



## **BALTIMORE CITY COUNCIL LAND USE & TRANSPORTATION COMMITTEE**

### **Mission Statement**

*On behalf of the Citizens of Baltimore City, The Land Use & Transportation Committee is committed to shaping a reliable, equitable, and sustainable future for Baltimore's land use and transportation systems. Through operational oversight and legislative action, the committee aims to develop and support lasting solutions grounded in principles of good governance.*

**The Honorable Ryan Dorsey  
Chairperson**

### **PUBLIC HEARING**

**Thursday, April 24, 2025**

**10:00 AM**

**CLARENCE "DU" BURNS COUNCIL CHAMBERS**

**25-0021**

***Rezoning 3221 Fredrick Avenue***

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# CITY OF BALTIMORE

BRANDON SCOTT – MAYOR

ZEKE COHEN - COUNCIL PRESIDENT



OFFICE OF COUNCIL SERVICES

NANCY MEAD – DIRECTOR

100 N. HOLIDAY STREET

BALTIMORE MD, 21202

## BILL SYNOPSIS

Committee: Land Use & Transportation Committee

Bill: 25-0023

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### Rezoning 3221 Fredrick Ave

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**Sponsor:** Councilmember Bullock

**Introduced:** February 10, 2025

**Purpose:**

FOR the purpose of changing the zoning for the property known as 3221 Frederick Avenue (Block 2123A, Lot 002), as outlined in red on the accompanying plat, from the I-1 Zoning District to the IMU-1 Zoning District; and providing for a special effective date.

BY amending

Article - Zoning

Zoning District Maps

Sheet 63

Baltimore City Revised Code

(Edition 2000)

**Effective:** On the date enacted

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### Agency Reports

City Solicitor	Approved for form & sufficiency
Dept. of Housing & Community Development	Favorable
Dept of Finance	Defers to planning
Dept of Planning/ Planning Commission	Favorable
Baltimore Development Corporation	Favorable

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## Analysis

### Current Law

Article 32 – Zoning, Zoning District Map Sheet 63; Baltimore City Revised Code (Edition 2000). Under § 5-508(b)(1) of Article 32 – Zoning and the State Land Use Article, the City Council may approve a rezoning based on a finding that there was either:

- (1) a substantial change in the character of the neighborhood where the property is located; or
- (2) a mistake in the existing zoning classification.

### Bill Summary

If enacted, this bill would change the zoning of the property known as 3221 Fredrick Avenue from I-1 Zoning (Light industrial, manufacturing & warehouse use) to IMU-1 Zoning. IMU zoning is considered Industrial Mixed-Use Zoning. Primarily for existing industrial buildings and permits both light industrial uses and a variety of nonindustrial uses, such as dwellings, commercial, creating a mixed-use environment.

This property was previously a manufacturer of steel brushes. At the time of the last comprehensive zoning process (Transform Baltimore 2017), the property was zoned for light industrial use and was appropriate. However, the business sold and relocated in 2020 and has been vacant since then. The Planning Department, in their report, sees this as a substantial change in the neighborhood, along with a decline in population. The Planning Department and Commission support a change to IMU zoning to allow mixed use for this property. The property is located in West Baltimore near Mt. Olivet Cemetery. There is a wide range of zoning districts in the area, including some residential R-6 properties, commercial C-2, industrial I-1& IMU -1.

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## Additional Information

### Fiscal Note:

The Department of Finance does not believe that this will impact tax revenues in a significant way, and no reporting agency noted any change to its operations should this rezoning be approved.

**Information Source(s):** 25-0021 1<sup>st</sup> Reader, Agency Reports, Zoning Code

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Analysis by:	Tony Leva	Direct Inquiries to:	410-396-1091
Analysis Date:	April 15, 2025		



**CITY OF BALTIMORE**  
**COUNCIL BILL 25-0021**  
**(First Reader)**

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Introduced by: Councilmember Bullock

At the request of: Lisa Sui Dang

Address: c/o Nate Pretl

1510 Riverside Ave

Baltimore, MD 21229

Telephone: (267) 254-8025

Introduced and read first time: February 10, 2025

Assigned to: Land Use and Transportation Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Planning Commission, Baltimore Development Corporation, Department of Housing and Community Development

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 3221 Frederick Avenue**

3 FOR the purpose of changing the zoning for the property known as 3221 Frederick Avenue  
4 (Block 2123A, Lot 002), as outlined in red on the accompanying plat, from the I-1 Zoning  
5 District to the IMU-1 Zoning District; and providing for a special effective date.

6 BY amending

7 Article - Zoning

8 Zoning District Maps

9 Sheet 63

10 Baltimore City Revised Code

11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That  
13 Sheet 63 of the Zoning District Maps is amended by changing from the I-1 Zoning District to the  
14 IMU-1 Zoning District the property known as 3221 Frederick Avenue (Block 2123A, Lot 002),  
15 as outlined in red on the plat accompanying this Ordinance.

16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the  
17 accompanying plat and in order to give notice to the agencies that administer the City Zoning  
18 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council  
19 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;  
20 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the  
21 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of  
22 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and  
23 the Zoning Administrator.

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

## **Council Bill 25-0021**

1       **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is  
2 enacted.

# **Baltimore City Council**



## **Land Use & Transportation Committee**

**25-0017**

**Rezoning -3221 Fredrick Avenue**

## **Agency Reports**

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**CITY OF BALTIMORE**

**BRANDON M. SCOTT**  
Mayor



**DEPARTMENT OF LAW**  
EBONY M. THOMPSON, CITY SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

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April 8, 2025

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

Re: City Council Bill 25-0021 – Rezoning– 3221 Frederick Avenue

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 25-0021 for form and legal sufficiency. The bill would change the zoning for the property known as 3221 Frederick Avenue (Block 2123A, Lot 002), as outlined in red on the accompanying plat, from the I-1 Zoning District to the IMU-1 Zoning District; and provide for a special effective date.

The I-1 zoning classification is for manufacturing, fabricating, processing, wholesale distributing and warehousing uses. Baltimore City Code, Art. 32, § 11-204. The IMU-1 zoning classification is primarily for existing industrial buildings and permits both light industrial uses and a variety of nonindustrial uses, such as dwellings, commercial, creating a mixed-use environment. Baltimore City Code, Art. 32, § 11-203.

