



**BALTIMORE CITY COUNCIL
ECONOMIC AND COMMUNITY DEVELOPMENT
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the Committee on Economic and Community Development (ECD) is responsible for supporting strong thriving communities. ECD will review proposed zoning and land use changes, tackle issues related to economic development, oversee housing policy, and promote equitable economic opportunity for all Baltimore residents.

The Honorable Sharon Green Middleton

PUBLIC HEARING

August 13, 2024

2:00 PM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

23-0350

Rezoning 420 North Haven Street

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BILL SYNOPSIS

Committee: Economic and Community Development

Bill: 23-0350

Rezoning – 420 North Haven Street

Sponsor: Councilmember McCray

Introduced: February 6, 2023

Purpose:

FOR the purpose of changing the zoning for the property known as 420 North Haven Street (Block 6265A, Lot 011), as outlined in red on the accompanying plat, from the I-2 Zoning District to the C-3 Zoning District.

BY amending
Article - Zoning
Zoning District Maps
Sheet 58
Baltimore City Revised Code
(Edition 2000)

Effective: 30 days after enactment.

Agency Reports

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	Defers to Planning
Dept of Housing & Community Development	Favorable
Baltimore Development Corporation	Favorable
Department of Transportation	No Objection
Law Dept	Approved for Form & Sufficiency
Parking Authority of Baltimore City	Favorable

Analysis

Current Law

Article 32 – Zoning.

Under § 5-508(b)(1) of Article 32 – Zoning, and the State Land Use Article, the City Council may approve a rezoning based on a finding that there was either:

1. a substantial change in the character of the neighborhood where the property is located; or
2. a mistake in the existing zoning classification.

There are additional standards under Article 32 – Zoning §5-508(b)(3) that must be considered for map amendments. Staff have reviewed these standards and favorably recommend this bill with amendments.

Bill Summary and Background

This bill will amend the City Zoning Map changing 420 North Haven Street from an I-2 Zoning District (General Industrial Zoning) to a C-3 Zoning District (General Commercial Zoning). The applicant intends to use the property as residential rental units.

The subject property is the consolidation of three former attached dwellings at the SW corner of N. Haven Street and Pulaski Highway. The property was operated for commercial use until becoming vacant several years ago. The parcel is approximately 2,100 square feet, and improved with three, two-story rowhomes that cover nearly the entire parcel.

The property is located at the NW corner of the Baltimore Highlands neighborhood, which is comprised principally of small attached, dwellings with scattered commercial uses. The Orangeville and Kresson neighborhoods are to the immediate north, and east, and are principally industrial in nature.

The applicant does not believe there is a Community Association with a relevant interest in the area.

Additional Information

Fiscal Note: Not Available

Information Source(s): Baltimore City Code, Reporting Agencies, Bill 23-0350.

Analysis by: Tony Leva Direct Inquiries to: 410-396-1091

Analysis Date: August 8, 2024

CITY OF BALTIMORE
COUNCIL BILL 23-0350
(First Reader)

Introduced by: Councilmember McCray
At the request of: Bang Bang Investments LLC c/o Michael Berkson
Address: c/o Melvin J. Kodenski, Esq.
320 N. Charles Street
Baltimore, MD 21201
Telephone: (410) 336-3294

Introduced and read first time: February 7, 2023

Assigned to: Economic and Community Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Planning Commission, Department of Housing and Community Development, Board of Municipal and Zoning Appeals, Parking Authority of Baltimore City, Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 420 North Haven Street**

3 FOR the purpose of changing the zoning for the property known as 420 North Haven Street
4 (Block 6265A, Lot 011), as outlined in red on the accompanying plat, from the I-2 Zoning
5 District to the C-3 Zoning District.

6 BY amending

7 Article - Zoning
8 Zoning District Maps
9 Sheet 58
10 Baltimore City Revised Code
11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
13 Sheet 58 of the Zoning District Maps is amended by changing from the I-2 Zoning District to the
14 C-3 Zoning District the property known as 420 North Haven Street (Block 6265A, Lot 011), as
15 outlined in red on the plat accompanying this Ordinance.

16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
17 accompanying plat and in order to give notice to the agencies that administer the City Zoning
18 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
19 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
20 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
21 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
22 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
23 the Zoning Administrator.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 23-0350

1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
2 after the date it is enacted.

ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

23-0350

Rezoning 420 North Haven Street

AGENCY REPORTS

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	Defers to Planning
Dept of Housing & Community Development	Favorable
Baltimore Development Corporation	Favorable
Department of Transportation	No Objection
Law Dept	Approved for Form & Sufficiency
Parking Authority of Baltimore City	Favorable

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
EBONY THOMPSON
CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

January 24, 2024

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 23-0350 – Rezoning – 420 North Haven Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 23-0350 for form and legal sufficiency. The bill would change the zoning for 420 North Haven Street from the I-2 Zoning District to the C-3 Zoning District.

Although any number of zoning designations are open for properties in original or comprehensive rezoning, there is not the same flexibility in piecemeal rezoning such as this. *See Mayor and City Council of Rockville v. Rylyns Enterprises*, 372 Md. 514, 535-36 (2002) (explaining the rationale behind rigidity in zoning as protecting landowners and society at large). Even if the Mayor and City Council believes now that the selection of the I-2 Zoning District for this parcel was wrong, second guessing is not allowed in piecemeal rezoning.

However, the Mayor and City Council may permit a piecemeal rezoning if it finds facts sufficient to show either: 1) there was mistake in the original zoning classification; or 2) there has been a substantial change in the character of the neighborhood since the original zoning classification. *Id. See also* Md. Code, Land Use Art., § 10-304(b)(2); Baltimore City Code, Art. 32, §§ 5-508(a) and (b)(1). “The ‘mistake’ option requires a showing that the underlying assumptions or premises relied upon by the legislative body during the immediately preceding original or comprehensive rezoning were incorrect. In other words, there must be a showing of a mistake of fact.” *Rylyns Enterprises*, 372 Md. at 538-39. With regard to the “change” option, “there must be a satisfactory showing that there has been significant and unanticipated change in a relatively well-defined area (the “neighborhood”) surrounding the property in question since its original or last comprehensive rezoning, whichever occurred most recently.” *Id.* at 538. The legal standard for each of these options is discussed in more detail below.

Legal Standard for Change in the Character of the Neighborhood

“It is unquestioned that the City Council has the power to amend its City Zoning Ordinance whenever there has been such a change in the character and use of a district since the original

enactment that *the public health, safety, morals, or general welfare would be promoted by a change in the regulations.*” *Cassel v. Mayor and City Council of Baltimore*, 195 Md. 348, 354 (1950) (emphasis added). Thus, the Mayor and City Council must find facts of a substantial change in the character and the use of the district since the last comprehensive rezoning of the property and that the rezoning will promote the “public health, safety, morals, or general welfare” and not merely advantage the property owner. *Id.*

The “substantial change” must be in the “immediate neighborhood” of the subject property, and must be of “such a nature as to have affected its character.” *Clayman v. Prince George’s County*, 266 Md. 409, 418 (1972). Moreover, the required changes must be physical in nature. *Anne Arundel County v. Bell*, 442 Md. 539, 555 (2015) (citations omitted). However, infrastructure changes such as sewer or water extension or road widening do not count. *Id.* at 419. In addition, the physical changes have to be shown to be unforeseen at the time of the last rezoning. *Ryllys Enterprises*, 372 Md. at 538. Contemplated growth and increased density are not sufficient. *Clayman*, 266 Md. at 419.

