



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 March 20, 2025

10:00 AM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

25-0023

Rezoning – 3200 Lily Avenue

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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

Rezoning 3200 Lily Ave

Sponsor: Councilmember Porter

Introduced: February 10, 2025

Purpose:

FOR the purpose of changing the zoning for the property known as 3200 Lily Avenue (Block 7566, Lot 035), as outlined in red on the accompanying plat, from the R-4 Zoning District to the I Zoning District.

BY amending

Article - Zoning

Zoning District Maps

Sheet 84

Baltimore City Revised Code

(Edition 2000)

Effective: The 30th day after the date it is enacted

Agency Reports

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

Analysis

Current Law

Article 32 – Zoning, Zoning District Map Sheet 64; 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 3200 Lily Avenue from R-4 Zoning (Residential Zoning – detached & semi-detached homes) to I-1 Zoning (Light industrial, manufacturing & warehouse use).

The Planning Department, in their report, finds the property is mistakenly zoned, and rezoning the property is the most reasonable solution. Doing so would allow the self-storage facility that currently improves the property to operate in conformity with the Zoning Code.

The property was rezoned from industrial use to residential in 2017 as a part of the Transform Baltimore law – it is not clear from the planning report why this was done. The property is located in the Cherry Hill community. There is mixed zoning with R-3 & R-4 parcels across the street but I-1 parcels surrounding the property on three sides. There are several commercial areas nearby, such as the Patapsco Plaza Shopping Center, but also other industrial uses such as another self-storage facility to the east across Patapsco Ave.

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): 25-0023 1st Reader, Agency Reports, Zoning Code

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

**CITY OF BALTIMORE
COUNCIL BILL 25-0023
(First Reader)**

Introduced by: Councilmember Porter
At the request of: 3200 Lily Street LLC
Address: c/o Chase Hoffberger, Esq.
225 E Redwood Street, Suite 400G
Baltimore, MD 21201
Telephone: (512) 536-0763

Introduced and read first time: February 10, 2025

Assigned to: Land Use and Transportation Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 3200 Lily Avenue**

3 FOR the purpose of changing the zoning for the property known as 3200 Lily Avenue (Block
4 7566, Lot 035), as outlined in red on the accompanying plat, from the R-4 Zoning District to
5 the I-1 Zoning District.

6 BY amending

7 Article - Zoning
8 Zoning District Maps
9 Sheet 84
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 84 of the Zoning District Maps is amended by changing from the R-4 Zoning District to
14 the I-1 Zoning District the property known as 3200 Lily Avenue, as outlined in red on the plat
15 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 25-0023

1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
2 after the date it is enacted.

Baltimore City Council



Land Use & Transportation Committee

25-0023

Rezoning -3200 Lily Ave

Agency Reports

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

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 25-0023 – Rezoning– 3200 Lily Avenue

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 25-0023 for form and legal sufficiency. The bill would change the zoning for the property known as 3200 Lily Avenue (Block 7566, Lot 035), as outlined in red on the accompanying plat, from the R-4 Zoning District to the I-1 Zoning District. The bill would take effect on the 30th day after enactment.

The R-4 zoning classification is intended for neighborhoods that accommodate detached and semidetached dwellings with limited non-residential uses. Baltimore City Code, Art. 32, § 8-210. The I-1 zoning classification is for manufacturing, fabricating, processing, wholesale distributing and warehousing uses. Baltimore City Code, Art. 32, § 11-204.

Even if the Mayor and City Council now believe that the selection of the R-4 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 Mistake

To sustain a piecemeal change on the basis of a mistake in the last comprehensive rezoning, there must be substantial evidence that “the Council failed to take into account then existing facts ... so that the Council’s action was premised on a misapprehension.” *White v. Spring*, 109 Md. App. 692, 698 (1996) (citation omitted). In other words, “[a] conclusion based on a factual predicate that is incomplete or inaccurate may be deemed, in zoning law, a mistake or error; an allegedly aberrant conclusion based on full and accurate information, by contrast, is simply a case of bad judgment, which is immunized from second-guessing.” *Id.*

“Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council’s action was premised initially on a misapprehension[,] [and] “...by showing that events occurring subsequent to the comprehensive zoning have proven that the Council’s initial premises were incorrect.” *Boyce v. Sembly*, 25 Md. 3 App. 43, 51 (1975) (citations omitted). “Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account, or subsequently occurring events which the Council could not have taken into account, the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not ‘fairly debatable.’” *Id.* at 52.