Even if the Mayor and City Council now believes that the selection of the I-1 Zoning District for this parcel was wrong, second guessing is not allowed in piecemeal rezoning. While any number of zoning designations are open for properties in a comprehensive rezoning, there is not the same flexibility in piecemeal rezoning. *Mayor and City Council of Rockville v. Rylyns Enterprises*, 372 Md. 514, 535-536 (2002).

Although “the impact of this presumption often has been felt to be unduly harsh to the landowner who finds that planned uses of a property are no longer allowed under the zoning classification into which the land has been placed,” Maryland’s highest Court has explained that the greater good to the landowner and society at large is the reason for the rigidity in zoning. *Id.* at 536. The “requirement of uniformity serves to protect the landowner from favoritism towards certain landowners within a zone by the grant of less onerous restrictions than are applied to others within the same zone elsewhere in the district, and also serves to prevent the use of zoning as a form of leverage by the local government seeking land concession, transfers, or other consideration in return for more favorable zoning treatment.” *Id.*

Therefore, the Mayor and City Council may permit a piecemeal rezoning only if it finds facts sufficient to show either a mistake in the existing zoning classification or a substantial change in the character of the neighborhood. Md. Code, Land Use, § 10-304(b)(2); Baltimore City Code, Art. 32, §§ 5-508(a) and (b)(1).

The “change-mistake” rule is a rule of the either/or type. The “change” half of the “change-mistake” rule requires that, in order for a piecemeal Euclidean zoning change to be approved, there must be a satisfactory showing that there has been significant and unanticipated change in a relatively well-defined area (the “neighborhood”) surrounding the property in question since its original or last comprehensive rezoning, whichever occurred most recently. The “mistake” option of the rule requires a showing that the underlying assumptions or premises relied upon by the legislative body during the immediately preceding original or comprehensive rezoning were incorrect. In other words, there must be a showing of a mistake of fact. Mistake in this context does not refer to a mistake in judgment.

*Rylyns Enterprises*, 372 Md. at 538-539.

It is critical to understand that in “Maryland, the change-mistake rule applies to all piecemeal zoning applications involving Euclidian zones, including those involving conditional zoning. The change-mistake rule does not apply, in any event, to changes in zoning made in a comprehensive rezoning, or the piecemeal grant of a floating zone.” *Id.* at 539. This is why a change or a mistake must be found for rezoning and NOT for comprehensive map changes or Planned Unit Developments, which is a type of floating zone.

#### Legal Standard for Change in the Character of the Neighborhood

“It is unquestioned that the City Council has the power to amend its City Zoning Ordinance whenever there has been such a change in the character and use of a district since the original enactment that the public health, safety, morals, or general welfare would be promoted by a change in the regulations.” *Cassel v. Mayor and City Council of Baltimore*, 195 Md. 348, 354 (1950) (emphasis added). The Mayor and City Council must find facts of a substantial change in the character and the use of the district since the last comprehensive rezoning of the property and that this rezoning will promote the “public health, safety, morals, or general welfare” and not merely advantage the property owner. *Id.*

As to the substantial change, courts in Maryland want to see facts of a “significant and unanticipated change in a relatively well-defined area.” *Rylyns Enterprises*, 372 Md. at 538. The “‘neighborhood’ must be the immediate neighborhood of the subject property, not some area miles away; and the changes must occur in that immediate neighborhood of such a nature as to have affected its character.” *Clayman v. Prince George’s County*, 266 Md. 409, 418 (1972). The changes are required to be physical. *Anne Arundel County v. Bell*, 442 Md. 539, 555 (2015) (citations omitted). However, those physical changes cannot be infrastructure such as sewer or water extension or road widening. *Clayman*, 266 Md. at 419. In addition, the physical changes have to be shown to be unforeseen at the time of the last rezoning. *Rylyns Enterprises*, 372 Md. at 538. Contemplated growth and density are not sufficient. *Clayman*, 266 Md. at 419. As to whether

the change benefits solely the property owner, Courts look, in part, to see if a similar use is nearby such that the community could easily take advantage of the use elsewhere. *Cassel*, 195 Md. at 358 (three other similar uses only a few blocks away lead to conclusion that zoning change was only for private owner's gain).

### Findings of Fact

In determining whether to rezone based on mistake or change in the character of the neighborhood, the Mayor and City Council is required to make findings of fact on the following matters:

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

Md. Code, Land Use, § 10-304(b)(1); Baltimore City Code, Art. 32, § 5-508(b)(2).

The Mayor and City Council must also consider:

- (i) existing uses of property within the general area of the property in question;
- (ii) (ii) the zoning classification of other property within the general area of the property in question;
- (iii) (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
- (iv) (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 Mayor and City Council's decision regarding a piecemeal rezoning is reviewed under the substantial evidence test and should be upheld "if reasoning minds could reasonably reach the conclusion from facts in the record." *City Council of Prince George's Cty. v. Zimmer Dev. Co.*, 444 Md. 490, 510 (2015) (citation omitted); *see also White*, 109 Md. App. at 699 ("the courts may not substitute their judgment for that of the legislative agency if the issue is rendered fairly debatable"); *accord Floyd v. County Council of Prince George's County*, 55 Md. App. 246, 258 (1983) ("substantial evidence" means a little more than a 'scintilla of evidence.'").

### Spot Zoning

The City must find sufficient facts for a change or mistake because "[z]oning is permissible only as an exercise of the police power of the State. When this power is exercised by a city, it is confined by the limitations fixed in the grant by the State and to the accomplishment of the purposes for which the State authorized the city to zone." *Cassel*, 195 Md. at 353.

