
CITY OF BALTIMORE

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Mayor



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August 27, 2024

The Honorable President
Members of the City Council
c/o Natawna Austin, Executive Secretary
409 City Hall
Baltimore, MD 21202

Re: City Council Bill 24-0497- Conditional Use Conversion of a Single-Family Unit to 2 Dwelling Units in the R-8 Zoning District –Variances- 1005 West Lanvale Street.

The Law Department has reviewed City Council Bill 24-0497 for form and legal sufficiency. The bill permits, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 1005 West Lanvale Street (Block 0104, Lot 003), as outlined in red on the accompanying plat; granting variances from off-street parking requirements; and providing for a special effective date.

Conditional Use Standards

Under the Zoning Article of the City Code, the conversion of a single-family dwelling to a multi-family dwelling in an R-8 District requires conditional-use approval by ordinance. Baltimore City Code, Art. 32, § 9-701(2). Further, approval of a conditional use must be based on the following findings:

- (1) the establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization would not be contrary to the public interest; and
- (4) the authorization would be in harmony with the purpose and intent of this Code. § 5-406(a).

Moreover, the above findings must be guided by 14 “considerations” involving, for example, such things as the “nature of the surrounding area and the extent to which the proposed use might impair its present and future development,” “the character of the neighborhood,” and “the resulting traffic patterns and adequacy of proposed off-street parking.” Art. 32, § 5-406(b).

Variance Standards

The bill also grants variances for off street parking. For two dwelling units, one parking space is required to serve the new dwelling unit and none are to be provided. Thus, a parking variance is required. Planning found support for the variance in the unique layout of the property: “This variance is reasonable, given the size of the property, and the fact that it is landlocked in the rear. The inner portion of the block has been assembled into an inner-block park parcel, and so there is no access possible for parking in the rear yard.” Planning Report, p.2. Planning also found that a practical difficulty would result if the strict letter of the zoning code was required given the shape of the property.

To grant a variance, the City Council must find that, “because of the particular physical surroundings, shape, or topographical conditions of the specific structure or land involved, an unnecessary hardship or practical difficulty, as distinguished from a mere inconvenience, would result if the strict letter of the applicable requirement were carried out.” Art. 32, § 5-308(a). The City Council must also make seven other findings:

(1) the conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification;

(2) the unnecessary hardship or practical difficulty is caused by this Code and has not been created by the intentional action or inaction of any person who has a present interest in the property;

(3) the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property; (4) the variance will not: (i) be injurious to the use and enjoyment of other property in the immediate vicinity; or (ii) substantially diminish and impair property values in the neighborhood; (5) the variance is in harmony with the purpose and intent of this Code;

(6) the variance is not precluded by and will not adversely affect: (i) any Urban Renewal Plan; (ii) the City’s Comprehensive Master Plan; or (iii) any Historical and Architectural Preservation District; and

(7) the variance will not otherwise: (i) be detrimental to or endanger the public health, safety, or welfare; or (ii) be in any way contrary to the public interest. Art. 32, § 5-308(b).

Hearing Requirements

The Land Use and Transportation Committee (the “Committee”) must consider the above law at the scheduled public hearing 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 with respect to the factors and considerations 3 outlined above. If, after its investigation of the facts, the Committee makes findings which support the conditional use and the variance sought, it may adopt these findings and the legal requirements will be met.

Law Department notes further that a bill authorizing a conditional use is classified as a “legislative authorization.” Art. 32, § 5-501. Legislative authorizations require that certain

procedures be followed in the bill's passage. Specifically, certain notice requirements apply to the bill. *See* Art 32, § 5-602. The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. *See* Art. 32, §§ 5-504, 5-506, 5-604. Finally, certain limitations on the City Council's ability to amend the bill apply. *See* Art. 32 § 5-507.

Assuming all the procedural requirements are satisfied, the Law Department is prepared to approve the bill for form and legal sufficiency.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Ashlea Brown', enclosed in a thin blue rectangular border.

Ashlea Brown
Chief Solicitor

cc: Ebony Thompson, City Solicitor
Stephen Salsbury, Deputy Solicitor
Nina Themelis, MOGR
Elena DiPietro, Chief, General Counsel
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