

**Introduced by:** Councilmember Reisinger

**At the request of:** Robert Forrest

Address: 1218 Marclee Road, Finksburg, Maryland 21048

Telephone: 1-443-398-1104

**Prepared by:** Department of Legislative Reference

**Date:** September 25, 2019

**Referred to:**                     **LAND USE**                     Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 19 - 0454

A BILL ENTITLED

AN ORDINANCE concerning

**Rezoning – Block 7653C, Lot 029**

FOR the purpose of changing the zoning for the property known as Block 7653C, Lot 029, located in the rear of 3819 Wilkens Avenue (Block 7653C, Lot 011), as outlined in red on the accompanying plat, from the C-1 Zoning District to the C-2 Zoning District.

BY amending

Article 32- Zoning  
Zoning District Map  
Sheet 62  
Baltimore City Revised Code  
(Edition 2000)



**\*\*The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

**Agencies**

<input checked="" type="checkbox"/> Baltimore City Public School System	<input type="checkbox"/> Department of Public Works
<input checked="" type="checkbox"/> Baltimore Development Corporation	<input type="checkbox"/> Department of Real Estate
<input checked="" type="checkbox"/> City Solicitor	<input type="checkbox"/> Department of Recreation and Parks
<input type="checkbox"/> Comptroller's Office	<input checked="" type="checkbox"/> Department of Transportation
<input type="checkbox"/> Department of Audits	<input type="checkbox"/> Fire Department
<input type="checkbox"/> Department of Finance	<input type="checkbox"/> Health Department
<input type="checkbox"/> Department of General Services	<input type="checkbox"/> Mayor's Office of Employment Development
<input checked="" type="checkbox"/> Department of Housing and Community Development	<input type="checkbox"/> Mayor's Office of Human Services
<input type="checkbox"/> Department of Human Resources	<input type="checkbox"/> Mayor's Office of Information Technology
<input type="checkbox"/> Department of Planning	<input type="checkbox"/> Office of the Mayor
<input type="checkbox"/> Other:	<input type="checkbox"/> Police Department
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<input type="checkbox"/> Other:	<input type="checkbox"/> Other:
<input type="checkbox"/> Baltimore City Public School System	<input type="checkbox"/> Board of Estimates
<input checked="" type="checkbox"/> Baltimore Development Corporation	<input type="checkbox"/> Board of Ethics
<input checked="" type="checkbox"/> City Solicitor	<input checked="" type="checkbox"/> Board of Municipal and Zoning Appeals
<input type="checkbox"/> Comptroller's Office	<input type="checkbox"/> Comm. for Historical and Architectural Preservation
<input type="checkbox"/> Department of Audits	<input type="checkbox"/> Commission on Sustainability
<input type="checkbox"/> Department of Finance	<input type="checkbox"/> Employees' Retirement System
<input type="checkbox"/> Department of General Services	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Department of Housing and Community Development	<input type="checkbox"/> Other:
<input type="checkbox"/> Department of Human Resources	<input type="checkbox"/> Other:
<input type="checkbox"/> Department of Planning	<input type="checkbox"/> Other:
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<input type="checkbox"/> Other:	<input type="checkbox"/> Environmental Control Board
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<input type="checkbox"/> Other:	<input type="checkbox"/> Labor Commissioner
<input type="checkbox"/> Other:	<input type="checkbox"/> Parking Authority Board
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**Boards and Commissions**

<input type="checkbox"/> Board of Estimates	<input type="checkbox"/> Board of Municipal and Zoning Appeals
<input type="checkbox"/> Board of Ethics	<input type="checkbox"/> Comm. for Historical and Architectural Preservation
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CITY OF BALTIMORE  
ORDINANCE **20-346**  
Council Bill 19-0454

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Introduced by: Councilmember Reisinger

At the request of: Robert Forrest

Address: 1218 Marclee Road, Finksburg, Maryland 21048

Telephone: 1-443-398-1104

Introduced and read first time: October 7, 2019

Assigned to: Land Use Committee

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Committee Report: Favorable

Council action: Adopted

Read second time: January 27, 2020

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**AN ORDINANCE CONCERNING**

**Rezoning – Block 7653C, Lot 029**

1

2 FOR the purpose of changing the zoning for the property known as Block 7653C, Lot 029, located  
3 in the rear of 3819 Wilkens Avenue (Block 7653C, Lot 011), as outlined in red on the  
4 accompanying plat, from the C-1 Zoning District to the C-2 Zoning District.

5 BY amending

6 Article 32- Zoning  
7 Zoning District Map  
8 Sheet 62  
9 Baltimore City Revised Code  
10 (Edition 2000)

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That  
12 Sheet 62 of the Zoning District Map is amended by changing from the C-1 Zoning District to the  
13 C-2 Zoning District the property known as Block 7653C, Lot 029, located in the rear of 3819  
14 Wilkens Avenue (Block 7653C, Lot 011), as outlined in red on the plat accompanying this  
15 Ordinance.


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

24 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
25 after the date it is 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 19-0454

Certified as duly passed this 10 day of Feb, 2020

  
\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,  
this 10 day of Feb, 2020

  
\_\_\_\_\_  
Chief Clerk

Approved this 19 day of Feb, 2020

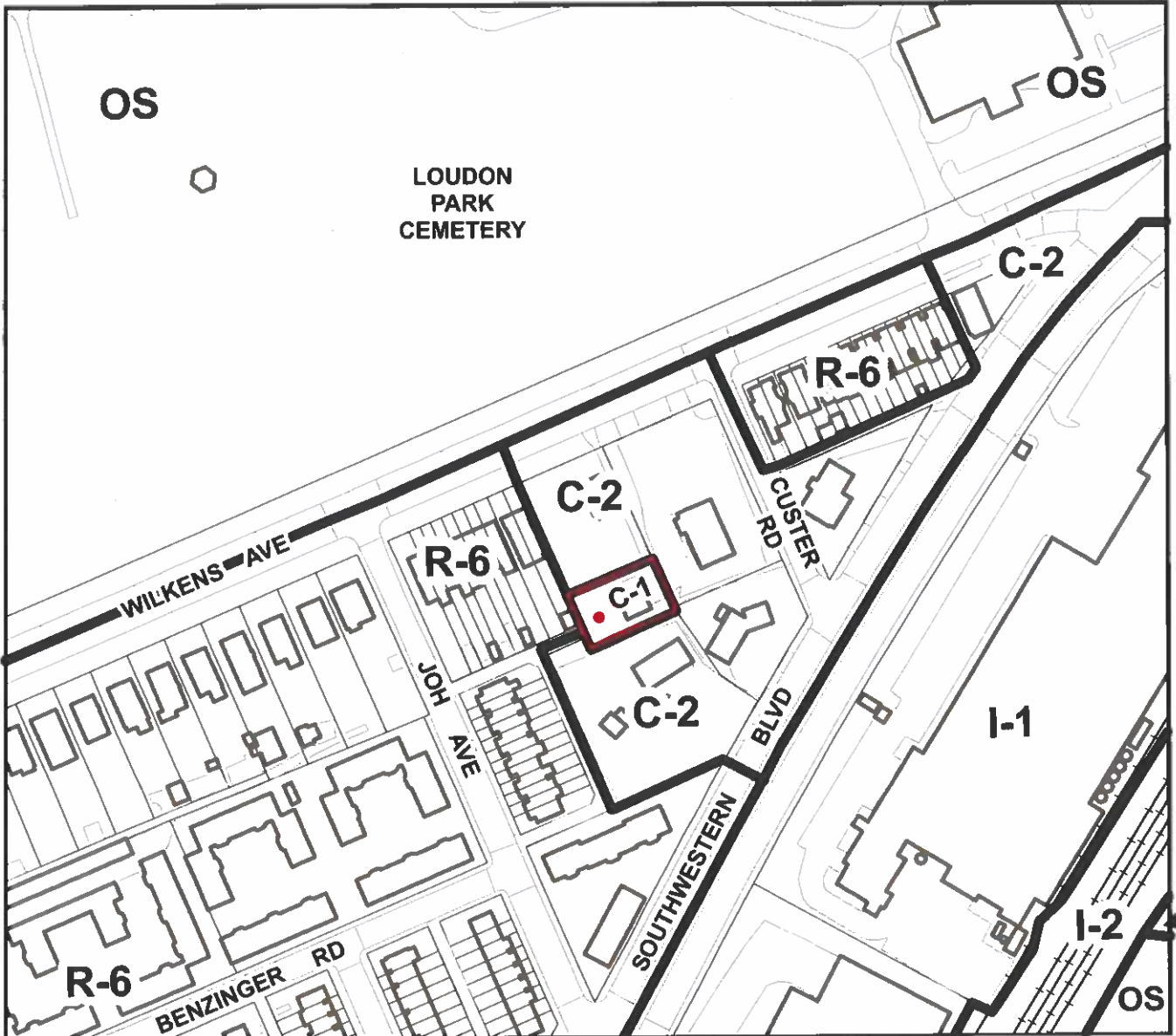
  
\_\_\_\_\_  
Mayor, Baltimore City

Approved For Form and Legal Sufficiency

This 19 Day of Feb 2020

  
\_\_\_\_\_  
Chief Solicitor

**SHEET NO. 62 OF THE ZONING MAP OF  
THE ZONING CODE OF BALTIMORE CITY**



Scale: 1" = 200'

In Connection With The Descriptive Property Known As  
(Rear SS Wilkens Ave Rear 3819 Wilkens Ave).  
The Applicant Wishes To Request  
The Rezoning Of The  
Aforementioned Property  
From C-1 Zoning District to C-2 Zoning District,  
As Outlined In Red Above.

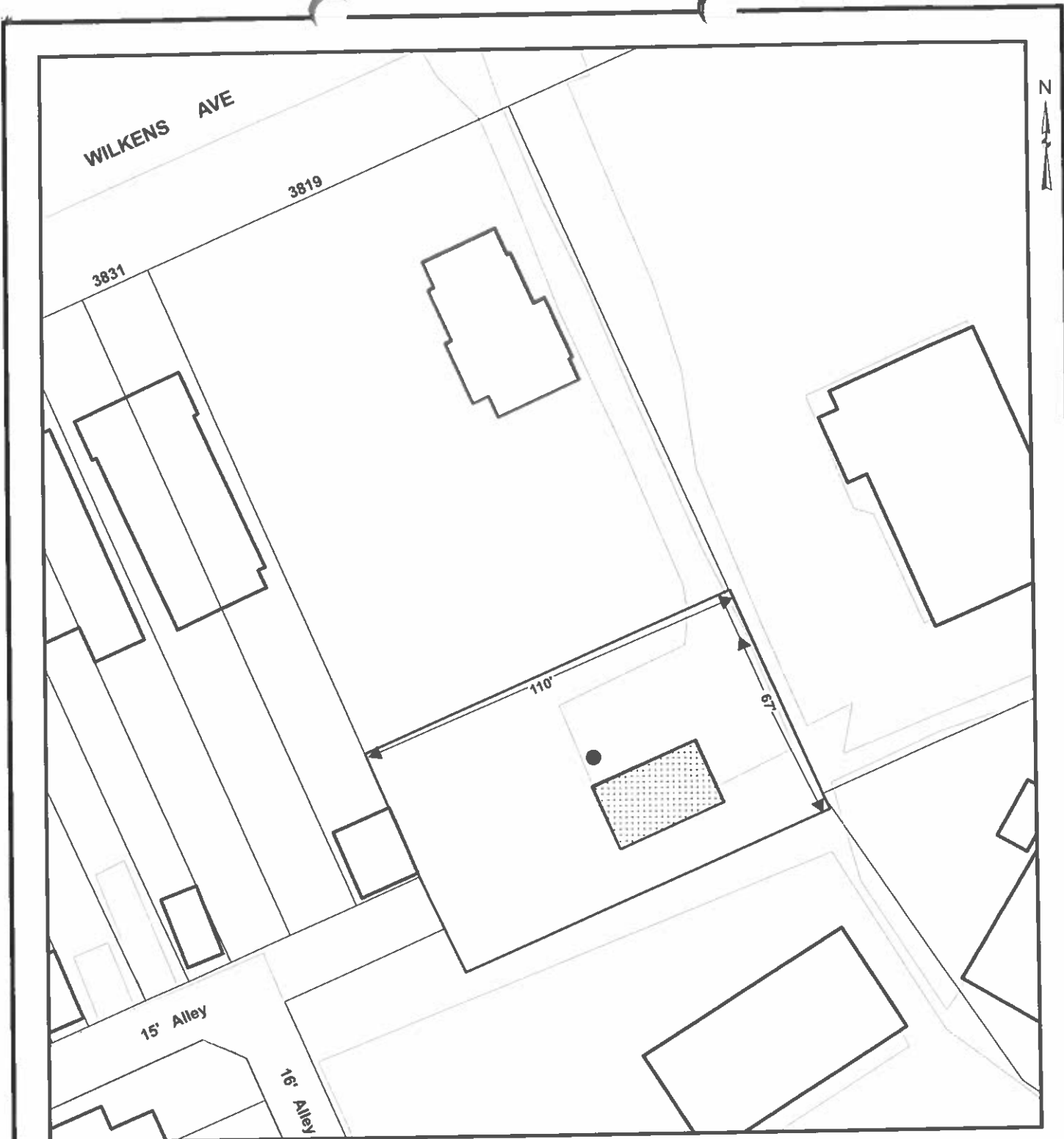
WARD 25                      SECTION 1  
BLOCK 7653C                      LOT 29

