



FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	 CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #25-0016 / ZONING CODE – MINOR VARIANCES – MODIFICATIONS		

TO

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

DATE: February 28, 2025

At its regular meeting of February 27, 2025, the Planning Commission considered City Council Bill #25-0016, for the purpose of amending provisions of the Baltimore City Zoning Code relating to minor variances.

As a part of their deliberation on this bill, the Planning Commission makes the recommendation that the City Council consider the provisions of notice for minor variances. While notice is provided to immediate neighbors by way of posting, there might be some additional notice to any community organizations in the area. The Planning Commission was not able to determine a best practices recommendation at the moment, but wanted to raise the concern for thought.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #25-0016 and adopted the following resolution, with six members being present (six in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #25-0016 be **amended and approved** 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: Ms. Nina Themelis, Mayor's Office
 The Honorable John Bullock, Council Rep. to Planning Commission
 Ms. Rebecca Witt, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Stephanie Murdock, DHCD
 Ms. Hilary Ruley, Law Dept.
 Mr. Francis Burnszynski, PABC
 Mr. Luciano Diaz, DOT
 Ms. Nancy Mead, Council Services



Brandon M. Scott
Mayor

PLANNING COMMISSION

Jon Laria, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

February 27, 2025

REQUEST: City Council Bill #25-0016/ Zoning Code – Minor Variances – Modifications:
For the purpose of amending provisions of the Baltimore City Zoning Code relating to minor variances.

RECOMMENDATION: Amendment and Approval, with the following amendment:

- On Page 2, in Line 18, strike AND

STAFF: Justin Walker

INTRODUCED BY: Councilmember Schleifer

SITE/GENERAL AREA: Citywide

HISTORY

Similar legislation was included in a bill that was introduced in the previous council session (CCB #23-0435) with some variations. The previous version of the bill categorized variances of 25% or less of applicable requirements as a minor variance as opposed to the 15% proposed in the current bill. The previous version of the bill failed at the end of the last Council session, which required re-introduction.

ANALYSIS

Background: This bill originated from concerns that city homeowners face difficult and expensive appeals processes when seeking minor deviations from the zoning code. The bill aims to lessen the burden on applicants by increasing the cap on what is considered a minor variance from 10% to 15% of the applicable requirements. Similar legislation was introduced in the previous Council session under City Council Bill #23-0435, which proposed a 25% threshold for minor variances.

Effects of the Bill: The bill will repeal and re-ordain Section 5-302(b). This bill seeks to amend the Baltimore City Zoning Code to broaden the scope of minor variances. Specifically, the bill raises the maximum threshold for minor variances related to lot width, required yards, and setbacks from 10% to 15%. For required yards, the bill changes the maximum allowable minor variance from 2 feet or 10% (whichever is less) to 5 feet or 15% (whichever is less). These changes allow more flexibility to zoning requirements without necessitating a Board of Municipal and Zoning Appeals (BMZA) hearing.

The bill also changes the rules for requesting variances related to bulk or yard regulations for a parcel with a nonconforming structure that has existed for at least 50 years. A variance for increasing bulk or density would be considered a minor variance if the increase is less than 15%. This is a change from the previous limit of 10%.

In addition to these changes, the bill expands the category of minor variances to include applications for single-family dwellings in residential districts. This provision is being added to the end of an existing "and" list, meaning that while single-family dwellings may now qualify for minor variances, the other requirements of Section 5-302(b)(1) must still be met for the dwelling to be considered under this category. Relatedly, the existing "and" on Page 2, in Line 18 needs to be struck, since it's moved to the end of Line 27.

The primary goal of these modifications is to streamline the zoning process. By enabling a broader range of variance requests to be handled administratively by the Zoning Administrator instead of the BMZA, the bill reduces the need for full hearings, ultimately saving time and reducing costs for homeowners, small developers, and the City. This shift allows for more efficient processing of variance requests, enabling property owners to proceed with their projects more quickly while minimizing delays that can arise from lengthy hearings and approvals.

Staff notes that expanding minor variances does not eliminate the public's ability to comment on such variances. According to Section 5-304(b), if a written objection to a minor variance is received during the required posting period, the appeal will need to be resubmitted to the BMZA and will be subject to the public hearing requirements applicable to major variances. We encourage all applicants to reach out to surrounding neighbors and formal community organizations in advance as we believe that a minor variance that is opposed and later referred to the BMZA for hearing would consume more time than a major variance in the first place.

Equity: Covering a wider range of variances administratively will reduce the bureaucratic burden on property owners within the city. Increasing the flexibility of the code allows for easier development without requiring a full public hearing. Streamlining the variance process may particularly benefit homeowners and small-scale developers who lack the resources to navigate lengthy zoning hearings, making it easier for them to make necessary improvements or changes to their properties.

There is concern that expanding minor variances could weaken the zoning protections that homeowners have come to expect. By allowing more variances to be approved administratively, residents may have more difficulty providing input on changes that could affect neighborhood character, stability, and property values. Ensuring transparency and maintaining public trust in the zoning process will be important considerations as these changes are implemented.

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Chris Ryer
Director