The Supreme Court of Maryland has said it is not sufficient to merely show that the new zoning would make more logical sense. *Greenblatt v. Toney Schloss Properties Corp.*, 235 Md. 9,

13-14 (1964). Nor are courts persuaded that the fact that a more profitable use of the property could be made if rezoned is evidence of a mistake in its current zoning. *Shadynook Imp. Ass'n v. Molloy*, 232 Md. 265, 272 (1963). Courts have also been skeptical of finding a mistake when there is evidence of careful consideration of the area during the past comprehensive rezoning. *Stratakis v. Beauchamp*, 268 Md. 643, 653-54 (1973). A finding of mistake, however, absent a regulatory taking, merely permits the further consideration of rezoning, it does not mandate a rezoning. *White*, 109 Md. App. at 708. Rather, a second inquiry “regarding whether, and if so, how, the property is reclassified,” is required. *Id.* at 709. This second conclusion is due great deference. *Id.*

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 v. Mayor and City Council of Baltimore*, 195 Md.348, 353 (1950).

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 its previous zoning was a mistake and the Planning Commission concurred, adopting the findings and equity analysis of the Staff Report. The Report notes that the subject property was historically zoned for industrial use until the adoption of Transform Baltimore in 2017. At that time, it was rezoned for residential use. The site has continued to function as a storage facility, which was conforming under the prior industrial zoning. In the R-4 district, this is considered a nonconforming use. The Report notes that “[g]iven the long-standing industrial nature of the site and its continued use as a storage facility, the residential zoning designation is believed to be a mistake” as it is the only non-residential property in the area to be caught within a residential zone.” Rezoning the property would align it with existing and surrounding development patterns.

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 as a mistake 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 MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #25-0023 / REZONING – 3200 LILY 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 13, 2025, the Planning Commission considered City Council Bill #25-0023, for the purpose of changing the zoning for the property known as 3200 Lily Avenue (Block 7566, Lot 035), as outlined in red on the accompanying plat, from the R-4 Zoning District to the I-1 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #25-0023 and adopted the following resolution, with eight members being present (seven 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 #25-0023 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
Mr. Chase Hoffberger, 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 #25-0023/ Rezoning – 3200 Lily Avenue: For the purpose of changing the zoning for the property known as 3200 Lily Avenue (Block 7566, Lot 035), as outlined in red on the accompanying plat, from the R-4 Zoning District to the I-1 Zoning District.

RECOMMENDATION: Adopt findings and Approve

STAFF: Justin Walker

PETITIONER: Chase Hoffberger

OWNER: 3200 Lily Street LLC

SITE/GENERAL AREA

Site Conditions: 3200 Lily Avenue is located on the southwest corner of the intersection with West Patapsco Avenue. The property is triangular containing 0.57 acres. It is currently zoned R-4 and located within Cherry Hill plan area. The site is improved with a single-story structure that is used as a storage facility.

General Area: The property is located within a small residential enclave surrounded by industrial zoning along Patapsco Avenue. Patapsco Avenue, which borders the northeast side of the property, is a high-speed, six-lane roadway. To the south, a small cluster of single-family dwellings are located just before the Baltimore County line, approximately 100 yards to the west from Patapsco Avenue. To the north and west of the site, large industrially-zoned lots define the surrounding area.

HISTORY

The property, currently used as a storage facility, was formed in 1987, when eight smaller lots were consolidated. Under the prior zoning code, the site was classified as light industrial (M-1-1) until the adoption of Transform Baltimore in 2017, which rezoned it to R-4. The reasoning behind this change is not entirely clear.

CONFORMITY TO PLANS

The 2024 Comprehensive Master Plan for the City of Baltimore was enacted by Ordinance #24-426, dated December 2, 2024. Under the General Land Use Plan, the property is designated as Residential: Lower Density. This change does not conform with that plan, which largely followed the established pattern of zoning in the immediate area.

