



**BALTIMORE CITY COUNCIL  
ECONOMIC AND COMMUNITY DEVELOPMENT  
COMMITTEE**

*Mission Statement*

*On behalf of the Citizens of Baltimore City*, the Committee on Economic and Community Development (ECD) is responsible for supporting strong thriving communities. ECD will review proposed zoning and land use changes, tackle issues related to economic development, oversee housing policy, and promote equitable economic opportunity for all Baltimore residents.

**The Honorable Sharon Green Middleton**

PUBLIC HEARING

**February 27, 2024**

**2:01 PM**

**CLARENCE "DU" BURNS COUNCIL CHAMBERS**

**23-0443**

**Rezoning - 3500 West Forrest Park Avenue**

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**BILL SYNOPSIS**

**Committee: Economic and Community Development**

**Bill: 23-0443**

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**Title: Rezoning 3500 West Forest Park Avenue**

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**Sponsor: Council Member James Torrence**

**Introduced: October 16<sup>th</sup>, 2023**

**Purpose: For the purpose of changing the zoning for the property known as 3500 West Forest Park Avenue (Block 2911, Lot 023), as outlined in red on the accompanying plat, from the C-1 Zoning District to the R-1 Zoning District.**

**Effective: 30 days after enacted**

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**Agency Reports**

City Solicitor	Approve for form and sufficiency
Dept Housing & Community Development	Support
Planning Commission	Support w/ Amendment
BMZA	Defers to Planning
BDC	No Objection
Dept Transportation	No Objection
Parking Authority	Supports

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## Analysis

### Background

If enacted this bill would change the zoning designation of the property 3500 West Forrest Park Ave. It would correct a mistake in the zoning designation arising from a previous rezoning bill passed in 2019. This mistake resulted in the entire property being zoned C-1. The intent of the bill was to zone the front of the property 3500 West Forrest Park as R-1 and the rear of the property 3302 Edgewood Street in use as a liquor store as C-1.

The Planning staff and Commission originally recommended against the rezoning in 2019.

The Planning Department is recommending an amendment to the bill to specify the distinction between the two sections of the property and their zoning designations.

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### Additional Information

**Fiscal Note:** Not Available

**Information Source(s):** Agency Reports, 23-0437 1<sup>st</sup> reader,

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Analysis by: Anthony Leva

Direct Inquiries to: 410-396-1091

Analysis Date: February 21, 2024

**CITY OF BALTIMORE  
COUNCIL BILL 23-0443  
(First Reader)**

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Introduced by: Councilmember Torrence

At the request of: Hyun Shin

Address: 3604 Quaker Mill Court, Ellicott City, Maryland 21043

Telephone: (443) 498-8266

Introduced and read first time: October 16, 2023

Assigned to: Economic and Community Development Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Housing and Community Development, Planning Commission, Board of Municipal and Zoning Appeals, Baltimore Development Corporation, Department of Transportation, Parking Authority of Baltimore City

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 3500 West Forest Park Avenue**

3 FOR the purpose of changing the zoning for the property known as 3500 West Forest Park  
4 Avenue (Block 2911, Lot 023), as outlined in red on the accompanying plat, from the C-1  
5 Zoning District to the R-1 Zoning District.

6 BY amending

7 Article - Zoning

8 Zoning District Maps

9 Sheet 32

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 32 of the Zoning District Maps is amended by changing from the C-1 Zoning District to  
14 the R-1 Zoning District the property known as 3500 West Forest Park Avenue (Block 2911,  
15 Lot 023), 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.


24 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
25 after the date it is enacted.

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

**ECONOMIC AND COMMUNITY  
DEVELOPMENT COMMITTEE**

**23-0443  
AGENCY REPORTS**

**REZONING - 3500 WEST FOREST PARK AVENUE**

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	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 #23-0443 / REZONING – 3500 WEST FOREST PARK AVENUE		

TO

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

DATE: December 11, 2023

At its regular meeting of November 30, 2023, the Planning Commission considered City Council Bill #23-0443, for the purpose of changing the zoning for the property known as 3500 West Forest Park Avenue (Block 2911, Lot 023), as outlined in red on the accompanying plat, from the C-1 Zoning District to the R-1 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #23-0443 and adopted the following resolutions, 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 #23-0443 be **amended and 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 Eric Costello, Council Rep. to Planning Commission  
Mr. Colin Tarbert, BDC  
Ms. Rebecca Witt, 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



Brandon M. Scott  
Mayor

## PLANNING COMMISSION

Sean D. Davis, Chairman; Eric Stephenson, Vice Chair

### STAFF REPORT



Chris Ryer  
Director

November 30, 2023

**REQUEST:** City Council Bill #23-0443/ Rezoning – 3500 West Forest Park Avenue:  
FOR the purpose of changing the zoning for the property known as 3500 West Forest Park Avenue (Block 2911, Lot 023), as outlined in red on the accompanying plat, from the C-1 Zoning District to the R-1 Zoning District.

**RECOMMENDATION:** Amend and Approval

**STAFF:** Matthew DeSantis, AICP

**PETITIONER:** Councilman James Torrence, on behalf of Mr. Hyun Shin

**OWNER:** Mr. Hyun Shin

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

Site Conditions: 3500 West Forest Park Avenue is located on the northwestern corner of the intersection with North Edgewood Street, and measures 57' by 138'. This property is currently zoned C-1 and is improved with a 1 ½ story home fronting on West Forest Park Avenue. The rear portion of the property, a part of the same lot of record, has a one-story detached structure known as 3302 Edgewood Street, which has been used as a liquor store. The front portion of the property is the intended subject of this rezoning, though this action as currently drafted would affect the property in its entirety. That secondary structure is one of a few around the intersection of the mid-block alley and North Edgewood Street, each of which is also a secondary structure on a lot with another primary residence.

