

CITY OF BALTIMORE
STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

November 3, 2011

The Honorable President and
Members of the Baltimore
City Council
c/o Karen Randle, Executive Secretary
409 City Hall
Baltimore, MD 21202

RE: City Council Bill 08-0044 – Zoning Variances – Information Required

You have requested the advice of the Law Department regarding City Council Bill 08-0044. Bill 44 amends Sec. 15-301 of the Zoning Code to impose additional requirements on applications for variances. Specifically, an application would be required to be accompanied by

- Signed and sealed plans showing elevations and setbacks of existing structures on the same square block and any changes in elevations and setbacks of the proposed new structure;
- An aerial photograph of the property for which the variance is sought and of neighboring properties;
- Photographs of the front, rear and, when applicable, sides of the property for which the variance is sought; and
- Any other information that the Board requires by general rule.

Article 66B, Sec. 2.01 of the Maryland Ann. Code grants authority to the Mayor and City Council to enact regulations to control the use of property within the City. This authority is exercised by the enactment and amendment of the City's Zoning Code. Variances are regulated in Title 15 of the Zoning Code. Providing for the information that must accompany an application for a variance, is an appropriate exercise of the City Council's authority.....

City Council Bill 08-0044 is consistent with the authority of the City Council. The Law Department, therefore, approves the City Council Bill 08-0044 for form and legal sufficiency.

Sincerely yours,

Elena R. DiPietro

Elena R. DiPietro
Chief Solicitor



cc: George A. Nilson, City Solicitor
Angela Gibson, City Council Liaison
Hilary Ruley, Assistant Solicitor
Ashlea Brown, Assistant Solicitor
Victor Tervalva, Assistant Solicitor