  
MAYOR



454





Scale: 1" = 40'

**REAR SS WILKENS AVE REAR 3819 WILKENS AVE**

Sheet #2



1



# BALTIMORE CITY COUNCIL LAND USE COMMITTEE VOTING RECORD

DATE: 01/15/2020

BILL#: 19-0454

BILL TITLE: Rezoning - Block 7653C, Lot 029

MOTION BY: clark                      SECONDED BY: Sneed

- FAVORABLE                       FAVORABLE WITH AMENDMENTS  
 UNFAVORABLE                       WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward - Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sneed, Shannon - Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, Mary Pat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Costello, Eric	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Middleton, Sharon	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, Robert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>TOTALS</b>	<b>7</b>	<b>0</b>	<b>1</b>	<b>0</b>

CHAIRPERSON: Edward Reisinger

COMMITTEE STAFF: Matthew L. Peters, Initials: MLP



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# **LAND USE COMMITTEE**

## **FINDINGS OF FACT**

MOTION OF THE CHAIR OF THE LAND USE COMMITTEE, AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO SECTIONS 10-304 AND 10-305 of the MARYLAND LAND USE ARTICLE AND SECTION 5-508 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING THE REZONING OF:

**CITY COUNCIL BILL NO: 19-0454**

**REZONING - BLOCK 7653C, LOT 029**

Upon finding as follows with regard to:

(1) Population changes;

There has not been a significant change in population since the establishment of the current Zoning Code.

(2) The availability of public facilities;

The site is served by existing utilities and public facilities, which will not be affected by the proposed change in zoning for this property.

(3) Present and future transportation patterns;

The only access to this site is either through a driveway across 3819 Wilkens Avenue, or alley access behind the homes along Joh Avenue. The subject property and 3819 Wilkens Avenue are both owned by the Applicant, and the existing streets and traffic patterns are not changed or impacted by the proposed change in zoning for this property.

(4) Compatibility with existing and proposed development for the area;

This property is located in the Oaklee area, which is bounded by Wilkens Avenue on the north, the southwestern City boundary, and Southwestern Boulevard. This area is characterized by a mix of residential buildings, ranging from single-family detached dwellings along Wilkens Avenue, attached homes along the southwestern City boundary, and apartment buildings. There are commercial buildings along a portion of Wilkens Avenue and Southwestern Boulevard, including an immediate care medical office, a car wash, an auto sales business, and a restaurant. This property is located immediately to the rear of 3819



Wilkins Avenue, which is also owned by the Applicant and currently zoned C-2. Other adjacent properties are zoned C-2 or R-6.

- (5) The recommendations of the City agencies and officials, including the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

The City agencies to which the bill was referred made the following recommendations:

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	Favorable
Department of Transportation	No Objection
City Solicitor	Favorable with Comments
Department of Housing and Community Development	No Objection
Baltimore Development Corporation	No Objection

- (6) The proposed amendment's relationship to and consistency with the City's Comprehensive Master Plan.

The proposed rezoning is in line with the City's Comprehensive Master Plan and, in particular, the objective of redeveloping vacant properties throughout the City.

- (7) Existing uses of property within the general area of the property in question;

See (4).

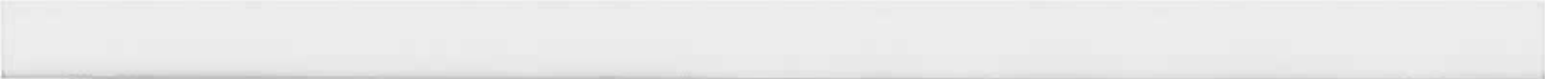
- (8) The zoning classification of other property within the general area of the property in question;

See (4).

- (9) The suitability of the property in question for the uses permitted under its existing zoning classification;

The property is suitable for uses permitted in the C-1 Zoning District or the C-2 Zoning District.

- (10) The trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present classification;



See (4). No significant changes have occurred with regard to the trend in development in the general area of the property since it was placed in its present classification.

- (11) For a rezoning based on a SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD, the following facts establish the substantial change since the time of the last comprehensive rezoning:
- (12) For a rezoning based on a MISTAKE in the existing zoning classification, the following facts establish that at the time of the last comprehensive zoning the Council failed to consider then existing facts, or projects or trends which were reasonably foreseeable and/or that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect:

The property known as BLOCK 7653C, LOT 029 was mistakenly zoned under Transform Baltimore due to administrative error. The Planning Department staff offered the following evidence in support of a finding of mistake:

- As part of the Comprehensive Rezoning of the City, this subject property, 3815 and 3819 Wilkens Avenue were proposed to be zoned C-1 from the point of introduction. The two properties immediately to the south, which are 3800 and 3810 Southwestern Boulevard, were to be zoned C-2.
- 3815 and 3 819 Wilkens Avenue were included in a list of zoning changes recommended by the Planning Commission on March 21, 2019, which called for C-2 zoning for 3815 Wilkens Avenue, and OR-1 for 3819 Wilkens Avenue. That listing appears to have omitted the descriptive property (Lot 29).
- The above recommendations were included in a proposed map illustrating changes in the 10th District, dated September 25, 2015, which included Lot 29, but recommended a change to C-3 for Lot 29 alone, which isn't explained or supported anywhere else in the documentation. That proposed map change for Lot 29 does not appear to make any rational sense, and so is most likely result of an administrative error.
- A table of map amendments dated to August of 2016 listed Lots 11 and 29 as proposed to be zoned C-2, which would include both 3819 Wilkens Avenue, and descriptive Lot 29 in line M419 on page 2 of the table. 3819 Wilkens Avenue was listed again by itself on page 5 of the same table, in line M436. This appears to show that there was some confusion about how to identify Lot 29, and that it was at times confused for, or conflated with 3819 Wilkens Avenue.
- The accompanying maps illustrating changes in the 10th District, dated August 31, 2016, which went with the table mentioned in the preceding bullet shows 3815 Wilkens Avenue proposed to be zoned C-2, and showed 3819 Wilkens Avenue and Lot 29 as though they were one parcel





proposed to be zoned OR-1. Again, this shows that 3819 Wilkens Avenue and Lot 29 were being conflated.

- A table of proposed zoning amendments in the 10th District, dated October 5, 2016, appears to repeat the combination of 3819 Wilkens Avenue and Lot 29 in line M368 of the table as going to C-2, the column for "current zoning" (i.e. pre-TransForm) lists B-1-2, which matches Lot 29, whereas 3819 Wilkens Avenue was O-R-1. Again, in line M384 of the same table, 3819 Wilkens Avenue is proposed to be C-2, and the column for "current zoning" shows O-R-1.
- A list of amendments by Council District, dated October 24, 2016, each of which were voted upon by the committee in numerical order, completely skips M368 in error.
- The final zoning map as adopted, showed 3815 and 3819 Wilkens Avenue as zoned C-2, and Lot 29 was left as C-1.

SOURCE OF FINDINGS (Check all that apply):

Planning Report – Planning Commission’s report, dated November 15, 2019, which included the Department of Planning Staff Report, dated November 14, 2019.

Testimony presented at the Committee hearing

Oral – Witness Name:

- Eric Tiso, Baltimore City Department of Planning
- Stephanie Murdock, Department of Housing and Community Development
- Liam Davis, Department of Transportation
- Hilary Ruley, Department of Law

Written:

- Department of Transportation, Agency Report – Dated January 10, 2020
- Board of Municipal and Zoning Appeals, Agency Report – Dated January 2, 2020
- Law Department, Agency Report – Dated January 9, 2020
- Department of Housing and Community Development, Agency Report – Dated December 19, 2019
- Baltimore Development Corporation, Agency Report – Dated October 31, 2019



LAND USE COMMITTEE:

*Edward H. Cressy*  
\_\_\_\_\_

Chair

*Robert Sles*  
\_\_\_\_\_

Member

*E-S-C*  
\_\_\_\_\_

Member

*R. M. Stey*  
\_\_\_\_\_

Member

*[Signature]*  
\_\_\_\_\_

Member

*Margaret Clarke*  
\_\_\_\_\_

Member

*[Signature]*  
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Member

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Member

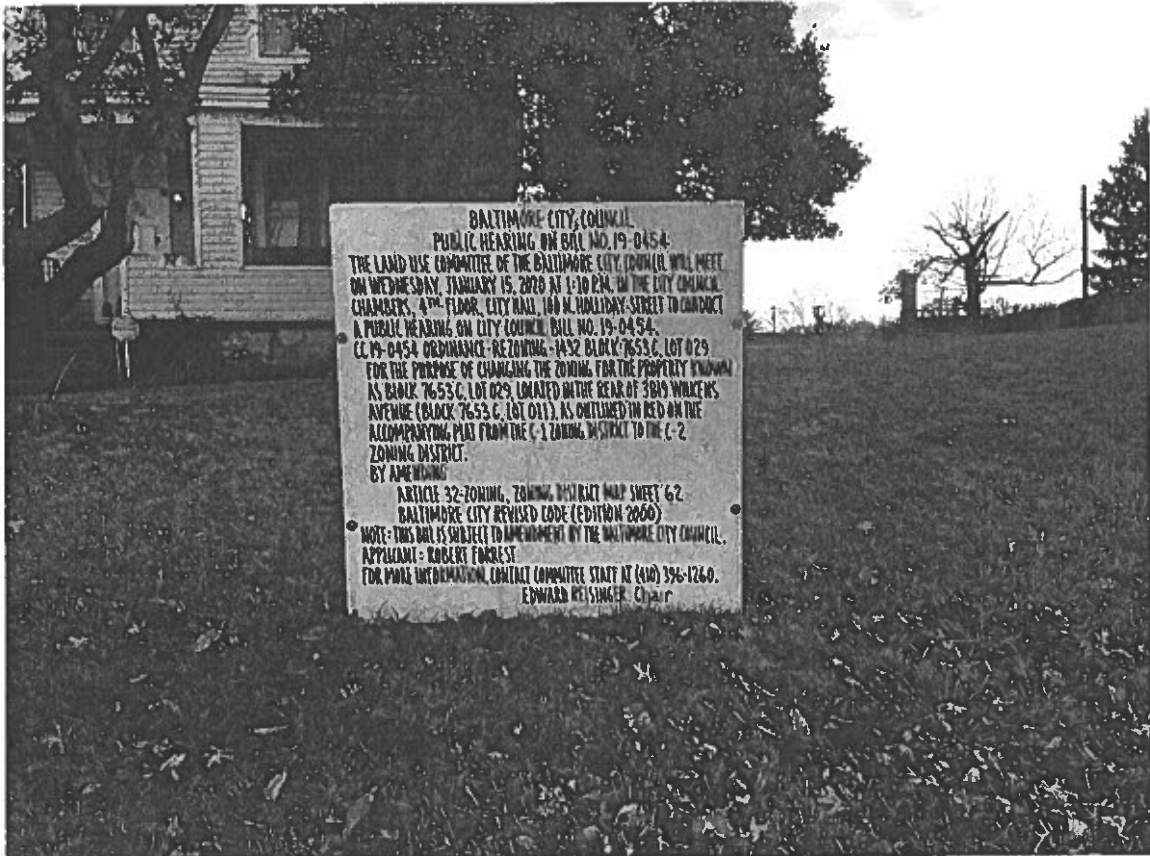
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Handwritten notes on the right side of the page, including a large number '2' and some illegible text.

