



**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

February 20, 2024

2:00 PM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

23-0439

**Zoning - Variance - Side Yard - 6709 Western
Run Drive**

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BILL SYNOPSIS

Committee: Economic and Community Development

Bill: 23-0439

Title: Zoning - Variance - Side Yard - 6709 Western Run Drive

Sponsor: Councilmember Schleifer

Introduced: 10/16/2023

Purpose:

For the purpose of granting a variance from certain side yard regulations in the R-1E Zoning District for the expansion of a residential dwelling on the property known as 6709 Western Run Drive (Block 4250, Lot 016), as outlined in red on the accompanying plat.

Effective: The 30th day after being enacted

Agency Reports

City Solicitor	Does Not Approve for form and sufficiency
Department of Transportation	No Objection
Parking Authority	Favorable
Planning Commission	Favorable
Housing & Community Development	No Objection
BZMA	
BDC	No Objection

Analysis

Background

This Bill if enacted would grant a variance for a side yard setback of less than 10' for the listed property - 6709 Western Run Drive. The home built on the property is non-conforming with a setback as little as 4' in some places. However, it was conforming when built-in 1953 – later zoning codes starting in 1971 required a wider setback for a property.

The applicant is seeking to build an addition to the property that would also not conform to the current setback requirement.

The BMZA did hear an application for this variance but denied it according to a report from the Planning Department citing the decision from the BMZA. The noted reasoning in the report was that the addition would increase the non-conformity of the structure. The Planning Department notes that this is a departure from how cases such as this have been decided previously.

A bill to amend the zoning code 23-0435 Zoning Code Modifications would permit expressly permit variances in these cases.

Agency Reports

The Law department in their report noted that the zoning code does not permit the City Council to grant a major variance which has "...previously been denied by the BMZA". In the report, the Law department notes that this applies to a major variance – which is not expressly identified in the BMZA decision and this does highlight an ambiguity in the Zoning Code.

The law department also notes that passage of 23-0435 would allow the applicants to reapply for the variance with the BMZA which they would otherwise have to wait a year from the original BMZA decision to do.

Additional Information

Fiscal Note: Not Available

Information Source(s): 23-0439 1st reader; Agency Reports

Analysis by: Anthony Leva

Direct Inquiries to: 410-396-1091

Analysis Date: January 29, 2024

**CITY OF BALTIMORE
COUNCIL BILL 23-0439
(First Reader)**

Introduced by: Councilmember Schleifer

At the request of: Hillel Tendler

Address: 6709 Western Run Drive, Baltimore, Maryland 21221

Telephone: (410) 336-1500

Introduced and read first time: October 16, 2023

Assigned to: Economic and Community Development Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Variance – Side Yard –**
3 **6709 Western Run Drive**

4 FOR the purpose of granting a variance from certain side yard regulations in the R-1E Zoning
5 District for the expansion of a residential dwelling on the property known as 6709 Western
6 Run Drive (Block 4250, Lot 016), as outlined in red on the accompanying plat.

7 BY authority of

8 Article - Zoning

9 Section(s) 5-201(a), 5-305(a), 5-308, 8-401 (Table 8-401 (R-1E))

10 Baltimore City Revised Code

11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That
13 pursuant to the authority granted by §§ 5-201(a), 5-305(a), and 5-308 of Article 32 - Zoning, for
14 that property known as 6709 Western Run Drive (Block 4250, Lot 016), permission is granted
15 for a variance from the minimum interior-side yard requirements of § 8-401 (Table 8-401:
16 Detached and Semi-Detached Residential Districts - Bulk and Yard Regulations), as the
17 minimum interior-side yard setback requirement for a Dwelling: Detached, in the R-1E Zoning
18 District, is 10 feet, and the rear yard setback is 4 feet, thus requiring a variance of 66.66%.