General Area: This property is located in the Forest Park neighborhood, which is predominantly residential in character, with a mix of detached homes, some attached homes, and a few multi-family dwellings. Lake Ashburton is located two blocks to the west.

#### **HISTORY**

On June 20, 2019, the Planning Commission considered CCB #19-0384, which was for the rezoning of this property from the R-1 district to the C-1 district. The Commission concurred with the recommendation of Planning Staff for disapproval of the bill.

#### **ANALYSIS**

Original Rezoning Bill and Mistake: CCB #19-0384 intended to rezone only the rear portion of the property, known as 3302 Edgewood Street, from the R-1 to the C-1 district in order to enable the continued operation of the liquor store located at this site. While Planning staff and the



Commission recommended against this rezoning, the Land Use Committee of the City Council recommended favorably of the bill, with the explicit amendments to clarify that the rezoning action would *only* impact the portion of the property known as 3302 Edgewood. A revised plat was also apparently introduced to clearly demarcate which portion of the property would be rezoned to C-1 and which would stay R-1.

However, that's not what occurred. It appears that for whatever administrative reason, that revised plat was never incorporated into the final 3<sup>rd</sup> reader of the bill. As a consequence, the entirety of the 3500 W. Forest Park parcel was mistakenly rezoned from the R-1 to the C-1 zoning district. This bill seeks to correct this mistake.

Subdivision Application Submitted: In November 2021, a land subdivision application was submitted to split the liquor store portion of the parcel from the residential portion of the parcel. It was at this time that Planning staff became aware of the mistake that had been made. Staff informed the applicant that the zoning issue needed to be resolved before it would be able to recommend favorably on a land subdivision application. It was the intention of the property owner to split the parcel so as to sell the residential portion and maintain the liquor store, enabling someone with an interest in renovating the vacant residential building to do so. However, "Dwelling: Detached" is not a permitted use in the C-1 district, rendering the renovation of the building back into a single-family home impossible. The Law Department was consulted, and their determination was that even though it seemed apparent that a mistake had been made with the prior rezoning bill that a new legislative authorization would be needed in order to correct the error. This has led to the introduction of the current rezoning bill.

Amendment Needed: While this bill is seeking to correct the mistake rezone the front portion of the property back to the R-1 district, the bill was inadvertently mis drafted. As introduced, CCB #23-0443 would make the same mistake that the original rezoning bill made, but in complete reverse: it would rezone the entirety of the parcel back to the R-1 district. Planning staff has discussed this apparent error with both the property owner and Councilman Torrence, the bill sponsor, who have both confirmed that this is an error and not the intent of the legislation. As such, Planning staff recommends that the bill be amended to clarify that only the front portion of the parcel be rezoned to the R-1 district and that the rear portion known as 3302 Edgewood remain in the C-1 district.

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.

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 correct a clearly apparent mistake in the application of zoning districts, namely the mistaken rezoning of the residential portion of the property from R-1 to C-1.

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

The Maryland Land Use Code requires the Planning Commission 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. LAND USE Code Ann. 2012, §10-305). In reviewing this request, the staff finds that:

- 1. The Plan:** This action is not contrary to the goals, objectives, or strategies contained in the Comprehensive Master Plan also known as LIVE EARN PLAY LEARN.
- 2. The needs of Baltimore City:** This action is not contrary to the needs of the City and will in effect correct an administrative mistake made by the City.
- 3. The needs of the particular neighborhood:** The rezoning of the residential building back to the R-1 district will help facilitate its sale and renovation. It is Planning staff's understanding that the building is vacant, and the property owner wishes to sell it so that it may be renovated for residential use. Its rezoning back to the R-1 district will facilitate this outcome.

Similarly, the Land Use article requires the City Council to make findings of fact (*cf.* Md. LAND USE Code Ann. 2012, §10-304). The findings of fact include:

- 1. Population changes;** There has not been a significant change in population since the establishment of the current Zoning Code.
- 2. The availability of public facilities;** This site is served by existing utilities and public facilities, which will not be affected by the proposed change in zoning for this property.

3. **Present and future transportation patterns;** This site is accessible by City streets, in the established grid of this neighborhood, which are not proposed to be changed or impacted by this proposed action.
4. **Compatibility with existing and proposed development for the area;** The proposed action will be compatible with the existing residential zoning of this block, or the surrounding neighborhood, as the surrounding properties are zoned R-1.
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 amendment and 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.** This bill will revert the residential property back to the R-1 district, facilitating its residential renovation and reuse. This will support the housing component of the City's plan.

There are additional standards under §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 predominant use of the properties in the Forest Park neighborhood is residential in nature, which has not functionally changed under the current Zoning Code.
- (ii) **the zoning classification of other property within the general area of the property in question;** This site is surrounded by R-1 and R-6 residential districts. The Forest Park neighborhood is residentially zoned, including R-1-E, R-1, R-5, R-6, and R-8 districts, according to their building types. There is a C-2 commercial node at the intersection of Liberty Heights and Garrison Boulevard, three blocks to the west, and one small C-1 node four blocks to the south at Garrison Boulevard and Edgewood Street.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** A detached residential dwelling is not permitted in the C-1 district, which makes the renovation of the existing vacant home illegal. This rezoning bill would correct that mistake.
- (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.** This neighborhood has remained stable in its development patterns, even after the Citywide rezoning in 2017. No significant development or change in the area has occurred that would invalidate the appropriateness of the residential zoning for these properties.

Per §5-508(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.

