

**JUDICIARY COMMITTEE**

**20-0522**

**PUBLIC TESTIMONY**



**JOAN L. FLOYD**

2828 N. Howard Street - Baltimore, MD 21218  
JoanLFloyd@hotmail.com 410-662-9104

Judiciary Committee  
Baltimore City Council  
100 N. Holliday Street  
Baltimore, MD 21202

**Re: Opposition to Bill 20-0522**

Dear Chairman and Members:

The in-person attendance requirement for BMZA members is a positive reform that was made by the City Council in 2011. It should not be repealed for the short term, let alone permanently as Planning requests.

Under the in-person attendance requirement, only those BMZA members who are present in person may hear a particular case AND vote on it. It's important to remember that the BMZA is a quasi-judicial body that hears testimony and receives documentary evidence. The in-person attendance requirement means that a member who hasn't actively participated in a case — by observing the witnesses and examining the evidence first hand — does not decide or "judge" the case. That ensures due process for all parties.

Allowing the BMZA to switch from in-person to 'virtual' hearings during the pandemic is not the answer, especially given the BMZA's quasi-judicial nature. Residents come to City Hall to personally participate in BMZA cases that affect them. How can these residents be suddenly required to adjust to a process of testifying and presenting documentary evidence on a Webex call in order to meet their burden of proof, especially when we know so many Baltimore households don't have the means to do so? We have to be inclusive, not discriminatory. Change cannot be made at the expense of fairness and inclusivity.

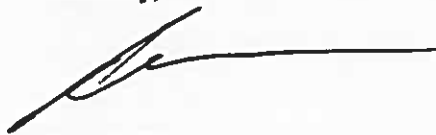
There has to be a more thoughtful, creative, and inclusive way for the BMZA to adjust to the current pandemic than making this severe 180-degree turn. The in-person requirement of the Zoning Code is a good thing. It should not be removed temporarily, let alone permanently.

Moreover, Bill 20-0522 has not been sufficiently vetted by the residents of Baltimore, who are very busy right now trying to make due in this pandemic. Sweeping changes in the way the BMZA is regulated should not be rushed through at a time like this.

Finally, the Planning Staff Report in the record of Bill 20-0522 states that the BMZA has only five members, so that the in-person attendance requirement is a burden and absent members need to be able to join in by "remote participation." But the State's Land Use Article specifically addresses the issue of absenteeism by authorizing the appointment of alternate BMZA members, and just last year this City Council approved two such alternates who were appointed by the Mayor. So there is currently a pool of seven individuals who are officially approved to sit and hear cases on any scheduled BMZA docket. It seems strange that Planning fails to acknowledge this.

Please do not repeal a regulation that ensures due process for everyone.

Sincerely,



Joan L. Floyd



## **Peters, Matthew**

---

**From:** deborah tempera <djtempera@hotmail.com>  
**Sent:** Wednesday, May 13, 2020 3:36 PM  
**To:** Peters, Matthew; Costello, Eric; Reisinger, Edward; Bullock, John; Pinkett, Leon2; Clarke, MaryPat; Stokes, Robert; Sneed, Shannon  
**Cc:** Cohen, Zeke  
**Subject:** Opposition to Bill 20-0522

**CAUTION:** This email originated from outside of Baltimore City IT Network Systems.

**Reminder:** DO NOT click links or open attachments unless you recognize the sender and know that the content is safe. Report any suspicious activities to [BCIT.ServiceDesk@baltimorecity.gov](mailto:BCIT.ServiceDesk@baltimorecity.gov) / 410-396-6648.

Dear Chairman and Members of the Judiciary Committee,

This Bill, 20-0522 , seems to be written in haste, as an emergency measure, however by putting this before the Planning Commission for comment, it is now ,not clear ,whether or not, by their recommendation , this will become a permanent change to the Baltimore City Code. Therefore just for the unclarity, I am opposed.

