular physical surroundings, shape, or topographical conditions of the specific structure or land involved, an unnecessary hardship or practical difficulty, as distinguished from a mere inconvenience, would result if the strict letter of the applicable requirement were carried out.” Baltimore City Code, Art. 32, § 5-308(a). The City Council must also make seven other findings:

- (1) the conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification;
- (2) the unnecessary hardship or practical difficulty is caused by this Code and has not been created by the intentional action or inaction of any person who has a present interest in the property;
- (3) the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;
- (4) the variance will not: (i) be injurious to the use and enjoyment of other property in the immediate vicinity; or (ii) substantially diminish and impair property values in the neighborhood;
- (5) the variance is in harmony with the purpose and intent of this Code;
- (6) the variance is not precluded by and will not adversely affect: (i) any Urban Renewal Plan; (ii) the City’s Comprehensive Master Plan; or (iii) any Historical and Architectural Preservation District; and
- (7) the variance will not otherwise: (i) be detrimental to or endanger the public health, safety, or welfare; or (ii) be in any way contrary to the public interest.

Baltimore City Code, Art. 32, § 5-308(b).

The Report notes that the lack of off-street parking may have some impact on neighborhood parking demand, but the area is well-served by public transit.

Planning Commission Recommendation

The Report notes that the conversion of this property from a single-family dwelling into three dwelling units is supported by the property's location in a dense rowhouse neighborhood and that the conversion is consistent with housing patterns in the area. Staff also notes that the variances are moderate and allow for reuse of the structure without significant modifications.

Procedural Requirements

Certain procedural requirements apply to this bill because both conditional uses and variances are considered "legislative authorizations." Baltimore City Code, Art. 32, § 5-501(2). Specifically, notice requirements apply to the bill, and it must be referred to certain City agencies, which are obligated to review it in a specified manner. Baltimore City Code, Art. 32, §§ 5-504, 5-506, 5-602. The City Council must consider the above law at the scheduled public hearing wherein it will hear and weigh the evidence to make findings of fact as outlined above. Baltimore City Code, Art. 32, § 5-602. If the Committee makes findings that support the conditional use and the variances sought, it may adopt those findings and the legal requirements will be met. Finally, certain limitations on the City Council's ability to amend the bill apply. Baltimore City Code, Art. 32, § 5-507(c).

This bill is the appropriate method to review the facts and make the determination as to whether the legal standards for a conditional use and variances have been met. Assuming the bill is amended to include the variance for gross floor area, required findings are made at the hearing and all procedural requirements are satisfied, the Law Department can approve the bill for form and legal sufficiency.

Sincerely,



Desiree Luckey
Assistant Solicitor

cc: Ebony Thompson, City Solicitor
Ty'lor Schnella, Mayor's Office of Government Relations
Hilary Ruley, Chief Solicitor, General Counsel Division
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