

SPECIAL MEETING

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SECOND COUNCILMANIC YEAR - SESSION OF 2020-2024

**JOURNAL**  
**CITY COUNCIL OF BALTIMORE**

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December 15, 2022

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Rabbi Dovid Heber of Khal Ahavas Yisroel Tzemach Tzede led the Council in Prayer.

The President and members of the Council recited the Pledge of Allegiance to the Flag.

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The City Council of Baltimore met pursuant to adjournment. Present: Nicholas J. Mosby, President, and Councilmembers Cohen, McCray, Dorsey, Conway, Schleifer, Middleton, Torrence, Burnett, Bullock, Porter, Costello, Stokes, Glover, Ramos Absent: Dorsey, Porter, Costello, Glover

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**JOURNAL APPROVED**

The Journal of December 8, 2022 was read and approved.

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COMMUNICATIONS FROM THE MAYOR

APPROVED BY THE MAYOR

OFFICE OF THE MAYOR

December 7, 2022

The Honorable Nick J. Mosby, Council President  
Baltimore City Hall  
100 N. Holliday Street  
Baltimore, MD 21202

Dear Honorable President Mosby and Members of the City Council:

I am pleased to inform your Honorable Body that I have signed into law this day the following bills:

**22-0200 - Urban Renewal - Central Business District - Amendment 2**

For the purpose of amending the Urban Renewal Plan for the Central Business District to revise the signage provisions provisions; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

In service,

Brandon M. Scott

Mayor

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INTRODUCTION AND READ FIRST TIME

The President laid before the City Council the following bills and Resolutions of the Mayor and City Council for first reading:

**Bill No. 22-0237 - By President Mosby**

An Ordinance requiring the Director of Finance, the City Administrator, the City Solicitor, the Director of the Minority and Women's Business Opportunity Office, and the Director of the Office of Equity and Civil Rights to submit a report that details any disparities that exist between

minority women-owned businesses and non-minority women-owned businesses operating in Baltimore City; and providing for a special effective date.

The bill was read the first time and referred to the Public Safety and Government Operations Committee.

The President laid before the City Council the following Council Resolutions for first reading:

Bill No. 22-0147R - By President Mosby

Introduced  
(Read and adopted)

### **Recognizing the Service of Marilyn Mosby**

FOR the purpose of recognizing Marilyn Mosby, State's Attorney for Baltimore City, for her 8 years of distinguished service to the City of Baltimore.

#### **Recitals**

Marilyn Mosby has served as the State's Attorney for Baltimore City since January, 2015. She first joined the State's Attorney's Office after graduating from Boston College Law School and quickly made a name for herself as a capable and enthusiastic prosecutor. Following a period as a civil litigator in the private sector, Mrs. Mosby won the nomination for State's Attorney of Baltimore City in a historic primary in 2013. She made history again in 2015 when she was sworn in as the youngest chief prosecutor ever elected in a major city.

Under Mrs. Mosby's leadership, the Baltimore City State's Attorney's Office achieved a 93% homicide conviction rate within 2 years, despite a 20% increase in homicide caseload over the same period. This included the successful prosecution of numerous high-profile offenders, which helped to heal and give closure to affected communities.

Community focus continued to be a pillar of Mrs. Mosby's tenure, as she undertook a restructuring of the State's Attorney's Office that prioritized the needs of City residents. Such initiatives included the creation of the Policy and Legislative Affairs Unit, which advocates for fair and just laws at the State level, as well as the Criminal Strategies Unit, which utilizes community input to identify violent repeat offenders and aid in bringing them to justice. Mrs. Mosby also re-established vital community liaison positions that had been eliminated by her predecessor.

In addition to promoting and restoring community relations, Mrs. Mosby's efforts to improve the State's Attorney's Office also extended to individuals who had been convicted. In 2015,

Mrs. Mosby oversaw the expansion and reconfiguration of the Conviction Integrity Unit (CIU) to investigate claims actual innocence of wrongful conviction. Under her guidance, the CIU at the State's Attorney's Office has become the most active and well-established conviction integrity unit in Maryland.

Mrs. Mosby is a driven and passionate advocate that has worked tirelessly for the citizens of Baltimore. Her achievements as State's Attorney for Baltimore City will continue to be recognized for years to come.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the Council recognizes Marilyn Mosby for her distinguished service as State's Attorney to the City of Baltimore.

**AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to Mrs. Mosby, the Mayor, and the Mayor's Legislative Liaison to the City Council.

Councilmember Middleton made a motion, which was duly seconded, that the Rules be suspended.

There being no objection, the President declared that the Rules were suspended.

Then Councilmember Middleton made a motion, which was duly seconded, that the Resolution be adopted.

The roll was called on the motion, resulting as follows:

Yeas - President and Councilmembers McCray, Conway, Schleifer, Middleton, Torrence, Burnett, Bullock, Stokes, Ramos - Total 10.

