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CITY OF BALTIMORE

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Mayor



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November 13, 2025

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

Re: City Council Bill 25-0091 – Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 4 Dwelling Units in the R-8 Zoning District – Variance – 1425 West Fayette Street

Dear President and City Council Members:

The Law Department reviewed City Council Bill 25-0091 for form and legal sufficiency. The bill would permit, subject to certain conditions, the conversion of a single-family dwelling unit to 4 dwelling units in the R-8 Zoning District on the property known as 1425 West Fayette Street (Block 0197, Lot 013) and granting a variance from lot size area requirements. The ordinance would take effect on the date of its enactment.

#### Conditional Use Standards

The conversion of a single-family dwelling to a multi-family dwelling in an R-8 District requires conditional-use approval by ordinance. Baltimore City Code, Art. 32, § 9-701(2). To approve a conditional use, the City Council must find:

1. the establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;
2. the use 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). In making these findings, the City Council must be guided by fourteen “considerations” involving such things as the “nature of the surrounding area and the extent to which the proposed use might impair its present and future development,” “the character of the neighborhood,” and “the resulting traffic patterns and adequacy of proposed off-street parking.” Baltimore City Code, Art. 32, § 5-406(a).

## Variance Standards

To grant a variance, the City Council must find that, “because of the conditions peculiar to the property, including particular physical surroundings, shape, or topographical conditions of the specific structure or land involved” or “because of exceptional circumstances related to the specific structure or land involved,” a practical difficulty, as distinguished from a mere inconvenience, would result from a strict application of the law’s requirements. Baltimore City Code, Art. 32, § 5-308(a). The City Council must also make six other findings:

1. the 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;
2. the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;
3. 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;
4. the variance is in harmony with the purpose and intent of this Code;
5. 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
6. 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). It is important to note that all of these criteria must be found, in addition to a finding of practical difficulty. Baltimore City Code, Art. 32, § 5-308(a).

## Planning Commission Recommendations

During its September 18, 2025, hearing, the Planning Commission postponed consideration of Council Bill 25-0091 pending receipt of additional information from the applicant. The Planning Commission continued the hearing of Council Bill 25-0091 on October 30, 2025. The Planning Commission, following the recommendation of the Staff Report, voted to approve the conditional use conversion. However, the Planning Commission took no position on the lot size variance request and noted that “upon the approval of CCB#25-0064, the variance will no longer be required.” Council Bill 25-0064 which amended lot size requirements was approved by the Mayor on November 3, but by its terms will take effect on December 3. If Council Bill 25-0091 is approved after December 3 and the lot size variance is no longer required, the presence of the lot size variance request will not prevent the bill from taking effect if it is approved by the City Council.

The subject property is located in the Franklin Square neighborhood within the boundaries of the Franklin Square National Register Historic District, but not within a local CHAP district. The property is not located within an Urban Renewal Plan area. The subject property is vacant, and in shell condition. The surrounding rowhouses are a mix of occupied and vacant properties. The property is one block south of a commercial corridor on West Baltimore Street.

The City's 2024 Comprehensive Master Plan designates the subject property as "residential: higher density." The Planning Report notes that this conversion conforms to that designation. The Staff Report states that "[r]ehabilitating this vacant structure will return it to productive use."

The Staff Report notes that for four unit structures in the R-8 zoning district multi-family dwellings currently require 2,625 square feet of lot area. The lot size of the property is 1,755 square feet. The Planning Report notes that a variance of 870 square feet or 33% is required and has been requested in Council Bill 25-0091. The Planning Report finds that the proposed variance meets the standard for practical difficulty as defined by the Code, and the reduced lot size is typical for the block and will not hinder access to light, air, or utilities. The Code removes off-street parking requirements for dwellings up to 3 units. See Baltimore City Code Art. 32, § 16-601(b)(1). Therefore, one off-street parking space would be required for the fourth unit. Baltimore City Zoning Table 16-406. The Planning Report notes, however, that parking will be provided for three to four vehicles.

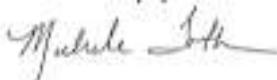
The Franklin Square Community Association supports this zoning application. An equity analysis is included in the Planning Report.

#### Hearing Requirements

Certain procedural requirements apply to this bill beyond those discussed above because an ordinance that authorizes a conditional use or a variance is considered a "legislative authorization." Baltimore City Code, Art. 32, § 5-501(2)(i) and (ii). Specifically, notice requirements apply to the bill, and the bill must be referred to certain City agencies which are obligated to review the bill in a specified manner. Baltimore City Code, Art. 32, §§ 5-504, 5-506, 5-602. Finally, certain limitations on the City Council's ability to amend the bill apply. Baltimore City Code, Art. 32, § 5-507.

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standards for a conditional use and, if necessary, for a variance have been met. Assuming the 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 yours,



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