

CITY OF BALTIMORE
ORDINANCE **22-167**
Council Bill 22-0213

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: April 4, 2022
Assigned to: Economic and Community Development Committee
Committee Report: Favorable, with amendments
Council action: Adopted
Read second time: July 25, 2022

AN ORDINANCE CONCERNING

1 **Street Encroachment - 420 East Randall Street**

2 FOR the purpose of permitting, subject to certain conditions, the construction and maintenance of
3 a portion of a building, to project into the public right-of-way on the east west side of Henry
4 Street on the property known as 420 East Randall Street; and providing for a special effective
5 date.

6 BY authority of
7 Article - Building, Fire, and Related Codes
8 Section(s) 2-103 (BC § 3202.3)
9 Baltimore City Revised Code
10 (Edition 2000)

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That:**

12 (a) Permission is granted for the construction and maintenance of a portion of a building
13 located along the front of the property known as 420 East Randall Street, the portion of the
14 building extending into the public right-of-way of Henry Street, subject to the conditions
15 specified in this Ordinance. The area of encroachment is more clearly shown on a plat on file in
16 the Department of Transportation, dated March 10, 2021, revised May 15, 2021, and revised
17 September 28, 2021, prepared by NW2 Engineering.

18 (b) The structure may not project into the public right-of-way more than 3 feet.

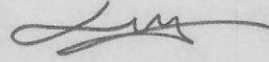
19 (c) Except as specifically provided in this Ordinance, all ordinances, rules, and
20 regulations of the Mayor and City Council of Baltimore, including but not limited to the
21 requirement to obtain a right-of-entry permit, must be complied with in the construction and
22 maintenance of this structure.

23 **SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is**
24 **enacted.**

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

Council Bill 22-0213

Certified as duly passed this 15 day of August, 2022



President, Baltimore City Council

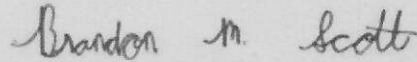
Certified as duly delivered to His Honor, the Mayor,

this 15 day of August, 2022

Natawna B. Austin

Chief Clerk

Approved this 3rd day of October, 2022



Mayor, Baltimore City

Approved for Form and Legal Sufficiency
This 1st Day of September, 2022.

Elena R DiPietro
_____ -

LOT INFORMATION:

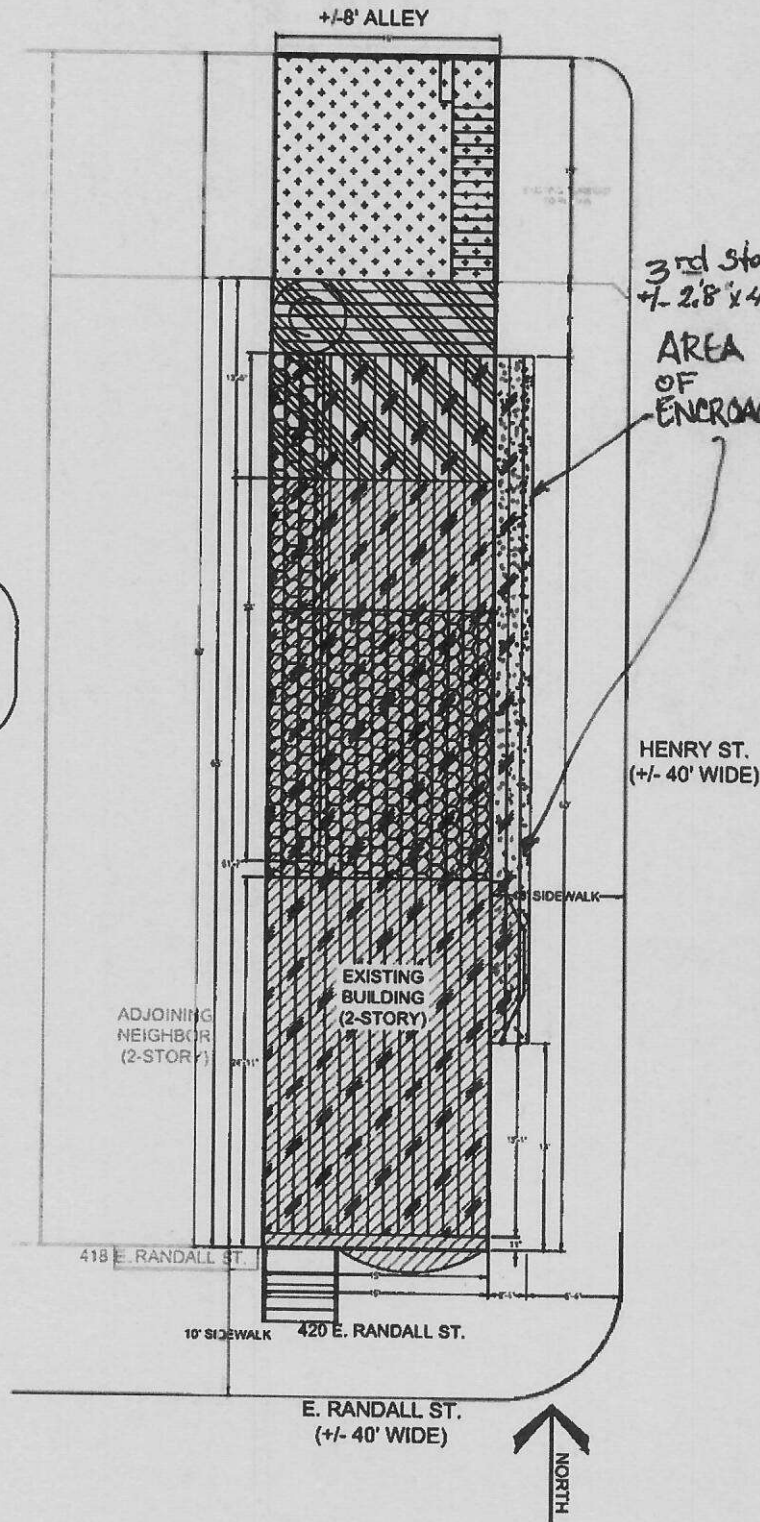
- ZONE = R-8
- MAP # 0024
- GRID # 9000
- PARCEL # 0000
- SECTION # 07
- BLOCK # 1015
- LOT # 001
- BUILDING CLASSIFICATION = RESIDENTIAL
- BUILDING USE = S F D (SINGLE FAMILY DWEL. BNG)
- LOT SIZE = 15187 (1,200 SQFT)
- EX. BUILDING LOT COVERAGE = (848 SQFT)
- PRO. BUILDING LOT COVERAGE = (875 SQFT)
- PROPERTY BUILT = 1900
- PROPOSED BUILDING HEIGHT = 34' +/-
- EX. ENCLOSED BUILDING = 1,770 SQFT ABOVE GRADE
- PRO. ENCLOSED BUILDING = 2,776 SQFT

LEGEND

-  - EXISTING BUILDING
-  - NEW 2-STORY REAR ADDITION (13'-9"x15') = (201.25 SF X 2) = 402.5 SQFT
-  - NEW 2ND FLOOR REAR DECK w/ STEPS (15'X15')
-  - NEW FULL 3RD FLOOR ADDITION (59'-1"x17'-8") (VARIES) = 1,008 SQFT
-  - NEW REAR 3RD FLOOR DECK/PLATFORM w/ METAL SPIRAL STAIR (5'X15')
-  - NEW ROOF CATWALK (17'-1"x3'-6") TO NEW ROOF TOP DECK (18'X15')

SCOPE OF WORK

- DEMO EXISTING 1ST & 2ND FLOOR REAR ADDITIONS
- NEW 2-STORY REAR ADDITION
- NEW 2ND FLOOR REAR DECK & STEPS
- NEW FULL 3RD FLOOR ADDITION
- NEW 3RD FLOOR REAR DECK/PLATFORM WITH SPIRAL STAIR
- NEW CATWALK TO NEW ROOF DECK
- NEW INTERIOR BUILD-OUT INCLUDING BUT NOT LIMITED TO (STAIRCASE, FLOOR / ROOF JOISTS, STUD WALLS)