As described above, there was a clear mistake in the administrative handling of CCB #19-0384 and as a consequence the entirety of the property was mistakenly rezoned to the C-1 district. As

such, Planning staff recommends that this bill be amended to clarify that the rezoning would be limited to the residential portion of the property so as to correct this mistake.

Notification: The Forest Park Association has been notified of this action.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

**Chris Ryer**  
**Director**

**AMENDMENTS TO COUNCIL BILL 23-0443  
(1<sup>st</sup> Reader Copy)**

By: Department of Planning  
{To be offered to the Economic and Community Development Committee}

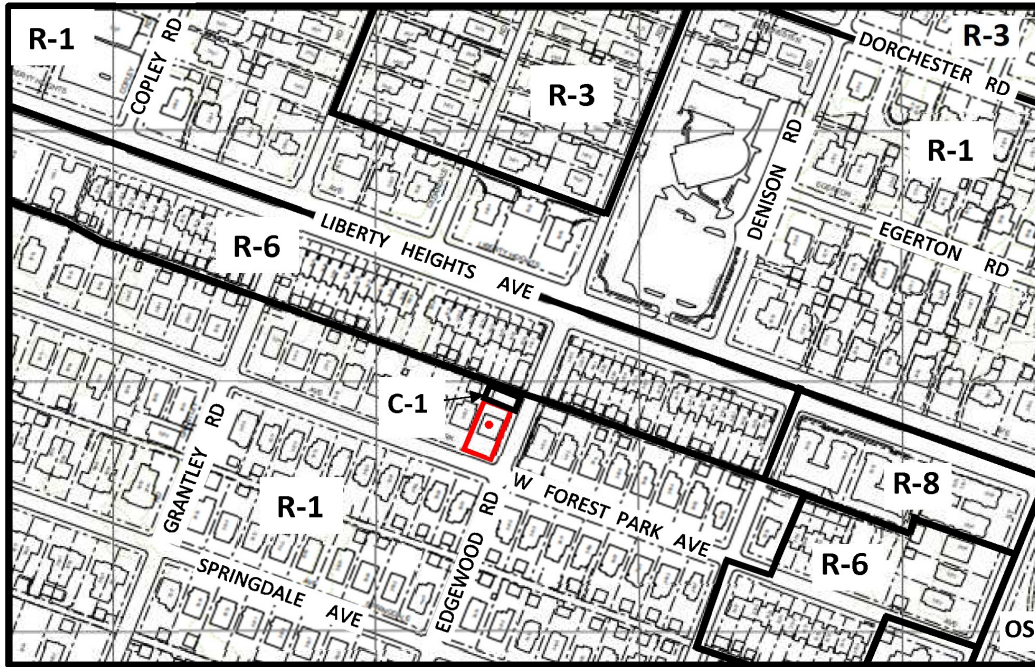
**Amendment No. 1**

On page 1, in line 3, after “for” insert “a portion”; and, on that same page, in line 14, after “District” insert “for a portion of”; and, on that same page, in line 15, after “Lot 023),” insert “as further specified in the description below, and”; and, on that same page, after line 15, insert:

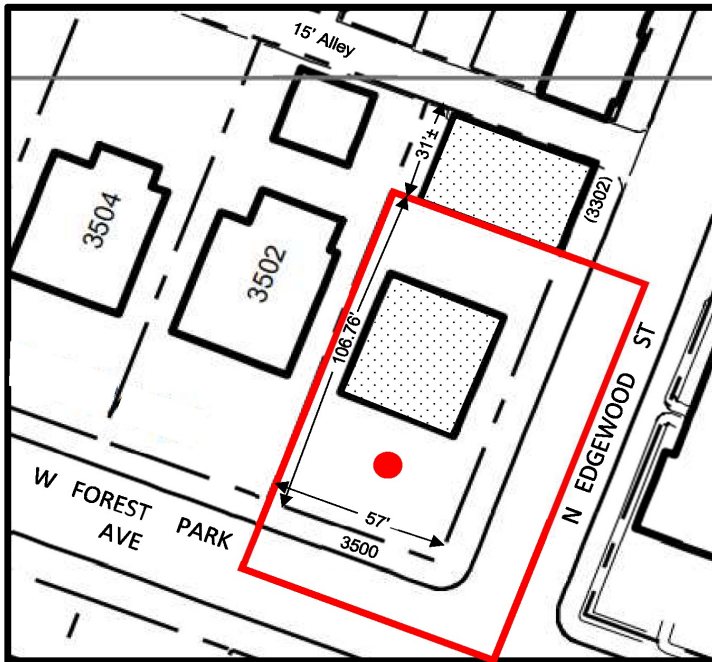
“BEGINNING for the same at the corner formed by the intersection of the northeast side of Forest Park Avenue with the Northwest side of Edgewood Street and running thence northwesterly N 68°45'50" W 57' bounding on the northeast side of Forest Park Avenue; thence continuing northeasterly parallel with Edgewood Street N 21°14'10" E 106.76'; thence continuing parallel to Forest Park Avenue N 68°45'50" W 57'; thence continuing southwesterly bounding on the northwest side of Edgewood Street S 21°14'10" W 106.76' to the point of beginning.”;

and, strike the accompanying plat and substitute with that plat attached hereto.

**SHEET NO. 32 OF THE ZONING MAP OF  
THE ZONING CODE OF BALTIMORE CITY**



Scale: 1" = 300'



Scale: 1" = 50'

**Note:**

In Connection With The Property Known As 3500 WEST FOREST PARK AVENUE. The Applicant Wishes To Amend A Portion Of The Aforementioned Property From C-1 Zoning District to R-1 Zoning District, As Outlined In Red Above.

