

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

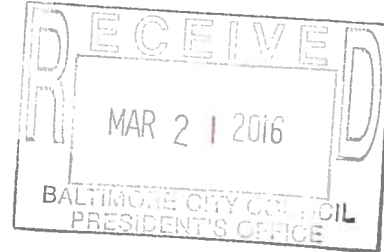


DEPARTMENT OF LAW

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

March 21, 2016

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 15-0572 – Zoning – Conditional Use Conversion of a 1 Family Dwelling Unit to a 4-Family Dwelling Unit in the R-7 Zoning District – Variances – 1715 Spence Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 15-0572 for form and legal sufficiency. The bill permits the conversion of 1-family dwelling unit to a 4-family dwelling unit at 1715 Spence Street, which is in an R-7 Zoning district. Such conversions are permitted in R-7 only by ordinance and “only as long as the number of dwelling and efficiency units to be allowed conforms with the applicable principal-permitted-use bulk regulations for the district in which the building is located.” Baltimore City Zoning Code (“ZC”), §3-305(b)(2). This is the requisite ordinance to permit this change.

Variances are requested for lot area coverage and floor area ratio. A lot area variance is not required pursuant to Sections 4-105 and 4-1006 of the Zoning Code because the property needs only 3,850 square feet but has 7,000 square feet (50’ x 140’). Thus, the Law Department concurs with the Planning report that recommends removal from the bill of the variance for lot area.

Additionally, the variance for floor area is not needed. The maximum floor to area ratio in an R-7 zoning district is 1.2. ZC §4-1008(a). According to Planning, the floor to area ratio is 0.37 so a variance is not required. Thus, the Law Department concurs with the Planning report that recommends removal from the bill of the variance for lot area.

However, a variance is needed for one of the side yards because Planning reports that it less than the required 15 feet. ZC §4-1107. A yard variance is permitted in any amount. ZC §15-203. The Planning report noted that it would be practically difficult and unnecessarily hard to comply with the yard requirement since the structure is already noncompliant with the existing bulk regulations.

An off-street parking variance is legally required if the property cannot provide the parking spaces required under Section 10-405 of the Zoning Code. Multiple family dwellings in an R-7 zoning district must have 1 space per dwelling unit. See also ZC §§10-201; 10-202(a). However, according to the State Department of Assessments and Taxation, the primary structure was built in 1920. Thus, only 3 spaces are needed because “additional off-street parking facilities are mandatory only in the amount by which the requirement for the new use [4] exceed those for the existing use [1].” ZC §10-203(b). This property does not have the three required spaces according to the Planning report. A variance of 75% of

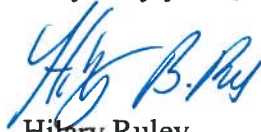
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this requirement, or 2.25 spaces, is permissible pursuant to Sections 15-101(2)(i) and 15-208(b) of the Zoning Code. The Planning report noted that it would be practically difficult and unnecessarily hard to comply with the parking requirement since the property is not adjacent to an alley that is at least fifteen feet wide.

There are certain procedures that must be followed. *See* ZC §§3-305(c)(plans and advice required), 14-208 (conditional uses must follow procedures in Title 16); 16-101(c)(2), 16-101(d)(1) (conditional use is a type of legislative authorization, which is a type of zoning legislation); 16-203, 16-401, 16-402 (notice, posting and hearing requirements); 3-305(c), 16-301, 16-302, 16-304 (referral to certain City agencies, which are obligated to review the bill in a specified manner); 16-403, 16-404 (limitations on the City Council's ability to amend the bill,); *see also* Md. Code, Land Use, §10-303. A Third Reading hold-over before final passage is needed because the bill, when amended, will include at least one variance.

Assuming all the procedural requirements are met, the building is able conform with the applicable principal-permitted-use bulk regulations after adoption of the amendments and the appropriate findings of fact are made, the Law Department can approve the amended bill for form and legal sufficiency.

Very truly yours,



Hilary Ruley
Chief Solicitor

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