In piecemeal rezoning bills, like this one, if there is not a factual basis to support the change or the mistake, then rezoning is considered illegal spot zoning. *Id.* at 355. Spot Zoning “has appeared in many cities in America as the result of pressure put upon councilmen to pass amendments to zoning ordinances solely for the benefit of private interests.” *Id.* It is the “arbitrary and unreasonable devotion of a small area within a zoning district to a use which is inconsistent with the use to which the rest of the district is restricted.” *Id.* It is “therefore, universally held that a ‘spot zoning’ ordinance, which singles out a parcel of land within the limits of a use district and marks it off into a separate district for the benefit of the owner, thereby permitting a use of that parcel inconsistent with the use permitted in the rest of the district, is invalid if it is not in accordance with the comprehensive zoning plan and is merely for private gain.” *Id.*

However, “a use permitted in a small area, which is not inconsistent with the use to which the larger surrounding area is restricted, although it may be different from that use, is not ‘spot zoning’ when it does not conflict with the comprehensive plan but is in harmony with an orderly growth of a new use for property in the locality.” *Id.* The example given was “small districts within a residential district for use of grocery stores, drug stores and barber shops, and even gasoline filling stations, for the accommodation and convenience of the residents of the residential district.” *Id.* at 355-356. Thus, to avoiding spot zoning, the Mayor and City Council must show how the contemplated use is consistent with the character of the neighborhood. *See, e.g., Tennison v. Shomette*, 38 Md. App. 1, 8 (1977) (cited with approval in *Rylyns*, 372 Md. at 545-46).

#### Planning Commission Recommendation

The Planning Department Report (“Report”) supports this rezoning, finding that there has been a change in character since the last comprehensive rezoning in 2017. While I-1 zoning was appropriate at the time based on the property’s long-term use as a steel brush manufacturing company, the Report notes that the sale and relocation of the company and five years of vacancy is a substantial change. The Report states that “the change to IMU-1 would allow the property to be reused in more varied ways, appropriate for its unique location along a commercial corridor but also adjacent to residential properties.”

#### Process

The City Council is required to hold a quasi-judicial public hearing with regard to the bill wherein it will hear and weigh the evidence as presented in: (1) the Planning Report and other agency reports; (2) testimony from the Planning Department and other City agency representatives; and (3) testimony from members of the public and interested persons. After weighing the evidence presented and submitted into the record before it, the Council is required to make findings of fact about the factors in Section 10-304 of the Land Use Article of the Maryland code and Section 5-508 of Article 32 of the Baltimore City Code. If, after its investigation of the facts, the Committee makes findings which support: (1) a mistake in the comprehensive zoning or a change in the neighborhood; and (2) a new zoning classification for the properties, it may adopt these findings and the legal requirements for granting the rezoning would be met.

Additionally, certain procedural requirements apply to this bill beyond those discussed above because a change in the zoning classification of a property is deemed a “legislative authorization.” Baltimore City Code, Art. 32, § 5-501(2)(iii). Specifically, notice of the City Council hearing must be given by publication in a newspaper of general circulation in the City, by posting in a conspicuous place on the property and by first-class mail, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned. Baltimore City Code, Art. 32, § 5-601(b). The notice of the City Council hearing must include the date, time, place and purpose of the hearing, as well as the address or description of the property and the name of the applicant. Baltimore City Code, Art. Page 6 of 6 32, § 5- 601(c). The posted notices must be at least 3 feet by 4 feet in size, placed at a prominent location near the sidewalk or right-of-way for pedestrians and motorists to view, and at least one sign must be visible from each of the property’s street frontages. City Code, Art., § 5-601(d). The published and mailed notices must be given at least 15 days before the hearing; the posted notice must be at least 30 days before the public hearing. Baltimore City Code, Art. 32, § 5-601(e), (f).

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 rezoning based on change in the character of the neighborhood has been met. Assuming the required findings are made at the hearing and that all procedural requirements are satisfied, the Law Department can approve the bill for form and legal sufficiency.

Sincerely,



Desiree Luckey  
Assistant Solicitor

cc: Ebony Thompson, City Solicitor  
Hilary Ruley, Chief Solicitor, General Counsel Division  
Jeff Hochstetler, Chief Solicitor  
Ashlea Brown, Chief Solicitor  
Michelle Toth, Assistant Solicitor



FROM	NAME & TITLE	CHRIS RYER, DIRECTOR <i>Chris Ryer</i>	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #25-0021 / REZONING – 3221 FREDERICK AVENUE		

TO

The Honorable President and  
Members of the City Council  
City Hall, Room 400  
100 North Holliday Street

DATE: March 17, 2025

At its regular meeting of March 17, 2025, the Planning Commission considered City Council Bill #25-0021, for the purpose of changing the zoning for the property known as 3221 Frederick Avenue (Block 2123A, Lot 002), as outlined in red on the accompanying plat, from the I-1 Zoning District to the IMU-1 Zoning District; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #25-0021 and adopted the following resolution, with eight members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings and equity analysis outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #25-0021 be **approved** by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

cc: Ms. Nina Themelis, Mayor's Office  
The Honorable John Bullock, Council Rep. to Planning Commission  
Ms. Rebecca Witt, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Stephanie Murdock, DHCD  
Ms. Hilary Ruley, Law Dept.  
Mr. Francis Burnszynski, PABC  
Mr. Luciano Diaz, DOT  
Ms. Nancy Mead, Council Services  
Ms. Lisa Sui Dang, applicant



Brandon M. Scott  
Mayor

## PLANNING COMMISSION

*Jon Laria, Chair; Eric Stephenson, Vice Chair*

### STAFF REPORT



Chris Ryer  
Director

**March 13, 2025**

**REQUEST:** City Council Bill #25-0021/ Rezoning – 3221 Frederick Avenue

For the purpose of changing the zoning for the property known as 3221 Frederick Avenue (Block 2123A, Lot 002), as outlined in red on the accompanying plat, from the I-1 Zoning District to the IMU-1 Zoning District; and providing for a special effective date.

**RECOMMENDATION:** Adopt findings and Approve

**STAFF:** Caitlin Audette

**PETITIONER:** Nate Pretl, on behalf of Lisa Sui Dang

**OWNER:** Balti Investment, LLC

#### **SITE/GENERAL AREA**

Site Conditions: The property at 3221 Frederick Avenue occupies the block width between Frederick Avenue and Stafford Street and includes a number of buildings including a five-story brick industrial building and a brick office building fronting on Frederick Avenue.

General Area: The property is located near the intersection of Frederick Avenue and Caton Avenue in west Baltimore, directly east of the corner commercial buildings. The area is unique in that a wide variety of building types and uses are found within a relatively small geography. These include industrial, residential, and commercial properties as well as the railroad right-of-way and two cemeteries.

#### **HISTORY**

There are no previous legislative or Planning Commission actions regarding this site.