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

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

Council Bill 23-0439

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**

**23-0439
AGENCY REPORTS**

CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



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

January 23, 2023

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: City Council Bill 23-0439 – Zoning - Variance - Side Yard - 6709 Western
Run Drive

Dear President and City Council Members:

The Law Department reviewed City Council Bill 23-0439 for form and legal sufficiency. The bill would grant a variance from certain side yard regulations in the R-1E Zoning District for the expansion of a residential dwelling on the property known as 6709 Western Run Drive (Block 4250, Lot 016).

The variance sought by this bill was the subject of an application by the owners of 6709 Western Run Drive to the Zoning Administrator who denied issuing a permit for the variance. That decision was appealed on March 13, 2023, to the Board of Municipal and Zoning Appeals (“BMZA”) in case BMZ2023-00078. A hearing on the appeal was held on May 16, 2023. The BMZA issued its decision denying the appeal and the requested variance on June 20, 2023. The property owners did not appeal the BMZA’s denial of the request.

A) Under the Zoning Code § 5-305 (c), the City Council may not grant a major variance where the same variance was previously denied by the BMZA.

The Council may only introduce an ordinance for a major variance. See Art. 32, § 5-201(a)(1). In its decision, the BMZA did not address whether the owner’s request was for a minor or major variance. But assuming that this request is for a major variance, the City Zoning Code, Art. 32 (the “Zoning Code”), § 5-305 provides the standards for review and the procedure before the BMZA. Section 5-305(b) states that if the Council refers a bill to the BMZA to approve the requested variance by ordinance, **before the BMZA has rendered a written decision on the requested variance**, then the proceedings before the BMZA cease and the application to the BMZA is deemed to be voluntarily withdrawn. In this case, however, the BMZA rendered a written

decision on the requested variance in June 2023. Accordingly, § 5-305(c) is the applicable provision. This section states:

(c) Legislative limitation.

No legislation may be introduced to approve a major variance after the Board of Zoning Appeals has rendered a written decision on an application involving the same subject matter.

Thus, because the BMZA previously issued a written decision denying the variance, the Zoning Code does not allow the City Council to reconsider this determination pursuant to this bill.

B) The owners may reapply to the BMZA for the same variance after waiting a year or within one year if there is substantial new evidence in support of the request.

Notwithstanding § 5-305 (c), the Zoning Code does allow a property owner to reapply for the same variance after a waiting period of one year from the BMZA's denial. See Art. 32, § 5-205 (a). Moreover, a property owner may submit a subsequent application within one year if the request is either "substantially different" or there is "substantial new evidence that justifies its consideration." See Art. 32, § 5-205 (b).

The Law Department notes that currently the City Council is considering separate legislation, Council Bill 23-0435, that would substantively amend the reason for the BMZA's earlier denial of the variance request. In its denial, the Board explained that in accordance with its reading of § 18-403 of the Zoning Code the expansion of an already existing nonconforming structure, even by way of variance, was precluded when the expansion would increase the degree of nonconformity. The structure at issue in this matter was built in 1953 and already extends into the 10-foot required side yard setback rendering the structure nonconforming. The Board viewed the requested variance as increasing the degree of nonconformity since the planned one-story addition would also extend into the 10-foot required side yard.

Council Bill 23-0435 proposes to amend current Zoning Code § 18-403 to clarify that a variance could be approved in such a circumstance. If the amendment is approved, the property owners would have the right to resubmit their application based on this change.

C) This request highlights an ambiguity in Zoning Code § 5-302 that the Council may wish to address as to whether the requested variance constituted a minor or major variance.

The BMZA decision does not note whether the requested variance is a major or minor variance. The decision is based instead on whether the requested variance would increase the degree of nonconformity in the existing structure. The Law Department notes that the BMZA decision contains the following statement:

As a matter of policy, the Board has interpreted § 18-403 [Subtitle 4 Nonconforming Structures] to mean that any additional portion of a building that does not comply with the required setbacks is a new nonconformity. Though this project would maintain the same

nonconforming setback line that has already been established, it would still increase the amount of the building that is nonconforming.