WARD 15            SECTION 26  
BLOCK 2911        LOT 23

\_\_\_\_\_

MAYOR

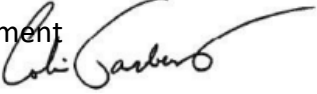
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PRESIDENT CITY COUNCIL

RPE 2-27-24



## MEMORANDUM

**DATE:** November 20, 2023  
**TO:** Economic and Community Development  
**FROM:** Colin Tarbert, President and CEO   
**POSITION:** No Objection  
**SUBJECT:** Council Bill 23-0443 - Rezoning – 3500 West Forest Park Avenue

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### **INTRODUCTION**

The Baltimore Development Corporation (BDC) is reporting on City Council Bill 23-0443 introduced by Councilmember Torrence.

### **PURPOSE**

The purpose of this bill is to revert the property known as 3500 West Forest Park Avenue from the C-1 Zoning District to the R-1 Zoning District.

### **BRIEF HISTORY**

During the most recent comprehensive rezoning process a mistake was made regarding this property. This legislation provides for the necessary zoning correction to address the existing residential portion of the property.

### **FISCAL IMPACT [to BDC]**

None.

### **AGENCY POSITION**

The Baltimore Development Corporation respectfully takes **no objection** on City Council Bill 23-0443. 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

[DG]

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CITY OF BALTIMORE

Brandon M. Scott, Mayor



BOARD OF MUNICIPAL AND  
ZONING APPEALS

Rebecca Lundberg Witt, *Acting Executive  
Director*

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November 7, 2023

The Honorable President and  
Members of the City Council  
City Hall  
100 N. Holliday Street  
Baltimore, MD 21202

**Re: CC Bill #23-0443-Rezoning- 3500 West Forest Park Avenue**

Ladies and Gentlemen:

City Council Bill No. 23-0443 has been referred to by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 23-0443 is to change the zoning of the property known as 3500 West Forest Park Avenue (Block 2911, Lot 023), from the C-1 Zoning District to the R-1 Zoning District. BMZA is deferring its recommendation on the legislation to that of the report and recommendation of the Planning Commission.

Sincerely,

A handwritten signature in black ink that reads "Rebecca R Witt".

Rebecca Lundberg Witt  
Executive Director

CC: Mayor's Office of Council Relations  
City Council President  
Legislative Reference





# TRANSMITTAL MEMO

TO: Council President Nick J. Mosby  
FROM: Peter Little, Executive Director  
DATE: November 28, 2023  
RE: City Council Bill 23-0443



I am herein reporting on City Council Bill 23-0443 introduced by Councilmember Torrence at the request of Hyun Shin.

The purpose of this bill is to change the zoning for the property known as 3500 West Forest Park Avenue (Block 2911, Lot 023), as outlined in red on the accompanying plat, from the C-1 Zoning District to the R-1 Zoning District.

The Parking Authority of Baltimore City (PABC) has reviewed the proposed legislation. The legislation requests for the selected property to be rezoned and does not reference parking. This property is not located within any PABC-administered parking programs. The parking requirements for the property will be based on the standards in the Zoning Code. PABC investigated parking availability around the property. Unregulated parking is available around the area along Edgewood Avenue and W Forest Park Avenue. Considering the available parking in the neighborhood, PABC has determined that the passage of this bill will not negatively impact parking in the area.

Based on the comments above, the PABC is favorable to the passage of City Council Bill 23-0443.



## MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council  
c/o Natawna Austin, Executive Secretary

From: Alice Kennedy, Housing Commissioner

Date: February 27<sup>th</sup>, 2024

**Re: City Council Bill 23-0443 Rezoning - 3500 West Forest Park Avenue**

### Introduction

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 23-0443 Rezoning - 3500 West Forest Park Avenue for the purpose of changing the zoning for the property known as 3500 West Forest Park Avenue (Block 2911, Lot 023), as outlined in red on the accompanying plat, from the C-1 Zoning District to the R-1 Zoning District.

If enacted, City Council Bill 23-0443 would change the zoning for the property known as 3500 West Forest Park Avenue (Block 2911, Lot 023) from the C-1 Zoning District to the R-1 Zoning District in an attempt to remedy a previous zoning mistake and allow the applicant to use a portion of the property for residential use.

### DHCD Analysis

At its regular meeting of November 30, 2023, the Planning Commission concurred with the recommendation of its departmental staff and recommended that City Council Bill 23-0443 be amended and approved. An amendment is needed to clarify that only the front portion of the parcel be rezoned to the R-1 district and that the rear portion known as 3302 Edgewood remain in the C-1 district.

There are currently two structures on the property known as 3500 West Forest Park Avenue (Block 2911, Lot 023). The front portion contains a 1 ½ story home and the rear a one-story detached structure known as 3302 Edgewood Street which is currently being used as a liquor store. This entire property was previously zoned R-1. City Council Bill 19-0384 sought to remedy that zoning issue by rezoning *only* the rear portion of the property, known as 3302 Edgewood Street, from the R-1 to the C-1 district to continue the operation of the liquor store. Unfortunately, that bill mistakenly rezoned the entire property to C-1, causing the same problem, but now in reverse for the residential structure.

City Council Bill 23-0443 seeks to fix this mistake by bifurcating the zoning of the property and allowing the residential portion to be zoned R-1 while leaving the liquor store zoned C-1. As

noted in the Planning Commission report, City Council Bill 23-0443 does not accomplish this as currently written and would once again render the entire property zoned R-1. This mistake necessitates the addition of amendments to accomplish the original intent of the bill.