#### **CONFORMITY TO PLANS**

The 2024 Comprehensive Master Plan for the City of Baltimore was enacted by Ordinance #24-426, dated December 2, 2024. The subject property is designated in the Industrial group in the General Land Use Plan. This proposed zoning change from I-1 to IMU-1 does not conform to that designation.

#### **ZONING CODE REQUIREMENTS**

Below are the approval standards under §5-508(b) of Article 32 – *Zoning* for proposed zoning map amendments:

(b) *Map amendments.*

(1) *Required findings.*

As required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either:

- (i) a substantial change in the character of the neighborhood where the property is located; or
- (ii) a mistake in the existing zoning classification.

(2) *Required findings of fact.*

In making the determination required by subsection (b)(1) of this section, the City Council must also make findings of fact that address:

- (i) population changes;
- (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 City agencies and officials; and
- (vi) the proposed amendment's consistency with the City's Comprehensive Master Plan.

(3) *Additional standards – General*

Additional standards that must be considered for map amendments are:

- (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.

## **ANALYSIS**

The property was historically the long-term location of both the Rennous, Kleinle & Co. Inc. Brush Manufacturers and the Pittsburgh Plate Glass Co. (PPG Industries) which according to 1928 Sanborn maps shared the site at the time. In 1990 the property was sold from PPG Industries to the Maryland Brush Company a newly created union-organized employee-owned company. After a remarkable 30 years, the members voted to sell the business in 2020, which lead to the location's closure. The property was last sold to Balti Investment, LLC in 2021, but has not been active since the closure of the Maryland Brush Company.

### **Required Findings:**

Per §5-508(b)(1) of Article 32 – *Zoning*, and as required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification.

Change: The use of I-1 zoning was appropriate during the last comprehensive rezoning in 2017, as the site continued to function as its long-term use of a steel brush manufacturing company. However, the sale and relocation of the company and five years of vacancy, is a substantial change. Additionally, the property more closely aligns with the intent and definition of the IMU-1 zoning.

### **Maryland Land Use Code – Requirements for Rezoning:**

The Land Use Article of the Maryland Code requires the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA) to study the proposed changes in relation to: 1. The

plan; 2. The needs of Baltimore City; and 3. The needs of the particular neighborhood in the vicinity of the proposed changes (*cf.* MD Code, Land Use § 10-305 (2023)). In reviewing this request, the staff finds that:

1. **The Plan:** The proposed rezoning is not contemplated in any existing plans.
2. **The needs of Baltimore City:** The rezoning from I-1 to IMU-1 would allow the continue use by light industrial, while also providing the option for additional residential units. Meeting needs of the city for both employers and housing.
3. **The needs of the particular neighborhood:** The community would benefit from an active and appropriate use on the vacant site. The change to IMU-1 would allow the property to be reused in more varied ways, appropriate for its unique location along a commercial corridor but also adjacent to residential properties.

Similarly, the Land Use article, also adopted by Article 32 – *Zoning* §5-508(b)(2), requires the City Council to make findings of fact (MD Code, Land Use § 10-304 (2023)). The findings of fact include:

1. **Population changes;** The Gwynns Falls Neighborhood saw a decline in population between 2010 and 2020 of 232 people.
2. **The availability of public facilities;** This area is well served by public utilities, which will continue to serve the area.
3. **Present and future transportation patterns;** The proposed change may create some limited additional vehicular traffic, depending on the use of the site.
4. **Compatibility with existing and proposed development for the area;** There is no other proposed development in the immediate vicinity, so the proposed change is not in conflict.
5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department will recommend approval of the rezoning request to the Planning Commission. The BMZA has not yet commented on this bill.
6. **The relation of the proposed amendment to the City's plan.** No plans for the area identify the development of these sites outside their current zoning.

There are additional standards under Article 32 – *Zoning* §5-508(b)(3) that must be considered for map amendments. These include:

- (i) **existing uses of property within the general area of the property in question;** the immediate area includes residential, industrial, commercial and open space uses.
- (ii) **the zoning classification of other property within the general area of the property in question;** the surrounding properties are zoned C-2, R-6, and I-1.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** the property has been used for industrial purposes for over 150 years.

- (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.** There has been no recent development in the immediate area.

Below is the staff's review of the required considerations of §5-508(b)(3) of Article 32 – *Zoning*, staff finds that this change is in the public's interest, in that it will allow a wider range of uses that are more appropriate for the historic buildings on the site and the adjacent residential community.

**Background:** The applicant intends to redevelop the property for mixed-use development that will reuse the existing historic buildings.

Equity:

- Impact:

- How might the proposal impact the surrounding community in the short or long term?
- How would this proposal impact existing patterns of inequity that persist in Baltimore?

The proposal would allow for a broader range of uses on the site allowing it to be activated more easily. These uses are also more appropriate for the unique historic buildings on the site which are adjacent to residential communities. The proposed change would allow the property to be adaptively reused after 5 years of vacancy.

- Engagement:

- Has the community been meaningfully engaged in discussing this proposal?
- How are residents who have been historically excluded from planning processes being authentically included in the planning of the proposed policy or project?

The community has met with the owner regarding the proposed zoning change and reuse.

- Internal Operations:

- This may include staff commentary regarding impact on staff time or resources devoted to a project.

Staff does not anticipate any undue impact to staff time or resources.

Notification: The Gwynns Falls Community Association has been notified of this action.



**Chris Ryer**  
**Director**



## MEMORANDUM

**DATE:** February 20, 2025  
**TO:** Land Use and Transportation Committee  
**FROM:** Colin Tarbert, President and CEO  
**POSITION:** Favorable  
**SUBJECT:** Council Bill 25-0021

### INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill 25-0021 introduced by Councilmember Bullock.

### PURPOSE

The purpose of this bill is to rezone the property located at 3221 Frederick Avenue (Block 2123A, Lot 002) from I-1 zoning designation to IMU-1.

### BRIEF HISTORY

This rezoning would correct a mischaracterization in the property's current zoning designation and allow for a new mixed-use development featuring senior housing and associated office, community and light manufacturing uses that are compatible with the surrounding neighborhood context and would help spur local investment and opportunity.

### FISCAL IMPACT [to BDC]

None.