Separate from the issue of whether a variance can be granted for a nonconforming structure, an ambiguity exists in Zoning Code § 5-302 as to whether this request would qualify as a minor or major variance. On the one hand, the requested variance in CB 23-0439 meets the definition of a major variance in Art. 32, § 5-302(c)(1) since the amount of the requested variance for a side yard setback exceeds 10%. See § 5-302(b)(1)(ii). On the other hand, the requested variance may qualify as a minor variance under § 5-302(b)(1)(v).

In rendering its decision to deny the variance, the BMZA noted that the structure at 6709 Western Run Drive is a lawful, nonconforming structure. The BMZA decision notes that the structure at issue was built in 1953. There is no discussion in the decision of the provision in Art. 32, § 5-302(b)(1)(v). Section 5-302(b)(1)(v) states that the following constitutes a minor variance:

a variance to bulk or yard regulations if:

- (A) the parcel of land is improved with a nonconforming structure that has been in existence for at least 50 years;
- (B) the variance would not permit more than a 10% cumulative increase in the bulk and density of a structure that has been in existence for 50 or more years; and
- (C) in the opinion of the Zoning Administrator, the application complies with all applicable approval criteria for variances.

There is no analysis in the BMZA decision regarding whether the requested variance would fit within this definition in § 5-302(b)(1)(v), thus rendering it a minor variance. The existing above ground square footage of the structure is 3,881 sq. ft. With the proposed addition, the above ground square footage of the structure would be 4,166 sq. ft. Thus, it appears that the request would qualify as a major variance under § 5-302(b)(1) (ii) but could also qualify as a minor variance under § 5-302(b)(1)(v). The Law Department suggests that the City Council consider this apparent conflict as to the distinction between minor and major variances and clarify the ambiguity.

D) Conclusion

The BMZA has rendered a written decision on an application involving the same subject matter under consideration in Council Bill 23-0439. Therefore, Council Bill 23-0439 violates the prohibition in § 5-305(c). Accordingly, because of the provision in Art. 32, § 5-305(c), the Law Department cannot approve this bill for form and legal sufficiency.

Despite this, the Council now has the opportunity through pending Council Bill 23-0435 to pass an amendment to Zoning Code § 18-403 which provision caused the BMZA to not even consider whether the variance should be approved under the relevant standards. If the Council passes this amendment, such a change would provide a basis for the property owners to reapply to the BMZA and, if they satisfy the relevant standards for the grant of a variance, obtain their request. In addition, the Council now also has the opportunity to address the above-described ambiguity in §

5-302(b)(1) regarding the difference between a minor and major variance as part of its consideration of the same legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michele M. Toth", with a horizontal line extending to the right.

Michele M. Toth
Assistant Solicitor

cc: Ebony Thompson
Nina Themelis
Tiffany Maclin
Elena DiPietro
Hilary Ruley
Ashlea Brown
Jeff Hochstetler
Teresa Cummings

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR		
	SUBJECT	CITY COUNCIL BILL #23-0439 / ZONING – VARIANCE		

TO

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

DATE: December 1, 2023

At its regular meeting of November 30, 2023, the Planning Commission considered City Council Bill #23-0439, for the purpose of granting a variance from certain side yard regulations in the R-1E Zoning District for the expansion of a residential dwelling on the property known 6709 Western Run Drive (Block 4250, Lot 016), as outlined in red on the accompanying plat.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended conditional approval of City Council Bill #23-0439, and adopted the following resolution, with 9 members being present (9 in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and finds that because of its particular surroundings and shape of the specific structure, a practical difficulty would result if the strict letter of the applicable Zoning Code requirements were carried out; and therefore recommends that City Council Bill #23-0439 be **approved** by the City Council **following amendment of Baltimore City Zoning Code subsection 18-403 as proposed in City Council Bill #23-0435**. (Please refer to the separate Planning Commission report on City Council Bill #23-0435 for additional information.)