A-1

SCALE

CIRCULATION

**420 E. RANDALL ST.
SITE**

DATE: 3/10/21 REV: 5/15/21; 9/28/21

SCALE: 1/8"=1'-0"

NW²
ENGINEERS
 P: 812.209.0587
 F: 414.88970

22-167

LEGEND

NG BUILDING

-STORY REAR ADDITION
5') = (201.25 SF X 2) = 402.5 SQFT

ND FLOOR REAR DECK W/ STEPS

ULL 3RD FLOOR ADDITION
17'-8") (VARIES) = 1,008 SQFT

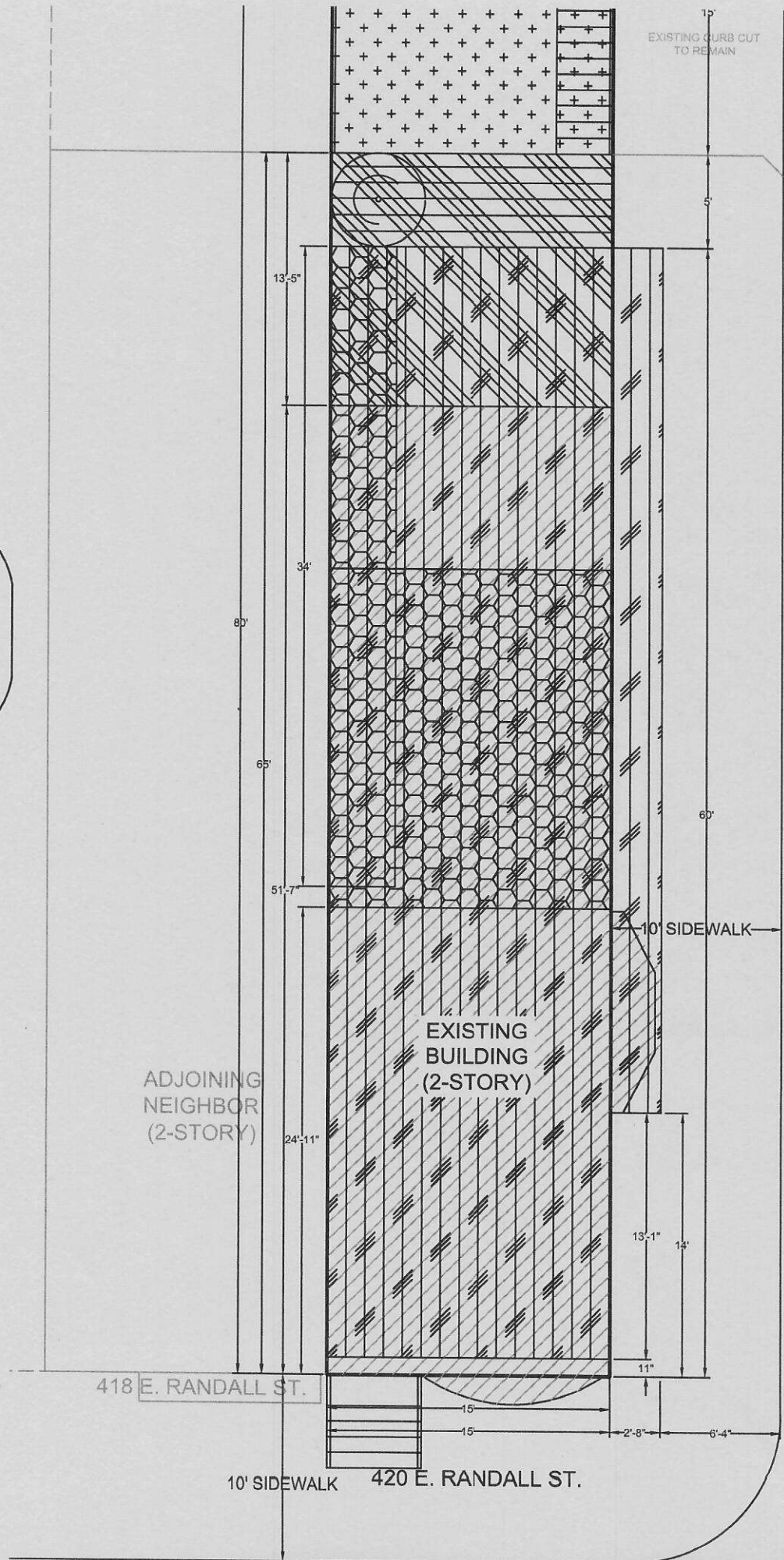
EAR 3RD FLOOR DECK/PLATFORM
AL SPIRAL STAIR (5'X15')

