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# MEMORANDUM

To: The Honorable Members of the Land Use & Transportation Committee  
From: Justin A. Williams, Interim Executive Director  
CC: Geoffrey Veale, Zoning Administrator  
Date: June 23, 2026  
Re: CCB #26-0153 – Measurement of Building Height – Gambrel Roofs

*This report is submitted by the staff of the Board to assist the Council in its consideration of CCB 26-0253.*

The Board of Municipal and Zoning Appeals supports City Council Bill #26-0153 and recommends that the Council adopt the Planning Commission’s proposed amendment, which extends the bill’s loophole-closing logic to all pitched-roof styles rather than gambrel roofs alone. The Board further recommends that the Council make a brief finding on the record addressing the extent to which the amendment may create non-conformities, as required by the approval standards for text amendments under § 5-508(c)(5).

## **A. Background.**

The bill responds directly to a circumstance that arose in a BMZA proceeding. In 2024, a new dwelling was constructed at 6702 Boston Avenue outside the bulk and yard regulations of the R-3 Detached Residential District without required permits. When the owner sought retroactive zoning approval through BMZA Appeal No. 2024-272, counsel for the applicant successfully argued that the building’s height was compliant with the 35-foot maximum under the existing methodology in § 15-301(a)(2)(ii)(B). (See Figure 1 on following page for elevation). That provision measures height for pitched-roof buildings “to the mean height level of the roof as measured between the eaves and the peak.” Because the eaves of the gambrel roof were positioned below the third floor of habitable space, the measured height fell within the limit even though the building reaches 37.38 feet at its peak and was significantly out of scale with the surrounding neighborhood.

## **B. Proposal.**

The bill adds a third height-measurement endpoint to § 15-301(a)(2)(ii), applicable to gambrel roofs specifically: height is measured to the mean height between the lowest point of the highest sloped portion of the roof and the peak of that portion. This prevents the manipulation used at 6702 Boston Avenue, where artificially lowered eaves reduced the technical building height while habitable space continued above.

## **C. Planning Commission Amendment.**

The Planning Commission recommended approval with an amendment that also modifies the existing pitched-roof rule in § 15-301(a)(2)(ii)(B), substituting “the top of

the highest wall plate” for “the eaves” as the lower reference point. The Board staff concurs with the Commission’s analysis that without this broader fix, the same eave-manipulation technique could be applied to hip, mansard, shed, or other pitched-roof configurations to achieve the same out-of-scale result. The Board therefore recommends adoption of the bill as amended.

**D. Nonconformity Consideration.**

Under § 5-508(c)(5), the Council must consider the extent to which a text amendment would create nonconformities. The amended measurement methodology applies prospectively, but any existing structure whose permitted height was established under the current eaves-to-peak formula and that would exceed the applicable limit when measured from the top of the highest wall plate will become a legal nonconformity upon enactment. The practical impact is likely limited, as most existing structures with conventional roof designs will remain compliant. The Board does not view this as a basis for opposing the bill as the public benefit of a uniform, manipulation-resistant height standard outweighs the modest nonconformity risk; however, the Council may wish to consider whether any grandfathering language is appropriate for structures currently under construction in reliance on the existing formula.

For any questions regarding this report or to discuss these concerns further, please contact **Justin Williams** at [justin.williams@baltimorecity.gov](mailto:justin.williams@baltimorecity.gov) or (410) 396-4301.

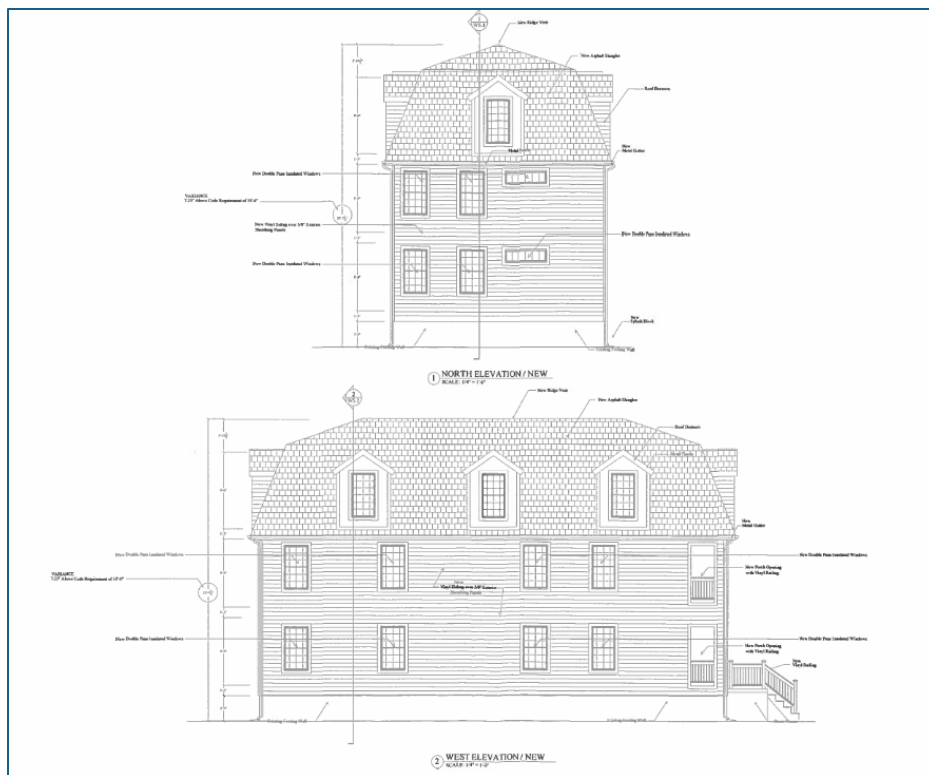


Figure 1 – Elevation of Dwelling with Gambrel Roof Presented to BMZA in Appeal No. 2024-272