CR/ewt

Attachment

cc: Ms. Nina Themelis, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Ms. Nikki Thompson, City Council President's Office
Mr. Colin Tarbert, BDC
Ms. Rebecca Witt, BMZA
Mr. Geoffrey Veale, Zoning Administrator
Ms. Stephanie Murdock, DHCD
Ms. Elena DiPietro, Law Department
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services



Brandon M. Scott
Mayor

PLANNING COMMISSION

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

STAFF REPORT



Chris Ryer
Director

November 30, 2023

REQUEST: City Council Bill #23-0439/ Zoning – Variance – Side Yard – 6709 Western Run Drive:

For the purpose of granting a variance from certain side yard regulations in the R-1E Zoning District for the expansion of a residential dwelling on the property known as 6709 Western Run Drive (Block 4250, Lot 016), as outlined in red on the accompanying plat.

RECOMMENDATION: Approval conditional upon adoption of City Council Bill #23-0435 amendment of §18-403 {"Expansion of structure"} of the Baltimore City Zoning Code (BCZC)

STAFF: Eric Tiso and Martin French

PETITIONER: Councilmember Schleifer, at the request of Hillel Tendler

OWNERS: Hillel and Marsha L. Tendler

SITE/GENERAL AREA

Site Conditions: 6709 Western Run Drive is located on the north side of the street, between its intersections with Labyrinth Road and Clarks Lane. This property measures approximately 80' by 181'1" and is currently improved with a two-story detached L-shaped residential building measuring approximately 53' across its front by approximately 56' at its greatest depth. The building's L-shaped construction created an area in its western side yard hidden from view from the street and next to the adjoining property at 6711 Western Run Drive that the owner proposes to use for a one-story addition to the existing structure. This site is zoned R-1E and is located within the Cross Country community.

General Area: The Cross Country community is a completely residential area in the northwest portion of Baltimore City, and its northern boundary is the northern City limit. The community extends eastward from Park Heights Avenue along both sides of Western Run, which is a tributary to the Jones Falls further east of it, to Taney Road. The community is variously zoned for residential uses, with the majority of zoning districts being either versions of the R-1 District that does not allow multi-family dwellings, or the R-5 District that does allow multi-family dwellings.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site. This property and the area along the north side of Western Run were rezoned from R-1 to R-1E during the comprehensive rezoning process associated with adoption of the current Zoning Code which became effective on June 5, 2017.

ANALYSIS

Background: On March 13, 2023 the applicant filed an application to construct an addition to the existing house using the western side yard of the property. The Zoning Administrator determined that a side yard setback variance would be required for approval of this. The applicant then filed a request for a zoning appeal hearing. The hearing was duly scheduled and advertised and the appeal (#2023-78) was heard on May 16, 2023. Following the hearing, the Board of Municipal and Zoning Appeals (BMZA) issued its Resolution dated June 20, 2023 that denied the requested variance (see discussion below). The applicant duly filed a request for a reconsideration by the BMZA, which was considered and denied by the BMZA on September 19, 2023. Although the Zoning Code (BCZC) provides that any person aggrieved by a decision of the BMZA may request judicial review of that decision within the time and in the manner required by law and the Maryland Rules of Procedure (per §19-302(b)(1) and §19-302(c)(1) of the Zoning Code), the applicant instead requested introduction of this bill for the purpose of authorizing the variance that the BMZA had twice disapproved.

Zoning Analysis:

Bulk Requirements: The Zoning Code requires, for a property in the R-1E zoning district, a minimum interior-side yard [setback] of 10 feet for a dwelling, either detached or semi-detached (BCZC Table 8-401). According to the site plan provided with the original zoning appeal #2023-78 (referenced above) the existing house is at a distance of less than 10 feet from its western interior-side lot line that divides 6709 Western Run Drive from 6711 Western Run Drive. (The chimney on that side of the house may be as close as 4' to that lot line, according to the plat detail map accompanying this bill.) Both the 1971 Zoning Code and the current Zoning Code state that a detached dwelling must be at least 10 feet from its interior side lot line (§4-207(a) of the former Zoning Code and Table 8-401 of the current Zoning Code). This property, containing a dwelling constructed in 1953, thus is improved by a structure classified as nonconforming since 1971. Nonconformity was not created by construction of the house, but by later zoning code provisions that required a greater amount of interior side yard setback than was provided by the builder of the house.