This Bill does not have an operational or fiscal impact on DHCD and the re-zoning would not endanger public health, safety or welfare. While not located in any of DHCD's Impact Investment Areas or Community Development Zones this property is located within a Streamlined Code Enforcement Area. The property owner wishes to sell the residential portion of the property so that it may be renovated for residential use. Its rezoning back to the R-1 district will facilitate this outcome, increasing viable housing options for the Forest Park Neighborhood.

## Conclusion

DHCD recommends amendment and passage of Council Bill 23-0443 and respectfully requests a **favorable** report.

*AK/sm*

*cc: Ms. Nina Themelis, Mayor's Office of Government Relations*

**Brandon M. Scott**, Mayor • **Alice Kennedy**, Housing Commissioner

417 East Fayette Street • Baltimore, MD 21202 • 443-984-5757 • [dhcd.baltimorecity.gov](http://dhcd.baltimorecity.gov)

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CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



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

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February 26, 2024

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 23-0443 – Rezoning – 3500 W. Forest Park Ave.

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 23-0443 for form and legal sufficiency. The bill would change the zoning for the property known as 3500 West Forest Park Avenue (Block 2911, Lot 023), as outlined in red on the accompanying plat, from the C-1 Zoning District to the R-1 Zoning District.

This bill is proposes to change the zoning classification of a single property as opposed to comprehensive rezoning which covers multiple properties, is the product of careful study and controls and directs the use of land, development according to present and future conditions and consistent with the public interest.. Comprehensive rezoning is the duty of the legislature while single property rezoning is a deliberative process involving the city council acting in a quasi-judicial capacity to evaluate the facts for compliance with the standards in the zoning statute. It also must be consistent the public interest.

Acting in their quasi-judicial capacity for a single property rezoning, the Mayor and City Council may permit a piecemeal rezoning if it finds facts sufficient to show either: 1) there was mistake in the original zoning classification; or 2) there has been a substantial change in the character of the neighborhood since the original zoning classification. *Id. See also* Md. Code, Land Use Art., § 10-304(b)(2); Baltimore City Code, Art. 32, §§ 5-508(a) and (b)(1). “The ‘mistake’ option 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.” *Ryllys Enterprises*, 372 Md. at 538-39. With regard to the “change” option, “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.” *Id.* at 538. The legal standard for each of these options is discussed in more detail below.

### Legal Standard for Mistake

In this case, mistake is the basis for the rezoning request. To sustain a single property rezoning 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 upon 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.* “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.’” *Boyce v. Sembly*, 25 Md. App. 43, 52 (1975) (citations omitted).

A court has not considered it enough 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 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).

### Avoiding Spot Zoning

In single property 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. *Cassel*, 195 Md. 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.* Examples include “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.

Additional Required Findings of Fact

In addition to finding that there was either a substantial change in the character of the neighborhood or a mistake in the original zoning classification, the Mayor and City Council is required to make findings of fact on the following matters:

- (i) population change;
- (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 Baltimore City Planning Commission and the Board [of Municipal and Zoning Appeals]; and
- (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) 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.

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.").

Planning Commission Recommendation

The intent the previous rezoning was to split the commercial liquor store property from the residential portion of the property to allow for the future renovating of the residential portion of the *property*. The Council inadvertently passed there zoning bill with the plat that designated the entire property C-1 and failed to recognize that the other part of the property should be classified

as R-1. Although a new plat was prepared, the wrong version of the plat was stamped as approved and placed in the file.

The Planning Department Report (“Report”) supports this rezoning. It states there was a mistake in zoning this property. When this property was rezoned previously, there was a mistake made that designated zoning classification as C-1 for both parts of the property. The bill was based on a mistake of fact in the previous rezoning which was that the plat appropriately represented the action of City Council the Planning Report recommends that the portion of the property intended for residential use to be rezoned.

#### Process Requirements

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 substantial 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. 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, and the posted notice must be provided 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 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,

*Elena R. DiPietro*

Elena R. DiPietro  
Chief Solicitor

cc: Ebony Thompson, City Solicitor  
Nina Themelis, Mayor's Office of Government Relations  
Hilary Ruley, Chief Solicitor  
Jeff Hochstetler, Chief Solicitor  
Ashlea Brown, Chief Solicitor  
Michelle Toth, Special Solicitor

<b>F R O M</b>	NAME & TITLE	Corren Johnson, Director	<b>CITY of BALTIMORE MEMO</b>	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	Council Bill 24-0443		

DATE: 2/23/2024

TO: Mayor Brandon Scott  
TO: Economic and Community Development Committee  
FROM: Department of Transportation  
POSITION: **No Objection**  
SUBJECT: Council Bill 23-0443

**INTRODUCTION** - Rezoning - 3500 West Forest Park Avenue

**PURPOSE/PLANS** - For the purpose of changing the zoning for the property known as 3500 West Forest Park Avenue (Block 2911, Lot 023), as outlined in red on the accompanying plat, from the C-1 Zoning District to the R-1 Zoning District.

**COMMENTS** – Council Bill 24-0443 seeks to rezone 3500 West Forest Park Avenue from the C-1 Zoning District to the R-1 Zoning District. Per the City’s Zoning Code, C-1 Zoning Districts allow for pedestrian-oriented commercial uses that are compatible with nearby residential properties. R-1 Zoning Districts are reserved lower density, detached residential dwellings. The legislations accompanying Statement of Intent indicates that the property owner plans to use the property for residential purposes should the bill move forward.

**AGENCY/DEPARTMENT POSTION** – The Baltimore City Department of Transportation foresees no direct operational or fiscal impact resulting from the legislation and has **no objection** towards the advancement of Council Bill 23-0443.

