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CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG  
Mayor



DEPARTMENT OF LAW  
ANDRE M. DAVIS, CITY SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

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January 10, 2020

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

Attn: Natawna B. Austin,  
Executive Secretary

Re: City Council Bill 19-0445 – Zoning – Conditional Use Conversion of a  
Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District  
– 817 Chauncey Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0445 for form and legal sufficiency. Subject to certain conditions, the bill permits the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 817457 Caroline St. The bill so grants a variance from the off-street parking requirement.

Under the Zoning Article of the City Code, the conversion of a single-family dwelling to a multi-family dwelling in an R-7 District requires conditional-use approval by ordinance. Baltimore City Code (BCC), Art. 32, § 9-701(2). Further, approval of a conditional use must be based on the following findings:

- (1) the establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare; (2) the use 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. § 5-406(a).

Moreover, the above findings must be guided by 14 “considerations” involving, for example, 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.” § 5-406(b).

The Land Use (the "Committee") must consider the above law at the scheduled public hearing 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 Committee is required to make findings of fact with respect to the factors and considerations outlined above. If, after its investigation of the facts, the Committee makes findings which support the conditional use and the any variances sought, it may adopt these findings and the legal requirements will be met.

The Law Department notes that the Planning Staff Report ("Report") does provide findings of fact that would allow approval of the conditional use.

Lastly, we note that certain procedural requirements apply to this bill beyond those discussed above because both conditional uses and variances are considered "legislative authorizations." BCC Art. 32, § 5-501(2)(i) and (ii). Specifically, notice requirements apply to the bill, and the bill must be referred to certain City agencies which are obligated to review the bill in specified manner. §§ 5-504, 5-506, 5-602. Finally, certain limitations on the City Council's ability to amend the bill apply. § 5-507

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standards for conditional uses and variances have been met.

Sincerely,



Elena R. DiPietro  
Chief Solicitor

cc: Andre M. Davis, City Solicitor  
Nicholas Blendy, Mayor's Office of Government Relations  
Matt Stegman, Mayor's Legislative Liaison  
Caylin Young, President's Legislative Liaison  
Victor Tervalá, Chief Solicitor  
Hilary Ruley, Chief Solicitor  
Ashlea Brown, Assistant City Solicitor  
Avery Aisenstark