### AGENCY POSITION

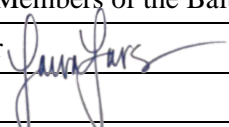
The Baltimore Development Corporation respectfully submits a **favorable** report on City Council Bill 25-0021. If you have any questions, please contact Kim Clark at 410-837-9305 or [KClark@baltimoredevelopment.com](mailto:KClark@baltimoredevelopment.com).

cc: Nina Themelis, Mayor's Office of Government Relations  
Ty'lor Schnella, Mayor's Office of Government Relations

CG



CITY OF BALTIMORE  
MAYOR BRANDON M. SCOTT

<b>TO</b>	The Honorable President and Members of the Baltimore City Council
<b>FROM</b>	Laura Larsen, Budget Director 
<b>DATE</b>	April 8 <sup>th</sup> , 2025
<b>SUBJECT</b>	City Council Bill 25-0021 Rezoning – 3221 Frederick Avenue

**Position: Defers to Planning**

The Department of Finance is herein reporting on City Council Bill 25-0021 Rezoning – 3221 Frederick Avenue, the purpose of changing the zoning for the property known as 3221 Frederick Avenue (Block 2123A, Lot 002), as outlined in red on the accompanying plat, from the I-1 Zoning District to the IMU-1 Zoning District; and providing for a special effective date.

**Background**

The proposed legislation is a routine zoning change. The Department of Finance has reviewed the change and believes it will have no material impact on property tax revenue.

**Conclusion**

**For the reasons stated above, the Department of Finance defers to Planning on City Council Bill 25-0021.**

cc: Michael Mocksten  
Nina Themelis



CITY OF BALTIMORE  
MAYOR BRANDON M. SCOTT

<b>TO</b>	The Honorable President and Members of the Baltimore City Council
<b>FROM</b>	Alice Kennedy, Commissioner, Housing and Community Development
<b>CC</b>	Mayor's Office of Government Relations
<b>DATE</b>	March 21, 2025
<b>SUBJECT</b>	25-0021 Rezoning – 3221 Frederick Avenue

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**Position: Favorable**

**BILL SYNOPSIS**

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 25-0021 Rezoning – 3221 Frederick Avenue for the purpose of changing the zoning for the property known as 3221 Frederick Avenue (Block 2123A, Lot 002), as outlined in red on the accompanying plat, from the I-1 Zoning District to the IMU-1 Zoning District; and providing for a special effective date.

If enacted, City Council Bill 25-0021 would rezone the property known as 3221 Frederick Avenue from the I-1 Zoning District to the IMU-1 Zoning District. If approved, this Bill will take effect on the day of its enactment.

**SUMMARY OF POSITION**

At its regular meeting of March 13<sup>th</sup>, 2025, the Planning Commission concurred with the recommendations of its Departmental staff and recommended that the Bill be approved by the City Council. In their report, the Commission noted that in its most recent iteration the property was the home of the Maryland Brush Company, a union-organized and employee-owned steel brush manufacturing facility, but since their decision to sell their business in 2020, the location has remained vacant. The Commission also noted that rezoning from I-1 to IMU-1 would continue to allow light industrial uses but would also provide the option of additional residential units. It was their view that this added flexibility would be more appropriate for this commercial corridor that also abuts residential properties.

The property in reference is not located within any of DHCD's Streamlined Code Enforcement Areas, Community Development Zones or Impact Investment Areas. This Rezoning may benefit the Gwynns Falls community by allowing a vacant property to be developed in a variety of ways that would be appropriate to the area.



**FISCAL IMPACT**

As drafted, this Bill would have minimal fiscal or administrative impact on DHCD.

**AMENDMENTS**

DHCD does not seek any amendments to this Bill at this time.

# **Baltimore City Council**



## **Land Use & Transportation Committee**

**25-0021**

**Rezoning -3221 Fredrick Avenue**

## **Additional Materials**

# FINDINGS OF FACT

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To: The Mayor and City Council of Baltimore  
From: AB Associates, on behalf of Kenneth Hobbs  
Date: April 16, 2025  
Re: CCB 2025-022, for conditional use approval to construct a rowhouse dwelling requiring conditional use approval for maximum height and variances from bulk and yard regulations.

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Council Bill 2025-022 concerns the conditional use of 1121 Bayard Street to rebuild a rowhouse following a gas-line explosion in 2022 that destroyed the subject property and irreparably damaged the neighboring structure at 1123 Bayard. Kenneth Hobbs, who owned 1121 Bayard at the time of the explosion, purchased 1123 Bayard in May of 2024, consolidated the two lots, and engaged an architect to design a double-wide rowhouse he and his partner could live in after construction.

Plans for this rebuild include a three-story, 37-foot tall rowhouse that covers the entire consolidated lot, creating a footprint of 24 feet by 60 feet. Such a development requires conditional use approval for the building height and variances from the Zoning Code's requirements for maximum lot coverage and rear-yard setbacks.

## 1. Bayard Street

Bayard Street is located on the southwestern edge of Pigtown, straddling Washington Boulevard. The four blocks west of Washington are lined with Formstone-façade rowhouses, all built before 1900. These are small lots; the properties on Hobbs's block measure only 60 feet deep. Notable is that most of the corner lots on Bayard Street are covered entirely by their respective structures; the original builds each exceeded the dimensions permitted by the modern code. This is a common theme in this section of Pigtown, where 27 of the 36 corner lots are non-conforming to maximum lot coverage and rear-yard setback requirements.

Bayard Street is distinct in that it bookends the northeast side of Carroll Park. From Washington Boulevard, it is the first street in Pigtown that people see when they drive into the city. At present, because of the gas-line explosion, 1121 Bayard is the street's only vacant lot. In that sense, there exists a public interest in the property's rehabilitation: A rebuilt home will improve the block. The public benefit represents one reason why the Citizens of Pigtown support this legislation.

## 2. Entitlements Necessary

Mr. Hobbs would like to build a 24-foot-wide rowhouse that covers the full expanse of the consolidated lot. He seeks an ordinance for two variances and the conditional use of a 37-foot building height.

- Conditional use for height: 35 feet required; 37 feet proposed.
- Minimum rear yard setback: 20 feet required, 0 feet proposed, 20 feet variance requested.
- Maximum lot coverage: 80 percent allowed, 0 percent proposed, 100 percent variance requested.