If you have any questions, please do not hesitate to contact Liam Davis at [Liam.Davis@baltimorecity.gov](mailto:Liam.Davis@baltimorecity.gov) or at 410-545-3207

Sincerely,

Corren Johnson,  
Director

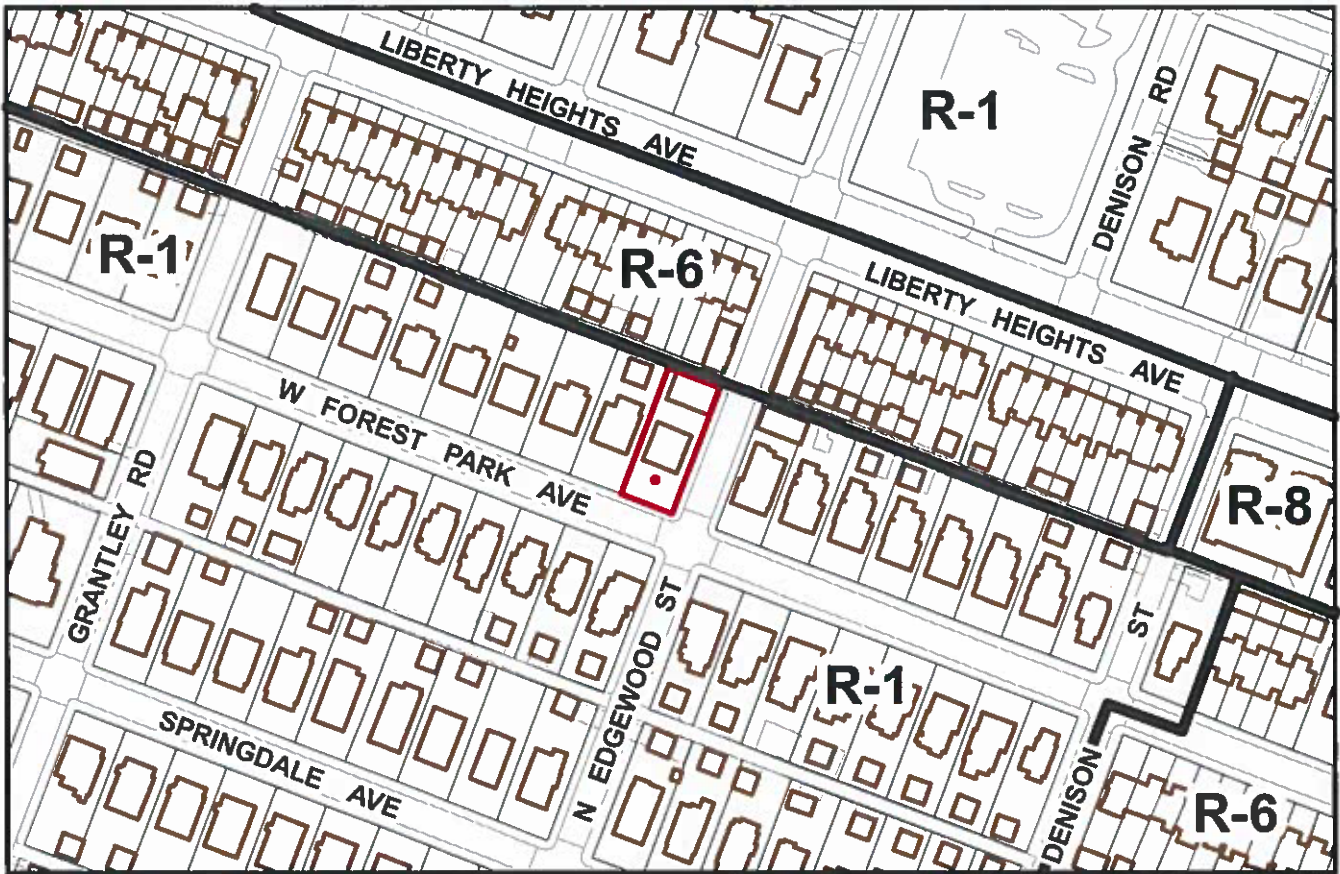
**ECONOMIC AND COMMUNITY  
DEVELOPMENT COMMITTEE**

**23-0443**

**ADDITIONAL DOCUMENTS**

**REZONING - 3500 WEST FOREST PARK AVENUE**

**SHEET NO. 32 OF THE ZONING MAP OF  
THE ZONING CODE OF BALTIMORE CITY**



Scale: 1" = 200'



Scale: 1" = 50'

**Note:**

In Connection With The Property Known As No. 3500 WEST FOREST PARK AVENUE. The Applicant Wishes To Request The Rezoning Of The Aforementioned Property From C-1 Zoning to R-1 Zoning, As Outlined In Red Above.

WARD 15                      SECTION 26  
BLOCK 2911                      LOT 23

\_\_\_\_\_

MAYOR

\_\_\_\_\_

PRESIDENT CITY COUNCIL

**ZONING ORDINANCE REQUEST**

**STATEMENT OF INTENT**

**FOR**

*{Property Address; Block \_\_\_\_, Lot \_\_\_\_}*

**1. Applicant's Contact Information:**

Name:

Mailing Address:

Telephone Number:

Email Address:

**2. All Proposed Zoning Changes for the Property:**

**3. All Intended Uses of the Property:**

**4. Current Owner's Contact Information:**

Name:

Mailing Address:

Telephone Number:

Email Address:

**5. Property Acquisition:**

The property was acquired by the current owner on \_\_\_\_\_ by deed recorded in the  
Land Records of Baltimore City in Liber \_\_\_\_\_ Folio \_\_\_\_\_ .