Nays - Councilmember Cohen - Total 1.

Absent - 4.

The President declared the Resolution "Adopted".

**Bill No. 22-0148R** - By Councilmember Stokes, Middleton, Ramos, Cohen, Torrence, Burnett

A Resolution inviting the Baltimore City Sheriff's Office and the Baltimore Police Department to brief the City Council on catalytic converter theft in the City, the scope of the problem, and potential solutions that are available.

The bill was read the first time and referred to the Public Safety and Government Operations Committee.

Bill No. 22-0149R - By Councilmember Ramos

Introduced  
(Read and adopted)

**Recognizing the Service of the Honorable Sheriff John W. Anderson**

FOR the purpose of recognizing the Honorable John W. Anderson, Sheriff of Baltimore City, for his distinguished service to the City of Baltimore.

**Recitals**

The Honorable Sheriff John W. Anderson has worked tirelessly for the residents of Baltimore City for over 5 decades. He began his tenure as Deputy Sheriff of Baltimore City in 1972 before his appointment to Sheriff by former Governor William Donald Shaeffler in 1989.

A born and bred Baltimorean, Sheriff Anderson attended Baltimore City College before his service in the United States Air Force. He returned to Baltimore to begin his career with the Sheriff's Office, finding time along the way to graduate from Towson University with a degree in criminal justice.

Driven by a strong sense of service to his community, Sheriff Anderson led the Baltimore City Sheriff's Office with a focus on constituent services, citing swift resolution of complaints among his chief priorities. Under Sheriff Anderson's leadership, the Baltimore City Sheriff's Office achieved record highs of warrant arrests as well as seizure of firearms and controlled dangerous substances. In 2021 alone, the Baltimore City Sheriff's Office recovered 138 illegal firearms and nearly 40,000g of dangerous controlled substances.

During his time at the Baltimore City Sheriff's Office, Sheriff Anderson also oversaw the formation of the Domestic Violence Unit, a specialized portion of the Office dedicated to serving peace orders and protecting residents from intimate partner violence. Since establishing the Domestic Violence Unit, the Baltimore City Sheriff's Office has doubled the service rate on peace and protective orders under Sheriff Anderson's leadership.

The Honorable Sheriff John W. Anderson has seen Baltimore City through many eras of growth and change and will continue to be recognized as a profoundly dedicated public servant.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the Council recognizes the Honorable Sheriff John W. Anderson for his distinguished service to the City of Baltimore.

**AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Honorable Sheriff Anderson, the Mayor, and the Mayor's Legislative Liaison to the City Council.

Councilmember Ramos made a motion, which was duly seconded, that the Rules be suspended.

There being no objection, the President declared that the Rules were suspended.

Then Councilmember Ramos made a motion, which was duly seconded, that the Resolution be adopted.

The roll was called on the motion, resulting as follows:

Yeas - President and Councilmembers Cohen, McCray, Conway, Schleifer, Middleton, Torrence, Bullock, Stokes, Ramos - Total 11.

Nays - 0.

Absent - 4.

The President declared the Resolution "Adopted".

**CONSENT CALENDAR**

CEREMONIAL RESOLUTIONS NO. 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, AND 1158 ADOPTED UNDER RULE 3-9.

The resolutions were read.

The roll was called on the adoption of the resolutions, resulting as follows:

Yeas - President and Councilmembers Cohen, McCray, Dorsey, Conway, Schleifer, Middleton, Torrence, Burnett, Bullock, Porter, Costello, Stokes, Glover, Ramos - Total 15.

Nays - 0.

The President declared the resolutions adopted under Rule 3-9.

**Ceremonial Resolutions will be found at the end of the Journal.**

## COMMITTEE REPORTS

**BILL NO. 22-0226 REPORTED FAVORABLY, WITH AMENDMENTS,  
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Middleton, for the Economic and Community Development Committee, reported Bill No. 22-0226 favorably, with amendments.

An Ordinance repealing the existing Charles/North Revitalization Area Urban Renewal Plan and replacing it by designating as a “Renewal Area” an area situated in Baltimore City, Maryland known as Charles North, bounded generally by Falls Road on the west, West Lanvale Street and Interstate 83 on the south, Calvert Street and Hargrove Street on the east, and West 22nd Street and West 23rd Street on the north; establishing the objectives of the Urban Renewal Plan; establishing permitted land uses in the Renewal Area; providing that where there might be conflict between the provisions of the Urban Renewal Plan and the provisions of any Planned Unit Development, the provisions of the Planned Unit Development control; providing review requirements and controls for all plans for new construction; providing that the provisions of the Baltimore City Zoning Code apply to the properties in the Urban Renewal Area; establishing controls for off-street parking facilities; authorizing the conditions for acquisition of properties in the Urban Renewal Area; providing for review by the Department of Housing and Community Development of development or rehabilitation plans in the Urban Renewal Area with respect to their conformance with the provisions of the Urban Renewal Plan; providing for community notification of any permit application for the development or redevelopment of any property within the boundaries of the Urban Renewal Area; creating disposition lots and providing for specific controls on specific lots; providing for the term of the Urban Renewal Plan; providing for community review of all proposed amendments to the Urban Renewal Plan; making provisions of this Ordinance severable; approving appendices and exhibits to the Urban Renewal Plan; waiving certain content and procedural requirements; providing for the application of the Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

