



**BALTIMORE
HOUSING**

SHEILA DIXON
Mayor

PAUL T. GRAZIANO
Executive Director, HABC
Commissioner, HCD

MEMORANDUM

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

From: Paul T. Graziano, Commissioner

Date: August 19, 2009

Re: **City Council Bill 09-0366 - Zoning - Noncomplying Rowhouses - Expansions**

The Department of Housing and Community Development has reviewed City Council Bill 09-0366, which was introduced for the purpose of authorizing certain expansions of noncomplying attached or semi-detached dwellings; establishing procedures and standards for the review, approval, and disapproval of applications for expansion; authorizing the imposition of conditions on the approval of an expansion; requiring compliance with those conditions; providing for a special effective date; and generally relating to noncomplying attached or semi-detached dwellings.

Under current law, a noncomplying structure is prohibited from further expansion if the expansion would create a new noncompliance or increase the degree of noncompliance. Previous experience has shown that many structures are classified as noncompliant only because their lots are narrower than normally required. Regardless, any expansion of these structures must then be reviewed by the Board of Municipal and Zoning Appeals (BMZA), including through a public hearing, to ensure conformity even if the proposed addition is relatively small in relation to the entire lot or structure.

City Council Bill 09-0366 would create a new administrative procedure that would streamline the review process for certain noncomplying structures that seek to increase their lot coverage by no more than 10% and encroach no more the two feet into the rear yard. Under the new process, the application would be referred to the Director of Planning for review, rather than the BMZA for a public hearing. If the Planning Director finds that the proposed addition is in harmony with the general character, arrangement, design and architecture of the neighboring dwellings, then this decision would be filed with the Zoning Administrator as a final decision on the application. An applicant or an aggrieved party may still file an appeal of the decision to the BMZA for review.

The Department of Housing and Community Development supports the adoption of City Council Bill 09-0366.

PTG:pmd

cc: Ms. Angela Gibson
Mr. Andrew Frank
Ms. Diane Hutchins