ROOF CATLWALK (17'-1"x3'-6") TO
OF TOP DECK (18'x15')

SCOPE OF WORK

3 1ST & 2ND FLOOR REAR ADDITIONS
REAR ADDITION
IR REAR DECK & STEPS
FLOOR ADDITION
IR REAR DECK/PLATFORM WITH SPIRAL STAIR
TO NEW ROOF DECK

BUILD-OUT, INCLUDING BUT NOT LIMITED TO:
LOOR / ROOF JOISTS, STUD WALLS)

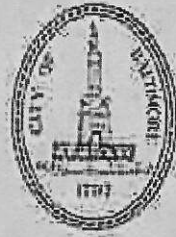


HENF
(+/- 40)

IN THE MATTER OF THE PETITION
OF: PAUL BRINKMAN

Baltimore City Board of Municipal
& Zoning Appeals

420 E. RANDALL ST.



Kathleen Byrne
Acting Executive Director
417 E. Fayette Street, Room 922
Baltimore, MD 21202
Phone: 410-396-4301

Appeal No. 2021-060
Hearing Date: June 1, 2021

RESOLUTION

After giving public notice, reviewing the zoning records, holding a public hearing on June 1, 2021, and considering all materials submitted, it is by the authority of Ords. 16-581 and 17-015, enacted and corrected effective June 5, 2017, known as Article 32 Zoning, on this 24th day of June, 2021, that Appeal No. 2021-060, upon finding sufficient evidence in the record to support Paul Brinkman's ("Appellant") application for zoning variances needed to construct a two-story rear addition, full-third-floor addition, deck at rear of second and third floors, and a rooftop deck, is hereby

GRANTED, by unanimous consent of the Board of Municipal and Zoning Appeals subject to the **CONDITION** that:

- (1) The proposed third-floor addition is completed in accordance with plans approved by the Department of Planning.

DO NOT START WORK OR USE THE PROPERTY UNTIL YOU OBTAIN A BUILDING OR A USE & OCCUPANCY PERMIT FROM THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT. YOU HAVE ONE YEAR FROM THE DATE OF THIS RESOLUTION TO OBTAIN A BUILDING PERMIT OR A USE & OCCUPANCY PERMIT.

Kathleen Byrne
Acting Executive Director



RIGHT OF ENTRY AGREEMENT

PAUL T. BRINKMAN

420 EAST RANDALL STREET, BALTIMORE, MARYLAND 21230

WARD 24, SECTION 7, BLOCK 1935, LOT 51

THIS AGREEMENT, made this 22nd day of October, 2021 by and between the Director of Transportation, acting and for and in behalf of the Mayor and City Council of Baltimore, a municipal corporation of the State of Maryland, hereinafter referred to as GRANTOR, and Paul T. Brinkman.

WHEREAS, GRANTEE is desirous to immediately enter upon the property owned by GRANTOR; and

WHEREAS, the entry by the GRANTEE will not adversely affect the interests or operations of the GRANTOR; and

WHEREAS, immediate entry is necessary in order not to adversely affect the interests of the GRANTEE;

NOW, THEREFORE, for good and valuable considerations, and the sum of \$ 750.00, the receipt of which is hereby acknowledged, the GRANTOR does hereby grant unto the GRANTEE, its contractors, agents and employees a right of entry to enter upon the property of the GRANTOR known as the street right of way on the Henry Street side of 420 East Randall Street, Baltimore, Maryland 21230 for the purpose of GRANTEE's project identified as '420 E. Randall St. Site'. The area of encroachment is broken down as follows "3rd Floor Addition with cantilever over sidewalk 2'-8" X 46'-0" = 122'.8" Sq. Ft +/- and is more clearly shown on the "420 E. Randall St. Site" prepared by NW2 Engineers, dated 3/10/2021 and revised 5/15/2021, and further revised 9/28/2021 attached hereto and made a part hereof.