**6. Contract Contingency:**

(a) There is \_\_\_\_\_ is not \_\_\_\_\_ a contract contingent on the requested legislative authorization.

(b) If there is a contract contingent on the requested legislative authorization:

(i) The names and addresses of all parties to the contract are as follows *{use additional sheet if necessary}*:

(ii) The purpose, nature, and effect of the contract are:

**7. Agency:**

(a) The applicant is            is not            acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority owners of any corporate entity are as follows {use additional sheet if necessary}:

**AFFIDAVIT**

I, \_\_\_\_\_, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.

\_\_\_\_\_  
Applicant's signature

\_\_\_\_\_  
Date



200 St Paul Street Suite 2490  
Baltimore, MD 21202  
tel: 410/332-6000  
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 7582394

**Sold To:**

Chul Shin - CU80175717  
3604 Quaker Mill Ct  
Ellicott City, MD 21043

**Bill To:**

Chul Shin - CU80175717  
3604 Quaker Mill Ct  
Ellicott City, MD 21043

Was published in "The Baltimore Sun", "Daily", a newspaper printed and published in Baltimore City and/or Baltimore County on the following dates:

Feb 12, 2024; Feb 19, 2024

The Baltimore Sun Media Group

**BALTIMORE CITY COUNCIL  
PUBLIC HEARING ON  
BILL NO. 23-0443**  
The Economic and Community Development Committee of the Baltimore City Council will conduct a public hearing on City Council Bill No. 23-0443 on February 27th, 2024, at 2:01 p.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 - 3500 West Forrest Park Ave  
For the purpose of changing the zoning for the property known as 3500 West Forrest Park Avenue (Block 2911, Lot 023), as outlined in red on the accompanying plat, from the C-1 Zoning District to the R-1 Zoning District.  
Applicant: Hyun Shin  
For more information, contact Committee Staff at (410) 396-1091. NOTE: This bill is subject to amendment by the Baltimore City Council.  
SHARON GREEN MIDDLETON  
Chair  
Feb. 12 & 19 7582394

*Shanna Evans*

By \_\_\_\_\_

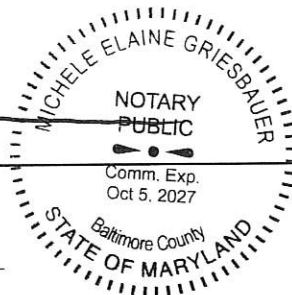
Subscribed and sworn to before me this 20 day of Feb 2024

By \_\_\_\_\_

*Michele Elaine*

Notary Public

My commission expires \_\_\_\_\_



---

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

---

**City Council Bill Number: 23-0443**

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

A. Property Owner: Hyun Shin

B. Property Address: 3500 W Forest Park Ave, Baltimore MD 21216

or

C.  List of Property Owners

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

On the following date: February 8, 2024

---

**Mailed By:**

---

**Applicant's Name: Hyun Shin**

**Applicant's Organization: Hyun's Market Inc**

**Applicant's Title: Owner**

**Applicant's Address: 3604 Quaker Mill Ct, Ellicott City MD 21043**

**Applicant's Telephone Number: 443.498.8266**

---

*\*Note: Please attach a copy of the document that was mailed to the property owner(s).*



---

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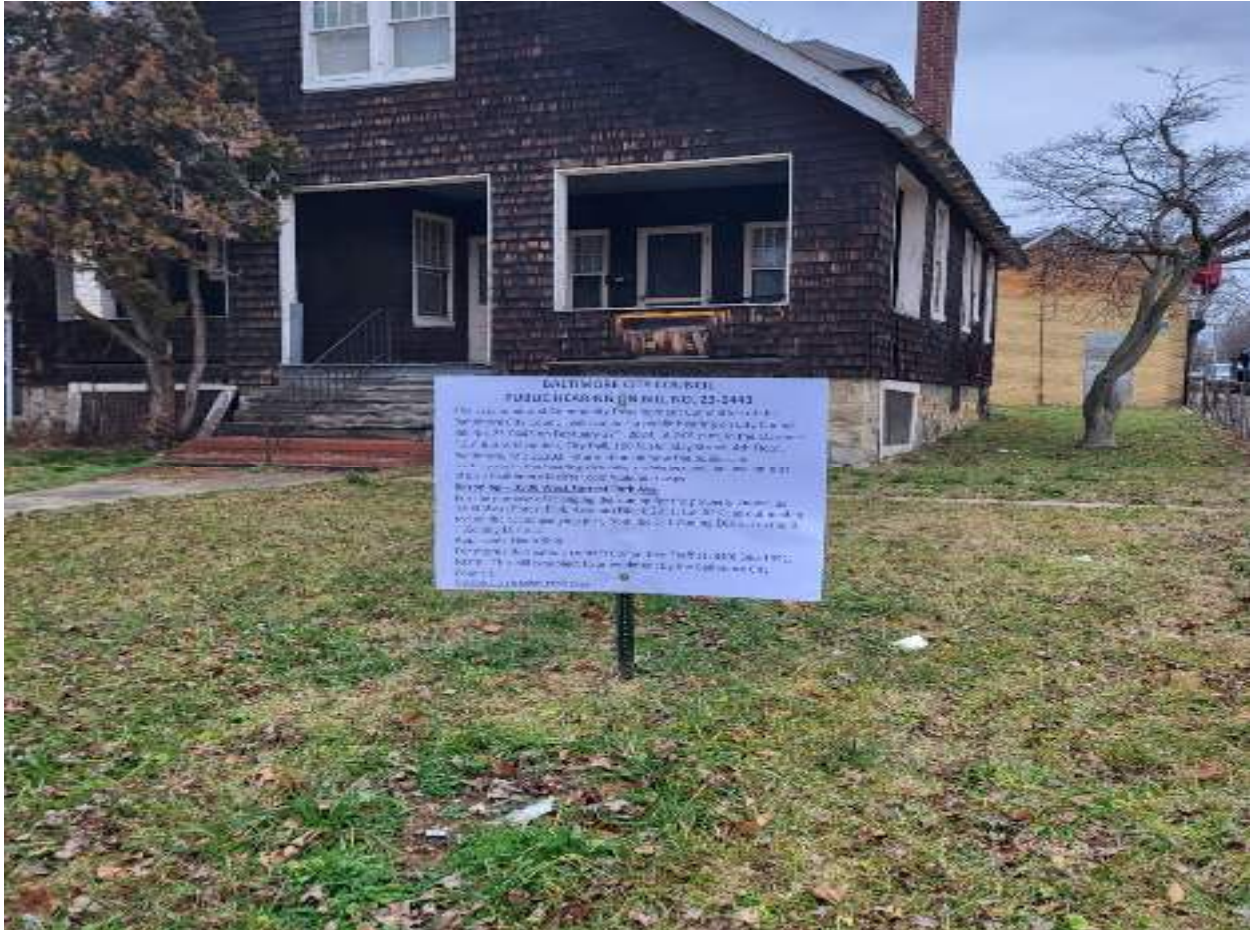
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**Baltimore City Council**  
**Certificate of Posting - Public Hearing Notice**  
**City Council Bill No.: 23-0443**

