
CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



DEPARTMENT OF LAW
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BALTIMORE, MD 21202

August 25, 2025

The Honorable President and Members
of the Baltimore City Council
Room 409, City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 25-0071 – Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 15 East West Street

Dear President and City Council Members:

The Law Department reviewed City Council Bill 25-0071 for form and legal sufficiency. The bill would permit, 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 15 East West Street (Block 0965, Lot 046), and granting a variance from lot size area requirements. The ordinance would take effect on the date of its enactment.

Conditional Use Standards

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). To approve a conditional use, the City Council must find:

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.

Baltimore City Code, Art. 32, § 5-406(b). In making these findings, the City Council must be guided by fourteen “considerations” involving 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.” Baltimore City Code, Art. 32, § 5-406(a).

Variance Standards

To grant a variance, the City Council must find that, “because of the conditions peculiar to the property, including particular physical surroundings, shape, or topographical conditions of the specific structure or land involved” or “because of exceptional circumstances related to the specific structure or land involved,” a practical difficulty, as distinguished from a mere inconvenience, would result from a strict application of the law’s requirements. Baltimore City Code, Art. 32, § 5-308(a). The City Council must also make six other findings:

1. the 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;
2. the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;
3. 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;
4. the variance is in harmony with the purpose and intent of this Code;
5. 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
6. 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.

Baltimore City Code, Art. 32, § 5-308(b). It is important to note that all of these criteria must be found, in addition to a finding of practical difficulty. Baltimore City Code, Art. 32, § 5-308(a).

Planning Commission Recommendations

The Planning Commission accepted the Planning Staff recommendation and recommended approval of this bill. The bill contains a variance for lot area. The subject property is located in the South Baltimore Gateway Master Plan area. It is also located in the South Planning District of the Federal Hill neighborhood. The property is not located within an Urban Renewal Plan area. The subject property is vacant, but intact. The surrounding rowhouses appear to be occupied and in good condition. The property is within an area zoned R-8 with an area zoned C-1 to the north.

Under the City’s Comprehensive Master Plan, which took effect on the date it was signed by the Mayor on November 27, 2024, the subject property is designated on the Comprehensive Land Use Map in the “residential: higher density” group. The Planning Report notes that this development conforms to that designation. The South Baltimore Gateway Master Plan indicates that residents seek to include in the neighborhood diverse types of housing at a range of prices affordable to renters and homeowners. The Planning Report states that “[r]eturning this property to productive use by bringing two rental units online would contribute to this objective.”

The Planning Report also notes that for structures in the R-8 zoning district “multi-family dwellings require 750 square feet of lot area per dwelling unit (Zoning Code Table 9-401).” For

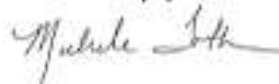
the proposed two-dwelling conversion 1,500 square feet of lot area is required. The lot size of the property is 1,395 square feet. The Planning Report notes that a variance of 105 square feet or 7% is required and has been requested in Council Bill 25-0071. The Planning Report finds that the property has a third door on the side of the property making it more suitable for two dwelling units than other properties in the neighborhood with similar lot area. An equity analysis is included in the Planning Report.

Hearing Requirements

Certain procedural requirements apply to this bill beyond those discussed above because an ordinance that authorizes a conditional use or a variance is considered a “legislative authorization.” Baltimore City Code, Art. 32, § 5-501(2)(i) and (ii). Specifically, notice requirements apply to the bill, and the bill must be referred to certain City agencies which are obligated to review the bill in a specified manner. Baltimore City Code, Art. 32, §§ 5-504, 5-506, 5-602. Finally, certain limitations on the City Council’s ability to amend the bill apply. Baltimore City Code, Art. 32, § 5-507.

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for a conditional use and for variances have been met. Assuming the required findings are made at the hearing, and all procedural requirements are satisfied the Law Department can approve the bill for form and legal sufficiency.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Michele M. Toth", is written over a light blue horizontal line.

Michele M. Toth
Assistant Solicitor

cc: Ebony Thompson
Ethan Hasiuk
Ty’lor Schnella
Shamoyia Gardiner
Hilary Ruley
Jeff Hochstetler
Ashlea Brown
Desiree Luckey
Ahleah Knapp