
CITY OF BALTIMORE

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Mayor



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October 14, 2020

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

Re: Mayor and City Council Bill 20-0617 – Zoning– Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 1801 Hollins Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 20-0617 for form and legal sufficiency. The bill would permit the conversion of a single-family dwelling unit at 1801 Hollins Street to become 2 dwelling units. The bill would also authorize a variance for lot size and for parking.

In general, a conversion of a single-family to a multiple family dwelling can occur only in the R-7 through R-10 Districts and only if the structure was originally constructed as a single-family dwelling and has at least 1,500 square feet or more in gross floor area. Baltimore City Code, Art. 32, §§ 9-701; 9-703.

When a property is converted to multiple dwelling units, as is requested 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, the conversion proposed is for two new dwellings. Each one-bedroom unit is required to have 750 square feet. Baltimore City Code, Art. 32, § 9-703(c)(1). Thus, a total of 1,500 square feet of space is required but the property has only 875 square feet, according to the Planning Report. Thus, a variance for floor area is required.

Additionally, at least one off-street parking space must be provided per dwelling unit. Baltimore City Code, Art. 32, § 9-703(f). Since there are not two parking spaces for this property a variance is needed.

The converted dwelling must continue to conform to the bulk and yard regulations, including minimum lot size, for the district in which the building is located. Baltimore City Code, Art. 32, § 9-703(d). The minimum lot size for a row house in an R-8 district is 750 square feet per dwelling unit. Baltimore City Code, Art. 32, Table 9-401. The maximum lot coverage allowed in an R-8 district for a multi-family dwelling is 80% of the total lot. City Code, Art. 32, § 9-401;

Tbl. 9-401. Since variances were not requested for these bulk regulations it is assumed that none are needed.

Conditional Use Standards

Under the Zoning Article of the City Code, 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, based on facts presented at the hearing on the bill:

- (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, §§ 5-404(a); 5-406(a). The Planning Report contains findings of fact on these matters.

Variance Standards

To grant any 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 Planning Report finds facts to support these variances, noting that this is a triangular structure from the 19th Century on a triangular lot.

Hearing Requirements

The City Council committee assigned the bill must consider it at a scheduled public hearing wherein it will hear and weigh the evidence. Baltimore City Code, Art. 32, §§ 5-404(a); 5-406; 5-507; 5-602. After weighing the evidence presented and submitted into the record before it, the Committee is required to make findings of fact with respect to the factors and considerations outlined above. If, after its investigation of the facts, the Committee makes findings which support the conditional use and the variances sought, it may adopt these findings and the legal requirements will be met.

Finally, certain procedural requirements apply to this bill beyond those discussed above because both conditional uses and variances are considered “legislative authorizations.” 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 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(c).

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for a conditional use and variances have been met. Assuming the required findings are made at the hearing and all procedural requirements are satisfied, the Law Department approves the bill for form and legal sufficiency.

Very truly yours,



Hilary Ruley
Chief Solicitor

cc: Dana P. Moore, Acting City Solicitor
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