**Baltimore City Council  
Certificate of Posting - Public Hearing Notice**

*Today's Date: 12/16/2019*

**City Council Bill No.: 19-0454**



**3819 Wilkens Avenue**

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

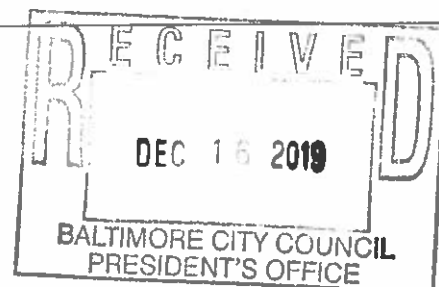
**Address: 3819 Wilkens Avenue**

**Date Posted: 12/14/2019**

**Name: Robert Forrest**

**Address: 1218 Marclea Road  
Finksburg, Md. 21048**

**Telephone: (443) 398-1104**



- Email to: [Natawnab.Austin@baltimorecity.gov](mailto: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



81



# The Daily Record

200 St. Paul Place Suite 2480  
Baltimore, Maryland 21202  
1 (443) 524-8100  
www.thedailyrecord.com

## PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

12/12/2019

Order #: 11825341  
Case #:  
Description:  
PUBLIC HEARING ON BILL NO. 19-0454

Darlene Miller, Public Notice Coordinator  
(Representative Signature)

Baltimore City

### BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 19-0454

The Land Use Committee of the Baltimore City Council will meet on Wednesday, January 16, 2020 at 1:10 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 19-0454.

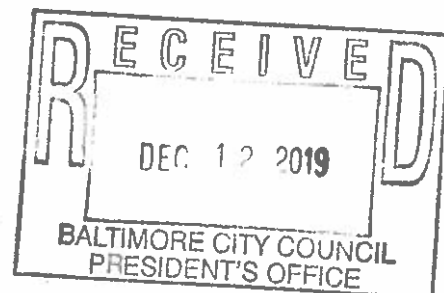
**CC 19-0454 ORDINANCE - Rezoning - 1492 Block 7658C, Lot 029**  
FOR the purpose of changing the zoning for the property known as Block 7653C, Lot 029, located in the rear of 3819 Wilkens Avenue (Block 7653C, Lot 01), as outlined in red on the accompanying plat, from the C-1 Zoning District to the C-2 Zoning District.

By amending  
Article 32- Zoning  
Zoning District Map  
Sheet 62  
Baltimore City Revised Code  
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.  
Applicant: Robert Forrest  
For more information, contact Committee Staff at (410) 386- 1260.

EDWARD REISINGER  
Chair


d12





8



FROM	NAME & TITLE	Theo Ngongang, Deputy Director	CITY of BALTIMORE  MEMO	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 19-0454		

TO: Mayor Bernard C. "Jack" Young  
TO: Land Use Committee  
FROM: Department of Transportation  
POSITION: No Objection  
RE: Council Bill – 19-0454

DATE: 1/10/20

**INTRODUCTION** – Rezoning - Block 7653C, Lot 029

**PURPOSE/PLANS** – For the purpose of changing the zoning for the property known as Block 7653C, Lot 029, located in the rear of 3819 Wilkens Avenue (Block 7653C, Lot 011), as outlined in red on the accompanying plat, from the C-1 Zoning District to the C-2 Zoning District.

**COMMENTS** – Council Bill 19-0454 looks to change the zoning for Block 7653C, Lot 029 from the C-1 Zoning District to the C-2 Zoning District. C-1 Zoning Districts are generally catered towards pedestrian oriented, neighborhood business establishments. C-2 Zoning Districts allow for small to medium commercial establishments, often along major corridors and can be designed to accommodate both pedestrian and automobile traffic. C-2 Zoning Districts also allow for the implementation of mixed-use development.

The Department of Transportation does not foresee any significant fiscal or operational impacts associated with the passage of Council Bill 19-0454.

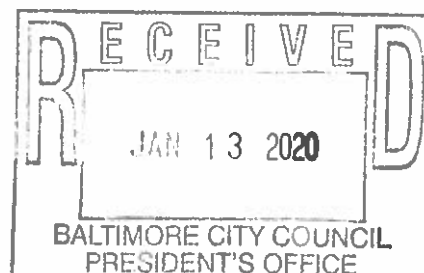
**AGENCY/DEPARTMENT POSITION** – The Department of Transportation has **no objection** towards City Council Bill 19-0454.

If you have any questions, please do not hesitate to contact Liam Davis via email at [Liam.Davis@baltimorecity.gov](mailto:Liam.Davis@baltimorecity.gov) or by phone (410) 545-3207.

Sincerely,



Theo Ngongang  
Deputy Director



*no obj.*



CITY OF BALTIMORE

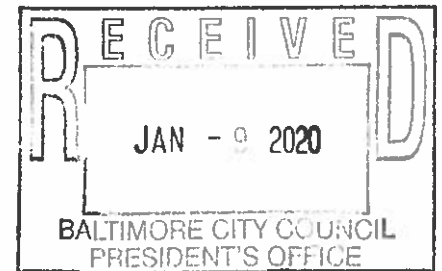
BERNARD C. "JACK" YOUNG  
Mayor



DEPARTMENT OF LAW  
ANDRE M. DAVIS, CITY SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

January 9, 2020

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 19-0454 – Rezoning– Block 7653C, Lot 029

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0454 for form and legal sufficiency. The bill would change the zoning for Lot 029 of Block 7653C from the C-1 Zoning District to the C-2 Zoning District.

The City Council may permit this rezoning if it finds facts sufficient to show either a mistake in the existing zoning classification or a substantial change in the character of the neighborhood. Md. Code, Land Use, § 10-304(b)(2); Baltimore City Code, Art. 32, §§ 5-508(a) and (b)(1). There is likely little basis to believe that the neighborhood has substantially changed between the comprehensive rezoning of the property on June 5, 2017 and today's date. Therefore, to legally rezone the property the City Council must identify a "mistake" that lead to the inappropriate zoning of the property as C-1.

In determining whether to rezone based on mistake, the City Council is required to make findings of fact on the following matters:

- (1) population change;
- (2) the availability of public facilities;
- (3) the present and future transportation patterns;
- (4) compatibility with existing and proposed development;
- (5) the recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals; and
- (6) the relationship of the proposed amendment to the City's plan.

Md. Land Use Code Ann., § 10-304(b)(1); Baltimore City Code, Art. 32, § 5-508(b)(2) (citing same factors with (v) being "the recommendations of the City agencies and officials," and (vi) being "the proposed amendment's consistency with the City's Comprehensive Master Plan.").



Article 32 of the City Code also requires Council to consider:

*Fav w/ comments*



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- (i) existing uses of property within the general area of the property in question;
  - (ii) the zoning classification of other property within the general area of the property in question;
  - (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
  - (iv) the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.

Baltimore City Code, Art. 32, § 5-508(b)(3).

The Mayor and City Council's decision regarding a piecemeal rezoning is reviewed under the substantial evidence test and should be upheld "if reasoning minds could reasonably reach the conclusion from facts in the record." *Cty. Council of Prince George's Cty. v. Zimmer Dev. Co.*, 444 Md. 490, 510 (2015) (quoting *Cremins v. Cnty. Comm'rs of Washington Cnty.*, 164 Md. App. 426, 438 (2005)); see also *White v. Spring*, 109 Md. App. 692, 699, cert. denied, 343 Md. 680 (1996) ("the courts may not substitute their judgment for that of the legislative agency if the issue is rendered fairly debatable"); accord *Floyd v. County Council of Prince George's County*, 55 Md. App. 246, 258 (1983) ("substantial evidence" means a little more than a "scintilla of evidence.").

Regarding rezoning for mistake, it is "firmly established that there is a strong presumption of the correctness of original zoning and of comprehensive rezoning." *People's Counsel v. Beachwood I Ltd. Partnership*, 107 Md. App. 627, 641 (1995) (quoting *Wells v. Pierpont*, 253 Md. 554, 557 (1969)). To sustain a piecemeal change, there must be substantial evidence that "the Council failed to take into account then existing facts . . . so that the Council's action was premised . . . on a misapprehension." *White*, 109 Md. App. at 698 (citation omitted). In other words, "[a] conclusion based upon a factual predicate that is incomplete or inaccurate may be deemed in zoning law, a mistake or error; an allegedly aberrant conclusion based on full and accurate information, by contrast, is simply a case of bad judgment, which is immunized from second-guessing." *Id.* "Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council's action was premised initially on a misapprehension[.]" [and] "by showing that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect." *Boyce v. Sembly*, 25 Md. App. 43, 51 (1975) (citations omitted). "Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account, or subsequently occurring events which the Council could not have taken into account, the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not 'fairly debatable.'" *Id.* at 52.

A finding of mistake, however, absent a regulatory taking, merely permits the further consideration of rezoning, it does not mandate a rezoning. *White*, 109 Md. App. at 708. Rather, a second inquiry "regarding whether, and if so, how, the property is reclassified," is required. *Id.* at 709. This second conclusion is due great deference. *Id.* (after a prior mistake has been established and accepted as fact by a legislative zoning entity, that entity's decision as to whether to rezone, and if so, how to reclassify, is due the same deference the prior comprehensive rezoning was due).



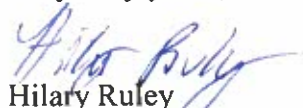
In sum, the City Council is required to hold a quasi-judicial public hearing with regard to the bill wherein it will hear and weigh the evidence as presented in: (1) the Planning Report and other agency reports; (2) testimony from the Planning Department and other City agency representatives; and (3) testimony from members of the public and interested persons. After weighing the evidence presented and submitted into the record before it, the Committee is required to make findings of fact for each property about the factors in §§10-304 and 10-305 of the Land Use Article and § 5-508 of Article 32 of the Baltimore City Code. If, after its investigation of the facts, the Committee makes findings which support: (1) a mistake in the comprehensive zoning; and (2) a new zoning classification for the properties, it may adopt these findings and the legal requirements for granting the rezoning would be met.

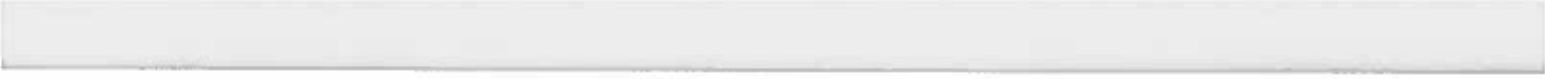
Here, the Planning Department Report (“Report”) asserts that an administrative error was made in the selection of C-1 instead of C-2 as the proper zoning for the property. The Report lists eight reasons why the selection of C-1 was an administrative oversight. This includes finding the correct listing of C-2 on an exhibit to the comprehensive rezoning but not being able to find that exhibit as part of the final package of amendments for the bill. The zoning for the property also appears to have been incorrectly listed on a draft map but correctly listed on a table of proposed amendments. The thinking is that the error was the result of confusion over which addresses were contained in the designation of “Lot 29,” which the Planning Department notes “was at times confused for, or conflated with 3819 Wilkens Avenue.” Report, p. 2. These are the very facts that a court would determine support the finding of mistake in the zoning of this property during its last comprehensive rezoning.

Finally, certain procedural requirements apply to this bill beyond those discussed above because a change in the zoning classification of a property is deemed a “legislative authorization.” Baltimore City Code, Art. 32, § 5-501(2)(iii). Specifically, notice of the City Council hearing must be given by publication in a newspaper of general circulation in the City, by posting in a conspicuous place on the property and by first-class mail, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned. Baltimore City Code, Art. 32, § 5-601(b). The notice of the City Council hearing must include the date, time, place and purpose of the hearing, as well as the address or description of the property and the name of the applicant. Baltimore City Code, Art. 32, § 5-601(c). The posted notices must be at least 3 feet by 4 feet in size, placed at a prominent location, and at least one sign must be visible from each of the property’s street frontages. City Code, Art., § 5-601(d). The published and mailed notices must be given at least 15 days before the hearing; the posted notice must be at least 30 days before the public hearing. Baltimore City Code, Art. 32, § 5-601(e), (f).



The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for rezoning has been met. Assuming the required findings are made at the hearing and that all procedural requirements are satisfied, the Law Department can approve the bill for form and legal sufficiency.

Very truly yours,

  
Hilary Ruley  
Chief Solicitor







cc: Andre M. Davis, City Solicitor  
Matthew Stegman, Mayor's Office of Government Relations  
Elena DiPietro, Chief Solicitor  
Victor Tervalá, Chief Solicitor  
Ashlea Brown, Assistant Solicitor






BALTIMORE CITY  
DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT

## MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council  
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner 

Date: December 19, 2019

Re: **City Council Resolution 19-0454 Rezoning – Block 7653C, Lot 029**

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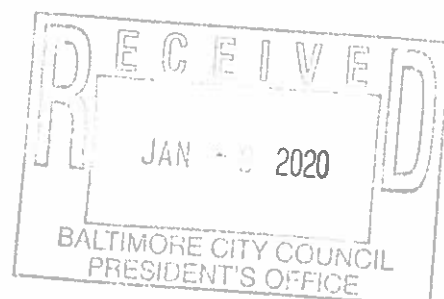
The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 19-0454 for the purpose of changing the zoning for the property known as Block 7653C, Lot 029, located in the rear of 3819 Wilkens Avenue (Block 7653C, Lot 011), as outlined in red on the accompanying plat, from the C-1 Zoning District to the C-2 Zoning District.

