
CITY OF BALTIMORE

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May 27, 2025

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

Re: City Council Bill 25-0041 – Zoning – Conditional Use Conversion of Single-Family
Dwelling Unit to 3 Dwelling Units in the R-7 Zoning District – Variances – 2628
Edmondson Avenue

Dear President Cohen, Vice President Middleton, and Members of the Council:

The Law Department reviewed City Council Bill 25-0041 for form and legal sufficiency. The bill would permit, subject to certain conditions, the conversion of a single-family dwelling unit to 3 dwelling units in the R-7 Zoning District on the property known as 2628 Edmondson Avenue, and grant variances regarding certain bulk regulations (lot size area) and off-street parking requirements. The ordinance would take effect on the date of its enactment.

Conditional Use Standards

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, Art. 32, § 9-701(2). To approve a conditional use, the City Council must find:

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.

Baltimore City Code, Art. 32, § 5-406(b). The current version of the Section 9-703(b) of Article 32 of the City Code requires that the existing dwelling must: (i) be a structure originally constructed as a single-family dwelling; and (ii) have 1,500 square feet or more in gross floor area, not including any basement area. On May 1, 2025, the Mayor signed City Council Bill 25-0006 which takes effect 30 days after enactment on May 31, 2025. By the hearing date for this bill on June 26, the requirements in § 9-703(b) will have been removed from the Zoning Code.

In making the required findings, the City Council must be guided by fourteen “considerations” involving 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.” Baltimore City Code, Art. 32, § 5-406(a).

Variance Standards

To grant a variance, the City Council must find that, “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.” Baltimore City Code, Art. 32, § 5-308(a). The City Council must also make seven other findings:

1. 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;
2. 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;
3. the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;
4. 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;
5. the variance is in harmony with the purpose and intent of this Code;
6. the variance is not precluded by and will not adversely affect:
 - i. any Urban Renewal Plan;
 - ii. the City’s Comprehensive Master Plan; or
 - iii. any Historical and Architectural Preservation District; and
7. 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.

Baltimore City Code, Art. 32, § 5-308(b). Council Bill 25-0006 removed the standard of unnecessary hardship and the required finding that the conditions on which the application is based are unique to the property. As noted above, those changes will become effective on May 31. It is important to note that all of these criteria must be found, in addition to a finding of practical difficulty. Baltimore City Code, Art. 32, § 5-308(a).

Planning Commission Recommendations

The Planning Commission accepted the Planning Staff recommendation and recommended approval of this bill with an amendment to remove the requested variance for required off-street parking. Council Bill 25-0006, which will take effect May 31, removed the requirements for off-street parking for conversions of single family dwellings to multiple units. The Law Department agrees with the recommended amendment. Council Bill 25-0041 also contains a variance for lot

size, which remains a requirement under the Zoning Code after the requirements of Council Bill 25-0006 take effect.

The Council Bill 25-0041 notes that the minimum lot size requirement for 3 dwelling units in the R-7 Zoning District is 2,775 square feet, and the lot area size is approximately 1,955 square feet. The Planning Staff Report states that the required lot size is 2,750 square feet and that a lot variance of 29% is required. The Planning Staff Report contains an explanation of the required square footage calculation. Assuming the Staff Report is correct, the Council Bill should be amended on page 1, line 25 to remove the reference to 2,775 square feet and replace it with 2,750 square feet.

The subject property is located “in the Mosher neighborhood statistical area on the west side of the city. It is situated immediately west of Helen Mackall Park and approximately 0.4 miles from the West Baltimore MARC Station.” The property is an end-of-group, vacant rowhome in a group of other mostly vacant rowhomes in disrepair. The Planning Staff Report notes that the site is not within an urban renewal plan area and the conversion is not precluded by existing law.

The Staff Report contains findings required for approval of a conditional use and for granting a variance. The Report contains an analysis of the equity considerations relating to the proposed conversion of the dwelling to three units. The Staff Report notes that conversion of the vacant dwelling “will return a vacant building to productive use. The project has received a letter of support from the local community association, reflecting community alignment.”

Hearing Requirements

Certain procedural requirements apply to this bill beyond those discussed above because an ordinance that authorizes a conditional use or a variance is considered a “legislative authorization.” Baltimore City Code, 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 a specified manner. Baltimore City Code, Art. 32, §§ 5-504, 5-506, 5-602. Finally, certain limitations on the City Council’s ability to amend the bill apply. Baltimore City Code, Art. 32, § 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 standard for a conditional use and for variances have been met. Assuming the amendments required by Planning and Law are made, the required findings are made at the hearing, and all procedural requirements are satisfied, the Law Department can approve the bill for form and legal sufficiency.

Sincerely yours,



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