
CITY OF BALTIMORE

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Mayor



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March 11, 2025

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 25-0022 – R-8 Zoning District – Conditional Use –
Maximum Building Height – Variances – 1121 Bayard Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 25-0022 for form and legal sufficiency. The bill would grant variances from certain bulk and yard regulations (minimum building height, rear-yard setback, and maximum lot coverage) on the property known as 1121 Bayard Street (Block 0767, Lot 032), as outlined in red on the accompanying plat; and provide for a special effective date.

Conditional Use Approval Standards

The applicant proposes the construction of a single-family rowhouse dwelling at 1121 Bayard Street, which requires relief from the bulk and yard regulations of the R-8 zoning district. Maximum height for a rowhouse in the district is 35 feet, with 45 feet allowed by conditional use if the corner lot adjoins two streets that both have at least a 30-foot right-of-way. Baltimore City Code, Art. 32, §§ 5-401(b); 9-401; Tbl. 9-401. Here, the applicant proposes a 37-foot-tall dwelling.

To approve a conditional use, the City Council must find:

- (1) the establishment, location, construction, maintenance, or operation of the conditional use or sign would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use or sign 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, § 5-406(b). These findings must be guided by 14 required considerations:

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;

- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;
- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;
- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;
- (5) accessibility of the premises for emergency vehicles;
- (6) accessibility of light and air to the premises and to the property in the vicinity;
- (7) the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;
- (8) the preservation of cultural and historic landmarks and structures;
- (9) the character of the neighborhood;
- (10) the provisions of the City's Comprehensive Master Plan;
- (11) the provisions of any applicable Urban Renewal Plan;
- (12) all applicable standards and requirements of this Code;
- (13) the intent and purpose of this Code; and
- (14) any other matters considered to be in the interest of the general welfare.

City Code, Art. 32, §§ 5-406(b); 5-404(a) (review in accordance with standards in Section 5-406). The Law Department notes that the Planning Report contains findings of fact on these matters and that staff finds that the request meets the approval standards for conditional use.

Variance Standards

In the R-8 district, the minimum rear yard setback requirement is 20 feet; however, a zero-foot setback is proposed, which requires a full variance. Baltimore City Code, Art. 32, § 9-401; Tbl. 9-401. Additionally, the maximum lot coverage permitted is 80 percent, while 100 percent coverage is proposed, which requires a full variance. Baltimore City Code, Art. 32, § 9-401; Tbl. 9-401.

To grant a 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 Law Department notes that the Planning Report contains findings of fact on these matters and that staff finds that the approval standards for the variances are met.

Procedural Requirements

Certain procedural requirements apply to this bill because both conditional uses and variances are considered "legislative authorizations." Baltimore City Code, Art. 32, § 5-501(2). Specifically, notice requirements apply to the bill, and it must be referred to certain City agencies, which are obligated to review it in a specified manner. Baltimore City Code, Art. 32, §§ 5-504, 5-506, 5-602. The City Council must consider the above law at the scheduled public hearing wherein it will hear and weigh the evidence to make findings of fact as outlined above. Baltimore City Code, Art. 32, § 5-602. If the Committee makes findings that support the conditional use and the variances sought, it may adopt those findings and the legal requirements will be met. Finally, certain limitations on the City Council's ability to amend the bill apply. Baltimore City Code, Art. 32, § 5-507(c).

This bill is the appropriate method to review the facts and make the determination as to whether the legal standards 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 can approve the bill for form and legal sufficiency.

Sincerely,



Desiree Luckey
Assistant Solicitor

cc: Ebony Thompson, City Solicitor
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