If enacted, the ordinance will change the Zoning District of the property known as Block 7653C, Lot 029, located in the rear of 3819 Wilkens Ave. from C-1 zoning to C-2 zoning. At its regular meeting of November 14, 2019, the Planning Commission concurred with planning staff and recommended approval of City Council Bill 19-0454. Ample evidence was presented by planning staff to support the assertion that an administrative error was made during the Comprehensive Rezoning of the City and the rear property, known as Block 7653C, Lot 029, was intended to be zoned C-2 along with 3819 Wilkens Ave., but the final adopted map was not correctly updated to reflect that intent.

DHCD **has no objection** the passage of City Council Bill 19-0454.

MB:sm

cc: Mr. Blendy, Nicholas, *Mayor's Office of Government Relations*



*No obj.*



CITY OF BALTIMORE

BERNARD C "JACK" YOUNG, Mayor



BOARD OF MUNICIPAL AND  
ZONING APPEALS

DEREK J. BAUMGARDNER, Executive Director  
417 E. Fayette Street, Suite 922  
Baltimore, Maryland 21202

January 2, 2020

The Honorable President and  
Members of the City Council  
City Hall  
100 N. Holliday Street  
Baltimore, MD 21202

Re: **CC Bill #19-0454 Rezoning – Block 7653C, Lot 029**

Ladies and Gentlemen:

City Council Bill No. 19-0454 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

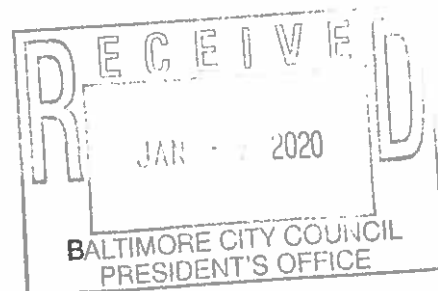
The purpose of City Council Bill No. 19-0454 is to change the zoning for the property known as Block 7653C, Lot 029, located in the rear of 3819 Wilkens Avenue (Block 7653C, Lot 011) from the C-1 Zoning District to the C-2 Zoning District.

The BMZA has reviewed the legislation and recommends approval of City Council Bill No. 19-0454.

Sincerely,

Derek J. Baumgardner  
Executive Director

CC: Mayor's Office of Council Relations  
City Council President  
Legislative Reference



F



<b>FROM</b>	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0454 / REZONING – BLOCK 7653C, LOT 029		

DATE:

**TO**

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

November 15, 2019

At its regular meeting of November 14, 2019, the Planning Commission considered City Council Bill #19-0454, for the purpose of changing the zoning for the property known as Block 7653C, Lot 029, located in the rear of 3819 Wilkens Avenue (Block 7653C, Lot 011), as outlined in red on the accompanying plat, from the C-1 Zoning District to the C-2 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #19-0454 and adopted the following resolution; eight members being present (eight in favor):

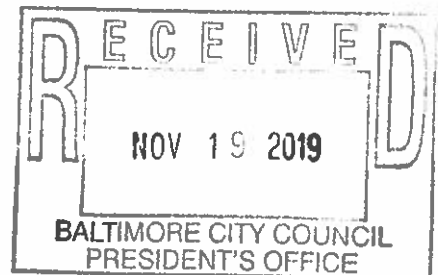
RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #19-0454 be passed by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

- cc: Mr. Nicholas Blendy, Mayor's Office  
Mr. Matthew Stegman, Mayor's Office  
Ms. Nina Themelis, Mayor's Office  
The Honorable Edward Reisinger, Council Rep. to Planning Commission  
Mr. Colin Tarbert, BDC  
Mr. Derek Baumgardner, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Stephanie Murdock, DHCD  
Ms. Elena DiPietro, Law Dept.  
Mr. Francis Burnszynski, PABC  
Mr. Liam Davis, DOT  
Ms. Natawna Austin, Council Services



F







Bernard C. "Jack" Young  
Mayor

## PLANNING COMMISSION

Sean D. Davis, Chairman

### STAFF REPORT



Chris Ryer  
Director

November 14, 2019

**REQUEST:** City Council Bill #19-0454/ Rezoning – Block 7653C, Lot 029:

For the purpose of changing the zoning for the property known as Block 7653C, Lot 029, located in the rear of 3819 Wilkens Avenue (Block 7653C, Lot 011), as outlined in red on the accompanying plat, from the C-1 Zoning District to the C-2 Zoning District.

**RECOMMENDATION:** Approval

**STAFF:** Eric Tiso

**PETITIONER:** Robert E. Forrest

**OWNER:** Robert E. Forrest

#### **SITE/GENERAL AREA**

Site Conditions: This property is located immediately to the rear of 3819 Wilkens Avenue, in the center of the block bounded by Wilkens Avenue, Joh Avenue, and Southwestern Boulevard. The only access to this site is either through a driveway across 3819 Wilkens Avenue, or alley access behind the homes along Joh Avenue.

General Area: This property is located in the Oaklee area, which is bounded by Wilkens Avenue on the north, the southwestern City boundary, and Southwestern Boulevard. This area is characterized by a mix of residential buildings, ranging from single-family detached dwellings along Wilkens Avenue, attached homes along the southwestern City boundary, and apartment buildings. There are commercial buildings along a portion of Wilkens Avenue and Southwestern Boulevard, including an immediate care medical office, a car wash, an auto sales business, and a restaurant. Loudon Park is located to the north, immediately across Wilkens Avenue.

#### **ANALYSIS**

Per §5-508(1) of Article 32 – *Zoning*, and as required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification.



As part of the Comprehensive Rezoning of the City, the two properties owned by the applicant, 3819 Wilkens Avenue, and the descriptive lot behind it (Block 7653C, Lot 029) were proposed for several different zoning categories, including different categories at various points in the process. In the end, staff believes an administrative error was made, and that the rear descriptive property was intended to be zoned C-2 along with 3819 Wilkens Avenue, but the final adopted map was not correctly updated to reflect that intent.

As evidence in support of a finding of mistake, Planning staff offer the following:

- As part of the Comprehensive Rezoning of the City, this subject property, 3815 and 3819 Wilkens Avenue were proposed to be zoned C-1 from the point of introduction. The two properties immediately to the south, which are 3800 and 3810 Southwestern Boulevard, were to be zoned C-2 (see Exhibit 1).
- 3815 and 3819 Wilkens Avenue were included in a list of zoning changes recommended by the Planning Commission on March 21, 2019 (see page 3 of 11, Exhibit 2), which called for C-2 zoning for 3815 Wilkens Avenue, and OR-1 for 3819 Wilkens Avenue. That listing appears to have omitted the descriptive property (Lot 29).
- The above recommendations were included in a proposed map illustrating changes in the 10<sup>th</sup> District, dated September 25, 2015 (Exhibit 3), which included Lot 29, but recommended a change to C-3 for Lot 29 alone, which isn't explained or supported anywhere else in the documentation. That proposed map change for Lot 29 does not appear to make any rational sense, and so is most likely result of an administrative error.
- A table of map amendments dated to August of 2016 (Exhibit 4) listed Lots 11 and 29 as proposed to be zoned C-2, which would include both 3819 Wilkens Avenue, and descriptive Lot 29 in line M419 on page 2 of the table. 3819 Wilkens Avenue was listed again by itself on page 5 of the same table, in line M436. This appears to show that there was some confusion about how to identify Lot 29, and that it was at times confused for, or conflated with 3819 Wilkens Avenue.
- The accompanying maps illustrating changes in the 10<sup>th</sup> District, dated August 31, 2016 (Exhibit 5), which went with the table mentioned in the preceding bullet shows 3815 Wilkens Avenue proposed to be zoned C-2, and showed 3819 Wilkens Avenue and Lot 29 as though they were one parcel proposed to be zoned OR-1. Again, this shows that 3819 Wilkens Avenue and Lot 29 were being conflated.
- A table of proposed zoning amendments in the 10<sup>th</sup> District, dated October 5, 2016 (Exhibit 6), appears to repeat the combination of 3819 Wilkens Avenue and Lot 29 in line M368 of the table as going to C-2, the column for "current zoning" (*i.e.* pre-TransForm) lists B-1-2, which matches Lot 29, whereas 3819 Wilkens Avenue was O-R-1. Again, in line M384 of the same table, 3819 Wilkens Avenue is proposed to be C-2, and the column for "current zoning" shows O-R-1.
- A list of amendments by Council District, dated October 24, 2016 (Exhibit 7), each of which were voted upon by the committee in numerical order, completely skips M368 in error.
- The final zoning map as adopted, showed 3815 and 3819 Wilkens Avenue as zoned C-2, and Lot 29 was left as C-1.

For all of these reasons, Planning staff recommends that the Planning Commission find that an administrative error was made, and that Lot 29 was intended to be zoned C-2 as part of the Comprehensive rezoning from its initial adoption.



Notification: Over 16,000 individual e-mail addresses were sent notice of this action. This area is not represented by a formal community organization.

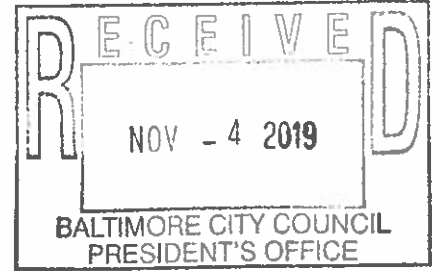


**Chris Ryer**  
**Director**





**Baltimore**  
Development Corporation



## MEMORANDUM

DATE: October 31, 2019  
TO: Land Use and Transportation Committee  
FROM: Colin Tarbert, President and CEO *Colin Tarbert*  
POSITION: Support  
SUBJECT: Council Bill 19-0454 – Rezoning – Block 7653C, Lot 029

### INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill 19-0454, for the purpose of changing the zoning for the property known as Block 7653C, Lot 029, located in the rear of 3819 Wilkens Avenue (Block 7653C, Lot 011), as outlined in red on the accompanying plat, from the C-1 Zoning District to the C-2 Zoning District.

### PURPOSE

The purpose of the zoning change is to allow any authorized uses that fall under the C-2 zoning.

### BRIEF HISTORY

The property is located in the Oaklee neighborhood commercial area of South West Baltimore and is surrounded by C-2 adjacent commercial properties.

### FISCAL IMPACT

None

### AGENCY POSITION

BDC has no objection to Bill 19-0454.

If you have any questions, please do not hesitate to contact Kim Clark at 410-837-9305 or at [kclark@baltimoredevelopment.com](mailto:kclark@baltimoredevelopment.com).

cc: Nicholas Blendy

[DG]

*No  
objection*





## Coates, Jennifer

---

**From:** Coates, Jennifer  
**Sent:** Tuesday, November 19, 2019 11:35 AM  
**To:** 'forrestlaws@yahoo.com'  
**Cc:** Reisinger, Edward; Austin, Natawna B.; McAlily, Dominic  
**Subject:** Public Notice Instructions for Bill 19-0454  
**Attachments:** PNI - Letter - 19-0454 - RZ 3819 Wilkens.docx; LU Form - Contacts for Sign Posting RZ COMPRZ PUD - Art 32.docx; Afro American; Michele Griesbauer - Sunpaper - Advertising; Darlene Miller; Sample - Certificate of Posting - Attachment C.docx

Mr. Robert Forrest:

Attached is the information you will need to post and publish public hearing notice(s) for the subject bill to be heard by the Land Committee on **January 15, 2020 at 1:10 p.m.** at City Hall in the City Council Chamber.

I have also attached a contact list for sign makers, business cards for newspaper contacts and a sample certification template.

Feel free to contact me if you need more information.

**PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL**



**Jennifer L. Coates**

*Senior Legislative Policy Analyst  
Office of Council Services*

100 N. Holliday Street, Room 415  
Baltimore, MD 21202

[jennifer.coates@baltimorecity.gov](mailto:jennifer.coates@baltimorecity.gov)

OFFICE OF COUNCIL SERVICES

Office: (410) 396-1260

Fax: (410) 545-7596



1 2



**TO:** Mr. Robert Forrest

**FROM:** Jennifer L. Coates, Committee Staff, Land Use Committee,  
Baltimore City Council

**Date:** November 19, 2019

**RE:** INSTRUCTIONS FOR NOTICE OF A PUBLIC HEARING – MAP AMENDMENTS  
(REZONINGS); PLANNED UNIT DEVELOPMENTS

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The Land Use Committee has scheduled the following City Council Bill for a public hearing:

**Bill:** City Council Bill No. 19-0454

**Date:** Wednesday, January 15, 2020

**Time:** 1:10 p.m.

**Place:** City Council Chambers, 4<sup>th</sup> floor, City Hall, 100 N. Holliday Street

At the expense of the applicant, notice of the public hearing must be provided in accordance with:

- **Article 32. Zoning § 5-601 – Map or Text Amendments; PUDs**

For helpful information about the notice requirements under Article 32 - Zoning (pages 127 – 128) see Attachment B. You are encouraged to access and review Article 32 using the web link below:

<http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf>

**Disclaimer.** The City makes no claims as to the quality, completeness, accuracy, timeliness, or content of any data contained herein or on this site. All such items and materials are provided on an "as is" basis, and you are fully and solely responsible for your use of them and for any results or consequences of your use. They have been compiled from a variety of sources, including sources beyond the control of the City, and are subject to change without notice from the City. The data is subject to change as modifications and updates are complete. It is understood that the information contained in the site is being used at one's own risk. In no event shall the City or its elected/appointed officials, municipal agencies and departments, employees, agents, or volunteers be liable for any direct, indirect, special, punitive, incidental, exemplary or consequential damages arising your accessing or using the site, or otherwise arising from this site or from anything contained in or displayed on this site. Nothing contained in or displayed on this site constitutes or is intended to constitute legal advice by the City or any of its elected/appointed officials, municipal agencies and departments, employees, agents, and volunteers

### Newspaper Advertisement

A notice of the public hearing must be published in one (1) newspaper of general circulation, 15 days prior to the date of the hearing.

You may choose any of the following newspapers for advertising purposes: The Daily Record, The Baltimore Sun; or the Afro-American.

**Wording for Written Notice to Property Owner(s), Sign Posting and Newspaper Advertisement**

The information that must be published in a newspaper advertisement, posted on a sign and mailed to the property owner appears between the double lines on the attached page (*See Attachment A*); the deadline date is indicated in BOLD letters at the top of Attachment A.

**Certification of Postings**

Certification of the written notice, sign posting on the property, and publication of the newspaper advertisement, in duplicate, must be sent four (4) days prior to the hearing to:

Ms. Natawna Austin, Executive Secretary  
Baltimore City Council  
100 N. Holliday Street, Fourth Floor, Room 400  
Baltimore, MD 21202

If the required certifications are not received as specified above, the public hearing will be cancelled without notice to the applicant. The deadline dates are as follows:

<b>Sign Posting Deadline:</b>	<b>December 16, 2019</b>
<b>Newspaper Ad Deadline:</b>	<b>December 31, 2019</b>
<b>Written Notice Deadline:</b>	<b>December 31, 2019</b>

Please note that **ALL** of these requirement **MUST** be met in order for your hearing to proceed as scheduled. If you have any questions regarding your notice requirements please contact:

Ms. Jennifer L. Coates, Committee Staff  
Baltimore City Council,  
Land Use Committee  
410-396-1260  
[Jennifer.Coates@baltimorecity.gov](mailto:Jennifer.Coates@baltimorecity.gov).

**ATTACHMENT A**

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE POSTED **DECEMBER 16, 2019** AND PUBLISHED BY **DECEMBER 31, 2019**, AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

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**BALTIMORE CITY COUNCIL  
PUBLIC HEARING ON BILL NO. 19-0454**

The Land Use Committee of the Baltimore City Council will meet on Wednesday, January 15, 2020 at 1:10 p.m. in the City Council Chambers, 4<sup>th</sup> floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 19-0454.

**CC 19-0454 ORDINANCE - Rezoning - 1432 Block 7653C, Lot 029**

FOR the purpose of changing the zoning for the property known as Block 7653C, Lot 029, located in the rear of 3819 Wilkens Avenue (Block 7653C, Lot 011), as outlined in red on the accompanying plat, from the C-1 Zoning District to the C-2 Zoning District.

By amending  
Article 32- Zoning  
Zoning District Map  
Sheet 62  
Baltimore City Revised Code  
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.

Applicant: Robert Forrest

For more information, contact Committee Staff at (410) 396-1260.

EDWARD REISINGER

Chair

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**SEND CERTIFICATION OF PUBLICATION TO:**

Baltimore City Council  
c/o Natawna B. Austin  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, MD 21202

**SEND BILL FOR THIS ADVERTISEMENT TO:**

Mr. Robert Forrest  
1218 Marclee Road  
Finksburg, MD 21048  
(443) 398-1104

**ZONING  
SUBTITLE 6 - NOTICES**

**ARTICLE 32, § 5-601**

§ 5-601. Map or text amendments; PUDs.

(a) Hearing required.

For a bill proposing a zoning map amendment, a zoning text amendment, or the creation or modification of a planned unit development, the City Council committee to which the bill has been referred must conduct a hearing at which:

- (1) the parties in interest and the general public will have an opportunity to be heard; and
- (2) all agency reports will be reviewed.

(b) Notice of hearing required.

Notice of the hearing must be given by each of the following methods, as applicable:

- (1) by publication in a newspaper of general circulation in the City;
- (2) for the creation or modification of a planned unit development and for a zoning map amendment, other than a comprehensive rezoning:
  - (i) by posting in a conspicuous place on the subject property; and
  - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned; and
- (3) for a comprehensive rezoning:
  - (i) by posting in conspicuous places within and around the perimeter of the subject area or district, as the Department of Planning designates; and
  - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of property within the subject area or district.

(c) Contents of notice.

The notice must include:

- (1) the date, time, place, and purpose of the public hearing;
- (2) the address of the subject property or a drawing or description of the boundaries of the area affected by the proposed rezoning; and
- (3) the name of the applicant.

(d) Number and manner of posted notices.

(1) For a zoning map amendment or the creation or modification of a planned unit development, the number and manner of posting is as follows:

- (i) for an individual property, at least 1 sign must be visible from each of the property's street frontages;
- (ii) for a comprehensive rezoning, a change in the boundaries of a zoning district, or the creation or modification of a planned unit development, at least 2 or more signs are required, as the Department of Planning designates;
- (iii) each sign must be posted at a prominent location, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists;
- (iv) a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists; and
- (v) each sign must be at least 3 feet by 4 feet in size.

(2) Nothing in this subtitle prevents the voluntary posting of more notices than required by this subtitle.

(e) Timing of notices – In general.

The notice must be published, mailed, and, except as provided in subsection (f) of this section, posted:

- (1) at least 15 days before the public hearing; or
- (2) for a comprehensive rezoning, at least 30 days before the public hearing.

(f) Timing of notices – Posting for map amendment or PUDs.

For a zoning map amendment or the creation or modification of a planned unit development, the posted notice must be:

- (1) posted at least 30 days before the public hearing; and
- (2) removed within 48 hours after conclusion of the public hearing.



THE NOTICE OF HEARING SIGN(S) MUST BE POSTED IN ACCORDANCE WITH ARTICLE 32; SECTION 5-601 (See Attachment B), WHICH CAN ALSO BE OBTAINED FROM THE FOLLOWING WEBSITE:

<http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf>

**SIGNS MAY BE OBTAINED FROM A VENDOR OF YOUR CHOICE OR ANY OF THOSE LISTED BELOW:**

RICHARD HOFFMAN  
904 DELLWOOD DRIVE  
BALTIMORE, MARYLAND 21047  
PHONE: (443) 243-7360  
E-MAIL: DICK\_E@COMCAST.NET

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JAMES EARL REID  
LA GRANDE VISION  
5517 HADDON AVENUE  
BALTIMORE, MARYLAND 21207  
PHONE: (443) 722-2552  
E-MAIL: [JamesEarlReid@aol.com](mailto:JamesEarlReid@aol.com) or [JamesEarlReid@aim.com](mailto:JamesEarlReid@aim.com)

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SIGNS BY ANTHONY  
ANTHONY L. GREENE  
2815 TODKILL TRACE  
EDGEWOOD, MD 21040  
PHONE: 443-866-8717  
FAX: 410-676-5446  
E-MAIL: bones\_malone@comcast.net

---

LINDA O'KEEFE  
523 PENNY LANE  
HUNT VALLEY, MD 21030  
PHONE: 410-666-5366  
CELL: 443-604-6431  
E-MAIL: LUCKYLINDA1954@YAHOO.COM

**This office is not associated with any of the above drafting companies, nor do we recommend any specific one.**

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ATTACHMENT C

**Baltimore City Council**  
**Certificate of Posting - Public Hearing Notice**

*Today's Date: [Insert Here]*

**City Council Bill No.:**

*(Place a picture of the posted sign in the space below.)*

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

**Address:**

**Date Posted:**

---

**Name:**

**Address:**

**Telephone:**

- Email to: [Natawnab.Austin@baltimorecity.gov](mailto: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



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by  
the  
author

# City of Baltimore

City Council  
City Hall, Room 408  
100 North Holliday Street  
Baltimore, Maryland 21202

## Meeting Minutes - Final

### Land Use Committee

---

Wednesday, January 15, 2020

1:10 PM

Du Burns Council Chamber, 4th floor, City Hall

---

19-0454  
CHARM TV 25

#### **CALL TO ORDER**

#### **INTRODUCTIONS**

#### **ATTENDANCE**

**Present** 7 - Edward Reisinger, Shannon Sneed, Mary Pat Clarke, Ryan Dorsey, Leon F. Pinkett III, Robert Stokes Sr., and Eric T. Costello

**Absent** 1 - Sharon Green Middleton

#### **ITEMS SCHEDULED FOR PUBLIC HEARING**

##### 19-0454

##### **Rezoning - Block 7653C, Lot 029**

For the purpose of changing the zoning for the property known as Block 7653C, Lot 029, located in the rear of 3819 Wilkens Avenue (Block 7653C, Lot 011), as outlined in red on the accompanying plat, from the C-1 Zoning District to the C-2 Zoning District.

**Sponsors:** Edward Reisinger

**A motion was made by Clarke, seconded by Sneed, that this Ordinance be Recommended Favorably. The motion carried by the following vote:**

**Yes:** 7 - Reisinger, Sneed, Clarke, Dorsey, Pinkett III, Stokes Sr., and Costello

**Absent:** 1 - Middleton

#### **ADJOURNMENT**



CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Ordinance: 19-0454

Rezoning - Block 7653C, Lot 029

Committee: Land Use
Chaired by: Councilmember Edward Reisinger

Hearing Date: January 15, 2020
Time (Beginning): 1:40 PM
Time (Ending): 1:50 PM
Location: Clarence "Du" Burns Council Chamber
Total Attendance: Approximately 20 people
Committee Members in Attendance:
Edward Reisinger Shannon Sneed Mary Pat Clarke Eric Costello
Ryan Dorsey Leon Pinkett Robert Stokes

Bill Synopsis in the file? [X] YES [ ] NO [ ] N/A
Attendance sheet in the file? [X] YES [ ] NO [ ] N/A
Agency reports read? [X] YES [ ] NO [ ] N/A
Hearing televised or audio-digitally recorded? [X] YES [ ] NO [ ] N/A
Certification of advertising/posting notices in the file? [X] YES [ ] NO [ ] N/A
Evidence of notification to property owners? [X] YES [ ] NO [ ] N/A
Final vote taken at this hearing? [X] YES [ ] NO [ ] N/A
Motioned by: Councilmember Clarke
Seconded by: Councilmember Sneed
Final Vote: Favorable

Major Speakers

(This is not an attendance record.)

Eric Tiso, Department of Planning
Stephanie Murdock, Department of Housing and Community Development
Liam Davis, Department of Transportation
Hilary Ruley, Department of Law





---

**Major Issues Discussed**

1. Chairman Reisinger read the bill number, title, purpose, and public notice certification.
2. Eric Tiso from the Department of Planning summarized the Planning Commission's report and recommendations. He explained that the property was zoned C-1 as a result of administrative error.
3. Representatives from the other agencies confirmed the recommendations in their agencies' written reports.
4. The committee approved the findings of fact.
5. The committee voted to recommend the bill favorably.

---

**Further Study**

Was further study requested?

Yes    No

If yes, describe.