The owner of 6709 Western Run Drive proposes to build a one-story side addition to the existing structure. Plans for that addition show that it would extend to within 4 feet of the western interior side lot line at its closest point, based upon a rearward extension aligned with the existing western side wall of the existing house. This setback would be occasioned by the fact that the western lot line is not perpendicular to the front lot line, as the front lot width is approximately 80 feet but the rear lot line, which is nearly parallel to Western Run Drive, measures approximately 65' according to the plat detail map.

Prior Hearing and Resolution: The BMZA considered the zoning appeal a request to approve a proposed addition to a nonconforming structure. BCZC §18-403 currently states in its entirety: "A nonconforming structure may not be expanded if the expansion would create a new nonconformity or increase the degree of any nonconformity." At the hearing it was testified that the purpose of the proposed building addition was to increase the habitable floor area of the existing house. The BMZA indicated during the hearing that it would be able to consider the variance request if the property was improved with a conforming structure, but would be

prevented from approving the same request if it was for a nonconforming structure. In its Resolution, the BMZA stated in part:

“According to the plain language of 18-403, the structure cannot be expanded if the proposed expansion increases the amount of existing nonconformity or creates a new nonconformity. The Board held that to allow Appellant’s client * to build an addition along the existing nonconforming portion of the property would be to create a new nonconformity and to increase the amount of nonconformity.

* (*Appeal #2023-78 was filed by an agent who for that purpose represented the property owner*)

“... As a matter of policy, the Board has interpreted section 18-403 to mean that any additional portion of a building that does not comply with the required setbacks is a new nonconformity. Though this project would maintain the same nonconforming setback line that has already been established, it would still increase the amount of the building that is nonconforming. To interpret the Code otherwise would mean that as soon as any nonconforming aspect of a building has been established, the owner is then allowed to build along that nonconforming line without a variance. This interpretation would not be not (*sic!*) consistent with the purpose and intent of the nonconformities section of the Code found in section 18-101(a), which says “[c]onsistent with the establishment of those districts, all uses and structures incompatible with allowed uses and structures must be *strictly regulated and properly controlled*” (emphasis added).”

Interpretation: Staff notes that this interpretation by the BMZA is a departure from many years of practice, where a nonconforming structure could be made further nonconforming by way of a variance, if it could meet the requirements for approval. That scenario occurred with some frequency both under the prior zoning code, and under the current code. It is our understanding that §18-403 is necessary to prevent a permit from being issued over the counter, and to instead be referred for a hearing. In part, City Council Bill #23-0435 was introduced by Councilman Schleifer two weeks before this bill was introduced to clarify the code requirements. If enacted, that bill would amend the Zoning Code to make it explicitly clear that a nonconforming structure could be expanded if a variance for that purpose is approved (see staff report on City Council Bill #23-0435, page 6). Once so amended, the Zoning Code would allow the BMZA to rehear the appeal #2023-78 and determine if a variance would be approvable for a structure classified as nonconforming by the Code. We believe that this is the appropriate means to confirm that the City Council and the BMZA have discretion to approve variances relating to nonconforming structures.

The Zoning Code authorizes the City Council to originate legislation to approve a major variance (BCZC Title 5, Subtitle 2) and provides requirements for approval of a variance by legislative authorization (BCZC Title 5, Subtitle 5). The City Council has on occasions included variances of the Zoning Code’s regulations in authorizations of residential conversions over a span of many years. This bill is unusual, in that staff believes that this will be the first time the provision of §5-305(b)(4) will be invoked to consider a variance (by itself and without any other related action) through a legislative authorization, thereby removing it from BMZA consideration.