The proposed rezoning to industrial aligns with aspects of the Cherry Hill Master Plan that recognize the area's historical and existing industrial uses. While the plan discusses evaluating industrial zoning, it does not call for its removal. Instead, it emphasizes ensuring that zoning reflects viable land uses that support economic development and employment opportunities for local residents. Given Cherry Hill's proximity to major transportation routes and industrially zoned properties, restoring this site to industrial zoning is consistent with the plan's broader economic development goals.

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 subject property was historically zoned for industrial use until the adoption of Transform Baltimore in 2017, when it was rezoned for residential use. Despite this change, the site has continued to function as a storage facility, as it has for many years. While this use was conforming under the prior industrial zoning, it is now considered nonconforming in the current residential district.

The property owner seeks to bring the site into compliance with zoning regulations by operating a conforming use. Given the long-standing industrial nature of the site and its continued use as a storage facility, the residential zoning designation is believed to be a mistake. Rezoning the property would align it with existing and surrounding development patterns, ensuring

compatibility with adjacent uses and promoting a logical land use framework. This site is the only nonresidential property in the area that was rezoned away industrial.

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. In this case, the mistake standard is applicable. It is unclear why the zoning district was changed during the adoption of Transform Baltimore.

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 adopted Land Use Plan for Baltimore City designates the property as Residential: Lower Density. The Land Use Plan was drafted using the same logic that lead to the rezoning, which is unclear as to the change of use category. All of the nonresidential parcels surrounding the property are identified as industrial on the plan.
2. **The needs of Baltimore City:** Maintaining functional industrial properties is essential to the economy of the city. Allowing the use that has long operated with minimum impact on surrounding properties to continue will support economic development, provide jobs, and provide residents with storage options.
3. **The needs of the particular neighborhood:** Industrial uses are commonplace in this area of the Cherry Hill neighborhood. The subject property is surrounded by other industrial uses that have operated in harmony with nearby residences.

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 Cherry Hill Neighborhood saw an increase in population of 339 people between 2010 and 2020.
2. **The availability of public facilities;** The area is well serviced by public utilities include sufficient road access to all of the neighboring industrial properties.
3. **Present and future transportation patterns;** The property currently abuts Patapsco Avenue, which is a six lane road, and Lily Avenue, a local road. The change in zoning should not impact transportation patterns as the same use will continue on this site.
4. **Compatibility with existing and proposed development for the area;** There will not be conflict with existing developments patterns as the area was zoned industrial for many years and was only recently changed.

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.** The change will correct the mistake in the 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 property is surrounded by many large, industrial zoned lots with the expectation of a small number residential properties to the west of the site.
- (ii) **the zoning classification of other property within the general area of the property in question;** The nearby industrial properties are zoned I-1 with the few residential having an R-4 zoning.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** The site has been used for industrial purposed for decades, its size and location support continued industrial use.
- (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 significant development in the immediate area.

Below is the staff's review of the required considerations of §5-508(b)(3) of Article 32 – *Zoning*, where staff finds that this change is in the public's interest, in that it will allow industrial uses on a site that has long supported them. It will also allow the property owner, who has operated an industrial use for many years to have a conforming use.

Background: After the rezoning, the applicant intends to continue the established use of a storage facility.

Equity:

- Impact: The impacts on the community will be minimal as the use has existed for a long time. The change will help the property remain in productive use.
- Engagement: The applicant has met with immediate neighbors to inform and discuss the rezoning of the property.
- Internal Operations: This action has not had any impact on departmental resources beyond standard review of the proposal.



Chris Ryer
Director



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Alice Kennedy, Commissioner, Housing and Community Development
CC	Mayor's Office of Government Relations
DATE	March 21, 2025
SUBJECT	25-0023 Rezoning – 3200 Lily Avenue

Position: Favorable

BILL SYNOPSIS

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 25-0023 Rezoning – 3200 Lily Avenue for the purpose of changing the zoning for the property known as 3200 Lily Avenue (Block 7566, Lot 035), as outlined in red on the accompanying plat, from the R-4 Zoning District to the I-1 Zoning District.

If enacted, City Council Bill 25-0023 would change the zoning for the property located at 3200 Lily Avenue from the R-4 Zoning District to the I-1 Zoning District. If approved, this Bill will take effect on the 30th day after its enactment.

SUMMARY OF POSITION

At its regular meeting of March 13th, 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 the subject property was historically zoned for industrial use until the adoption of TransForm Baltimore in 2017, where it was rezoned as residential. They further noted that as the change was likely a mistake, this rezoning would function largely to bring the site's current use as a storage facility back into conformity with the Zoning Code while further cementing its alignment with the surrounding development patterns of the area.