---

**Committee Vote:**

E. Reisinger: ..... Yea  
S. Sneed: ..... Yea  
M. Clarke: ..... Yea  
E. Costello: ..... Yea  
R. Dorsey: ..... Yea  
S. Middleton: ..... Absent  
L. Pinkett: ..... Yea  
R. Stokes: ..... Yea

---

*Matthew Peters*

Matthew L. Peters, Committee Staff

Date: January 17, 2019

Cc: Bill File  
OCS Chrono File





## Baltimore City Council Committee Hearing Attendance Record

<b>Subject:</b> Ordinance - Rezoning - Block 7653C, Lot 029	<b>Bill #:</b> 19-0454
<b>Committee:</b> Land Use	<b>Chair:</b> Edward Reisinger
<b>Date:</b> Wednesday, January 15, 2020	<b>Time:</b> 1:10 PM
<b>Location:</b> Clarence "Du" Burns Council Chamber	

PLEASE PRINT CLEARLY

CHECK HERE TO TESTIFY



First Name	Last Name	Address / Organization / Email	Testify	What is your position on this bill?		Lobbyist: Are you registered in the City?*	
				For	Against	Yes	No
John	Doe	400 N. Holliday St. Johndoenbmore@yahoo.com	✓	✓	✓	✓	✓
ROBERT	FOURREST	3819 WILKENS AOE 21229 1218 MARCLEE RD 21048 (HOME)		✓			✓

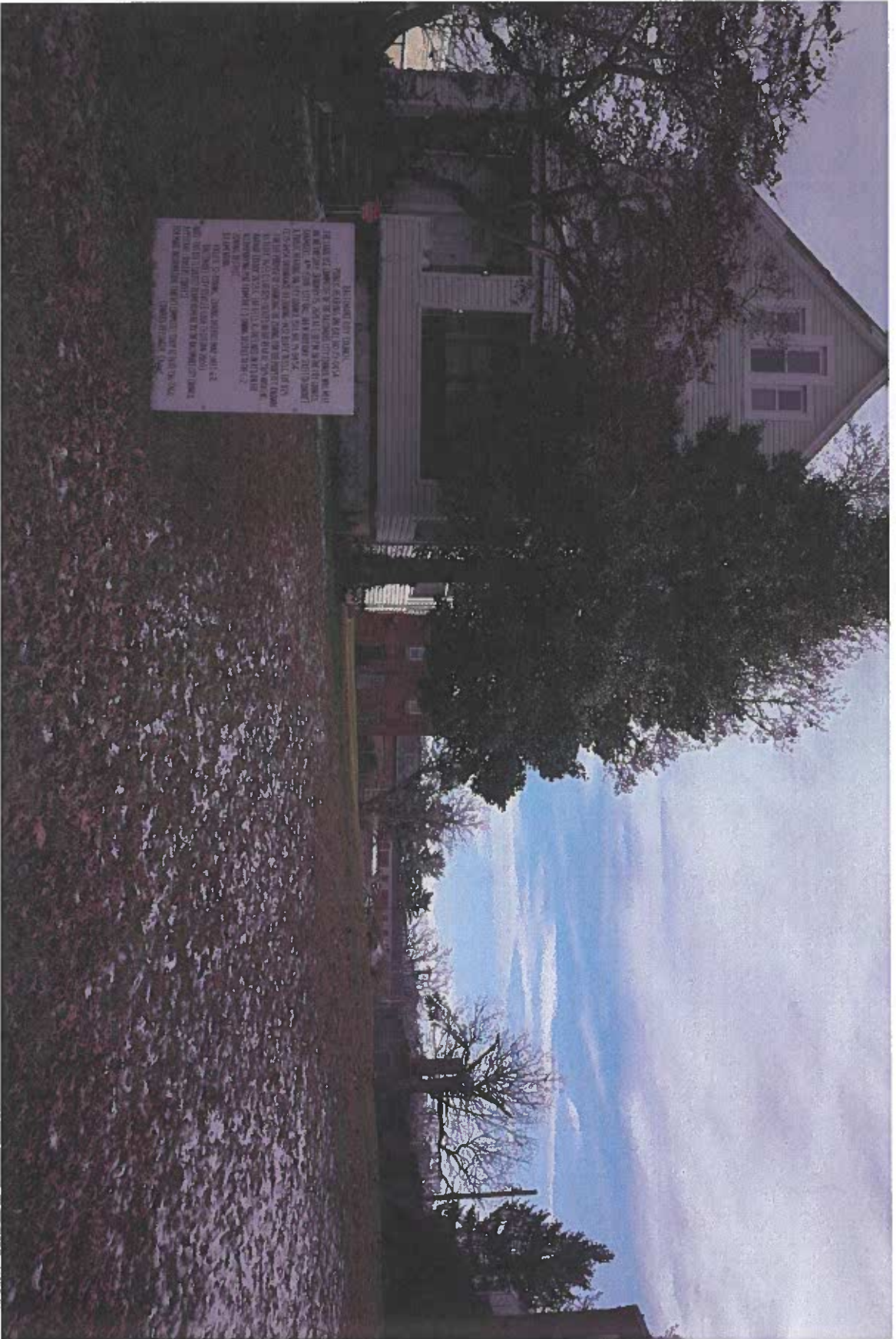
\*NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD AS A LOBBYIST. REGISTRATION CAN BE DONE ONLINE AND IS A SIMPLE PROCESS. FOR INFORMATION VISIT: [HTTPS://ETHICS.BALTIMORECITY.GOV/](https://ethics.baltimorecity.gov/) OR CALL: 410-396-4730