Equity:

- Impact:
 - It is unclear what effect approval of this bill would have in the short or long term, because conditions in the Cross Country community may not be representative of existing residential development patterns in other communities in Baltimore. Given the particular situation of the existing dwelling structure on 6709 Western Run Drive and the nature and extent of the proposed side addition, its only short-term effect would not be readily visible to the remainder of the community outside of the owners of 6711 Western Run Drive.
 - This legislation would not impact existing patterns of inequity that persist in Baltimore.

- Engagement:
 - As was testified in the BMZA hearing of appeal #2023-78, the owner consulted with nearby residents, and particularly with the owner of 6711 Western Run Drive, before appealing the Zoning Administrator's decision to disapprove the application to construct an addition to the existing house.

- Internal Operations:
 - Approval or disapproval of this bill would have no effect upon operations of the Planning Department.

Notification: The Cross Country-Cheswolde Neighborhood Association and Councilman Schleifer have been notified of this action.

A handwritten signature in blue ink, appearing to read 'Chris Ryer', with a long horizontal line extending to the right.

Chris Ryer
Director



MEMORANDUM

DATE: December 26, 2023
TO: Economic and Community Development Committee
FROM: Colin Tarbert, President and CEO 
POSITION: No Objection
SUBJECT: Council Bill 23-0439 Zoning – Variance – Side Yard – 6709 Western Run Drive

INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill 23-0439 introduced by Councilmember Schleifer.

PURPOSE

The purpose of this bill is to grant a variance for side yard regulations in the R-1E Zoning District on the property known as 6709 Western Run Drive.

BRIEF HISTORY

The proposed legislation would provide for the expansion of a one-story side addition to the property and a variance is necessary to allow construction. The current zoning requires a 10-foot setback and the applicant is respectfully requesting a variance of 66.66 %, from 10 feet to 4 feet.

FISCAL IMPACT [to BDC]

None.

AGENCY POSITION

The Baltimore Development Corporation respectfully takes **no objection** to City Council Bill 23-0439. 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

[DG]

TRANSMITTAL MEMO

TO: Council President Nick J. Mosby
FROM: Peter Little, Executive Director
DATE: November 28, 2023
RE: City Council Bill 23-0439



I am herein reporting on City Council Bill 23-0439 introduced by Councilmember Schleifer at the request of Hillel Tendler.

The purpose of this bill is to grant a variance from certain side yard regulations in the R-1E Zoning District for the expansion of a residential dwelling on the property known as 6709 Western Run Drive (Block 4250, Lot 016), as outlined in red on the accompanying plat.

This property is not located where PABC administers any on-street parking programs. It is our understanding that the request for the conversion would allow the existing use(s) to continue, therefore parking impacts have already been realized. If there are any changes to the use(s) the parking requirements will be based on the underlying zoning and the standards in the Zoning Code. PABC investigated parking availability around the property. Parking is available around the area along Western Run Drive. Considering the available parking in the neighborhood and the nature of this request which only relates to modifying the side yard setback, PABC has determined that the passage of this bill will not negatively impact parking in the area.

Based on the comments above, the PABC is favorable to the passage of City Council Bill 23-0439

F R O M	NAME & TITLE	Corren Johnson, Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	Council Bill 23-0439		

DATE: 11/3/2023

TO: Mayor Brandon Scott
TO: Economic and Community Development
FROM: Department of Transportation
POSITION: **No Objection**
SUBJECT: Council Bill 23-0439

INTRODUCTION - Zoning - Variance - Side Yard - 6709 Western Run Drive

PURPOSE/PLANS - For the purpose of granting a variance from certain side yard regulations in the R-1E Zoning District for the expansion of a residential dwelling on the property known as 6709 Western Run Drive (Block 4250, Lot 016), as outlined in red on the accompanying plat.

COMMENTS – Council Bill 23-0439 seeks to grant a variance at 6709 Western Run Drive for a side yard expansion in the R-1E Zoning District. 6709 Western Run Drive is in the Cross Country neighborhood in Northwest Baltimore. The R-1E Zoning District allows for detached dwellings located upon lots of 9,000 square feet or more. The applicant is requesting a 66.66% variance from a 10 ft side yard to 4 ft side yard to build an addition.