### **3. ZC § 5-406: Conditional Use Approval Standards**

A conditional use is a use that may be authorized as a special exception subject to the City Council's review. As a guide to its decision on the facts of each case, the Council must consider the following, where appropriate:

- a. The nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;

The proposed site is a corner lot in an R-8 zoning district, where building heights between 35 feet and 45 feet are allowed if the lot is bordered by street rights-of-way that are both at least 30 feet wide. That is the case here with both Bayard and Sargeant.

- b. The resulting traffic patterns and adequacy of proposed off-street parking and loading;

The height will allow for a three-story rowhouse to be built on these lots. It will have no impact on traffic patterns or off-street parking and loading.

- c. The nature of the surrounding area and the extent to which the proposed use might impair its present and future development;

This corner of Pigtown is fully developed by century-old single-family rowhouses. Approval of this conditional use will have no adverse impact on present or future development.

- d. The proximity of dwellings, churches, schools, public structures, and other places of public gathering;

There are no churches, public structures, or other places of public gathering in the immediate vicinity aside from Carroll Park, across the street, and the Charles Carroll Barrister Elementary School, located on the northeast corner of Washington Boulevard and Bayard Street. The proposed development will have no impact on the public's use or enjoyment of that park, or operations at the school. 1121 Bayard is located in close proximity to rowhouses that will not be impacted by the conditional use of this increased height.

- e. Accessibility of the premises for emergency vehicles;

The conditional use will not impact accessibility of the premises for emergency vehicles.

- f. Accessibility of light and air to the premises and to the property in the vicinity;

The conditional use will have no impact on accessibility of light and air to the premises or to property in the vicinity.

- g. The type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;

The conditional use will have no impact on utilities, access roads, drainage, or other necessary facilities.

- h. The preservation of cultural and historic landmarks and structures;

The conditional use will not impact any cultural or historic landmark or structure.

- i. The character of the neighborhood;

The conditional use will not negatively impact the character of the neighborhood. It will facilitate the construction of a home on this vacant property, which will improve the character of the neighborhood.

- j. The provisions of the City's Comprehensive Master Plan;

The conditional use does not conflict with the provisions of the City's Comprehensive Master Plan. The Comprehensive Master Plan articulates an interest in restoring vacant properties. This conditional use will assist in the restoration of a vacant property in Pigtown.

- k. The provisions of any applicable Urban Renewal Plan;

The Washington Village Urban Renewal Plan includes 1121 Bayard Street but does not prohibit the conditional use of a 37-foot structure.

- l. All applicable standards and requirements of this Code;

With the approval of the necessary variances, the conditional use authorization of the proposed expansion meets all applicable standards and requirements of the Zoning Code

- m. The intent and purpose of this Code; and

The Zoning Code allows for rowhomes in R-8 zoning districts to be built to a height in excess of 35 feet if they meet certain criteria. This property will meet that criteria.

- n. Any other matters considered to be in the interest of the general welfare.

The applicant has met with the Citizens of Pigtown neighborhood association about this proposal. That association voted unanimously to support the plan.

The City Council may not approve a conditional use unless, after public notice and hearing and on consideration of the standards required by this subtitle, the Council finds that:

- a. The conditional use would not be detrimental to or endanger the public health, safety, or welfare;

The conditional use will have no impact on the public health, safety, or welfare.

- b. The use is not precluded by any other law, including an applicable Urban Renewal Plan;

No law or Urban Renewal Plan prohibits this use.

- c. The authorization will not be contrary to the public interest;

The authorization will not be contrary to the public interest. The conditional use will have no impact on the public interest.

- d. The authorization will be in harmony with the purpose and intent of this Code.

The Zoning Code allows for rowhomes in R-8 zoning districts to be built to a height in excess of 35 feet if they meet certain criteria. This property will meet that criteria.

#### **4. ZC § 5-308(a) Variance Approval Standards**

Granting a variance requires the Council find in part that, because of the structure or property's physical surroundings, shape, or conditions, an unnecessary hardship or practical difficulty would result if the Zoning Code were strictly followed. This standard requires applicants establish: (1) uniqueness, (2) an unnecessary hardship or practical difficulty imposed by the Code, and (3) that the uniqueness is the proximate cause of that hardship. The Council must also find that the request meets other elements outlined § 5-308(b).

- a. Uniqueness

This property is unique because of the damage incurred by the gas-line explosion, requiring a full rebuild. It is currently the only vacant lot on Bayard Street.

- b. Practical Difficulty Imposed by the Code

The property at 1121 Bayard has hardship resulting from its shallow depth of 60 feet, which creates a practical difficulty in meeting the required 20-foot rear-yard setback. If the required setback were provided, the dwelling would be limited to only 40 feet in

length, making it shorter than typical homes on the block. Allowing full use of the lot provides space for a side-loading garage, which is necessary to meet the off-street parking requirement due to the lack of rear alley access for off-street parking. An abandoned curb cut already exists on this portion of Sargeant Street.

c. Uniqueness as Proximate Cause of Hardship

The lot requires a full rebuild, which is hindered by its shallow depth.

Under ZC § 5-308(b), the Council must also find that:

- a. 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;

The conditions are based on the present state of the property following the gas-line explosion and structural damage to the house on what was 1123 Bayard.

- b. 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;

The practical difficulty is caused by the Code's regulations that govern rear-yard setbacks and maximum lot coverage.

- c. the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;

The purpose of the variances is to design a new rowhouse that is not impractically shallow.

- d. the variance will not:

- a. be injurious to the use and enjoyment of other property in the immediate vicinity; or
- b. substantially diminish and impair property values in the neighborhood;

The variances will not impact the use and enjoyment of other property in the immediate vicinity. The new home will not diminish or impair property values in the neighborhood. The Citizens of Pigtown association supports this plan.

- e. the variance is in harmony with the purpose and intent of this Code;

The Zoning Code functions in part to accommodate the development of suitable housing on lots zoned for residential use, including the property at issue.

