



FROM	NAME & TITLE	CHRIS RYER, DIRECTOR 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #21-0096/ BUILDING CODE – PERMIT EXEMPTION FOR SHED, ETC. CONSTRUCTION		

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

DATE: June 10, 2021

The Department of Planning is in receipt of City Council Bill #21-0096, which is for the purpose of adopting a provision of the International Building Code exempting certain one story detached accessory structures used as tool and storage sheds, playhouses and similar uses from construction permitting requirements; and conforming related provisions.

The Department of Planning cannot support City Council Bill #21-0096 at this time. We understand the goal of simplifying the process for residents to place certain detached accessory structures on their property, but there are other potential problems that may inadvertently be created by exempting these structures from permit requirements.

Zoning: Article 32 – *Zoning* (Table §15-601) permits any “Shed, tool house, or similar storage structure – No more than 180 sq. ft. in a residential zoning district” to encroach into required rear yards. On the other hand, they are not permitted in required front yard, corner side yards, or interior side yards. If this bill were enacted, it would remove the requirement to obtain permits, but these accessory structures would still be subject to the Zoning Code’s requirements. Without permit review (which includes Zoning review), it is possible that a property owner could buy a shed and place it on their property in a required yard, thereby unwittingly creating a zoning violation. Of course, without permit review, it would require a complaint that generates an inspection for the City to discover it. In a worst-case scenario, it may be possible that the property owner might not be able to move the shed to a location that satisfies the requirements, which then creates the need for a variance hearing before the Board of Municipal and Zoning Appeals (BMZA).

Historic Districts and Special Reviews: The problem above could be magnified if the property is located in a local historic district or in a floodplain area where additional requirements for construction or location of these structures may apply. Again, the property owner would not know that there’s a potential problem until after the accessory structure is already on the property and most likely already in use.

Public Safety: We defer to the Department of Housing and Community Development (DHCD) for details on the requirements of the Building, Fire, and Related Codes as it may apply to these accessory structures, but we do recognize that potential problems could be created. In our most dense neighborhoods, it may pose a fire risk for tool sheds (that often contain fuel or other combustible material) to be placed anywhere on a property.

We have only had one day to consider the potential impacts of this bill, and so may have missed other concerns, but we would be happy to work with the sponsor to develop potential solutions. If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

cc: Ms. Natasha Mehu, Mayor's Office
Ms. Nina Themelis, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Matthew Stegman, City Council President's Office
Ms. Nikki Thompson, City Council President's Office
Mr. Colin Tarbert, BDC
Ms. Kathleen Byrne, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Stephanie Murdock, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services
Mr. Dominic McAlily, Council Services