AGENCY/DEPARTMENT POSTION – The Department of Transportation foresees no direct fiscal or operational impact resulting from the bill. The Department has no objection towards the advancement of Council Bill 23-0439.

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: November 7, 2023

Re: City Council Bill 23-0439 Zoning - Variance - Side Yard - 6709 Western Run Drive

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 23-0439 for the purpose of granting a variance from certain side yard regulations in the R-1E Zoning District for the expansion of a residential dwelling on the property known as 6709 Western Run Drive (Block 4250, Lot 016), as outlined in red on the accompanying plat.

If enacted, City Council Bill 23-0439 would provide the applicant a side yard variance of 66.66%, from 10 feet to 4 feet, on the property located at 6709 Western Run Drive in order to construct a 1-story side addition.

The property is not located within any of DHCD's Impact Investment Areas, Community Development Zones or Streamlined Code Enforcement Areas. It is unlikely that the proposed side yard variance would impact present or future DHCD activity in the area.

DHCD **does not object** to the passage of City Council Bill 23-0439.

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

**ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE**

23-0439

ADDITIONAL DOCUMENTS

Baltimore City Council
Certificate of Posting - Public Hearing Notice

Today's Date: January 15, 2024

City Council Bill No.: 23-0439



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

Address: 6709 Western Run Drive

Date Posted: January 15, 2024

Name: Hillel Tendler

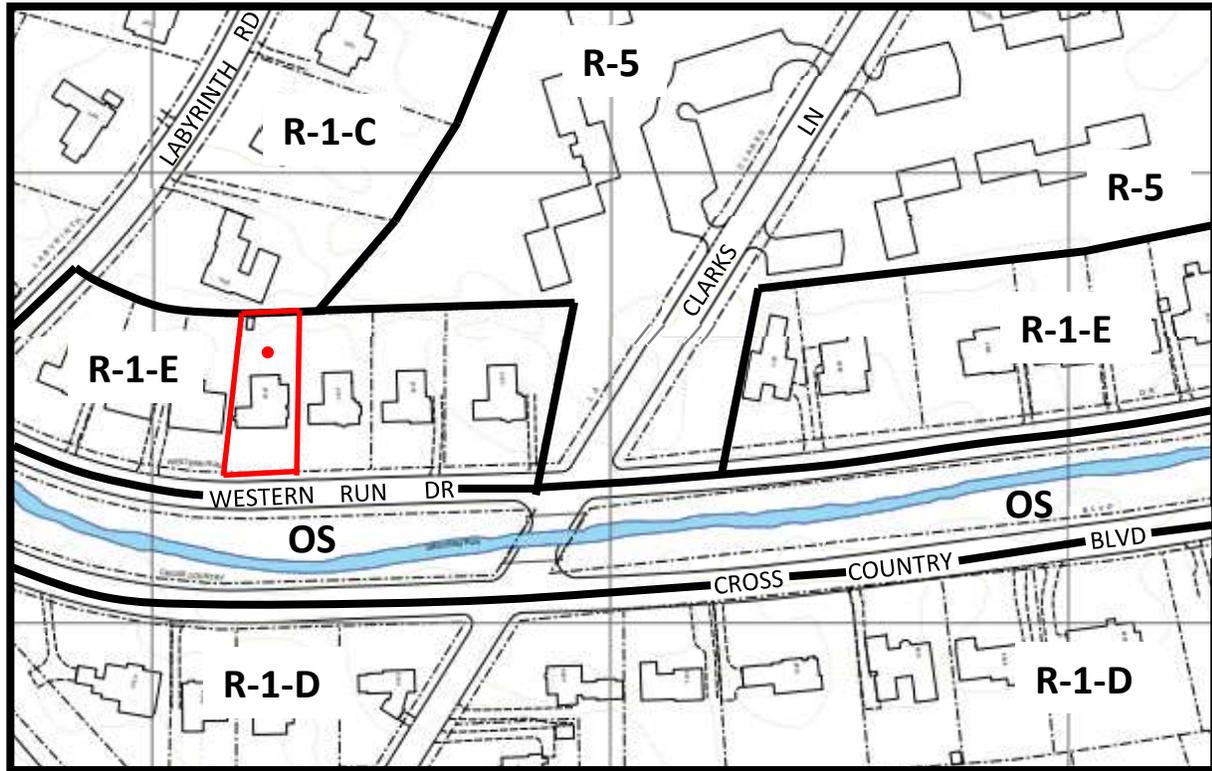
Address: 6709 Western Run Drive

Baltimore, Md. 21221

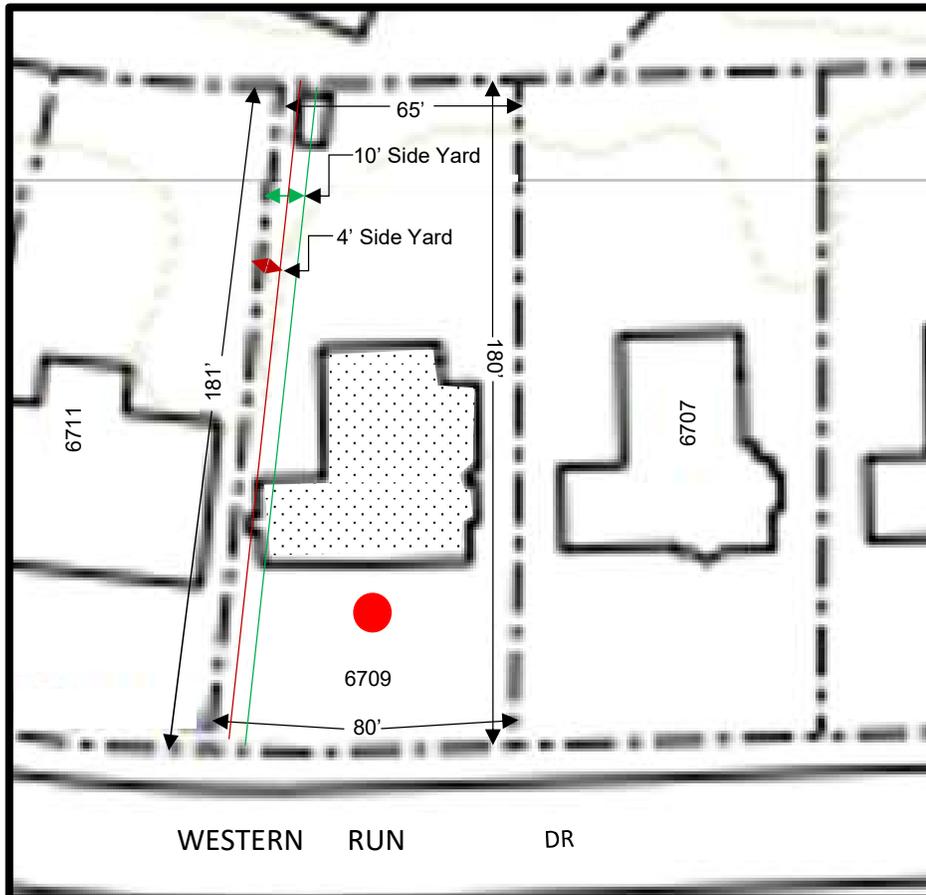
Telephone: 410-336-1500

- 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

SHEET NO. 1 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY



Scale: 1" = 200'



Note:

In Connection With The Property Known As No. 6709 WESTERN RUN DRIVE. The Applicant Seeks A Variance Request For A Minimum Interior Of The Side Yard From 10 Feet to 4 Feet Of The Aforementioned Property, Outlined In Red Above.

WARD 27 SECTION 22
BLOCK 4250 LOT 16

MAYOR

PRESIDENT CITY COUNCIL