Legal Standard for Mistake

To sustain a piecemeal change on the basis of a mistake in the last comprehensive rezoning, there must be substantial evidence that “the Council failed to take into account then existing facts . . . so that the Council’s action was premised on a misapprehension.” *White v. Spring*, 109 Md. App. 692, 698 (1996) (citation omitted). In other words, “[a] conclusion based upon a factual predicate that is incomplete or inaccurate may be deemed in zoning law, a mistake or error; an allegedly aberrant conclusion based on full and accurate information, by contrast, is simply a case of bad judgment, which is immunized from second-guessing.” *Id.* “Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account, or subsequently occurring events which the Council could not have taken into account, the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not ‘fairly debatable.’” *Boyce v. Sembly*, 25 Md. App. 43, 52 (1975) (citations omitted).

A court has not considered it enough to merely show that the new zoning would make more logical sense. *Greenblatt v. Toney Schloss Properties Corp.*, 235 Md. 9, 13-14 (1964). Nor are courts persuaded that a more profitable use of the property could be made if rezoned is evidence of a mistake in its current zoning. *Shadynook Imp. Ass’n v. Molloy*, 232 Md. 265, 272 (1963). Courts have also been skeptical of finding a mistake when there is evidence of careful consideration of the area during the past comprehensive rezoning. *Stratakis v. Beauchamp*, 268 Md. 643, 653-54 (1973).

Avoiding Spot Zoning

In piecemeal rezoning bills, like this one, if there is not a factual basis to support the change or the mistake, then rezoning is considered illegal spot zoning. *Cassel*, 195 Md. at 355. Spot zoning “has appeared in many cities in America as the result of pressure put upon councilmen to pass amendments to zoning ordinances solely for the benefit of private interests.” *Id.* It is the “arbitrary and unreasonable devotion of a small area within a zoning district to a use which is inconsistent

with the use to which the rest of the district is restricted.” *Id.* It is “therefore, universally held that a ‘spot zoning’ ordinance, which singles out a parcel of land within the limits of a use district and marks it off into a separate district for the benefit of the owner, thereby permitting a use of that parcel inconsistent with the use permitted in the rest of the district, is invalid if it is not in accordance with the comprehensive zoning plan and is merely for private gain.” *Id.*

However, “a use permitted in a small area, which is not inconsistent with the use to which the larger surrounding area is restricted, although it may be different from that use, is not ‘spot zoning’ when it does not conflict with the comprehensive plan but is in harmony with an orderly growth of a new use for property in the locality.” *Id.* Examples include “small districts within a residential district for use of grocery stores, drug stores and barber shops, and even gasoline filling stations, for the accommodation and convenience of the residents of the residential district.” *Id.* at 355-356.

Thus, to avoiding spot zoning, the Mayor and City Council must show how the contemplated use is consistent with the character of the neighborhood. *See, e.g., Tennison v. Shomette*, 38 Md. App. 1, 8 (1977) (cited with approval in *Rylyns Enterprises*, 372 Md. at 545-46).

Additional Required Findings of Fact

In addition to finding that there was either a substantial change in the character of the neighborhood or a mistake in the original zoning classification, the Mayor and City Council is required to make findings of fact on the following matters:

- (i) population change;
- (ii) the availability of public facilities;
- (iii) present and future transportation patterns;
- (iv) compatibility with existing and proposed development for the area;
- (v) the recommendations of the Baltimore City Planning Commission and the Board [of Municipal and Zoning Appeals]; and
- (vi) the relationship of the proposed amendment to Baltimore City’s plan.

Md. Code, Land Use, § 10-304(b)(1); Baltimore City Code, Art. 32, § 5-508(b)(2).

The Mayor and City Council must also consider:

- (i) existing uses of property within the general area of the property in question;
- (ii) the zoning classification of other property within the general area of the property in question;
- (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
- (iv) the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.

Baltimore City Code, Art. 32, § 5-508(b)(3).

The Mayor and City Council's decision regarding a piecemeal rezoning is reviewed under the substantial evidence test and should be upheld "if reasoning minds could reasonably reach the conclusion from facts in the record." *City Council of Prince George's Cty. v. Zimmer Dev. Co.*, 444 Md. 490, 510 (2015) (citation omitted); *see also White*, 109 Md. App. at 699 ("the courts may not substitute their judgment for that of the legislative agency if the issue is rendered fairly debatable"); *accord Floyd v. County Council of Prince George's County*, 55 Md. App. 246, 258 (1983) ("substantial evidence" means a little more than a "scintilla of evidence.").

Planning Commission Recommendation

The Planning Department Report ("Report") supports this rezoning. It states there was a mistake in zoning this property as I-2 during the Transform Baltimore comprehensive rezoning process because the parcel "neither had any history of industrial use, [was] not at the time nor now used for industrial use, nor had any reasonable likelihood of future industrial use. Before that process, this property was zoned commercial and this bill would restore that classification." Report at 5. The Report also makes findings on each of the additional required matters outlined in the previous section.

In addition, the Report recommends that additional adjacent properties be rezoned similarly because they likewise appear to have been mistakenly given an I-2 designation. However, it does not appear that proper notice was given to the public via posting before the Planning Commission hearing, as required by City Code, Art. 32, Section 5-604(b). Accordingly, the Law Department would be unable to approve the addition of any properties to this bill unless and until all proper notice as required by the Zoning Code for each additional property has been given.

Process Requirements

The City Council is required to hold a quasi-judicial public hearing with regard to the bill wherein it will hear and weigh the evidence as presented in: (1) the Planning Report and other agency reports; (2) testimony from the Planning Department and other City agency representatives; and (3) testimony from members of the public and interested persons. After weighing the evidence presented and submitted into the record before it, the Council is required to make findings of fact about the factors in Section 10-304 of the Land Use Article of the Maryland code and Section 5-508 of Article 32 of the Baltimore City Code. If, after its investigation of the facts, the Committee makes findings which support: (1) a mistake in the comprehensive zoning or a substantial change in the neighborhood; and (2) a new zoning classification for the properties, it may adopt these findings and the legal requirements for granting the rezoning would be met.

Additionally, certain procedural requirements apply to this bill beyond those discussed above because a change in the zoning classification of a property is deemed a "legislative authorization." Baltimore City Code, Art. 32, § 5-501(2)(iii). Specifically, notice of the City Council hearing must be given by publication in a newspaper of general circulation in the City, by

posting in a conspicuous place on the property and by first-class mail, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned. Baltimore City Code, Art. 32, § 5-601(b). The notice of the City Council hearing must include the date, time, place, and purpose of the hearing, as well as the address or description of the property and the name of the applicant. Baltimore City Code, Art. 32, § 5-601(c). The posted notices must be at least 3 feet by 4 feet in size, placed at a prominent location near the sidewalk or right-of-way for pedestrians and motorists to view, and at least one sign must be visible from each of the property's street frontages. City Code, Art., § 5-601(d). The published and mailed notices must be given at least 15 days before the hearing, and the posted notice must be provided at least 30 days before the public hearing. Baltimore City Code, Art. 32, § 5-601(e), (f).


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 rezoning has been met. Assuming the required findings are made at the hearing and that all procedural requirements are satisfied, the Law Department can approve the bill for form and legal sufficiency.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeffrey Hochstetler', with a long horizontal flourish extending to the right.

