
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

August 20, 2019

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 19-0420 – Zoning– Sign Variances– 1411 Warner Street
and 301 Stockholm Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0420 for form and legal sufficiency. The bill would authorize eight separate variances in dimensions for three signs (two canopy/awning signs and one freestanding pylon) from the Zoning Code's existing dimension requirements. The properties on which these signs will sit in the C-5-DC zoning district are to be consolidated and thus, there is a final variance for the maximum cumulative sign area for a lot included in the bill.

A bill can seek variances for signage so long as it does not seek to change the maximum quantity, location or types of signs allowed in the Zoning District. City Code, Art. 32, §5-301. The changes sought in this bill are appropriate for a variance. An ordinance can authorize any major variances, which these would be because they are not listed as a minor variance. City Code, Art. 32, §§ 5-201(a)(1); 5-302(c). In order to grant these eight variances City Council must find the following facts to support each of the variances sought:

1. "because of the particular physical surroundings, shape, or topographical conditions of the specific structure or land involved, an unnecessary hardship or practical difficulty, as distinguished from a mere inconvenience, would result if the strict letter of the applicable requirement were carried out."
2. "the conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification"
3. "the unnecessary hardship or practical difficulty is caused by this Code and has not been created by the intentional action or inaction of any person who has a present interest in the property"
4. "the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property"

5. "the variance will not: (i) be injurious to the use and enjoyment of other property in the immediate vicinity; or (ii) substantially diminish and impair property values in the neighborhood"
6. the variance is in harmony with the purpose and intent of the zoning code
7. the variance is not precluded by and will not adversely affect any Urban Renewal Plan, the City's Comprehensive Master Plan or any Historical and Architectural Preservation District
8. "the variance will not otherwise: (i) be detrimental to or endanger the public health, safety, or welfare; or (ii) be in any way contrary to the public interest."

City Code, Art. 32, §§ 5-305(a); 5-308. To be clear, the City Council must find 64 separate facts (8 standards for all 8 variances sought).

As there are no legal impediments to this bill, the Law Department approves it for form and legal sufficiency so long as the City Council finds the requisite facts.

Very truly yours,



Hilary Ruley
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Nicholas Blendy, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor
Victor Tervalá, Chief Solicitor
Ashlea Brown, Assistant Solicitor