Changing the Baltimore City Code would be unfair to many people. I know for myself, it has always been important for my cases to be able to be presented directly to the Board, in person, to hear the arguments and responses in front of the Board and to be able to hear their live voting decisions. Virtual hearings are limited and can be harmful to someone's case. The means of webcam, if that is what you call it, can be expensive and many people including myself do not have the means or know how.

What I find surprising, that after all the years we were in public discussion about the Transform Baltimore Bill, not once did the Planning Dept. state that this Code, Article 32 Zoning. Title 3, 3-202 should be changed, that the Zoning Board needs more flexibility. Now under a crisis, while many of us have to much on our minds, the Planning Dept. is suggestion that an emergency measure be adopted, Permanently.

This bill is vague and in haste for such a big request, temporary or and permanently.

Has any other measures been explored to continue Zoning hearings without jeopardizing a Zoning Code that protects duo process?

Planning also states that notice of this bill has been sent to over 17,800 unique subscribes. Apparently and many others in our area are not these unique subscribers. Blast emails are not the proper means of notifying, the residents of Baltimore City , that there may be a change to a Baltimore City Code, is important as is and implemented by City Council in the best interest of their constituents.

Please oppose this Bill and send the BMZA back to the board to figure other alternatives.

Thank you,  
Sincerely,  
Deborah Tempera  
960 Fell St. #514  
Baltimore, Md. 21231  
410-608-2887

Please notified me that this has been recieved and submitted to the committee for consideration.

**Aneta & Craig Spilman**

1807 Lancaster St., Baltimore, MD 21231  
[anetaspilman@yahoo.com](mailto:anetaspilman@yahoo.com) / 410-340-2213

Judiciary Committee  
Baltimore City Council  
100 N. Holiday Street  
Baltimore, MD 21202

VIA EMAIL

RE: Opposition to Bill 20-0522

Dear Committee Chairman and Members:

My husband Craig Spilman and I have had to go all the way to the Maryland Court of Special Appeals to seek justice and protect our property.

We recently prevailed at the Maryland Court of Special Appeals, which reversed the Zoning Board's mishandling of a variance case, which has significantly impacted us. The case has been remanded back for a new variance hearing before the Zoning Board. We do not want to be deprived of a proper hearing on remand, but that is what will happen if Bill 20-0522 is enacted.

Our next hearing requires not only our personal testimony, but also the presentation and explanation of photographs and other physical exhibits, the examination of the other party's exhibits, and the ability to consult in real time with our attorney. A virtual hearing will not be sufficient. It will not provide us with due process.

We also strongly object to the idea that if Bill 20-0522 is enacted, one or more Zoning Board members could be allowed to vote on our case even though they were absent from the hearing.

Cordially,

Aneta & Craig Spilman





## **Peters, Matthew**

---

**From:** Darlene Townsend <townsend.darlene9@gmail.com>  
**Sent:** Thursday, May 14, 2020 8:17 AM  
**To:** Peters, Matthew  
**Cc:** Reisinger, Edward; Costello, Eric; Bullock, John; Pinkett, Leon2; Clarke, MaryPat; Stokes, Robert; Sneed, Shannon  
**Subject:** Opposition to Bill 20-0522

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from outside of Baltimore City IT Network Systems.

**Reminder:** DO NOT click links or open attachments unless you recognize the sender and know that the content is safe. Report any suspicious activities to [BCIT.ServiceDesk@baltimorecity.gov](mailto:BCIT.ServiceDesk@baltimorecity.gov) / 410-396-6648.

116 Midhurst Rd

Baltimore MD 21212

14 May 2020

Re: Opposition to Bill 20-0522

Dear Chairman and Members of tiger Judiciary Committee:

I represent the Bellona-Gittings Community Association. Last year more than 40 homeowners from our neighborhood appeared at a contested Zoning Board hearing, and we are still awaiting the final decision in that case. It is our expectation that the five Zoning Board members who attended the hearing in person will be the ones voting on the case. We do not believe that members who were absent from the hearing should be allowed to vote. The in-person attendance requirement should be retained, not repealed by Bill 20-0522.