Committee Amendments to City Council Bill No. 22-0226

**Amendment No. 1**

On page 6, in line 20, strike the “X” in the column labeled “TOD-4”.

**Amendment No. 2**

On page 9, strike lines 27 through 29 in their entirety.

**Amendment No. 3**

On page 10, after line 11, insert:

“9. Issuance of a Waiver.

The Commissioner of the Department of Housing and Community Development may, at any time, issue a waiver from any provision of the Renewal plan if, after consideration, a waiver is determined by the Commissioner to be in the best interest of the development or redevelopment of the land. Upon receipt of a waiver request the Commissioner shall provide written notice and a copy of the waiver request to the Charles North Community Association, or their successor organization. Before a waiver may be issued by the Commissioner the Charles North Community Association or any successor organizations shall have 3 weeks from the date of the notice to provide comments on the waiver request to the Commissioner. If the Charles North Community Association or any successor organization fails to provide comments on the waiver request within the 3 week term it shall be presumed that the waiver request is satisfactory.”.

**Amendment No. 4**

On page 10, strike beginning with “In” in line 15 down through and including “prevail.” in line 17.

**Amendment No. 5**

On page 10, in line 20, strike “December 31, 2022” and substitute “December 31, 2030”.

**Amendment No. 6**

On page 10, in line 31, strike “approved” and substitute “satisfactory”.

**Amendment No. 7**

On page 13, after line 8, insert:

“10 E. North Avenue  
21 E. North Avenue”.

**Amendment No. 8**

On page 15, strike lines 10 through 16 in their entirety and substitute:



- “2. Generally, buildings should create a solid block face, reinforcing traditional block patterns and enhancing the urban character of streets and open spaces.
3. New buildings must be designed to enhance the public realm, with main entrances facing the street.
4. New buildings must be designed with well composed and articulated facades.”;

and, on that same page; in line 20, strike “Roof” and substitute “It is recommended that roof”; and, on that same page, in line 22, strike “Where visible” and substitute “When possible”; and, on that same page, in line 23, strike “Ancillary” and substitute “It is recommended that ancillary”; and, on that same page, in line 26, strike “Trash enclosures are not allowed in front or side yards” and substitute “When possible, trash enclosures should be located in back yards or rear alleyways”; and, on that same page, in line 27, strike “Mechanical” and substitute “It is recommended that mechanical”; and, on that same page, in line 28, strike “Air” and substitute “It is recommended that air”; and, on that same page, strike beginning with “they” in line 30 down through and including “incorporate” in line 32 and substitute “it is recommended that they include”.

#### **Amendment No. 9**

On page 16, in line 3, strike “Original” and substitute “When possible original”; and, on that same page, strike beginning with “Unpainted” in line 3 down through and including “brick” in line 6 and substitute “When possible, unpainted brick should remain unpainted. When repairing or repointing brick property owners must use those methods outlined in the NPS Preservation Brief. When repointing brick all new mortar must match the historic color, texture, composition, and tooling of the original mortar”; and, on that same page, in line 7, strike “and encouraged”; and, on that same page, in line 9, strike “building fronts” and substitute “facades”; and, on that same page, in line 17, strike “and in a traditionally historic color”; and, on that same page, in line 19, strike “1.”; and, on that same page, strike line 21 in its entirety; and, on that same page, in line 29, strike “Paint” and substitute “It is recommended that paint”; and, on that same page, in line 31, after “be” insert “: (i) constructed with wood or iron material; and (ii)”; and, on that same page, in line 32, after “allowed” insert “in the front yard”.

#### **Amendment No. 10**

On page 17, in line 15, after the period insert “Additionally, building setbacks must align with all City and State zoning and housing law and regulations.”; and, on that same page, in line 18, after “row” insert “and comply with the Baltimore Zoning Code”; and, on that same page, strike beginning with “end” in line 19 down through and including “row” in line 20 and substitute “be capped with original or new cornices”; and, on that same page, strike beginning with “be” in line 21 down through and including “possible” in line 22 and

substitute “follow Baltimore City Design Manual, as it may be amended from time to time”; and, on that same page, in line 24, strike “Front” and substitute “It is recommended that front”; and, on that same page, in line 29, strike “nearby historical styles” and substitute “adjacent buildings”.