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 Cherry Hill community by bringing an existing storage facility back into conforming use and furthering the appropriate development of the immediate area for industrial purposes.

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.



MEMORANDUM

DATE: February 18, 2025
TO: Land Use & Transportation Committee
FROM: Colin Tarbert, President and CEO
POSITION: Favorable
SUBJECT: Council Bill 25-0023

INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill 25-0023 introduced by Councilmember Porter.

PURPOSE

The purpose of this bill is to rezone the property located at 3200 Lily Avenue (Block 7566, Lot 035) from the R-4 zoning district to the I-1 zoning district.

BRIEF HISTORY

This address is located in the Halethorpe area of Baltimore City. It was previously zoned as M-11 industrial before the zoning code changes incorrectly redesignated it as R-4 to fit in with the surrounding area, which is predominantly residential. Rezoning the property from R-4 to I-1 will allow the property to continue its longstanding use as a self storage facility.

FISCAL IMPACT [to BDC]

None.

AGENCY POSITION

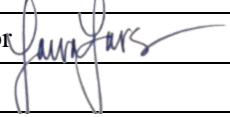
The Baltimore Development Corporation respectfully submits a **favorable** report on City Council Bill 25-0023. If you have any questions, please contact Kim Clark at 410-837-9305 or KClark@baltimoredevelopment.com.

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

[JH]



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Laura Larsen, Budget Director 
DATE	April 8 th , 2025
SUBJECT	25-0023 Rezoning – 3200 Lily Avenue

Position: Defers to Planning

The Department of Finance is herein reporting on City Council Bill 25-0023, 3200 Lily Avenue, the purpose of changing the zoning for the property known as 3200 Lily Avenue (Block 7566, Lot 035), as outlined in red on the accompanying plat, from the R-4 Zoning District to the I-1 Zoning District.

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 25-0023.

cc: Michael Mocksten
Nina Themelis

Baltimore City Council



Land Use & Transportation Committee

25-0023

Rezoning -3200 Lily Ave

Additional Materials

FINDINGS OF FACT

To: The Mayor and City Council of Baltimore
From: AB Associates, on behalf of 3200 Lily Street LLC
Date: Feb. 6, 2025
Re: CCB25-023, to rezone 3200 Lily Avenue from R-4 to I-1

On February 10, 2024, at the request of 3200 Lily Street LLC and the entity's operator John Lowry, District 10 Councilmember Phylicia Porter introduced legislation to rezone 3200 Lily Avenue from R-4 to I-1. 3200 Lily Avenue is a triangular parcel on the south side of Patapsco Avenue, halfway between Route 295 and the Light Rail tracks in the Cherry Hill neighborhood. The property is improved by a 34-bay mini-warehouse that Lowry leases to city residents and small businesses for overflow storage.

3200 Lily Street LLC has no development plan for the property. A rezoning is being pursued solely to align the property's longstanding use with a zoning district that allows for the use to continue. At present, the property's use as a mini-warehouse is non-conforming in the R-4 zoning district. The use is permitted in I-1 zones.

1. Map Amendments & Required Findings of Fact

As required by the State Land Use Article, the City Council may approve the legislative authorization for a rezoning 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 zoning classification.

Lowry proffers that a mistake was made with regard to this property during the comprehensive rezoning process known as Transform Baltimore. Prior to Transform, 3200 Lily Avenue was zoned M-1-1. Storage facilities such as this one were permitted in M-1-1 zones. The property was part of an extensive M-1-1 zoning district that stretched westbound from 3200 Lily Avenue and also across Patapsco Avenue, up to the B&O Railroad tracks.

Transform kept much of that industrial zoning in place, but the new map rezoned 3200 Lily Avenue to R-4, likely in an effort to align the residential zoning with the other properties on Lily Avenue, each improved by single-family homes. (Those homes are zoned R-3.) A quick look at a Zoning map shows that 3200 Lily Avenue is the only non-residential property in the area to be caught within a residential zone.

Because the property's use has not changed, and the property's present conditions make it nearly impossible to use the land for residential purposes without Lowry taking on a significant expense, Lowry proposes to rezone the land to I-1. This rezoning would align with Transform's goal to eliminate as many non-conforming uses as possible throughout the city.

