

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

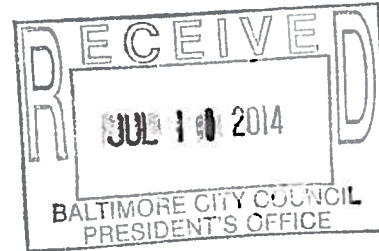


DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

July 10, 2014

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



Attn: Natawna B. Austin
Executive Secretary

Re: **Supplementary Report** - City Council Bill 13-0285 – Zoning –
Conditional Use Conversion of a 1-Family Dwelling Unit to a 2-Family
Dwelling Unit in the R-8 Zoning District – Variances – 1601 West Pratt
Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 13-0285 for form and legal sufficiency and in light of the recent amendment to Section 3-305(b) of the Zoning Code. The bill permits the conversion of a 1-family dwelling unit to a 2-family dwelling unit at 1601 West Pratt Street, which is in an R-8 Zoning District. It also authorizes a variance from the lot area requirement and a variance of one parking space from the requirement of two.

Conversion of a 1-family dwelling unit to a 2-family dwelling unit is permitted in an R-8 Zoning District only by ordinance. Zoning Code of Baltimore City ("ZC") §3-305(b)(2). As part of an ordinance authorizing a conditional use conversion, a variance from the requirements of the Zoning Code may be granted. ZC § 15-101(2)(i). Certain procedures must be followed for any conditional use, including conversions to 2-family dwelling units. See ZC § 3-305(c)(1) (requirements of Title 14 apply); ZC §§14-208; 16-101(c)(2), 16-101(d)(1) (conditional use is a type of legislative authorization); ZC §16-203, 16-402 (notice and posting requirements); ZC §16-301 *et. seq.* (referral to certain City agencies, which are obligated to review the bill in a specified manner); ZC §16-403 (limitations on the City Council's ability to amend the bill); see also Md. Land Use Code Ann., §10-303.

The requested variance for lot area is allowable under Section 3-305 (b)(2) which now states that the principal-permitted-use bulk regulations apply to conversions of a one or two family dwelling to additional dwelling units. The variance for one parking space is also allowable under Sections 10-405 and 15-208(b). However, as stated by the Law Department in

its original report and at the committee hearing, an amendment to the bill to add a variance for lot coverage is required. The maximum allowable lot coverage in the R-8 District is 60%, see ZC §§4-1106 (b), but the Staff Report (Report) from the Planning Department states that the lot coverage for this property is 66%. See Report at 2. Section 15-202(b) of the Zoning Code provides that “[a] variance may authorize a lot coverage that is more than otherwise allowed by the applicable regulation.”

This 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 conversion has been met, and to make the required findings under Sections 15-218 and 15-219. If the bill is amended to include a variance from the bulk regulation for lot coverage, and assuming all procedural requirements have or will be satisfied, the Law Department will approve the bill for form and legal sufficiency.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Landis".

Jennifer Landis
Special Assistant Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Victor K. Tervalá, Chief Solicitor