#### **Amendment No. 11**

On page 18, strike lines 2 through 4 in their entirety and substitute “Front facades of attached houses must be consistent with the materials of the houses on the shared block.”; and, on that same page, in line 14, strike “workmanlike” and substitute “skilled”; and, on that same page, in that same line, after “Original” insert “or matching”.

#### **Amendment No. 12**

On page 19, in line 7, strike “Enclosures” and substitute “It is recommended that enclosures”; and, on that same page, in line 8, strike “Creative and” and substitute “Decorative artistic”; and, on that same page, in line 9, strike “that appear more like art than security devices”; and, on that same page, strike beginning with “of” in line 10 down through and including “portions” in line 11; and, on that same page, in line 13, strike “Solid” and substitute “Unless a building is vacant or abandoned solid”; and, on that same page, strike lines 14 and 15 in their entirety; and, on that same page, strike lines 28 through 32 in their entirety.

#### **Amendment No. 13**

On page 20, in line 3, after the comma insert “it is recommended that”.

#### **Amendment No. 14**

On page 21, strike beginning with “has” in line 21 down through and including “installation” in line 22 and substitute “is consistent with the building facade and adjacent buildings”; and, on that same page, in line 32, strike “Window” and substitute “It is recommended that window”; and, on that same page, in that same line, strike “may”; and, on that same page, in line 34, strike “Roof” and substitute “It is recommended that roof”; and, on that same page, in that same line, strike “must”.

#### **Amendment No. 15**

On page 22, in line 2, after “background” insert “, where possible”; and, on that same page, strike lines 9 through 12 in their entirety and substitute:

- “1. Cornice shape, size, profile, and details such as dentils, brackets, modillions must be retained. Replacement details must match the original design as closely as possible.”

2. Cornices should remain uncovered.”

The amendments were read and adopted.

Favorable report, as amended, adopted.

The bill, as amended, was read the second time and ordered printed for third reading.

**BILL NO. 22-0227 REPORTED FAVORABLY, WITH AMENDMENTS  
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Middleton, for the Economic and Community Development Committee, reported that the Committee has complied with the Land Use Article of the Maryland Code and recommends the adoption of Bill No. 22-0227 favorably, with amendments.

An Ordinance permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the Property known as 43-45 South Carey Street (Block 223, Lot 025), as outlined in red on the accompanying plat.

Councilmember Middleton made a motion, duly seconded, that pursuant to Article 32, § 5-406 of the Baltimore City Code the Council adopt these findings of fact concerning a conditional use.

**Findings of Fact**

**City Council Bill No. 22-0227**

**Zoning - Conditional Use Conversion of Single-Family Dwelling Unit to 2 Dwellings  
Units in the R-8 Zoning District - 43-45 South Carey Street**

- (1) the establishment, location, construction, maintenance, or operation of the conditional use **will not** be detrimental to or endanger the public health, safety, or welfare **for the following reasons:**

Establishment, location, construction, maintenance, and operation of a multifamily dwelling at 43-45 South Carey Street would not be detrimental to or endanger public health, safety, or welfare.

- (2) the use **would not** be precluded by any other law, including an applicable Urban Renewal Plan:

The proposed use is not precluded by any other law, including the Urban Renewal Plan, as the use is authorized by the Zoning Code in this Residential district and the Union Square Historic District.

- (3) the authorization **would not** be contrary to the public interest **for the following reasons:**

Use of this property for a multi-family dwelling is not otherwise in any way contrary to the public interest, as it would allow for two dwelling units on this property. This area was developed in the middle decades of the 19<sup>th</sup> Century and its architecture reflects changes in consumer choices of housing as well as evolution of commercial buildings that happened in that span of time. During the 20<sup>th</sup> Century there was conversion of single-family dwellings to multi-family dwellings in Union Square.

- (4) the authorization **would** be in harmony with the purpose and intent of this Code **for the following reasons:**

The authorization would allow for the use of this property as a multi-family dwelling in a Residential district, thereby improving a vacant unit and providing housing resources for the residents of Baltimore.

After consideration of the following, where applicable (**fill out all that are *only* relevant**):

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of structures;

This property measures approximately 41' by 80' and is currently improved with a two story semi-detached historic former firehouse building measuring approximately 30' by 76' that was constructed in 1900.

The appearance of the existing structure as seen from the front sidewalk along Carey Street would not appear changed significantly, as the only readily observable change would be a replacement garage door recessed in the front facade, which would be approved for compatibility with the historic structure. From the south side of the property, the only readily observable change could be new historically appropriate replacement windows for the new dwelling units.

- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;

Authorizing this use will not change traffic patterns. This property can provide the necessary off-street parking spaces, as the building is approximately 30' wide with an open area approximately 21' wide by 28-deep inside the 12' wide front garage door.

- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;

Residential uses range from single-family attached housing of various sizes to rowhouses used as small apartment houses.

There are multiple improvement projects underway in the surrounding area. As a result, this site's mix of residential and commercial buildings is viewed as part of a particularly important area for improving quality of life in both the Union Square and Hollins Market communities.

- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;

There are religious, institutional, and small-scale commercial uses in the area, with the commercial uses historically concentrated on the principal commercial corridor of Baltimore Street.

Two blocks east of this property, the Baltimore Development Corporation and the Baltimore Public Markets Corporation are implementing multi-phase improvements to the Hollins Market and Headhouse.

- (5) accessibility of the premises for emergency vehicles;

There is adequate accessibility of the premises for emergency vehicles.

- (6) accessibility of light and air to the premises and to the property in the vicinity;

There is adequate light and air to the premises and to properties in the vicinity.

- (7) the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;

Adequate utilities, access roads, drainage, and other necessary facilities have been provided.

- (8) the preservation of cultural and historic landmarks and structures;

The proposed use will not interfere with preservation of cultural and historic landmarks and structures.

- (9) the character of the neighborhood;

This property is in the eastern portion of the historic predominantly residential and residential mixed-use community known as Union Square that is between Fulton Avenue and Schroeder Street (from west to east) and between Baltimore Street and Pratt Street (from north to south).

- (10) the provisions of the City's Comprehensive Master Plan;

The proposed use is consistent with the Comprehensive Master Plan for Baltimore.

- (11) the provisions of any applicable Urban Renewal Plan;

The proposed use is not prevented or limited by any Urban Renewal Plan.

- (12) all applicable standards and requirements of this Code;

The proposed use requires variances from the lot coverage. With the variance, the use meets all applicable standards and requirements of the Zoning Code.

- (13) the intent and purpose of this Code; and

The proposed use is consistent with the intent and purpose of the Zoning Code.

- (14) any other matters considered to be in the interest of the general welfare.

The proposed use is consistent with any other matters that may be considered to be in the interest of the general welfare.

Councilmember Middleton made a motion, duly seconded and pursuant to the applicable sections of Article 32 of the Baltimore City Code, that the Council adopt these findings of fact concerning any variances of applicable standards for:

City Council Bill No. 22-0227

Zoning - Conditional Use Conversion of Single-Family Dwelling Unit to 2 Dwellings Units in the R-8 Zoning District - 43-45 South Carey Street

VARIANCE FROM GROSS FLOOR AREA PER UNIT TYPE REQUIREMENTS

Threshold Question:

[x] In accordance with Section 5-305(c), it has been determined that there is no written decision by the Board of Municipal and Zoning Appeals on an application for this same subject matter.

Hardship or Practical Difficulty:

The City Council has considered at least one of the following: (check all that apply to evidence consideration)

- [x] The physical surroundings around the Structure/ Land involved;
[x] The shape of the Structure/ Land involved;
[ ] The topographical conditions of the Structure/ Land involved;

and finds either that:

- (1) An unnecessary hardship Would / Would Not exist if the strict letter of the applicable requirement from which the variance is sought were applied because:

or that:

- (2) Practical difficulty Would / Would Not exist if the strict letter of the applicable requirement from which the variance is sought were applied because:

There is a practical difficulty with complying with the gross floor area per unit type requirements in the Zoning Code that has not been caused by the action or inaction of any person with a present interest in this property. Conditions on which this variance is based are unique to this property and are not generally applicable to other property within the same zoning classification.

The existing building is an historic firehouse structure that contains approximately 4,500 square feet of gross floor area, thus the interior space of the building is larger than what would ordinarily be needed for a single-family dwelling. Likewise, although the width of the property only allows creation of one exterior parking space meeting Zoning Code standards, the Zoning Code requires a space for each of the two newly-created dwelling units (Table 16-406), which the owner proposes to place in the downstairs area that once housed a fire engine. The upstairs area includes the upper part of the historic stairway linking the two levels of the interior, and a reasonable way to divide the proposed living space is in front of and back of that stairway. This results in two nearly identical dwelling units of three bedrooms each. Within the existing structure, this leaves approximately 1,100 gross square feet of floor area for each dwelling unit.

The Zoning Code, Section 9-703.c, requires 1,250 square feet of gross floor area for each unit. In theory, the owner could build a modest addition on the south side of the existing structure. However, because this is an historic building in an historic district, such an addition would be inappropriate. Therefore, it would be a practical difficulty for the applicant to comply with the specific floor area requirement for the proposed residential conversion.

The variance would not be injurious to the use and enjoyment of other property in the immediate vicinity and not substantially diminish or impair property values in the neighborhood. The variance requested is in harmony with the Comprehensive Master Plan, and related considerations of public health, safety, and general welfare.