Jeffrey Hochstetler
Chief Solicitor

cc: Ebony Thompson, Acting City Solicitor
Nina Themelis, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Chief Solicitor
Michelle Toth, Special Solicitor
Teresa Cummings, Assistant Solicitor

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #23-0350 / REZONING 420 N. HAVEN STREET		

TO

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

DATE: May 19, 2023

At its regular meeting of May 18, 2023, the Planning Commission considered City Council Bill #23-0350, for the purpose of changing the zoning for the property known as 420 N. Haven Street, from the I-2 Zoning District to the C-3 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment and approval of City Council Bill #23-0350 and adopted the following resolution, with six members being present (six in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings and equity analysis outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #23-0000 be **amended** to include the 11 additional parcels as identified in the staff report and **approved** by the City Council, conditioned that adequate notice either by additional site posting or certified mail be provided to property ownership of all other parcels to be included.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

cc: Ms. Nina Themelis, Mayor's Office
Mr. Ethan Cohen, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Ms. Rebecca Witt, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Stephanie Murdock, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services
Mr. Melvin Kodenski, Esq.



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

May 18, 2023

REQUEST: City Council Bill #23-0350/ Rezoning – 420 N. Haven Street:

For the purpose of changing the zoning for the property known as 420 North Haven Street (Block 6265A, Lot 011), as outlined in red on the accompanying plat, from the I-2 Zoning District to the C-3 Zoning District.

RECOMMENDATION: Adopt findings; Amend and Approve

STAFF: Matt DeSantis, AICP

PETITIONER: Councilmember McCray on behalf of Bang Bang Investments, LLC

OWNER: Bang Bang Investments, LLC

SITE/GENERAL AREA

Site Conditions: The subject property is the consolidation of three former attached dwellings at the SW corner of N. Haven Street and Pulaski Highway. The property was operated for commercial use until becoming vacant several years ago. The parcel is approximately 2,100 square feet, and improved with three, two-story rowhomes that cover nearly the entire parcel.

General Area: The property is located at the NW corner of the Baltimore Highlands neighborhood, which is comprised principally of small attached dwellings with scattered commercial uses. The Orangeville and Kresson neighborhoods are to the immediate north and east, and are principally industrial in nature.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site.

CONFORMITY TO PLANS

This proposed rezoning is supported by the following aspects of the Baltimore Highlands Community Plan, which was formally accepted by the Planning Commission in January of this year:

- Strategy 2.5: Promote continued growth of neighbor-owned and neighborhood-serving retail
- Strategy 3.1: Promote access to homeownership for low- and middle-income residents
- Strategy 3.5: Promote rehabilitation and reuse of vacant buildings

ZONING CODE REQUIREMENTS

Below are the approval standards under §5-508(b) of Article 32 – *Zoning* for proposed zoning map amendments:

(b) *Map amendments.*

(1) *Required findings.*

As required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either:

- (i) a substantial change in the character of the neighborhood where the property is located; or
- (ii) a mistake in the existing zoning classification.

(2) *Required findings of fact.*

In making the determination required by subsection (b)(1) of this section, the City Council must also make findings of fact that address:

- (i) population changes;
- (ii) the availability of public facilities;
- (iii) present and future transportation patterns;
- (iv) compatibility with existing and proposed development for the area;
- (v) the recommendations of the City agencies and officials; and
- (vi) the proposed amendment's consistency with the City's Comprehensive Master Plan.

(3) *Additional standards – General*

Additional standards that must be considered for map amendments are:

- (i) existing uses of property within the general area of the property in question;
- (ii) the zoning classification of other property within the general area of the property in question;
- (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
- (iv) the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.

ANALYSIS

This rezoning bill has been introduced by Councilmember McCray on behalf of the owner to restore a commercial zoning designation to the property, matching the C-3 zoning that is found directly across Pulaski Highway. Prior to Transform, the entire node on all corners of the Pulaski/Haven intersection had a commercial B-3-1 designation. Through Transform, however, the parcels on the northern side of Pulaski retained a commercial designation as C-3 while the parcels to the south of Pulaski were designated I-2, a heavy industrial designation. This was done even though the existing uses and built form of these parcels were rendered non-conforming and with virtually no reasonable utility for industrial use. The property owner of 420 N. Haven has requested the rezoning to C-3 so that a commercial use may be re-established for the property.

Amendment to Expand Scope of Rezoning:

Planning staff is recommending favorably on the rezoning of 420 N. Haven from I-2 to C-3, and is further recommending that additional adjacent properties also be rezoned similarly as they also appear to have been mistakenly given an I-2 designation. Below is an overview of the additional properties, their ownership, current use, and implications should they be rezoned to the C-3 district:

Address	Owner	Current Use per CCE	Result if rezoned C-3?
414 N. Haven St.	Charles Thrasher	Dwelling: Rowhouse	Becomes Permitted - No longer non-conforming
412 N. Haven St.	Deera, LLC	Dwelling: Rowhouse	Becomes Permitted - No longer non-conforming
410 N. Haven St.	Charles Thrasher	Dwelling: Rowhouse	Becomes Permitted - No longer non-conforming
408 N. Haven St.	Charles Thrasher	Dwelling: Rowhouse	Becomes Permitted - No longer non-conforming
406 N. Haven St.	Charles Thrasher	Dwelling: Rowhouse	Becomes Permitted - No longer non-conforming
404 N. Haven St.	Charles Thrasher	Dwelling: Rowhouse	Becomes Permitted - No longer non-conforming
402 N. Haven St.	Charles Thrasher	Dwelling: Rowhouse	Becomes Permitted - No longer non-conforming
400 N. Haven St.	Charles Thrasher	Tavern	Remains Permitted
	Charles Thrasher	Adult Use	Currently legally-non-conforming and would remain so
4023 Pulaski Hwy	Jesus Ortega Lagunes	Educational Facility: Commercial-Vocational	Remains Permitted
4101 Pulaski Hwy	DG Strategic II, LLC	Nursery (*This clearly appears to be a mistake - should be Retail Goods Establishment*)	Remains Permitted - No longer non-conforming (assuming proper use category is Retail Goods Establishment - No Alcohol)
4024 Orleans St.	Charles Thrasher	Vacant Lot	Subject to C-3 uses if redeveloped

Required Findings:

Per §5-508(b)(1) of Article 32 – *Zoning*, and as required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification. Staff analysis concludes that the current I-2 zoning, which was applied during the Transform Baltimore comprehensive rezoning, is a mistake in that it makes commercial uses that had historically been conducted at the site non-conforming. Given the small size of the parcels and the existing buildings/uses thereon, there is no reasonable heavy industrial uses for these parcels. The consequence of the current zoning is that it makes the reuse of 420 N. Haven very unlikely, and renders the other existing uses (rowhouse dwellings and the

Retail Goods Establishment in the Dollar General) non-conforming. The non-conforming status of these properties will likely make continued future investment more onerous, as access to needed financing may be withheld due to this condition.

Maryland Land Use Code – Requirements for Rezoning:

The Land Use Article of the Maryland Code requires the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA) to study the proposed changes in relation to: 1. The plan; 2. The needs of Baltimore City; and 3. The needs of the particular neighborhood in the vicinity of the proposed changes (*cf.* MD Code, Land Use § 10-305 (2023)). In reviewing this request, the staff finds that:

- 1. The Plan:** The above-listed portions of the Baltimore Highlands Community Plan support the proposed rezoning from I-2 to C-3.
- 2. The needs of Baltimore City:** The properties in question do not serve a direct public purpose (i.e. they are not park or public open spaces), and rezoning them will not remove any sort of public asset. In the same way, the properties do not serve any City need with its current zoning designation. Generally speaking, preservation of industrially-zoned land is a priority of the Department of Planning. However, these parcels proposed to be rezoned never have and likely never will serve any actual industrial purpose.
- 3. The needs of the particular neighborhood:** The neighborhood has no need for the properties to have their current I-2 zoning, as it makes them either virtually unfit for rehabilitation or non-conforming. In fact, the formally-accepted neighborhood plan has expressed a need for additional retail to serve it, and this rezoning would potentially facilitate that.