2. Additional Standards

In addition to the necessary findings of fact outlined in § 5-508(b)(2), the Zoning Code requires that the City Council consider the following additional standards for a rezoning of city land.

1. Existing uses of the property within the general area of the property in general.

The east side of Lily Avenue is residential in nature, improved by single-family homes. In the industrially zoned portion of the general area, the properties adhere to traditional industrial uses: building supply warehouses; retail goods establishments; storage facilities; shopping centers; and headquarters for industrial businesses.

2. The zoning classification of other property within the general area of the property in question.

Lily Avenue is residentially zoned, but the rest of the area in this part of Cherry Hill is zoned I-1.

3. The suitability of the property in question for the uses permitted under its existing classification.

The existing zoning does not allow for the property's longstanding and current use. A rezoning will allow for the property owner to continue the quiet enjoyment and use of his property as a mini-warehouse, as has been the case since the 1980s. The property owner does not intend to improve or otherwise modify the building, or change its use.

4. 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.

This portion of Cherry Hill was largely developed for industrial use by 2017 and as such has not seen many changes since the property in question was placed in its present zoning classification.

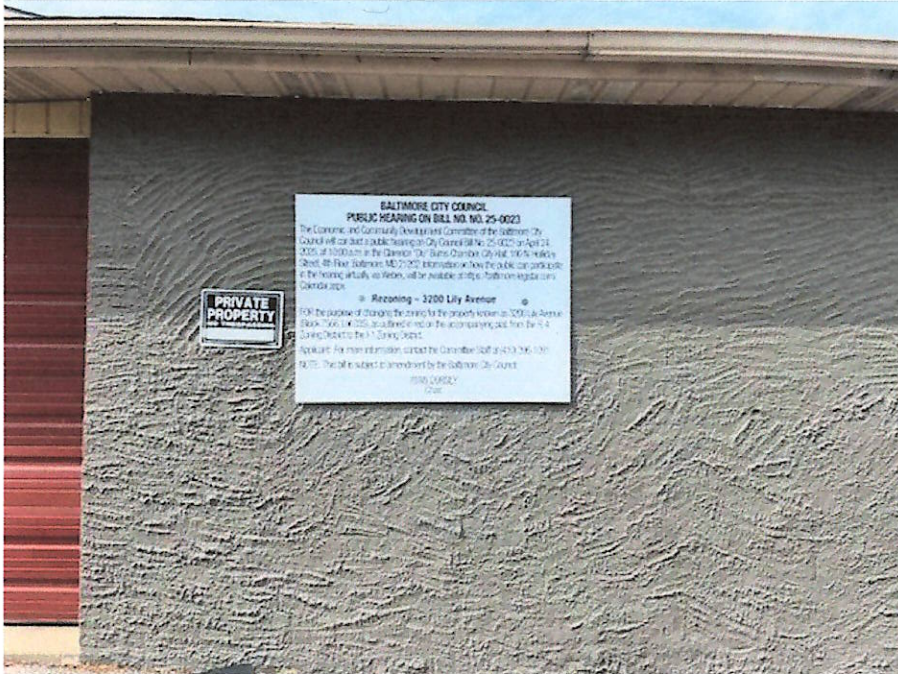
3. Summary & Conclusion

The applicant would like to rezone 3200 Lily Avenue so that a Use & Occupancy permit may be obtained to continue the longstanding use of the property as a mini-warehouse. The rezoning will align the property with its previous zoning prior to Transform Baltimore and is appropriate for the area. Aside from a few residential properties on Lily Avenue, the rest of this part of Cherry Hill is zoned I-1.

