

Frank R. Shaulis
Attorney At Law
7508 Eastern Avenue
Baltimore, Maryland 21224
Tel. (410) 285-0060 Fax (410) 285-0020
Cell (443) 414-2902
e-mail frankshaulis@hotmail.com
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The Honorable President and Members
of the Baltimore City Council
City Hall, Room 400
100 Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill No. 20-0618 – Rezoning – 1220-1222 West North Avenue

Dear President and City Council Members:

I represent Ms. Seon Joo Lee with respect to City Council Bill No. 20-0618, which would rezone the property located at 1220-1222 West North Avenue (Block 3145, Lot 011), owned by Ms. Lee, from the OR-1 zoning district to the C-1 zoning district. “The City Council may grant the amendment to change the zoning classification based on a finding that there was: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification.” Md. Code, Land Use Art., § 10-304(b)(2). The present zoning is subject to change, because of a mistake in the existing zoning classification.

In determining whether to rezone on the basis of mistake, the City Council is required to make findings of fact as to the following matters:

- (i) population change;
- (ii) the availability of public facilities;
- (iii) present and future transportation patterns;
- (iv) compatibility with existing and proposed development for the area;
- (v) the recommendations of the Baltimore City Planning Commission and the Board; and
- (vi) the relationship of the proposed amendment to Baltimore City’s plan.

Md. Code, Land Use Art., §10-304(b)(1); *see also* Baltimore City Code, Art. 32, §5-508(b)(2) (citing the same factors with (v) being “the recommendations of the City agencies and officials,” and (vi) being “the proposed amendment’s consistency with the City’s Comprehensive Master Plan.”)

Article 32 of the City Code also requires the City Council to consider:

- (i) existing uses of property within the general area of the property in question;
- (ii) the zoning classification of other property within the general area of the property in question;
- (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
- (iv) the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.

Baltimore City Code, Art. 32, §5-508(b)(3).

The West North Avenue corridor in the general area of the property in question is almost exclusively commercial. To the east and southeast of the 1200 block of West North Avenue, the blocks are zoned C-2. Directly to the west and south are a block and a half-block in the C-1 zoning district. North of the 1200 block, away from West North Avenue, is an area in the R-8 zoning district.

In the C-1 and C-2 zoning districts adjacent to the 1200 block of West North Avenue are a gas station, a fast-food restaurant, institutional establishments, a pawn shop and a liquor store. In the 1200 block of West North Avenue, on the even-numbered (north) side of the street, are a florist shop, a large funeral home, a food mart, vacant houses, the liquor store at 1220, a former clothing store at 1222, two apparently uninhabitable vacant houses, and a minimart/carry-out. The block on that side of the street, virtually surrounded along West North Avenue, is in the OR-1 zoning district.

While the properties on the north side of the 1200 block of West North Avenue were likely residential in their original use, it is clear that the block has changed in its nature and composition. At present, the only viable use of the properties, including 1220-1222 West North Avenue, is for commercial enterprises. The proposed rezoning of 1220-1222 West North Avenue would certainly be compatible with the existing and proposed development for the area, as the south side of West North Avenue has a C-1 zoning. Given the primarily commercial nature of the West North Avenue corridor, the C-1 and C-2 zoning of the adjacent and nearby blocks, and the actual uses of properties in the 1200 block, the present zoning placed on 1220-1222 West North Avenue ignored the changes along West North Avenue and resulted from a mistake or from a prejudicial, illegal or unconstitutional purpose.

On behalf of Ms. Lee, I respectfully request that the City Council approve Bill No. 20-0618.

Sincerely,

Frank R. Shaulis