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CITY OF BALTIMORE

BRANDON M. SCOTT,  
Mayor



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October 23, 2024

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna Austin, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 23-0455– Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 4 Dwelling Units in the R-8 Zoning District – 1127 North Caroline Street

Dear President and City Council Members:

The Law Department reviewed City Council Bill 23-0455 for form and legal sufficiency. The bill would permit the conversion of a single-family dwelling unit to 4 dwelling units at 1127 North Caroline Street (Block 1177, Lot 033), which is in an R-8 Zoning district. The ordinance would take effect on the date of 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 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.” Baltimore City Code, 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.

Baltimore City Code, Art. 32, § 5-308(b). It is important to note that all seven of these criteria must be found, in addition to a finding of unnecessary hardship or practical difficulty. Baltimore City Code, Art. 32, § 5-308(a). The variance will not be legal if the conditions requiring this variance are generally applicable to other properties in the same zoning classification.

## Planning Commission Recommendations

The Planning Commission adopted the recommendation of its staff and voted to approve the requested conversion. No variances were requested in the bill. The property at issue is improved with a three-story dwelling unit and is located in the Old East Baltimore National Register Historic District. The Planning Staff report notes that the building has been vacant and boarded up since at least late 2007.

The Planning report states that conversion of this property would improve neighborhood conditions since the structure has been vacant and deteriorating for almost twenty years, and conversion will return the property to productive use. The site is not located in an Urban Renewal Plan area and no other law would preclude the requested conversion.

The Zoning Administrator Memo notes that no variances are required by this bill as the requested conversion will meet all bulk requirements. The Planning Staff report contains the following analysis with respect to the bulk requirements:

Conversion standards: The existing dwelling must be: (i) a structure originally constructed as a single-family dwelling; and (ii) 1,500 square feet or more in gross floor area, not including any basement area (§9-703(b)). The existing structure contains over 4,000 square feet in gross floor area, which more than satisfies this requirement.

The converted dwelling must meet the following gross floor area per unit type: (1) 1-bedroom unit: 750 square feet; (2) 2-bedroom unit: 1,000 square feet; (3) 3- or more bedroom unit: 1,250 square feet (§9-703.c.). The proposed four one-bedroom dwelling units would need a combined 3,000 square feet in gross floor area, which is also met.

Off-Street Parking: If a structure or land changes to a new use, the new use must provide the amount of parking and loading spaces required by this title (§16-204). In this zoning district, multi-family dwellings require one off-street parking space per dwelling unit (Table 16-406). For three additional dwelling units, three parking spaces are required, and three parking spaces will be provided in the rear yard, also satisfying that requirement.

There are no plans in the bill file or notes in the Statement of Intent to indicate how many bedrooms each of the four units would contain. The Planning Staff Report states the bulk requirements for gross floor area for units with differing numbers of bedrooms, and further states that the “proposed four one-bedroom dwelling units would need a combined 3,000 square feet in gross floor area, which is also met.” Assuming each unit will contain one bedroom, the gross floor area requirement is met. There is an express statement that three additional off-street parking spaces would be required and will be provided. The structure more than meets the requirement of having 1,500 square feet of floor area, not including basement space. There is no express statement the structure was originally constructed as a single-family dwelling.

Lastly, the Staff report contains an equity analysis which states that the conversion request is reasonable and that the proposed units will be of a reasonable size. It is further noted that “approval of this bill will allow for needed reinvestment in this long-vacant building, improving conditions in the immediate area.”

### 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 have been met. Assuming the required findings are made, and all procedural requirements are satisfied the Law Department can approve the bill for form and legal sufficiency.

Sincerely,

A handwritten signature in black ink, appearing to read "Michele Toth", written in a cursive style.

Michele Toth  
Assistant Solicitor

cc: Stephen Salsbury  
Nina Themelis  
Tiffany Maclin  
Elena DiPietro  
Hilary Ruley  
Ashlea Brown  
Desiree Luckey  
Ahleah Knapp