- f. the variance is not precluded by and will not adversely affect:
  - a. any Urban Renewal Plan;
  - b. the City's Comprehensive Master Plan; or
  - c. any Historical and Architectural Preservation District; and

The property is located in a National Register Historic District but is not located in a CHAP district. The variances are not precluded by and will not adversely affect the National Register Historic District. The property is also located in the Washington Village Urban Renewal Plan. The variances are not precluded by and will not adversely affect the URP.

- g. the variance will not otherwise:
  - a. be detrimental to or endanger the public health, safety, or welfare; or
  - b. be in any way contrary to the public interest.

The Citizens of Pigtown association supports this plan.

## **5. Summary and Conclusion**

1121 Bayard Street is a shallow lot in need of a full rebuild following a gas-line explosion that destroyed one house and damaged another. The variances requested will allow for a rowhouse to be built at appropriate scale and in conformity with a significant majority of the corner lots in this part of Pigtown. The conditional use requested will not have any negative impact on the public health, safety, or welfare and is presumed to be permitted if the property meets certain criteria, which this property does. For those reasons, the Council should vote to approve this legislation.



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**CERTIFICATE OF MAILING  
WRITTEN NOTICE TO PROPERTY OWNER(S)**

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**City Council Bill Number: 25-0021**

I HEREBY CERTIFY, under penalty of perjury, that the attached\* document was mailed to the following:

A. Property Owner: Balti Investment LLC

B. Property Address: 500 E. Baltimore Ave  
Landsdowne, PA 19050

or

C. \_\_\_\_\_ List of Property Owners  
*(Place a Check Mark Above & Attach A List of Property Owners with Addresses)*

On the following date: 3/25/2025

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**Mailed By: Trey Winstead**

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**Applicant's Name: Lisa Sui Dang**

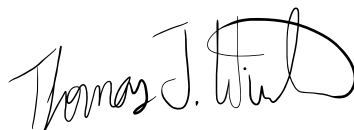
**Applicant's Organization: Balti Investment LLC**

**Applicant's Title: Managing Partner**

**Applicant's Address: 1510 Riverside Ave**

**Applicant's Telephone Number: 267-254-8025**

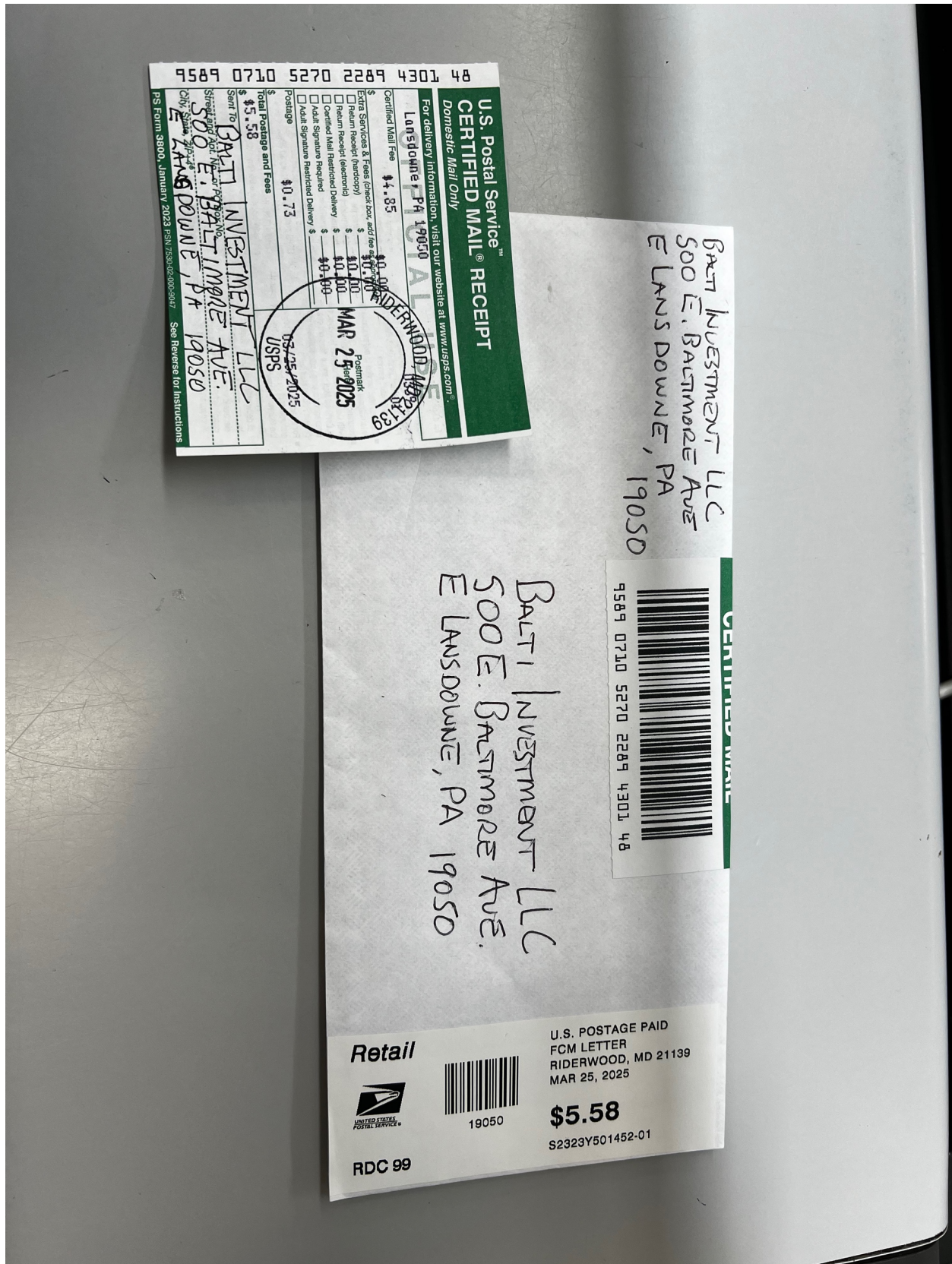
**Applicant or Representative Signature:**



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*\*Note: Please attach a copy of the document that was mailed to the property owner(s).  
Email to: [Anthony.Leva@BaltimoreCity.Gov](mailto:Anthony.Leva@BaltimoreCity.Gov)*

