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CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



DEPARTMENT OF LAW  
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March 24, 2026

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 25-0128 – Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 3 Dwelling Units in the R-8 Zoning District – 1118 North Carey Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 25-0128 for form and legal sufficiency. The bill would permit, subject to certain conditions, the conversion of a single-family dwelling unit into 3 dwelling units on the property known as 1118 North Carey (Block 0055B, Lot 010) and grant a variance from lot size area requirements. The bill would take effect on the day of its enactment.

#### Conditional Use Standards

The conversion of a single-family dwelling to a multi-family dwelling in an R-8 Zoning 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 or sign would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use or sign 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 also must find that:

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 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
5. 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(b).

### Planning Commission Recommendations

The Planning Commission accepted the Planning Staff recommendation and voted to amend and approve this bill. The subject property is located in the Sandtown-Winchester neighborhood, within a block of rowhouse dwellings. The surrounding blocks are also predominantly rowhouses, with one open block of open space at Lafayette Square Park to the east. Planning Report, p. 1.

Under the City’s current Comprehensive Master Plan, the subject property is designated in the General Land Use Plan as “Residential: Higher Density.” Planning Report, p. 2. The Staff Report notes that the proposed development conforms to that designation. The Staff Report further notes that the proposed conversion is unlikely to impact existing traffic patterns. The property remains accessible to emergency vehicles and its use will be contained entirely within the existing structure, with no impact on light or air to nearby properties. Planning Report, p. 3.

Staff also recommend that the variance for lot size be approved and detailed the required findings to grant a variance.

As noted by Planning staff, when the bill was introduced, the minimum lot size requirement for 3 dwelling units in the R-8 Zoning District was 1,500; the current requirement is 1,250 square feet. The existing lot size is 1,097.6 square feet so it requires a variance of 12% instead of 27%. The bill language in Section 2 should be amended to reflect the changes to lot area calculation and the variance.

Procedural Requirements

Certain procedural requirements apply to this bill because an ordinance that authorizes a conditional use or a variance is considered “legislative authorizations.” Baltimore City Code, Art. 32, § 5-501(2)(i) and (ii). Specifically, notice requirements apply to the bill, and it must be referred to certain City agencies, which are obligated to review it 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(c).

This bill is the appropriate method to review the facts and make the determination as to whether the legal standards for a conditional use and for variances have been met. Assuming required findings are made at the hearing, all procedural requirements are satisfied, and the bill language is amended to correct the lot area calculation, 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