# Bill 19-0454

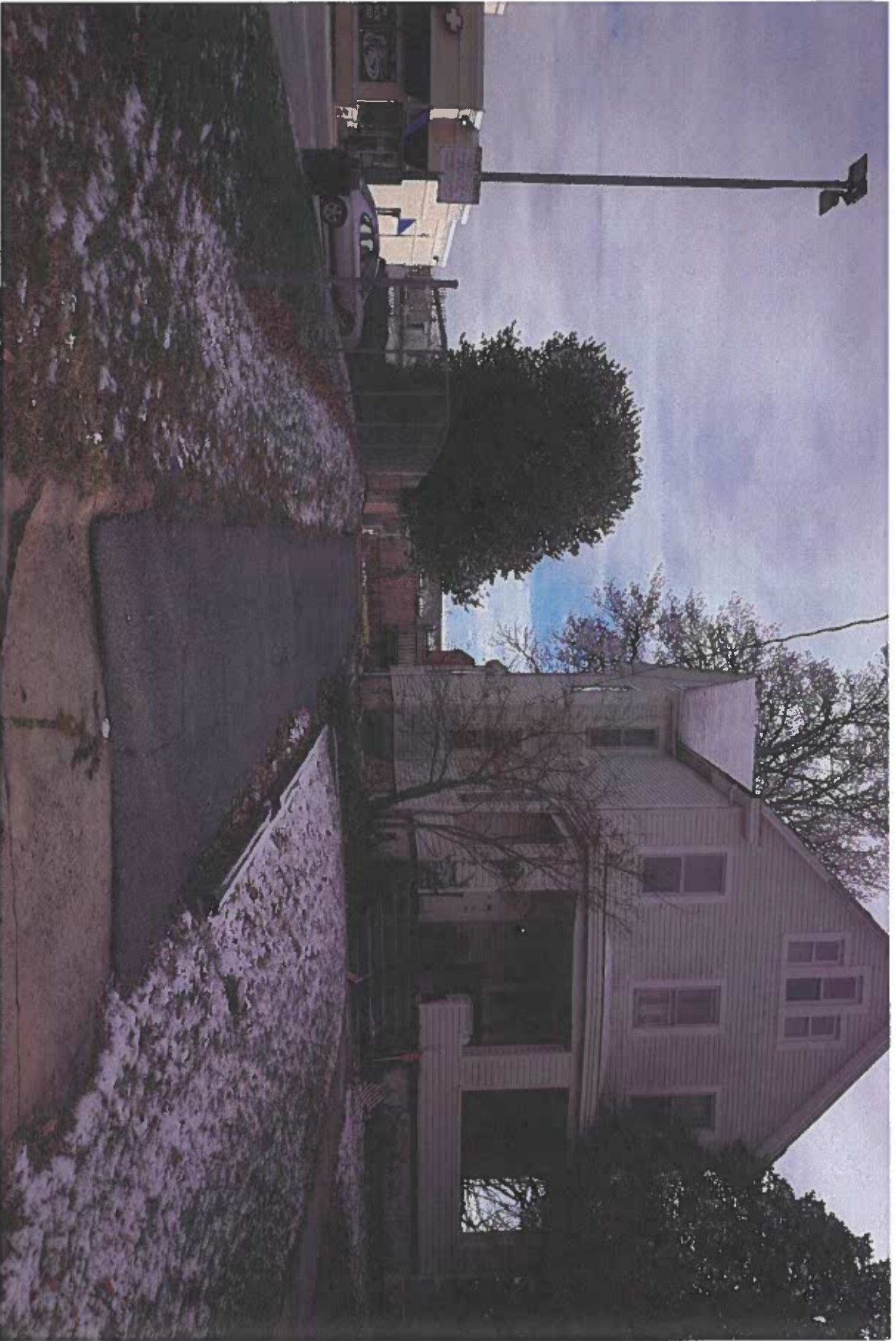
Rezoning - Block 7653C, Lot 029



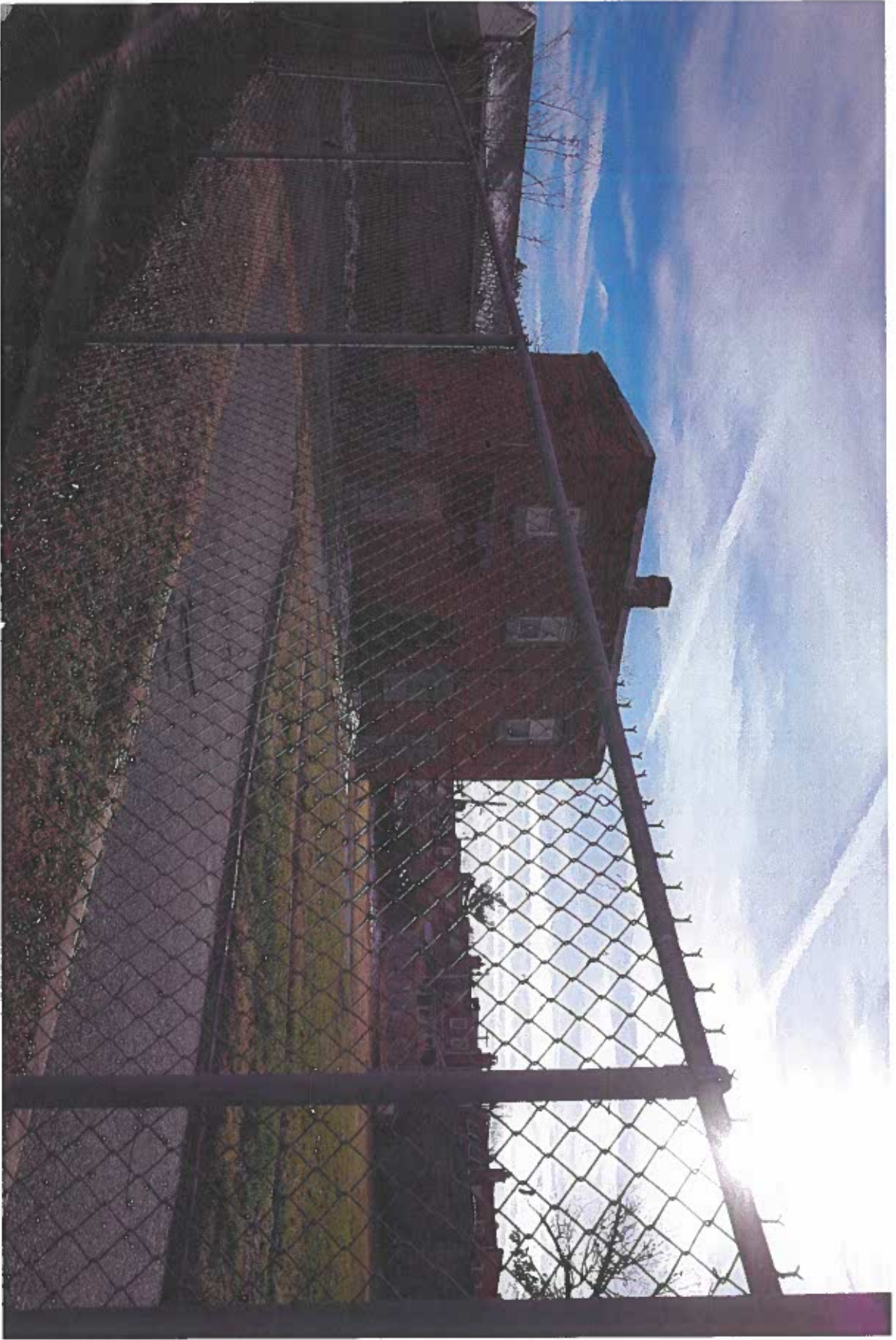






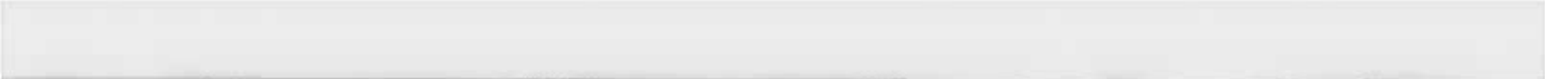


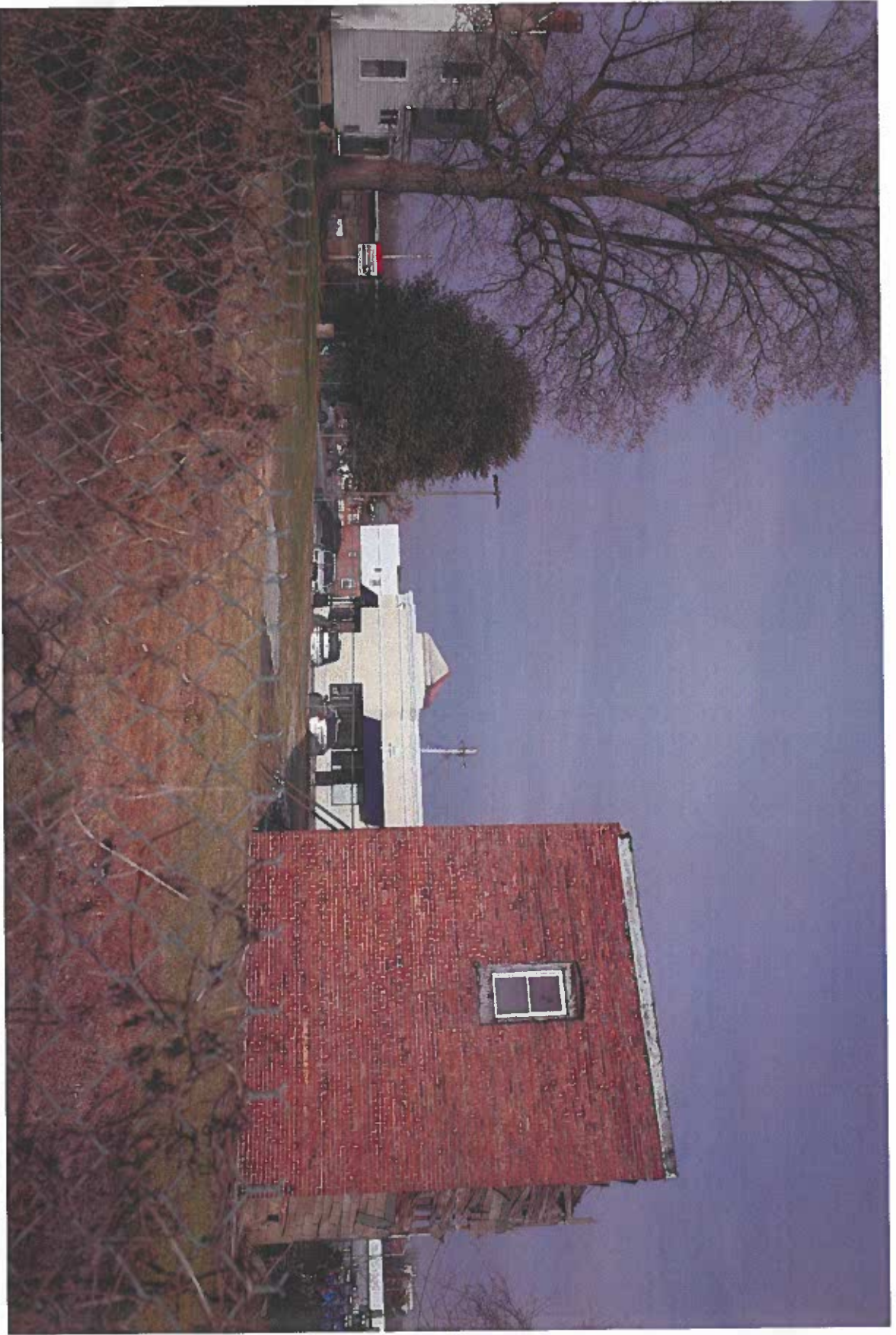


















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# City of Baltimore

City Council  
City Hall, Room 408  
100 North Holliday Street  
Baltimore, Maryland 21202

## Meeting Agenda - Final

### Land Use Committee

---

Wednesday, January 15, 2020

1:10 PM

Du Burns Council Chamber, 4th floor, City Hall

---

19-0454

#### **CALL TO ORDER**

#### **INTRODUCTIONS**

#### **ATTENDANCE**

#### **ITEMS SCHEDULED FOR PUBLIC HEARING**

19-0454

##### **Rezoning - Block 7653C, Lot 029**

For the purpose of changing the zoning for the property known as Block 7653C, Lot 029, located in the rear of 3819 Wilkens Avenue (Block 7653C, Lot 011), as outlined in red on the accompanying plat, from the C-1 Zoning District to the C-2 Zoning District.

##### Sponsors:

Edward Reisinger

#### **ADJOURNMENT**

**THIS MEETING IS OPEN TO THE PUBLIC**





## BILL SYNOPSIS

**Committee: Land Use**

**Bill: 19-0454**

---

### Rezoning - Block 7653C, Lot 029

---

**Sponsor:** Councilmember Reisinger

**Introduced:** October 7, 2019

**Purpose:**

For the purpose of changing the zoning for the property known as Block 7653C, Lot 029, located in the rear of 3819 Wilkens Avenue (Block 7653C, Lot 011), as outlined in red on the accompanying plat, from the C-1 Zoning District to the C-2 Zoning District.

**Effective:** 30<sup>th</sup> day after the date it is enacted

---

### Agency Reports

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	Favorable
Department of Transportation	
City Solicitor	Favorable with Comments
Department of Housing and Community Development	No Objection
Baltimore Development Corporation	No Objection

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## Analysis

### Current Law

Article 32 – Zoning, including § 5-508 (Approval standards), Table 10-301 (Commercial Districts – Permitted and Conditional Uses); Zoning District Map, Sheet 62.

### Background

If approved, Bill 19-0454 would rezone the property known as Block 7653C, Lot 029, located in the rear of 3819 Wilkens Avenue (Block 7653C, Lot 011), from the C-1 Zoning District to the C-2 Zoning District. The applicant and owner of the property is Robert E. Forrest. Mr. Forrest also owns 3819 Wilkens Avenue, which is currently in the C-2 Zoning District.

The property is located immediately to the rear of 3819 Wilkens Avenue, in the center of the block bounded by Wilkens Avenue, Joh Avenue, and Southwestern Boulevard. The only access to this site is either through a driveway across 3819 Wilkens Avenue, or alley access behind the homes along Joh Avenue.

The property is located in the Oaklee area, which is bounded by Wilkens Avenue on the north, the southwestern City boundary, and Southwestern Boulevard. There are commercial buildings along a portion of Wilkens Avenue and Southwestern Boulevard, including an immediate care medical office, a car wash, an auto sales business, and a restaurant.

Under § 5-508(b)(1) of Article 32 – Zoning, and the State Land Use Article, the City Council may approve a rezoning based on a finding that there was either:

- (1) a substantial change in the character of the neighborhood where the property is located; or
- (2) a mistake in the existing zoning classification.

The intended purposes for the current and proposed zoning districts, as described in Article 32, are below:

### Current Zoning District – C-1

The C-1 Neighborhood Business Zoning District is intended for areas of commercial clusters or pedestrian-oriented corridors of commercial uses that serve the immediate neighborhood. Article 32, § 10-201 (a).

**CITY OF BALTIMORE  
COUNCIL BILL 19-0454  
(First Reader)**

---

Introduced by: Councilmember Reisinger

At the request of: Robert Forrest

Address: 1218 Marlee Road, Finksburg, Maryland 21048

Telephone: 1-443-398-1104

Introduced and read first time: October 7, 2019

Assigned to: Land Use Committee

---

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

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – Block 7653C, Lot 029**

3 FOR the purpose of changing the zoning for the property known as Block 7653C, Lot 029, located  
4 in the rear of 3819 Wilkens Avenue (Block 7653C, Lot 011), as outlined in red on the  
5 accompanying plat, from the C-1 Zoning District to the C-2 Zoning District.

6 BY amending

7 Article 32- Zoning  
8 Zoning District Map  
9 Sheet 62  
10 Baltimore City Revised Code  
11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That  
13 Sheet 62 of the Zoning District Map is amended by changing from the C-1 Zoning District to the  
14 C-2 Zoning District the property known as Block 7653C, Lot 029, located in the rear of 3819  
15 Wilkens Avenue (Block 7653C, Lot 011), as outlined in red on the plat accompanying this  
16 Ordinance.

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

25 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
26 after the date it is enacted.

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





**INTRODUCTORY\***  
**CITY OF BALTIMORE**  
**COUNCIL BILL \_\_\_\_\_**

APPROVED FOR FORM STYLE AND TEXTUAL SUBSTANCY
9-25-19
LEGISLATIVE REFERENCE

Introduced by: Councilmember Reisinger  
At the request of: Robert Forrest  
Address: 1218 Marlee Road, Finksburg, Maryland 21048  
Telephone: 1-443-398-1104

A BILL ENTITLED

AN ORDINANCE concerning

**Rezoning – Block 7653C, Lot 029**

FOR the purpose of changing the zoning for the property known as Block 7653C, Lot 029, located in the rear of 3819 Wilkens Avenue (Block 7653C, Lot 011), as outlined in red on the accompanying plat, from the C-1 Zoning District to the C-2 Zoning District.

BY amending

Article 32- Zoning  
Zoning District Map  
Sheet 62  
Baltimore City Revised Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That Sheet 62 of the Zoning District Map is amended by changing from the C-1 Zoning District to the C-2 Zoning District the property known as Block 7653C, Lot 029, located in the rear of 3819 Wilkens Avenue (Block 7653C, Lot 011), as outlined in red on the plat accompanying this Ordinance.

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

**SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day after the date it is enacted.

\* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.



Small, faint, illegible markings or text located in the upper right corner of the page.



STATEMENT OF INTENT

FOR

BLOCK 7653C, LOT 029 (IN REAR OF 3819 WILKENS AVENUE)
{Address}

1. Applicant's Contact Information:

Name: ROBERT E. FORREST
Mailing Address: 1218 MARCLEE ROAD, FINKSBURG, MARYLAND 21048
Telephone Number: 443-398-1104 (CELL) 410-848-9740 (HOME)
Email Address: forrestlaws1928@yahoo.com

2. All Proposed Zoning Changes for the Property: TO CHANGE THE THE ZONING DISTRICT OF THE PROPERTY KNOWN AS BLOCK 7653C, LOT 029, LOCATED IN THE REAR OF 3819 WILKENS AVENUE (BLOCK 7653C, LOT 029) FROM C-1 ZONING TO C-2 ZONING.

3. All Intended Uses of the Property: ANY AUTHORIZE USES THAT FALL UNDER C-2 ZONING

4. Current Owner's Contact Information:

Name: ROBERT E. FORREST
Mailing Address: 1218 MARCLEE ROAD, FINKSBURG, MARYLAND 21048
Telephone Number: 443-398-1104 CELL 410-848-9740 HOME
Email Address: forrestlaws1928@yahoo.com

5. Property Acquisition:

The property was acquired by the current owner on SEPTEMBER 1, 2004 by deed recorded in the Land Records of Baltimore City in Liber 6021 Folio 276 FMC

6. Contract Contingency:

- (a) There is X is not a contract contingent on the requested legislative authorization.
(b) If there is a contract contingent on the requested legislative authorization:
(i) The names and addresses of all parties to the contract are as follows {use additional sheet if necessary}:


(ii) The purpose, nature, and effect of the contract are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Agency:**

- (a) The applicant is X is not \_\_\_\_\_ acting as an agent for another.
- (b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows {use additional sheet if necessary}: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