**Baltimore City Council
Certificate of Posting - Public Hearing Notice**

Today's Date: March 25, 2025

City Council Bill No. 25-0023



3200 Lily Avenue (1 of 3)

I HEREBY CERTIFY, under penalty of perjury, that 2 signs was posted at:

Address: 3200 Lily Avenue

Date Posted: March 25, 2025

Name: Chase Hoffberger

Address: 225 E. Redwood Street – suite 400 G

Baltimore, Md. 21201

Telephone: 512-536-0763

R. Hoffman (sign Poster)

- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202

City Council Bill No. 25-0023



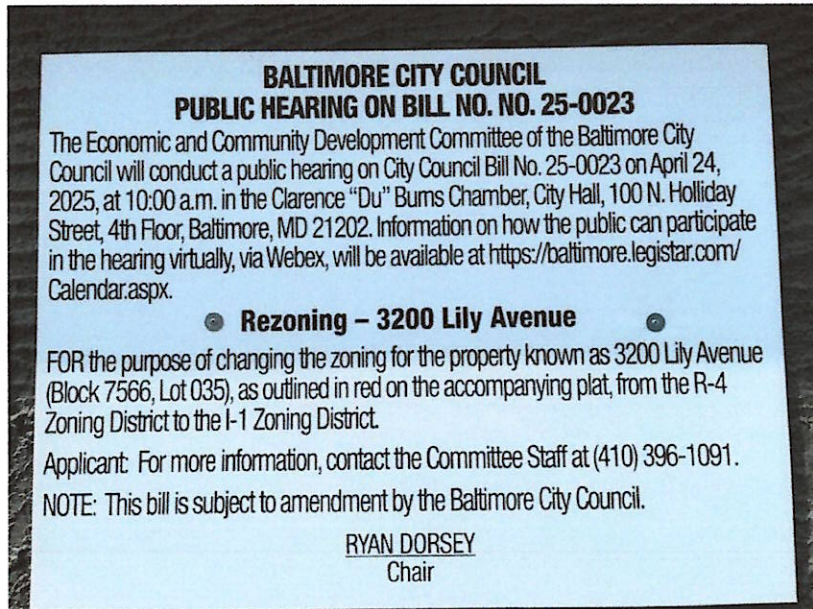
A Hoffmann

- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202

Baltimore City Council
Certificate of Posting - Public Hearing Notice

Today's Date: March 25, 2025

City Council Bill No. 25-0023



3200 Lily Avenue - Close up of sign (3 of 3)

I HEREBY CERTIFY, under penalty of perjury, that 2 signs was posted at:

Address: 3200 Lily Avenue

Date Posted: March 25, 2025

Name: Chase Hoffberger _____

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Baltimore, Md. 21201

Telephone: 512-536-0763



R. Hoffman (sign Poster)

- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202

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

Today's Date: 3.27.25

Maryland The Daily Record
200 St. Paul Place
Baltimore, MD, 21202
Phone: 4435248100

MARYLAND
THE DAILY RECORD

Affidavit of Publication

To: AB Associates - Chase Hoffberger
225 E Redwood Street
Baltimore, MD, 21202

Re: Legal Notice 4039539,
PUBLIC HEARING ON BILL NO. 25-0023

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):
03/26/2025

By



Joy Hough
Authorized Designee of the Publisher

Baltimore City

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 25-0023
The Economic and Community Development Committee of the Baltimore City Council will conduct a public hearing on City Council Bill No. 25-0023 on April 24, 2025, at 10:00 a.m. in the Clarence "Din" 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 - 3200 Lily Avenue
FOR the purpose of changing the zoning for the property known as 3200 Lily Avenue (Block: 756, Lot 035), as outlined in red on the accompanying plat, from the R-4 Zoning District to the I-1 Zoning District.
Applicant: For more information, contact the Committee Staff at (410) 386-1001.
NOTE: This bill is subject to amendment by the Baltimore City Council.
RYAN DORSEY
Chair
mh26-4080539

Address: 3200 Lily Avenue

Date Posted: 3.27.25

Name: Chase Hoffberger

Address: 225 E Baltimore Street Suite 400g

Telephone: 5125360763

Applicant or Representative Signature: Chase Hoffberger

Email to: Anthony.Leva@BaltimoreCity.Gov

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

City Council Bill Number:

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

A. Property Owner: John Lowry

B. Property Address: 3200 Lily Avenue Baltimore MD 21227

or

C. _____ List of Property Owners

(Place a Check Mark Above & Attach A List of Property Owners with Addresses)

On the following date: 3.14.25

Mailed By:

Applicant's Name: Chase Hoffberger

Applicant's Organization: Hoffberger Strategies LLC

Applicant's Title: applicant

Applicant's Address: 225 E Redwood Street Suite 400 G Baltimore Md 21202

Applicant's Telephone Number: 512-536-0763

Applicant or Representative Signature:

Chase Hoffberger

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

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For delivery information, visit our website at www.usps.com.