**Source of Findings:**

*(check all that apply)*

Planning Commission's report, dated July 22, 2022, which included the Department of Planning Staff Report, dated July 21, 2022.

Testimony presented at the Committee hearing:

Oral – Witnesses:

Martin French, Planning Department  
Elena DiPietro, Law Department



[x] Written – Authors’ Names:

Department of Transportation, Agency Report – Dated October 21, 2022  
 Board of Municipal and Zoning Appeals, Agency Report – Dated July 21, 2022  
 Law Department, Agency Report – Dated December 12, 2022  
 Department of Housing and Community Development, Agency Report –  
 December 13, 2022  
 Baltimore Development Corporation, Agency Report – Dated December 12, 2022  
 Fire Department, Agency Report – Dated December 8, 2022  
 Parking Authority, Agency Report – Dated December 1, 2022

### COMMITTEE MEMBERS VOTING IN FAVOR

Sharon Green Middleton, Chair  
 John Bullock  
 Mark Conway  
 Antonio Glover  
 Odette Ramos  
 Robert Stokes

Findings of Fact adopted.

Committee Amendments to City Council Bill No. 22-0227

#### Amendment No. 1

On page 1, in line 6, strike “223” and substitute “233”; and, on that same page, in line 14, strike “223” and substitute “233”.

#### Amendment No. 2

On page 1 in line 3, after “**District –**” insert “**Variance –**”; and, on that same page, in line 6, before the period insert “; and granting a variance from gross floor area requirements”; and, on that same page, in line 9 after “5-201(a)” insert “; 5-305(a), 5-308,”; and, on that same page, in that same line, strike “and”; and, on that same page, in that same line, after “9-701(2)” insert “; and 9-703(c)”; and, on page 2, before line 1, insert:

“SECTION 3. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-305(a) and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements of § 9-703(c) for gross floor area per unit type, as each of the 3 units would be less than 1,250 square feet, which is the required gross floor area for a 3- or more bedroom unit.”;

and, on that same page, in line 1, strike “3.” and substitute “4.”.

The amendments were read and adopted.

Favorable report, as amended. adopted.

The bill, as amended, was read the second time and ordered printed for third reading.

**BILL NO. 22-0261 REPORTED FAVORABLY, WITH AMENDMENTS  
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Middleton, for the Economic and Community Development Committee, reported that the Committee has complied with §§ 10-304 and 10-305 of the Land Use Article of the Maryland Annotated Code and Article 32 § 5-508 of the Baltimore City Code and recommends the adoption of Bill No. 22-0261 favorably, with amendments.

An Ordinance changing the zoning for the properties known as 801 South Haven Street, Block 6458/Lot 004A, and Block 6467/Lot 021A, and a portion of Block 6458/Lot 004, as outlined in red on the accompanying plat, from the I-2 and IMU-2 Zoning Districts to the R-8 Zoning District; and providing for a special effective date.

**Findings of Fact**

**City Council Bill No. 22-0261**

**Rezoning - 801 South Haven Street, Block 6458/Lot 004A, and Block 6467/Lot 021A,  
and a Portion of Block 6458/Lot 004**

Upon finding as follows with regard to:

- (1) Population changes;

According to the ACS 5-year Estimate Survey and the 2020 Census, the Property's census tract (tract 2607) experienced population growth, going from approximately 2,691 residents in 2017 to 2,933 in 2019. At first glance, the 2020 population data appears to show a slight decline to approximately 2,563 residents, but the 380-person margin

combined with the significant increase in residential development-70 townhomes on the adjacent property, 36 townhomes at 4001 Hudson Street, and a 371-unit apartment building at 1211 S. Eaton Street-indicate that the population likely held steady or increased from 2019 to 2020.

(2) The availability of public facilities;

The area is well-served by public utilities and services and will remain so for the foreseeable future.

(3) Present and future transportation patterns:

The rezoning of the Property is not anticipated to adversely impact present or future traffic patterns. Because the adjacent property and several other properties in the immediate vicinity are already zoned for residential and commercial use and operating as such, the Property's change to the same category will not have any effect on transportation patterns.

(4) Compatibility with existing and proposed development for the area;

The R-8 zoning designation is most appropriate for the Property, which is adjacent to an R-8 zoned lot and is in an area rapidly trending away from industrial use and toward residential and commercial uses. Furthermore, the R-8 Zoning Designation will permit the construction of the long-awaited Baltimore City Greenway Trail, which will be developed, at the sole cost to the Developer, in tandem with the proposed 25 townhomes.