Similarly, the Land Use article, also adopted by Article 32 – *Zoning* §5-508(b)(2), requires the City Council to make findings of fact (MD Code, Land Use § 10-304 (2023)). The findings of fact include:

- 1. Population changes;** The Baltimore Highlands neighborhood saw a 16% increase in population between the 2010 Census and 2020 Census, growing from 2,703 to 3,142 residents. In relation to the City at-large, this increased population is striking and has predominantly come from the influx of new Mexican and Central American residents.
- 2. The availability of public facilities;** There will be no impact to provision of facilities as a result of this rezoning. The area is well served by public utilities, as well as fire and police protection.
- 3. Present and future transportation patterns;** There will be no impact to the traffic patterns of this area as a result of the rezoning alone. Future development is unlikely to have a negative impact. Haven Street and Pulaski Highway (to the east of the intersection with N. Haven Street) are designated Truck Routes, but this rezoning will not have any direct impact. Implementation of the Baltimore Greenway Trail to the immediate east of the area will likely change transportation patterns, as pedestrians and cyclists will have safe infrastructure to pass through the area. This also would support the rezoning from an

industrial to commercial designation for these particular properties, especially given their lack of past industrial use and slim chances for such future use.

4. **Compatibility with existing and proposed development for the area;** As previously stated, the current I-2 zoning renders many of the surrounding parcels non-conforming and a rezoning to the C-3 district would correct for this.
5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department will recommend APPROVAL of the rezoning request to the Planning Commission. The BMZA has not yet commented on this bill.
6. **The relation of the proposed amendment to the City's plan.** As described above, the rezoning would support elements of the Baltimore Highlands Community Plan.

There are additional standards under Article 32 – *Zoning* §5-508(b)(3) that must be considered for map amendments. These include:

- (i) **existing uses of property within the general area of the property in question;** To the immediate north of Pulaski Highway are drive-through food retail establishments; to the south and east is a BGE substation; to the southeast is an industrial warehouse facility.
- (ii) **the zoning classification of other property within the general area of the property in question;** The properties to the north of Pulaski are zoned C-3, and the other parcels to the immediate south along N. Haven Street are zoned I-2.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** The subject parcels are not suited whatsoever to their existing I-2 zoning classification, as they either currently house non-conforming uses or are vacant due in part to the impositions of the current zoning.
- (iv) **the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.** Development has increased to the south along the South Haven Street corridor in the Brewer’s Hill neighborhood, and has been shifting northward in the direction of this area. Implementation of the Baltimore Greenway Trail also will potentially impact development in this immediate area, as residential and/or commercial spaces would likely be in even higher demand as a response to this new recreational and transportation infrastructure.

Below is the staff’s review of the required considerations of §5-508(b)(3) of Article 32 – *Zoning*, where staff finds that this change is in the public’s interest, in that it will be consistent with existing uses in both the subject properties as well as surrounding development. As described above, the current I-2 zoning that was designated to these parcels south of Pulaski Highway via Transform must have been a mistake in that these parcels neither had any history of industrial use, were not at the time nor now used for industrial use, nor had any reasonable likelihood of future industrial use.

Equity:

- Impact:
 - In the short-term, this rezoning will make a number of existing uses conforming, including the several rowhouse dwellings and the retail store. In the longer-term, this rezoning will likely make the vacant storefront at 420 N. Haven more suitable for a productive use that may serve the neighborhood.
 - It is unclear how this rezoning will impact existing patterns of inequity. Making the existing rowhouse dwellings permitted, however, is the opposite of the historically racist practice by which less-resourced neighborhoods and neighborhoods with majority non-white residents were intentionally designated with industrial zoning. In this regard, this rezoning would seem to further racial and economic equity.

- Engagement:
 - The Highlandtown Community Association has been notified of this bill, but it is unclear to what extent the property-owner that the bill has been introduced for has engaged with surrounding community members. Planning staff has discussed the Department's recommended amendment to expand the bill with some the directly-impacted property owners, who have expressed support to have their properties included.

- Internal Operations:
 - There will not be any additional staff time dedicated to this bill than otherwise incurred in the routine legislative process. We do not expect any follow-on impacts to operations.

Notification: The Highlandtown Community Association has been notified of this action. Additionally, the site has been posted per Planning Commission requirements.



Chris Ryer
Director

TRANSMITTAL MEMO

TO: Council President Nick J. Mosby
FROM: Peter Little, Executive Director
Date: March 7, 2023
RE: City Council Bill 23-0350



I am herein reporting on City Council Bill 23-0350 introduced by Councilmember McCray at the request of Bang Bang Investments LLC c/o Michael Berkson.

The purpose of this bill is to change the zoning for the property known as 420 North Haven Street (Block 6265A, Lot 011) from the General Industrial (I-2) Zoning District to the General Commercial (C-3) Zoning District.

The Parking Authority of Baltimore City (PABC) has reviewed the proposed legislation. The legislation requests for the selected property to be rezoned does not reference parking. Parking requirements for the site will be based on the standards in the Zoning Code. The PABC investigated the site during the month of March and witnessed the building is in use. This property is not located where the PABC administers any on-street parking programs. There is on-street parking available around the site. When building plans and uses are submitted, the PABC will be involved through the Site Plan Review Committee (SPRC) to ensure that the design guidelines for parking and loading demands are adequately addressed and that negative effects of parking and loading are mitigated.

Based on the comments above, the PABC does not oppose the passage of City Council Bill 23-0350.



MEMORANDUM

DATE: June 1, 2023
TO: Economic and Community Development Committee
FROM: Colin Tarbert, President and CEO
POSITION: Favorable
SUBJECT: City Council Bill No. 23-0350
Rezoning - 420 North Haven Street

A handwritten signature in black ink, appearing to read "Colin Tarbert".

INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill No. 22-0350 introduced by Councilmember Danielle McCray.

PURPOSE

This legislation rezones the property at 420 North Haven Street from the I-2 Zoning District to the General Commercial Zoning (C-3) Zoning District.

BRIEF HISTORY

420 North Haven Street is part of a contiguous block of rowhouses that sits at the intersection of Pulaski Highway and Haven Street. Prior to the City's comprehensive rezoning in 2017, this property, as well as properties at all four corners of that intersection, were zoned B-3-1. After the comprehensive rezoning, the properties south of Pulaski were rezoned to I-2, despite the legacy operation of residential and commercial uses. Rezoning this parcel to the C-3 Zoning District would be consistent with prior zoning and would allow for the legal re-establishment of certain commercial and residential uses, consistent with those allowed under C-3, at this intersection.

The Planning Commission has recommended an amendment to this Bill to expand the scope of rezoning to additional adjacent properties that were similarly zoned B-3-1 but were rezoned to I-2 in 2017, and the historical and current uses of which are consistent with the C-3 zoning district. This additional rezoning would extend the same beneficial effect of the original bill to additional businesses and commercial properties.