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- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

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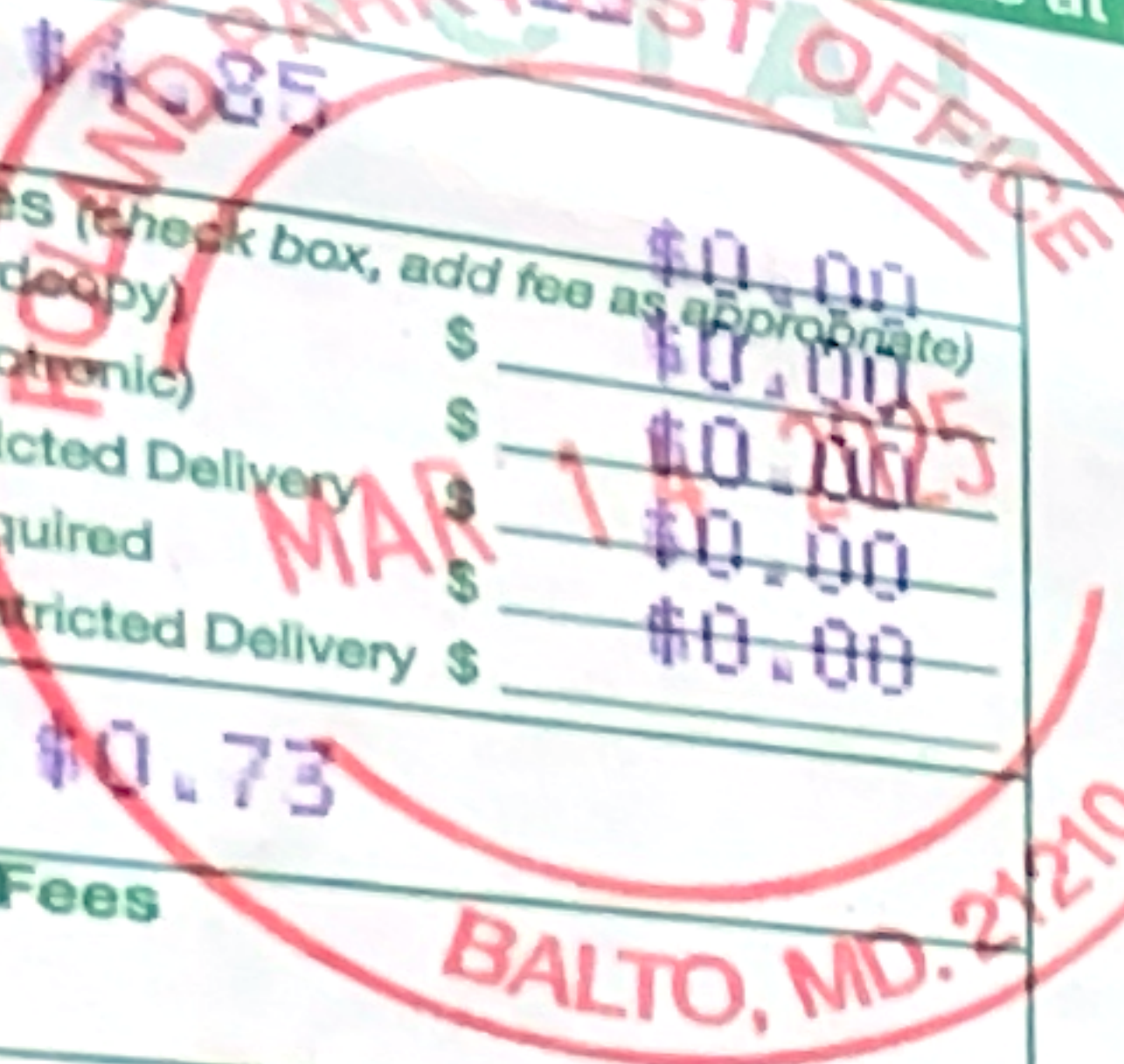
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03/14/2025

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FOR the purpose of changing the zoning for the property known as 3200 Lily Avenue (Block 7566, Lot 035), as outlined in red on the accompanying plat, from the R-4 Zoning District to the I-1 Zoning District.
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