(5) The recommendations of the City agencies and officials, including the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

The Planning Commission voted unanimously to recommend passage of the bill and the BMZA deferred to the Planning Commission's recommendation which favored passage of the bill. The City agencies to which the bill was referred made the following recommendations:

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	Defers to Planning
Department of Transportation	No Objection
City Solicitor	Favorable with Comments
Department of Housing and Community Development	Does Not Object
Baltimore Development Corporation	Favorable
Parking Authority	Not Opposed

- (6) The proposed amendment’s relationship to and consistency with the City’s Comprehensive Master Plan;

The proposed rezoning from I-2 and IMU-2 to R-8 is consistent with the City’s Comprehensive Master Plan goal of increasing housing opportunities. Furthermore, it will be consistent with the Master Plan’s stated goal to promote play in Baltimore City by enabling the conversion of abandoned railroad tracks into an urban trail.

- (7) Existing uses of property within the general area of the property in question;

The area surrounding the Property has been trending away from industrial and toward residential and commercial since shortly after the 2016 passage of Transform Baltimore. The proposed rezoning from industrial to residential is in-line with many surrounding uses and the direction in which the area is trending.

- (8) The zoning classification of other property within the general area of the property in question;

The property directly adjacent to the Property is zoned R-8. There are several other residential and commercial zones in close proximity to the Property, as evidenced by the zoning map included above.

- (9) The suitability of the property in question for the uses permitted under its existing zoning classification;

The four lots that comprise the Property, which range from approximately 4,128 square feet to approximately 32,234 square feet, are significantly too small and irregularly

shaped to accommodate light industrial use. Furthermore, the present outdoor storage yard use of 801 S. Haven Street is not permitted by right under the current IMU-2 zoning designation. The impracticality of the Property for light industrial use and the above-discussed significant shift in the area from industrial to residential and commercial make the Property best suited for the R-8 Zoning District.

- (10) 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 classification;

As indicated above, the Brewers Hill neighborhood is trending heavily toward residential and commercial uses. The changes in use have occurred since the enactment of Transform Baltimore in 2016 and taken off further since 2021. Because the Property, along with the surrounding area, was still operating industrially at the time Transform Baltimore was enacted, the City Council could not have anticipated that the Property would require residential zoning. The changes that occurred following 801 S. Haven Street's 2021 rezoning rendered the Council similarly unable to appropriately classify the property. Now that the character of the neighborhood has transitioned away from industrial and toward residential and commercial, and the adjacent property is zoned R8, the City Council should amend the Property's zoning classification.

- (11) For a rezoning based on a SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD, the following facts establish the substantial change since the time of the last comprehensive rezoning;

A substantial change in the character of the neighborhood has taken place since Transform Baltimore was passed in 2016 because the area has subsequently transitioned from heavy industrial to predominately residential and commercial. The Property is adjacent to 601 S. Haven Street. In 2019, 601 S. Haven Street was consolidated with a former railroad bed, which was rezoned from I-2 to R-8 via City Council Bill # 19-426 in 2019 to enable the construction of 70 rowhouses. The Planning Department recommended approval of the rezoning on the grounds of a change in the character of the neighborhood, citing the ceased industrial use of the adjacent parcel resulting in the 2019 demolition of neighboring vacant warehouse. The Planning Department also noted the abandonment of the railroad's right-of-way as of July 2019. This Commission adopted the Planning Department's recommendation for approval in a memorandum dated October 10, 2019.

The Planning Commission's 2019 finding that there was a substantial change in the neighborhood meriting the rezoning of the adjacent former railroad serves as conclusive evidence that the character of the neighborhood has substantially evolved since the enactment of Transform Baltimore in 2016. As further evidence of the above-discussed change, the following are further examples of the neighborhood's five-year evolution.

Each project described below is located within ½ mile of the Property.

- 2018: The former warehouse at 4001 Hudson Street was demolished and 36 townhomes were erected on the property. The development is known as Evergreene Homes.
- 2019: A 90,000-SF shopping center known as Canton Crossing Phase II opened to patrons.
- 2019: The former warehouse at 4015 Foster Avenue was converted for use as offices, a personal training studio, and a brewery with a tap room.
- 2019: A 371-unit apartment building opened at 1211 S. Eaton Street.
- 2019: By passage of Ordinance No. 19-282, the City Council amended the Canton Industrial Area Urban Renewal Plan to remove a 12-acre property at 1200 S. Haven Street from the plan area, thus removing the heavy industrial land use restriction.
- 2020: The property removed from the Canton Industrial Area Urban Renewal Plan was converted into the "Collective at Canton," a mixed-use development. Current tenants include Sprouts Grocery, Sola Salon, and Chase Bank.
- 2020: Construction began on a 500-unit apartment building in the Collective at Canton

The neighborhood has continued its evolution from industrial to commercial and residential since 801 S. Haven Street was rezoned IMU-2 in 2021, meriting the Property's rezoning from industrial mixed-use to residential. "The IMU Industrial Mixed Use Zoning Districts are intended to encourage the reuse of older industrial buildings for light industrial use, as well as a variety of non-residential uses." Art. 32, §11-203. The parcel known as 801 S. Haven Street is not presently, nor has it recently been, improved by an industrial building that could be repurposed for commercial, light-industrial, or non-residential use. The below-listed existing and proposed changes in the neighborhood indicate that the IMU-2 designation, which explicitly prohibits residential use and permits light industrial uses, is no longer suitable for the area, which is rapidly turning into a residential-commercial area no longer suitable for light industrial uses.