GRANTEE agrees that any and all construction within the limits described herein which affects City owned facilities shall be in accordance with the requirements of the City and subject to inspection and approval that any structures of the City within the limits described herein shall be fully protected against any possible damage, that the placement of any structures within the limits described herein which affect City owned utilities on similar property shall be in accordance with the directions of said department; and that said department shall have complete access to the area at all times.

The GRANTEE agrees that before any entry or acts that affect City utilities, the Department of Transportation will be notified.

The GRANTEE agrees to abandon or relocate all City utilities at their own cost and expense and furthermore to pay all City costs and expenses in connection with this right of entry.

The GRANTEE will supervise all work crews and will prevent any interference with City operations.

The GRANTEE Subject to any limitations imposed by law, the parties agree that each party shall be responsible for its own actions and omissions, pursuant to the performance of this Agreement, and neither party shall try to hold the other liable with respect to any matter not arising from the other party's actions or omissions. Furthermore, the liability of the parties shall be governed by the terms and provisions of the applicable Tort Claims Acts and relating funding provisions.

The GRANTEE agrees to pursue an Encroachment Ordinance for the portion of the structure which encroaches into the street right of way.

The GRANTEE shall notify GRANTOR 5 working days prior to entry onto GRANTOR'S property.

The GRANTEE shall notify GRANTOR 5 working days prior to entry onto GRANTOR'S property.

The GRANTEE shall restore this area to its original condition or a condition satisfactory to GRANTOR in the event said Encroachment Ordinance is not obtained.

The Director of the Department of Transportation reserves the right to terminate this Agreement if said Director deems it in the best interests of the City to do so.

The person executing this Right of Entry on behalf of GRANTEE represents and warrants that this Right of Entry has been authorized by all necessary parties, is validly executed by an authorized officer or agent of GRANTEE, and is binding upon and enforceable against the GRANTEE in accordance with its terms.

Acceptance of this right of entry and its conditions is indicated by the approval hereon of the officials mentioned below:

WITNESS:

Natasha Justice

PAUL T. BRINKMAN/GRANTEE/OWNER

By:

[Signature]
NAME: PAUL T. BRINKMAN
TITLE: GRANTEE/OWNER

WITNESS:

[Signature]
D. RAMM

MAYOR AND CITY COUNCIL OF
BALTIMORE/GRANTOR

By:

[Signature]
STEVE SHARKEY
DIRECTOR

SUFFICIENCY THIS 21ST DAY OF

September, 2021

[Signature]
Spent CHIEF SOLICITOR

Riverside Neighborhood Association Inc.

1501 Covington Street
Baltimore, Maryland 21230
RNABaltimore@gmail.com
RiversideNeighborhoodAssociation.com



October 20, 2021

Steve Sharkey
Director, Department of Transportation
City of Baltimore

Delivered by email to: s.sharkey@baltimorecity.gov

Dear Director Sharkey:

On behalf of the Riverside Neighborhood Association Board of Directors, please allow this letter to confirm that the Association has no objection to the construction plans for 420 East Randall Street as submitted to you for approval by Paul Brinkman. The plan referenced here includes the "bump-outs" that we understand require your agency's permission to encroach, technically, on the public right-of-way above but not on street level along Henry St.

We very much appreciate that you considered and requested the community's input on this decision. I am copying Council Member Costello because he has expressed his interest in and support for this action.

Should you have any questions, please contact me at the address provided.

Thank you.

For the Riverside Neighborhood Association Inc.:

A handwritten signature in black ink, appearing to read "Richards R. Badmington", is written over a horizontal line. The signature is stylized and cursive.

Richards R. Badmington, President

cc: Baltimore City Council Member Eric Costello (eric.costello@baltimorecity.gov)
RNA Board of Directors (RNABaltimore@gmail.com)
Paul Brinkman (p.brinkman@att.net)