FISCAL IMPACT

None


City Council Bill No. 23-0350
Rezoning - 420 North Haven Street
Page 2

AGENCY POSITION

The Baltimore Development Corporation respectfully takes a **favorable** position on City Council Bill No. 22-0350, and the amendment recommended by the Planning Commission. If you have any questions, please contact Kim Clark at 410-837-9305 or KClark@baltimoredevelopment.com.

cc: Nina Themelis, Mayor's Office of Government Relations
Sophia Gebrehiwot, Mayor's Office of Government Relations

[AW]

F R O M	NAME & TITLE	Corren Johnson, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	Council Bill 23-0350		

DATE: 2/8/2023

TO: Mayor Brandon Scott
TO: Economic and Community Development Committee
FROM: Department of Transportation
POSITION: **No Objection**
SUBJECT: Council Bill 23-0350

INTRODUCTION - Rezoning - 420 North Haven Street

PURPOSE/PLANS - 420 North Haven Street For the purpose of changing the zoning for the property known as 420 North Haven Street (Block 6265A, Lot 011) from the I-2 Zoning District, which zones for industrial zoning, to the C-3 Zoning District.

COMMENTS – City Council Bill 23-0350 seeks approval for the rezoning of 420 North Haven Street (Block 6265A, Lot 011) from the I-2 Zoning District to the C-3 Zoning District. The C-3 zoning district allows intensive commercial use including key commercial nodes that require additional controls regarding site development. This zoning category is far less restrictive for the area than previous I-2, which Planning has cited to have “no reasonable utility for industrial use”. Passage will encourage further commercial development in the area.

AGENCY/DEPARTMENT POSTION – For the reasons above, The Baltimore City Department of Transportation foresee no direct operation or fiscal impact resulting from the legislation and has **no objection** towards the advancement of Council Bill 23-0350.

If you have any questions, please do not hesitate to contact Liam Davis at Liam.Davis@baltimorecity.gov or at 410-545-3207

Sincerely,

Corren Johnson,
Director



MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Alice Kennedy, Housing Commissioner

Date: July 24, 2023

Re: City Council Bill 23-0350 Rezoning - 420 North Haven Street

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 23-0350 for the purpose of changing the zoning for the property known as 420 North Haven Street (Block 6265A, Lot 011), as outlined in red on the accompanying plat, from the I-2 Zoning District to the C-3 Zoning District.

If enacted, City Council Bill 23-0350 would allow for the rezoning of the property located at 420 North Haven Street from the I-2 Zoning District to the C-3 Zoning District to allow the applicant to restore a commercial zoning designation to the property, matching the C-3 zoning that is found nearby.

At its regular meeting of May 18, 2023, the Planning Commission concurred with the recommendation of its Departmental staff and recommended the Bill be amended and approved by the City Council. Planning staff noted in their report that the rezoning of 420 North Haven Street to the current I-2 zoning, which was applied during the Transform Baltimore comprehensive rezoning, was a mistake in that it makes commercial uses that had historically been conducted at the site non-conforming. Planning is recommending an amendment to include 11 additional adjacent parcels, identified in their staff report, that also appear to have been mistakenly given an I-2 designation.

The property was previously operated for commercial use until becoming unoccupied several years ago. It is located within one of DHCD's Community Development Zones and Streamlined Code Enforcement Areas. The rezoning may expand residential rental and commercial opportunities for area residents.

DHCD **supports** the passage of City Council Bill 23-0350.

AK/sm

cc: Ms. Themelis, Nina, Mayor's Office of Government Relations

Brandon M. Scott, Mayor • Alice Kennedy, Housing Commissioner

417 East Fayette Street • Baltimore, MD 21202 • 443-984-5757 • dhcd.baltimorecity.gov

CITY OF BALTIMORE

Brandon M. Scott, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

Rebecca Lundberg Witt, *Acting Executive
Director*

July 20, 2023

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

Re: CC Bill #23-0350- Rezoning-420 North Haven Street

Ladies and Gentlemen:

City Council Bill No. 23-0350 has been referred to by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 23-0350 is to change the zoning for the property known as 420 North Haven Street (Block 6265A, Lot 011). From the I-2 Zoning District to the C-3 Zoning District. The BMZA is deferring its recommendation on the legislation to that of the report and recommendation of the Planning Commission.

Sincerely,

A handwritten signature in black ink that reads "Rebecca R Witt".

Rebecca Lundberg Witt
Executive Director

CC: Mayor's Office of Council Relations
City Council President
Legislative Reference

**ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE**

23-0350

Rezoning 420 North Haven Street

ADDITIONAL MATERIALS

Melvin J. Kodenski, Esquire
320 N. Charles Street
Baltimore, Maryland 21201



US POSTAGE
\$00.64⁹
First-Class

Mailed From 21202
07/18/2024
032A 0061827718

Jesus Ortega Lagunes
4023 Pulaski Highway
Baltimore, Maryland 21224-1539

LAW OFFICES
MELVIN J. KODENSKI, ESQUIRE
320 NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201

TELEPHONE (410-685-5100)
FACSIMILE (410-685-5825)
melvinjkodenski@hotmail.com

July 18, 2024

Jesús Ortega Lagunes
4023 Pulaski Highway
Baltimore, Maryland 21224-1539

Re: 4023 Pulaski Highway
Baltimore, Maryland 21224


Dear Mr. Lagunes:

As property owner of the above-referenced address, I am writing to give you information regarding **City Council Bill 23-0350 - Rezoning 420 North Haven Street**. Your properties are included in the block that is to be rezoned.

I am attaching a copy of the bill, as well as language regarding the hearing on Tuesday, August 13, 2024.

Thank you.

Very truly yours,



Melvin J. Kodenski

MJK\5316
MJK\ep
Enclosures

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 23-0350**

The Economic and Community Development Committee of the Baltimore City Council will conduct a public hearing on City Council Bill No. 23-0350 on Tuesday, August 13th, at 2:00 p.m. in the Clarence “Du” Burns Chamber, City Hall, 100 N. Holliday Street, 4th Floor, Baltimore, MD 21202. Information on how the public can participate in the hearing virtually, via Webex, will be available at <https://baltimore.legistar.com/Calendar.aspx>.

23-0350 – Rezoning – 420 North Haven Street

FOR the purpose of changing the zoning for the property known as 420 North Haven Street (Block 6265A, Lot 011), as outlined in red on the accompanying plat, from the I-2 Zoning District to the C-3 Zoning District.

BY amending Article– Zoning. Zoning District Maps Sheet 58 Baltimore City Revised Code (Edition 2000)

Applicant: Bang Bang Investments, LLC

For more information, contact the Committee Staff at (410) 396-1091.

NOTE: This bill is subject to amendment by the Baltimore City Council.

SHARON GREEN MIDDLETON

Chair

**CITY OF BALTIMORE
COUNCIL BILL 23-0350
(First Reader)**

Introduced by: Councilmember McCray
At the request of: Bang Bang Investments LLC c/o Michael Berkson
Address: c/o Melvin J. Kodenski, Esq.
320 N. Charles Street
Baltimore, MD 21201
Telephone: (410) 336-3294

Introduced and read first time: February 7, 2023

Assigned to: Economic and Community Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Planning Commission, Department of Housing and Community Development, Board of Municipal and Zoning Appeals, Parking Authority of Baltimore City, Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 420 North Haven Street**

3 FOR the purpose of changing the zoning for the property known as 420 North Haven Street
4 (Block 6265A, Lot 011), as outlined in red on the accompanying plat, from the I-2 Zoning
5 District to the C-3 Zoning District.

6 BY amending

7 Article - Zoning
8 Zoning District Maps
9 Sheet 58
10 Baltimore City Revised Code
11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That
13 Sheet 58 of the Zoning District Maps is amended by changing from the I-2 Zoning District to the
14 C-3 Zoning District the property known as 420 North Haven Street (Block 6265A, Lot 011), as
15 outlined in red on the plat accompanying this Ordinance.

