

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

June 6, 2011

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

Attn: Karen Randle
Executive Secretary

Re: City Council Bill No. 11-0676 –Zoning – Conditional Use Housing for
the Elderly – 4300 Frederick Avenue

Dear President and City Council Members:

You have requested the advice of the Law Department regarding City Council Bill 11-0676. City Council Bill 676 permits the establishment, maintenance and operation of housing for the elderly on the property known as 4300 Frederick Avenue.

The Law Department has attempted to establish the current zoning on this property but has not been able to do so as the property referred to in the bill as 4300 Frederick Avenue does not exist in City property records. The Applicants intend to consolidate two lots to create 4300 Frederick Avenue but that has not taken place. Since this property does not exist, the Law Department is unable to say that a conditional use for housing for the elderly would be authorized under the Zoning Code. In addition, advertising of the legislation would be inadequate as the information in the advertisement would be inaccurate and would not give notice of which property was effected by the proposed conditional use. The Zoning Code Section 16-202 (c)(3) requires that the introductory statement of intent include the applicable land record reference. No land record reference exists for 4300 Frederick Avenue. In addition, Section 16-402 (b)(2) requires posting in a conspicuous place on the property in question prior to the hearing. If the property does not exist can not be posted and the posting that did occur would be misleading as to what property is the subject of the ordinance.

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City Council Bill 11-0676

June 6, 2011

Page 2

Accordingly the Law Department does not approve City Council Bill 10-0676 for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro
Chief Solicitor

cc: George A. Nilson, City Solicitor
Angela Gibson, City Council Liaison, Mayor's Office
Hilary Ruley
Ashlea Brown
Victor Tervalo