



BILL SYNOPSIS

Committee: Economic and Community Development

Bill: 21-0071

Street Encroachment - 1707 Eastern Avenue

Sponsor: *The Council President for the Administration (Department of Transportation)*

Introduced: *May 3, 2021*

Purpose:

For the purpose of permitting, subject to certain conditions, the construction and maintenance of a portion of a building projecting into the public right-of-way on the south side of Eastern Avenue, on the property known as 1707 Eastern Avenue.

Effective: The 30th day after the date it is enacted

Agency Reports

City Solicitor	Favorable
Department of Transportation	Favorable
Parking Authority of Baltimore City	Not Opposed
Board of Municipal and Zoning Appeals	No Comments
Department of Housing and Community Development	No Objection
Department of Planning	No Objection
Fire Department	No Objection

Analysis

Current Law

Article - Building, Fire, and Related Codes; Section(s) 2-103 (BC § 3201.3.1.1); Baltimore City Revised Code (Edition 2000).

Background

According to the *Baltimore City Building Code; Chapter 32 – Encroachments into the Public Right-of Way; Section 3201 – General; Subsection 3201.3.1 - Permission needed for encroachments.:*

No person may use, encroach on, or connect to any street, highway, alley, or other public right-of-way for any purpose unless that person first obtains permission to do so by:

1. an ordinance of the Mayor and City Council,
2. a minor privilege permit issued by or under the authority of the Board of Estimates, or
3. an appropriate permit issued by the Department of Transportation

The property located at 1707 Eastern Avenue is near a major re-development initiative in east Baltimore, Perkins Somerset Old Town. In 2019, a building on the site was demolished. The site is presently undergoing construction of a three-story building. It was found, by a professional surveyor for Baltimore City, that the building encroaches upon the City's right-of-way.

Bill 21-0071 would grant permission to Nemo, LLC for construction of a new building, which would permanently encroach upon the City's right-of-way. The encroachment is located on the front of the property and projects approximately 1.6 feet into the City's right-of-way. According to the Baltimore City Building Code, the allowable projection is 4 feet. According to a Right of Entry Agreement between the City and Nemo, LLC, signed on July 10, 2020, grant of the street encroachment is subject to certain terms and conditions.

Additional Information

Fiscal Note: Not Available

Information Source(s): Reporting Agencies, Bill 21-0071, Right of Entry Agreement between Baltimore City and Nemo, LLC dated July 10, 2020.

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Analysis Date: September 29, 2021

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