16 **SECTION 2. AND BE IT FURTHER ORDAINED**, That as evidence of the authenticity of the
17 accompanying plat and in order to give notice to the agencies that administer the City Zoning
18 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
19 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
20 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
21 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
22 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
23 the Zoning Administrator.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 23-0350

1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
2 after the date it is enacted.

Melvin J. Kodenski, Esquire
320 N. Charles Street
Baltimore, Maryland 21201



US POSTAGE
\$00.64⁰
First-Class

Mailed From 21202
07/18/2024
032A 0061827718

Deera LLC
26 Jefferson Avenue, #301
Spring Valley, NY 10977

LAW OFFICES
MELVIN J. KODENSKI, ESQUIRE
320 NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201

TELEPHONE (410-685-5100)
FACSIMILE (410-685-5825)
melvinjkodenski@hotmail.com

July 18, 2024

Deera LLC
26 Jefferson Avenue, #301
Spring Valley, NY 10977

Re: 412 N. Haven Street
Baltimore, Maryland 21224

Dear Sir or Madam:

As property owner of the above-referenced address, I am writing to give you information regarding City Council Bill 23-0350 - Rezoning 420 North Haven Street. Your properties are included in the block that is to be rezoned.

I am attaching a copy of the bill, as well as language regarding the hearing on Tuesday, August 13, 2024.

Thank you.

Very truly yours,

Melvin J. Kodenski

MJK\5316
MJK\ep
Enclosures

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 23-0350**

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23-0350 – Rezoning – 420 North Haven Street

FOR the purpose of changing the zoning for the property known as 420 North Haven Street (Block 6265A, Lot 011), as outlined in red on the accompanying plat, from the I-2 Zoning District to the C-3 Zoning District.

BY amending Article– Zoning. Zoning District Maps Sheet 58 Baltimore City Revised Code (Edition 2000)

Applicant: Bang Bang Investments, LLC

For more information, contact the Committee Staff at (410) 396-1091.

NOTE: This bill is subject to amendment by the Baltimore City Council.

SHARON GREEN MIDDLETON

Chair

**CITY OF BALTIMORE
COUNCIL BILL 23-0350
(First Reader)**

Introduced by: Councilmember McCray
At the request of: Bang Bang Investments LLC c/o Michael Berkson
Address: c/o Melvin J. Kodenski, Esq.
320 N. Charles Street
Baltimore, MD 21201
Telephone: (410) 336-3294

Introduced and read first time: February 7, 2023

Assigned to: Economic and Community Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Planning Commission, Department of Housing and Community Development, Board of Municipal and Zoning Appeals, Parking Authority of Baltimore City, Baltimore Development Corporation, Department of Transportation

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20 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
21 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
22 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
23 the Zoning Administrator.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 23-0350

1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
2 after the date it is enacted.

**CERTIFICATE OF MAILING
WRITTEN NOTICE TO PROPERTY OWNER(S)**

City Council Bill Number: 23-0350

I HEREBY CERTIFY, under penalty of perjury, that the attached* document was mailed to the following:

A. Property Owner:

B. Property Address:

or

C. List of Property Owners

(Place a Check Mark Above & Attach A List of Property Owners with Addresses)

On the following date: July 18, 2024

Mailed By:

Applicant's Name: Bang Bang Investments, LLC,

Notices were mailed by Melvin J. Kodenski, Esq.,

320 N. Charles Street, Balto., MD 21201

(attorney for applicant)

Applicant's Organization: limited liability company

Applicant's Title: Michael Berkson, Member

Applicant's Address: 420 N. Haven Street, Baltimore, Maryland 21224

Applicant's Telephone Number: c/o Melvin J. Kodenski, Esq. 410-685-5100

**Note: Please attach a copy of the document that was mailed to the property owner(s).*

Melvin J. Kodenski, Esquire
320 N. Charles Street
Baltimore, Maryland 21201



US POSTAGE
\$00.64⁰
First-Class

Mailed From 21202
07/18/2024
032A 0061827718

DG Strategic II LLC
100 Mission Ridge #15271
Goodlettsville, TN 37072

LAW OFFICES
MELVIN J. KODENSKI, ESQUIRE
320 NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201

TELEPHONE (410-685-5100)
FACSIMILE (410-685-5825)
melvinjkodenski@hotmail.com

July 18, 2024

DG Strategic II LLC
100 Mission Ridge #15271
Goodlettsville, TN 37072

Re: 4101 Pulaski Highway
Baltimore, Maryland 21224

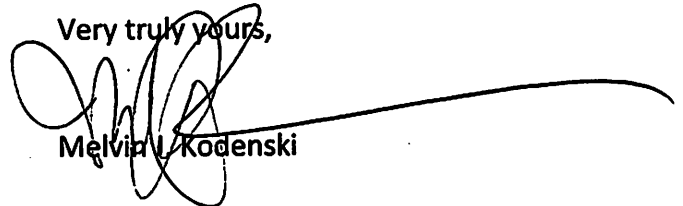
Dear Sir or Madam:

As property owner of the above-referenced address, I am writing to give you information regarding **City Council Bill 23-0350 - Rezoning 420 North Haven Street**. Your properties are included in the block that is to be rezoned.

I am attaching a copy of the bill, as well as language regarding the hearing on Tuesday, August 13, 2024.

Thank you.

Very truly yours,



Melvin J. Kodenski

MJK\5316
MJK\ep
Enclosures

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 23-0350**

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23-0350 – Rezoning – 420 North Haven Street

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Applicant: Bang Bang Investments, LLC

For more information, contact the Committee Staff at (410) 396-1091.

NOTE: This bill is subject to amendment by the Baltimore City Council.

SHARON GREEN MIDDLETON
Chair

**CITY OF BALTIMORE
COUNCIL BILL 23-0350
(First Reader)**

Introduced by: Councilmember McCray
At the request of: Bang Bang Investments LLC c/o Michael Berkson
Address: c/o Melvin J. Kodenski, Esq.
320 N. Charles Street
Baltimore, MD 21201
Telephone: (410) 336-3294

Introduced and read first time: February 7, 2023

Assigned to: Economic and Community Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Planning Commission, Department of Housing and Community Development, Board of Municipal and Zoning Appeals, Parking Authority of Baltimore City, Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

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EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