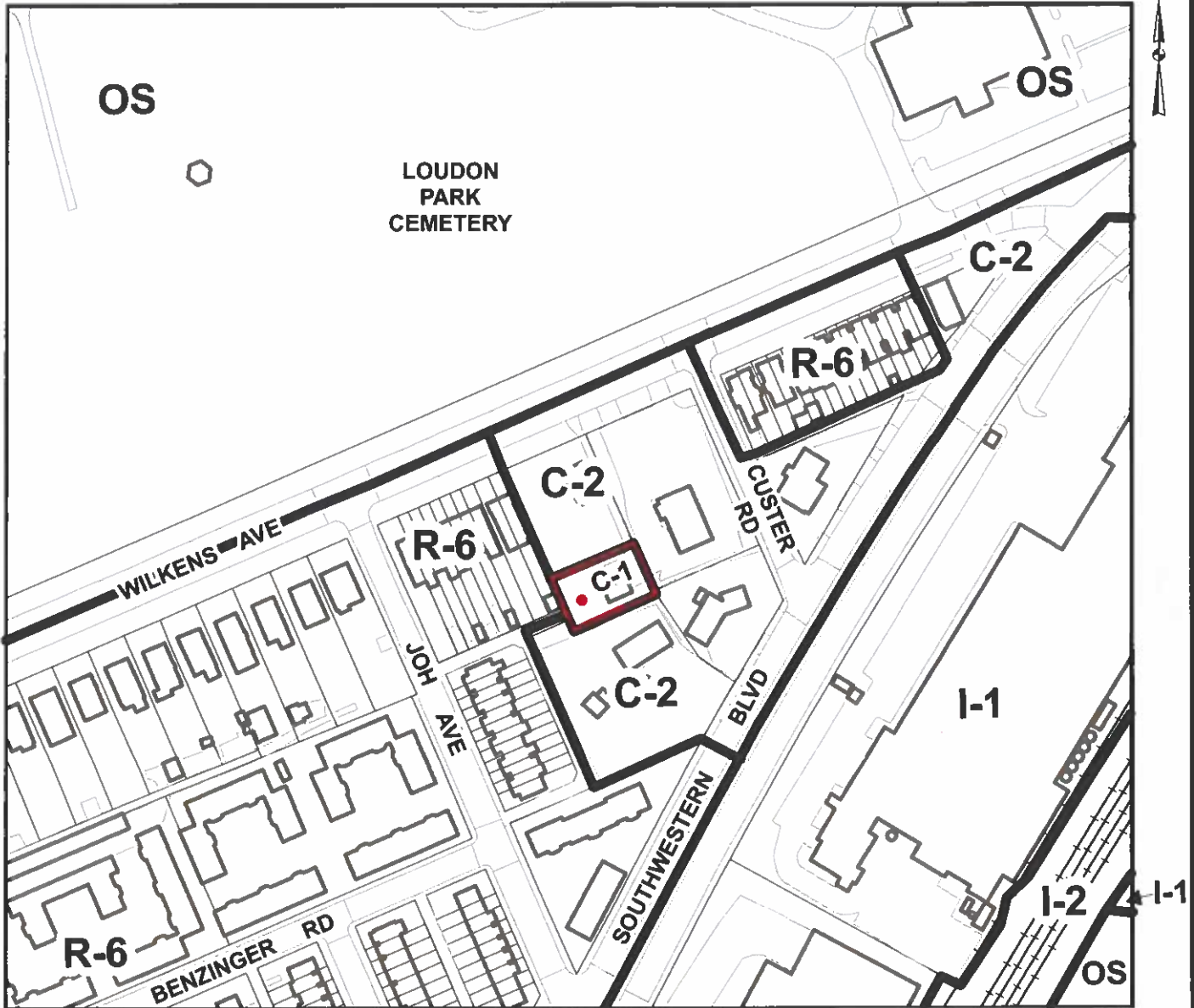
**AFFIDAVIT**

I, ROBERT E. FORREST, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Applicant's signature

SEPTEMBER 20, 2019  
\_\_\_\_\_  
Date

**SHEET NO. 62 OF THE ZONING MAP OF  
THE ZONING CODE OF BALTIMORE CITY**

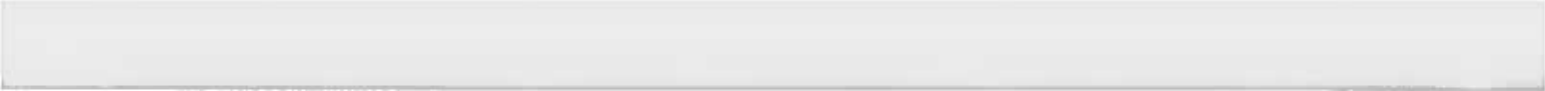


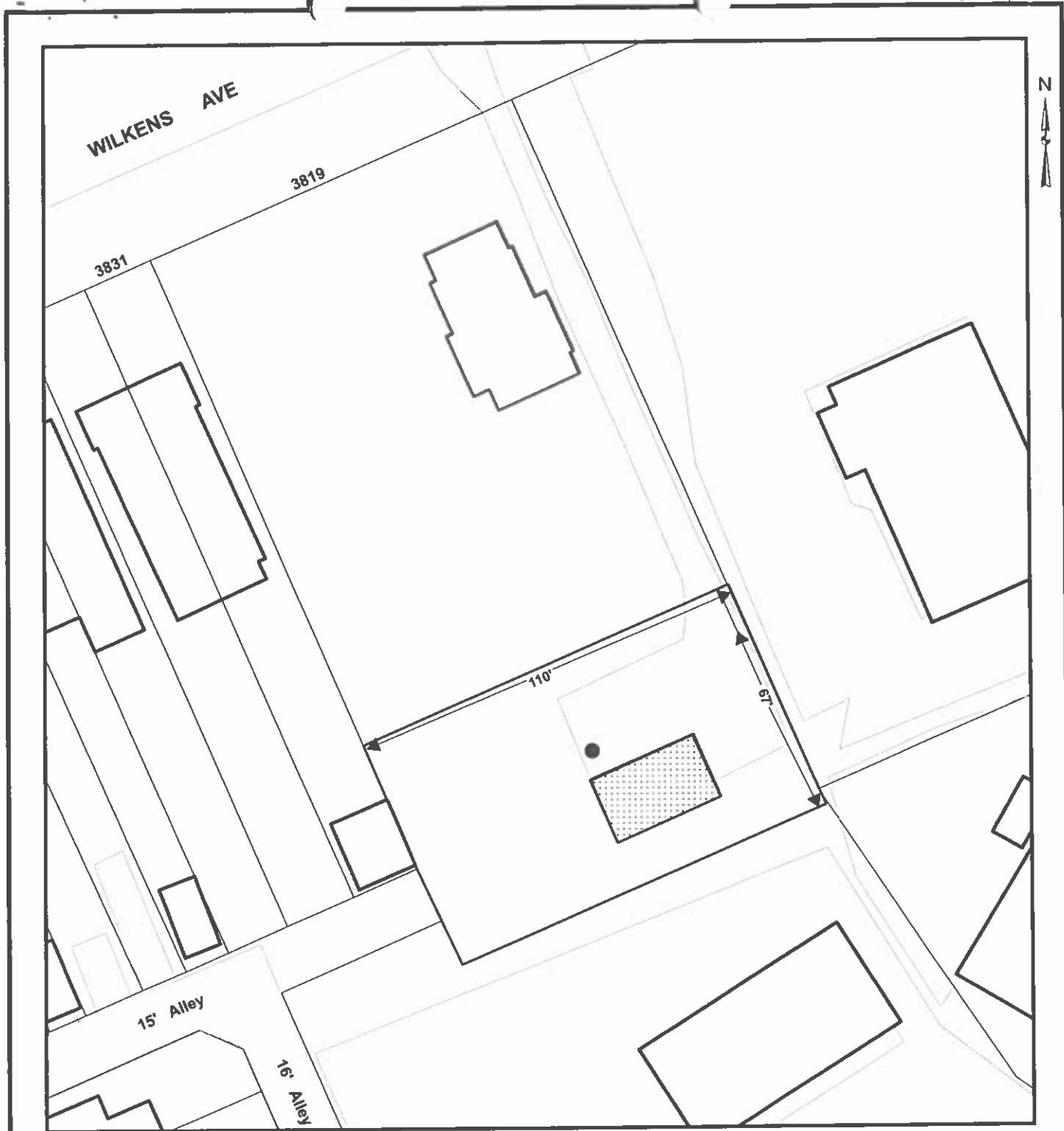
Scale: 1" = 200'

**In Connection With The Descriptive Property Known As  
(Rear SS Wilkens Ave Rear 3819 Wilkens Ave).  
The Applicant Wishes To Request  
The Rezoning Of The  
Aforementioned Property  
From C-1 Zoning District to C-2 Zoning District,  
As Outlined In Red Above.**

WARD 25                      SECTION 1  
BLOCK 7653C                      LOT 29

\_\_\_\_\_  
MAYOR  
\_\_\_\_\_  
PRESIDENT CITY COUNCIL





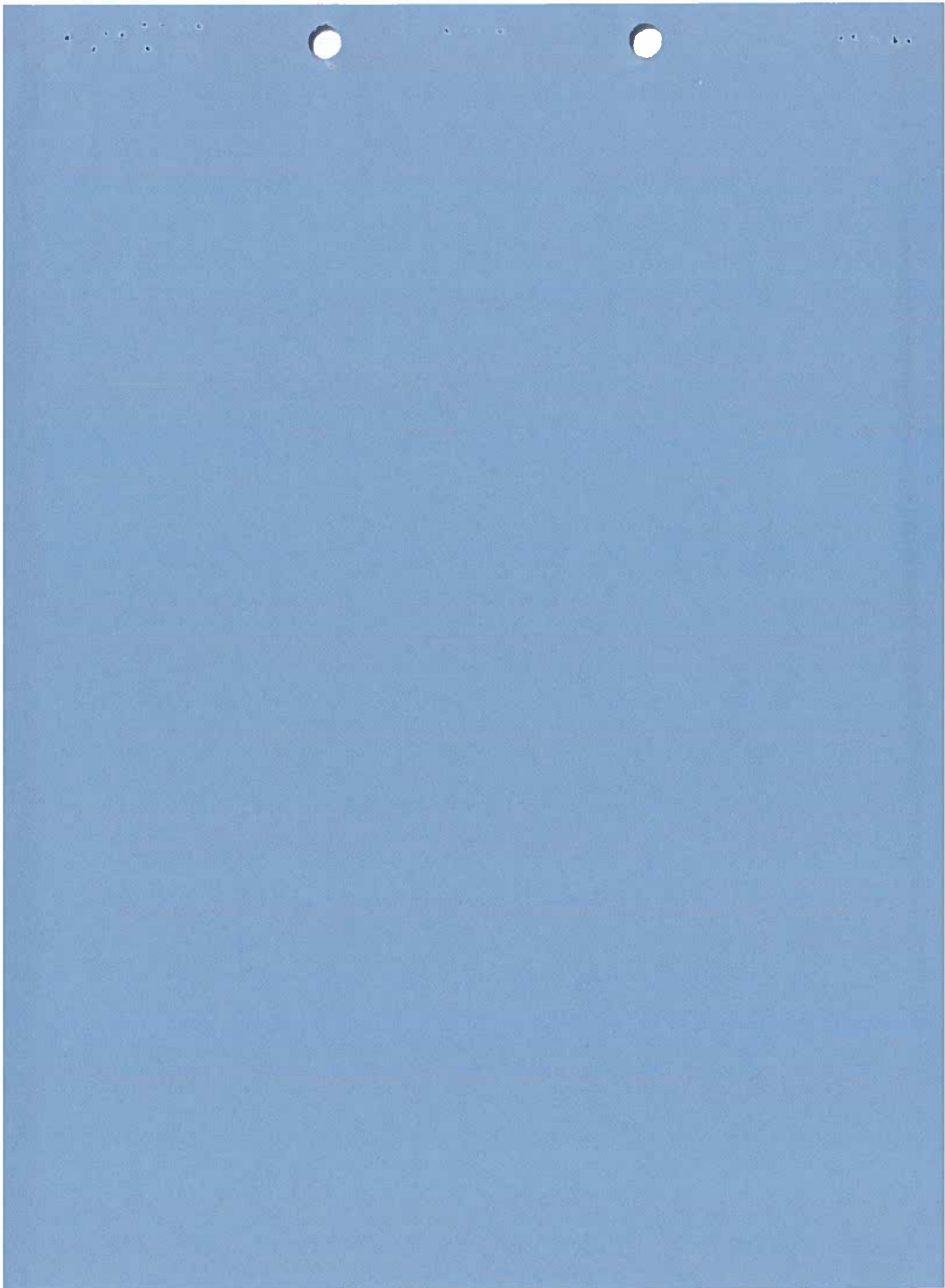
Scale: 1" = 40'

**REAR SS WILKENS AVE REAR 3819 WILKENS AVE**

Sheet #2







**ACTION BY THE CITY COUNCIL**

OCT 07 2019  
20

FIRST READING (INTRODUCTION) \_\_\_\_\_

PUBLIC HEARING HELD ON Jan. 15, 2020 \_\_\_\_\_ 20 \_\_\_\_\_

COMMITTEE REPORT AS OF Jan. 27, 2020 \_\_\_\_\_ 20 \_\_\_\_\_

FAVORABLE \_\_\_\_\_ UNFAVORABLE \_\_\_\_\_ FAVORABLE AS AMENDED \_\_\_\_\_ WITHOUT RECOMMENDATION

*Edward Beising*

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

JAN 27 2020  
20

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING \_\_\_\_\_ Feb 10 \_\_\_\_\_ 20 20

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

WITHDRAWAL \_\_\_\_\_ 20 \_\_\_\_\_

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

\_\_\_\_\_  
President

\_\_\_\_\_  
Chief Clerk