*Today's Date: 2/20/2024*

*(Place a picture of the posted sign in the space below.)*



**Address: 3500 W Forest Park Ave, Baltimore MD 21216**

**Date Posted: 1/27/2024**

**Name: Hyun Shin**

**Address: 3604 Quaker Mill Ct, Ellicott City MD 21043**

**Telephone: 443.498.8266**

*Email to: [Natawnab.Austin@baltimorecity.gov](mailto:Natawnab.Austin@baltimorecity.gov)*



# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

Ellicott City, MD 21043

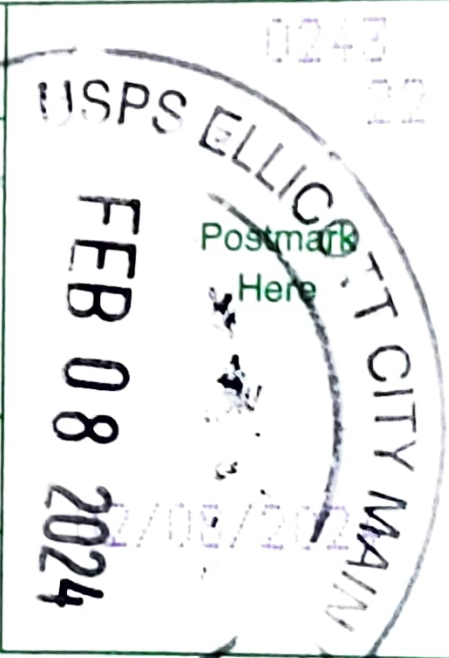
OFFICIAL USE

Certified Mail Fee \$4.40

- Extra Services & Fees (check box, add fee as appropriate)
- Return Receipt (hardcopy) \$
  - Return Receipt (electronic) \$
  - Certified Mail Restricted Delivery \$
  - Adult Signature Required \$
  - Adult Signature Restricted Delivery \$

Postage \$0.68

Total Postage and Fees \$5.08



Sent To **Hyunh Do Shin**  
 Street and Apt. No., or PO Box No. **3604 Quaker Mill Ct**  
 City, State, ZIP+4® **Ellicott City MD 21043**

9589 0710 5270 1552 3201 00



# UNITED STATES POSTAL SERVICE.

ELLICOTT CITY  
3375 ELLICOTT CENTER DR  
ELLICOTT CITY, MD 21043-9998  
(800)275-8777


02/08/2024

02:21 PM

Product	Qty	Unit Price	Price
First-Class Mail® Letter	1		\$0.68
Ellicott City, MD 21043			
Weight: 0 lb 0.10 oz			
Estimated Delivery Date			
Sat 02/10/2024			
Certified Mail®			\$4.40
Tracking #:			
9589 0710 5270 1552 3201 00			
Total			\$5.08
Grand Total:			\$5.08
Cash			\$5.08

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit [www.usps.com](http://www.usps.com) USPS Tracking or call 1-800-222-1811.

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

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Track your Packages  
Sign up for FREE   
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All sales final on stamps and postage.  
Refunds for guaranteed services only.  
Thank you for your business.

Tell us about your experience.  
Go to: <https://postalexperience.com/Pos>  
or scan this code with your mobile device.



or call 1-800-410-7420.

UFN: 233024-0243  
Receipt #: 840-52100023-4-8083752-2  
Clerk: 22



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ELLICOTT CITY  
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All sales final on stamps and postage.  
Refunds for guaranteed services only.  
Thank you for your business.

Tell us about your experience.  
Go to: <https://postalexperience.com/Pos>  
or scan this code with your mobile device.



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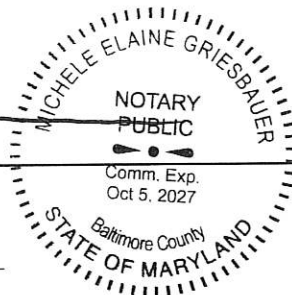
By \_\_\_\_\_

Subscribed and sworn to before me this 20 day of Feb 2024

By \_\_\_\_\_

*Michele Elaine*

Notary Public



My commission expires \_\_\_\_\_