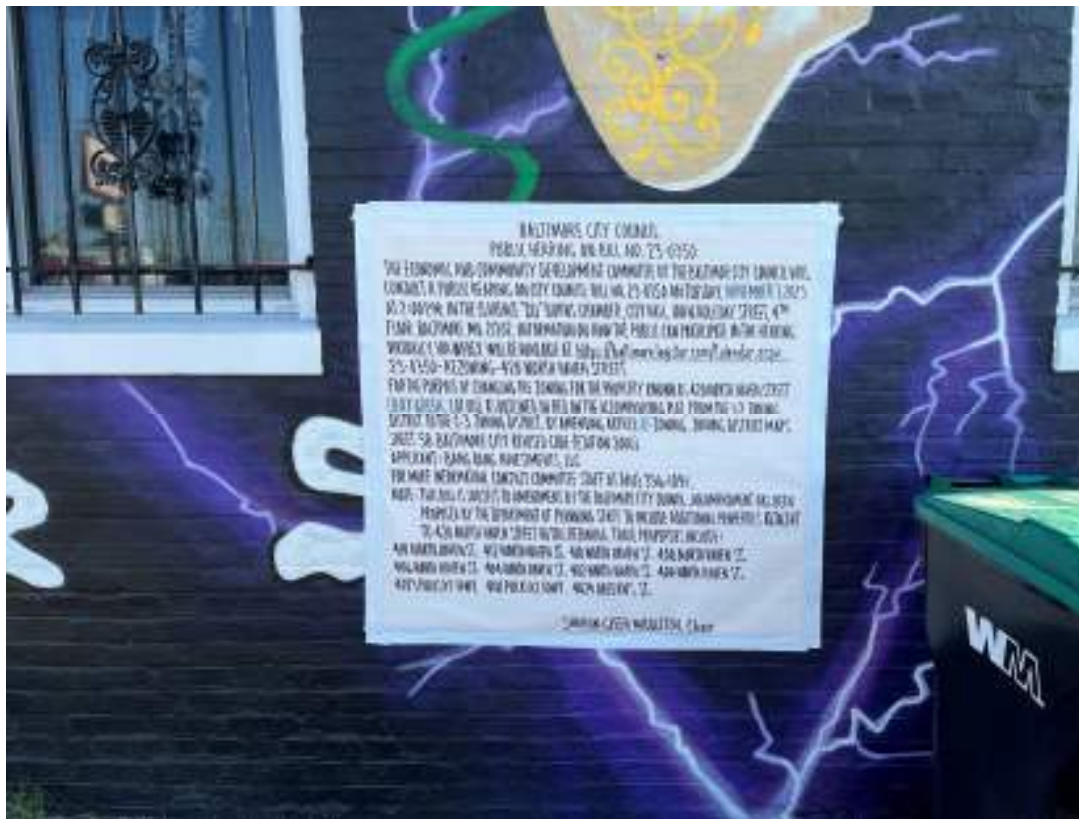
Council Bill 23-0350

1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
2 after the date it is enacted.

Baltimore City Council
Certificate of Posting - Public Hearing Notice

Today's Date: October 12, 2023

City Council Bill No.: 23-0350



I HEREBY CERTIFY, under penalty of perjury, that a sign was posted at:
Address: 420 N. Haven Street – (block 6265A, Lot 011) Pulaski Highway side
 (photo 2 of 2)

Date Posted: October 8, 2023

Name: Bang Bang Investments LLC c/o Michael Berkson

Address: 320 N. Charles Street

Baltimore, Md. 21201

Telephone: (410) 336-3294

- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202

**Baltimore City Council
Certificate of Posting - Public Hearing Notice**

Today's Date: October 12, 2023

City Council Bill No.: 23-0350



I HEREBY CERTIFY, under penalty of perjury, that a sign was posted at:

Address: 420 N. Haven Street – (block 6265A, Lot 011) Haven Street side

(photo 1 of 2)

Date Posted: October 8, 2023

Name: Bang Bang Investments LLC c/o Michael Berkson

Address: 320 N. Charles Street

Baltimore, Md. 21201

Telephone: (410) 336-3294

- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202

ZONING ORDINANCE REQUEST

STATEMENT OF INTENT

FOR

420 N. Haven Street, Baltimore, Maryland 21224

{Property Address}

1. Applicant's Contact Information:

Name: Bang Bang Investments LLC by Michael Berkson, Sole Member

Mailing Address: c/o Melvin J. Kodenski, Esquire, 320 N. Charles Street, Baltimore, Maryland 21201

Telephone Number: 410-685-5100 (phone number of Melvin J. Kodenski, Esquire)

Email Address: melvinjkodenski@hotmail.com

2. All Proposed Zoning Changes for the Property: 420 N. Haven Street

change of zoning from I-2 to C-3

3. All Intended Uses of the Property:

residential rental units

4. Current Owner's Contact Information:

Name: Bang Bang Investments LLC by Michael Berkson, Sole Member

Mailing Address: 8555 Pulaski Highway, Baltimore, Maryland 21237

Telephone Number: 410-336-3294

Email Address: thatmattressplace@gmail.com

5. Property Acquisition:

The property was acquired by the current owner on 03/24/2022 by deed recorded in the
Land Records of Baltimore City in Liber MB 24410 Folio 0275

6. Contract Contingency:

(a) There is is not a contract contingent on the requested legislative authorization.

(b) If there is a contract contingent on the requested legislative authorization:

(i) The names and addresses of all parties to the contract are as follows {use additional sheet if necessary}:

N/A

(ii) The purpose, nature, and effect of the contract are:

N/A

7. Agency:

(a) The applicant is is not acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority owners of any corporate entity are as follows *{use additional sheet if necessary}*:

N/A

AFFIDAVIT

I, Michael Berkson, Sole Member of Bang Investments LLC, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.