No doubt there will be future Zoning Board hearings that affect our homeowners, and they will expect to be able to attend the hearing, testify in person, and present photos, documents and any other evidence needed to make their case, just as we all did in the case that is pending. "Virtual" hearings will not accommodate everyone's need to fully participate in these important matters, which directly affect the quality of our communities.

These are indeed difficult times, but that does not justify making a major change in procedures, especially when citizens are distracted by other matters. We are concerned that many who do not have access to speedy and reliable internet connections may be deprived of their right to participate in hearings that directly affect our neighborhoods.

Sincerely,

Darlene Townsend  
President, Bellona-Gittings Community Association

## Peters, Matthew

---

**From:** Joan Floyd <joanfloyd@hotmail.com>  
**Sent:** Thursday, May 14, 2020 9:03 AM  
**To:** Peters, Matthew  
**Cc:** Reisinger, Edward; Costello, Eric; Bullock, John; Pinkett, Leon2; Clarke, MaryPat; Stokes, Robert; Sneed, Shannon  
**Subject:** Exhibit Submitted in Opposition to Bill 20-0522  
**Attachments:** Screen Shot 2020-05-14 at 8.52.21 AM.png

**CAUTION:** This email originated from outside of Baltimore City IT Network Systems.

**Reminder:** DO NOT click links or open attachments unless you recognize the sender and know that the content is safe. Report any suspicious activities to [BCIT.ServiceDesk@baltimorecity.gov](mailto:BCIT.ServiceDesk@baltimorecity.gov) / 410-396-6648.

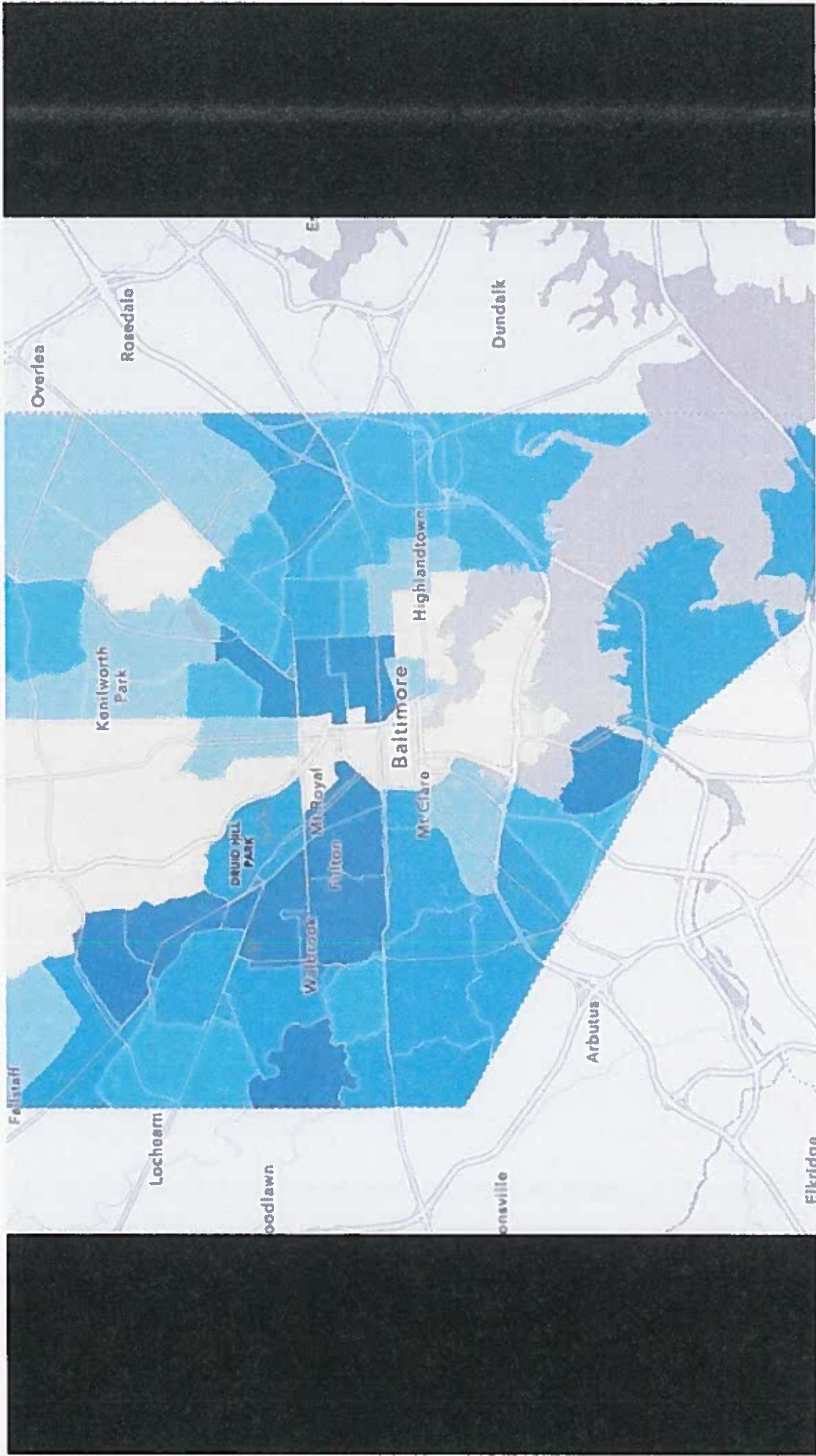
Mr. Peters:

Please add this e-mail and attached exhibit to the record of Bill 20-0522. The exhibit is a screenshot of a BNIA graphic, recently published by the Baltimore Brew, showing disparities in household Internet access.

The exhibit demonstrates quite vividly that turning Zoning Board hearings into "virtual" events is discriminatory.

- Joan Floyd





Household internet access in Baltimore, with the darker blue areas showing the lowest level of access. (Baltimore Neighborhood Indicators Alliance)



Hunter & Margaret Cochrane  
1015 W. St Georges Rd.  
Baltimore, MD 21210  
May 14, 2020

Judiciary Committee  
Baltimore City Council  
100 N. Holiday St.  
Baltimore, MD 21202

Re: Bill 20-0522 - Opposition Statement

Dear Chairman Peters and committee members,

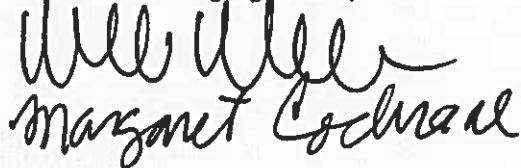
In light of the recent Circuit Court decision 24-C-17-004307 that was recently rendered in our favor, the developer of an immediately adjoining property is now planning to go before the Zoning Board for a controversial variance to achieve the same development. If that were to happen, we deserve and expect to be afforded due process at a proper quasi-judicial hearing. We understand and believe the Zoning Board will be able to hold a "virtual" hearings if Bill 20-0522 passes. We are opposed to this bill as it will take away our rights to due process.

Along with several of our neighbors, we need to be able to testify in person, in the presence of our attorneys, the developer, and the committee in order that we may present multiple documents and exhibits. We also need to be able to understand and respond to everything that is said and presented by the variance applicant. A "virtual" hearing via video conference will severely inhibit our abilities to testify on the record in opposition to the proposed development.

In addition, Bill 20-0522 would allow Zoning Board members to approve the variance even if they were not present during the hearing. This will also deprive us of due process.

Thank you for your careful consideration to protect our property rights.

Very truly yours,

A handwritten signature in black ink, appearing to read "Margaret Cochrane". The signature is written in a cursive style with a large, sweeping initial "M".

Hunter Cochrane  
Margaret Cochrane