**CERTIFICATE OF MAILING**  
**WRITTEN NOTICE TO PROPERTY OWNER(S)**



\*Note: Please attach a copy of the document that was mailed to the property owner(s).  
Email to: [Anthony.Leva@BaltimoreCity.Gov](mailto:Anthony.Leva@BaltimoreCity.Gov)

**Baltimore City Council**  
**Certificate of Posting - Public Hearing Notice**  
**City Council Bill No.: 25-0021**

*Today's Date: March 24, 2025*

Photos on following pages

**Address: 3321 Frederick Ave**

**Date Posted: 3/24/25**

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**Name:** Lisa Dang c/o Nate Pretl

**Address:** 3221 Frederick Ave Baltimore, MD 21229

**Telephone:** (443) 996-0019

**Applicant or Representative Signature:**



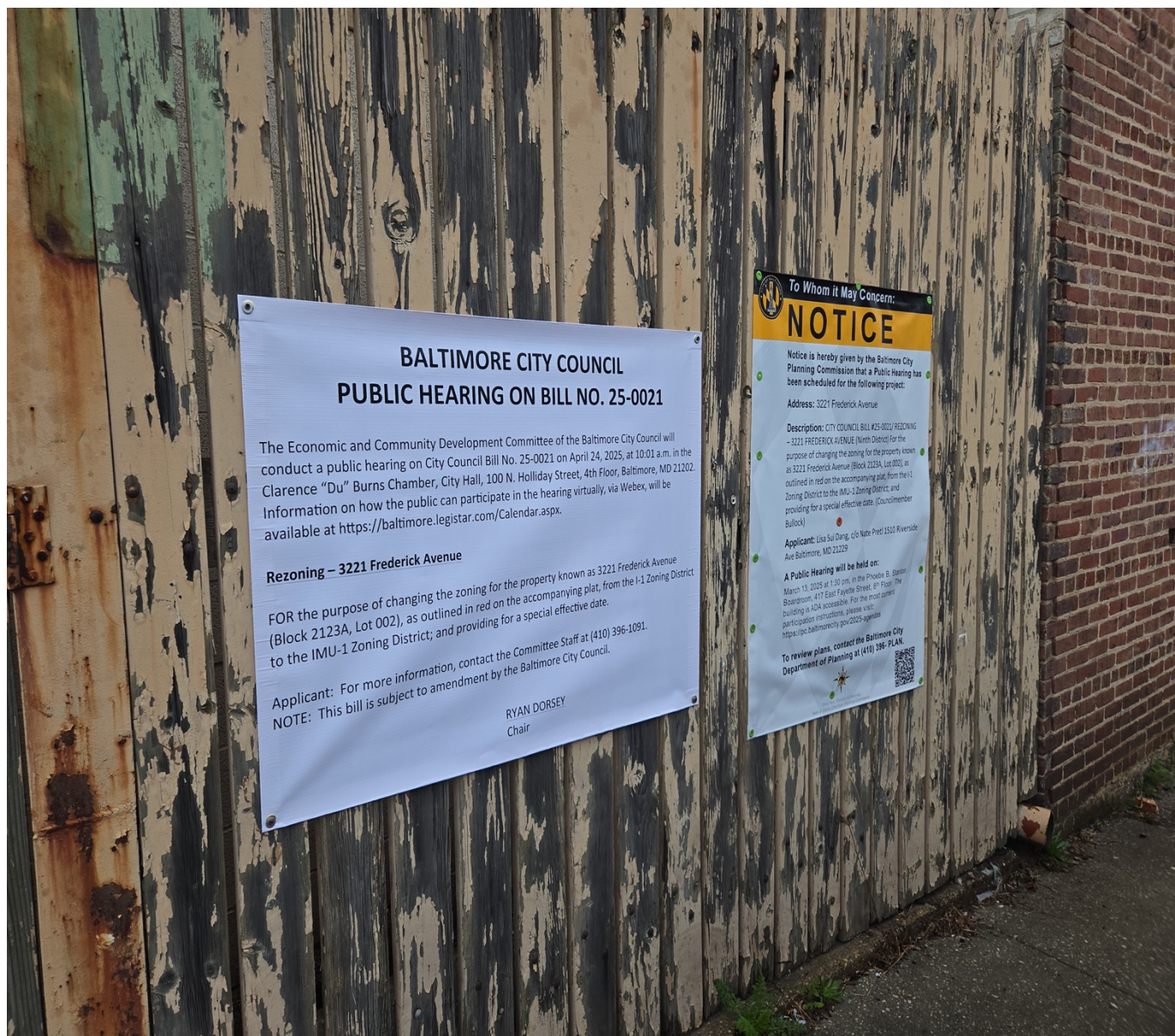




# 1. Notice posted on Frederick Ave side

Email to: [Anthony.Leva@BaltimoreCity.Gov](mailto:Anthony.Leva@BaltimoreCity.Gov)





2. Notice posted on Stafford St side

## Affidavit of Publication

To: Lisa Sui Dang -  
1510 Riverside Ave  
Baltimore, MD, 21229

Re: Legal Notice 4044989,  
PUBLIC HEARING ON BILL NO. 25-0021

We hereby certify that the annexed advertisement was  
published in Maryland The Daily Record, a Daily newspaper  
published  
in the State of Maryland 1 time(s) on the following date(s):  
04/09/2025

By



Joy Hough  
Authorized Designee of the Publisher

### Baltimore City

#### **BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 25-0021**

The Economic and Community Development Committee of the Baltimore City Council will conduct a public hearing on City Council Bill No. 25-0021 on April 24, 2025, at 10:01 a.m. in the Clarence "Du" Burns Chamber, City Hall, 100 N. Holliday Street, 4th Floor, Baltimore, MD 21202. Information on how the public can participate in the hearing virtually, via Webex, will be available at <https://baltimore.legistar.com/Calendar.aspx>.

#### **Rezoning - 3221 Frederick Avenue**

FOR the purpose of changing the zoning for the property known as 3221 Frederick Avenue (Block 2123A, Lot 002), as outlined in red on the accompanying plat, from the I-1 Zoning District to the IMU-1 Zoning District; and providing for a special effective date.

Applicant: For more information, contact the Committee Staff at (410) 396-1091.

NOTE: This bill is subject to amendment by the Baltimore City Council.

**RYAN DORSEY**  
Chair

ap9 4044989