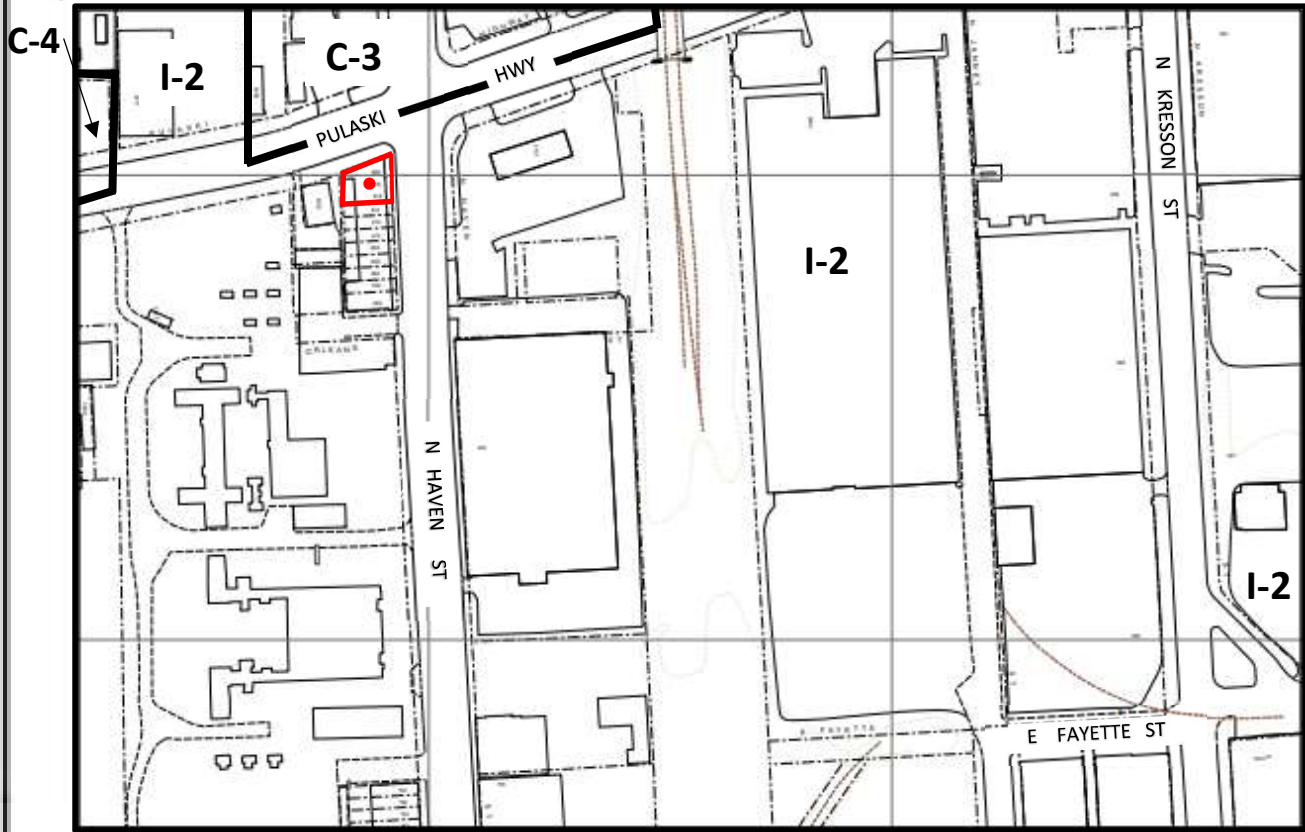
✓ 

Applicant's signature

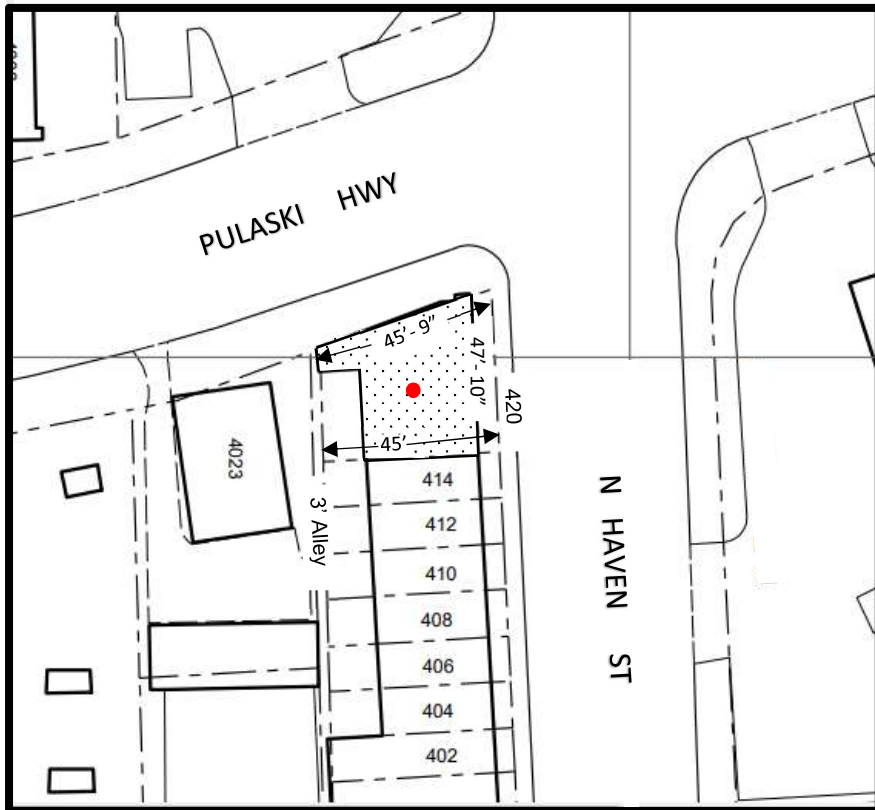
11/4/22

Date

**SHEET NO. 58 OF THE ZONING MAP OF
THE ZONING CODE OF BALTIMORE CITY**



Scale: 1" = 200'



RPE 12-15-22

Scale: 1" = 50'

Note:

In Connection With The Property Known As No. 420 N HAVEN STREET. The Applicant Wishes To Request The Rezoning Of The Aforementioned Property From I-2 Zoning District To C-3 Zoning District, As Outlined In Red Above.

WARD 26 SECTION 19

BLOCK 6265A LOT 11

MAYOR

PRESIDENT CITY COUNCIL

**Baltimore City Council
Certificate of Posting - Public Hearing Notice**

Today's Date: July 14, 2024

City Council Bill No.: 23-0350



420 North Haven Street (1 of 3)

I HEREBY CERTIFY, under penalty of perjury, that a sign was posted at:

Address: 420 North Haven Street

Date Posted: July 14, 2024

Name: Bang Bang Investments LLC c/o Michael Berkson

Address: 320 N. Charles Street

Baltimore, Md. 21201

Telephone: 410-336-3294

R. Hoffman (sign Poster)

- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202

Baltimore City Council
Certificate of Posting - Public Hearing Notice

Today's Date: July 14, 2024

City Council Bill No.: 23-0350



420 North Haven Street - Pulaski Highway side (2 of 3)

I HEREBY CERTIFY, under penalty of perjury, that a sign was posted at:

Address: 420 North Haven Street

Date Posted: July 14, 2024

Name: Bang Bang Investments LLC c/o Michael Berkson

Address: 320 N. Charles Street

Baltimore, Md. 21201

Telephone: 410-336-3294

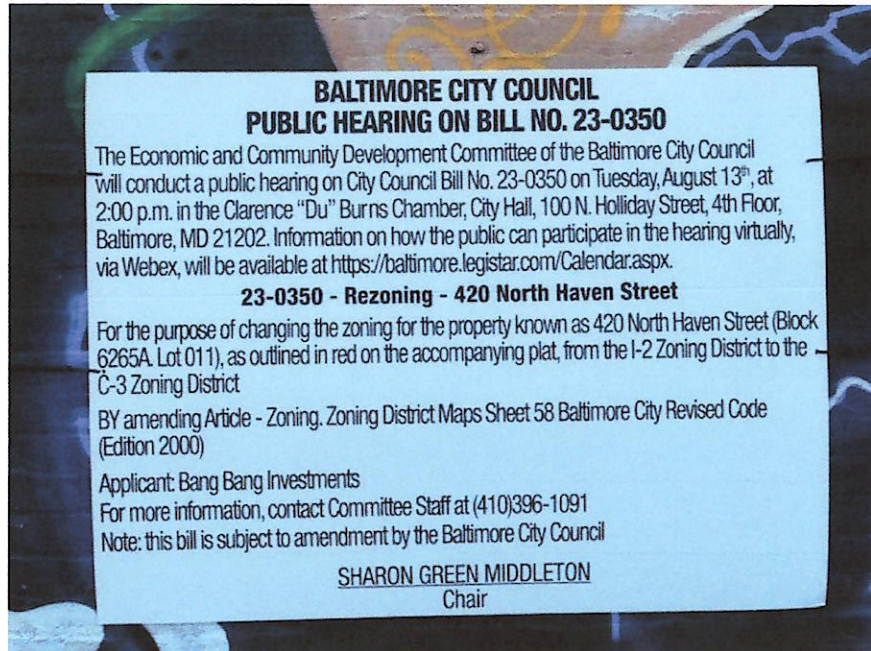
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420 North Haven Street - close up of sign wording (3 of 3)

I HEREBY CERTIFY, under penalty of perjury, that a sign was posted at:

Address: 420 North Haven Street

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Re:

Mattress Place <thatmattressplace@gmail.com>

Wed 12/14/2022 9:13 AM

To: Melvin Kodenski <melvinjkodenski@hotmail.com>

There isn't a community there. It's outside of the "normal" highland town area.

Thanks

Sent from my iPhone

On Dec 14, 2022, at 9:02 AM, Melvin Kodenski <melvinjkodenski@hotmail.com> wrote:

We ordered the plats necessary for Zoning - there was a question whether there was a community organization there that we could get a letter of support from - I don't think so, but if you think there's a group like the Highlandtown Community Association (but I think you're too far for) - then we can say we don't think there's a community group in your area - but let me know.

Melvin J. Kodenski, Esquire
320 N. Charles Street
Baltimore, Maryland 21201
410-685-5100
Fax: 410-685-5825