- 2022 Construction began on Phase II of the Collective at Canton following approvals from the Board of Municipal Zoning Appeals. The second development round will include in addition to a host of other commercial uses.

To demonstrate change in the character of the Neighborhood, the Committee on

Economic and Community Development is entitled to consider projects that are "reasonably probable of fruition in the foreseeable future." *Jobar Corp. v. Rodgers Forge Community Ass'n*, 236 Md. 106 (1964) (citations and quotations omitted). In addition to the changes above, the following non-industrial projects are "probable of fruition" in the Brewers Hill neighborhood. *Id.*

- 2022: AvalonBay Communities announced its plans to erect a seven-story, 380-unit luxury apartment complex at 3700 Boston Street.
- 2022: The Shops at Canton Crossing announced an additional retail building that will house three more commercial tenants.
- 2023 (pending the approval of the subject rezoning): A two-mile bike trail will be constructed along the abandoned Pennsylvania Railroad line as part of the Baltimore City Greenway Trail.

Based on the above-described existing and anticipated conversions of properties within ½ mile of the Property from industrial to commercial and residential mixed uses, there has been a substantial change in the character of the Brewers Hill neighborhood.

- (12) For a rezoning based on a MISTAKE in the existing zoning classification, the following facts establish that at the time of the last comprehensive zoning the Council failed to consider then existing facts, or projects or trends which were reasonably foreseeable and/or that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect;

The Council acted in error when zoning the Property, I-2 under Transform Baltimore and later rezoning 801 S. Haven Street to the IMU-2 Zoning District in lieu of assigning the lot a high-density residential or low-density commercial zoning designation. Accordingly, the Council should rezone the Properties to the R-8 Zoning District.

An "error [or mistake] can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council's action was premised initially on a misapprehension." *Boyce v. Sembly*, 25 Md. App. 43, 51 (1975) (citations omitted). "Thus, in order to establish error based upon a failure to take existing facts or events reasonably foreseeable of fruition into account, it is necessary not only to show the facts that existed at the time of the comprehensive zoning but also which, if any, of those facts were not actually considered by the Council." *Id.* at 52

The City Council's 2016 I-2 Zoning Classification of the Property and the subsequent 2021 rezoning of 801 S. Haven Street to the IMU-2 Zoning District constituted a mistake because:

- (1) it did not account for the proposed Baltimore City Greenway trail; and
- (2) the city council Committee on Economic and Community development findings of fact indicate the City Council was unaware of the proposed playground and trail.

In 2015, the Rails to Trails and the Baltimore Greenway Commission proposed a trail that would run up the abandoned Pennsylvania Railroad Line and into portions of private property in the area between Haven Street and O'Donnell Street, which would serve as a portion of the Baltimore Greenway Trails Network. The map (displayed in the Rosenberg memorandum dated 9/22/22) indicates that the proposed bike trail would likely run directly through the Property.

As is evidenced in the referenced map, substantial steps have been taken toward the completion of the project, demonstrating its feasibility and longevity. Moreover, in 2020, WYPR' released a story discussing the proposed 2-mile trail ranging from the Canton neighborhood up to the Baltimore Gas & Electric Corridor along the unused Pennsylvania Railroad line. The above map also demonstrates that the 2-mile stretch from Canton neighborhood would very likely pass through the Property.

Under the Code, hiking and biking trails fall under the "parks; playground" use category. Art. 32, § 1-311(i)(2). Parks and playgrounds are prohibited in the I-2 and IMU-2 Zoning Districts. Art. 32, Table. 11-301. Despite the initial 2015 proposal of the Baltimore City Greenway Trail Network and the Baltimore Greenway Commission's continued pursuit of the project, the City Council zoned the Property I-2 in 2016 and then rezoned 801 S. Haven Street to the IMU-2 District in 2021, two zoning districts that prohibit the proposed use. The R-8 District, on the other hand, permits parks or playgrounds by right. Art. 32, Table 9-301. The failure to assign the Property a zoning designation that would facilitate the proposed trail constitutes a misapprehension of a reasonably foreseeable project.

The Transform Baltimore full bill file does not indicate there was discussion of the proposed trail location in evaluating the appropriate zoning designation for the Property. Furthermore, the City Council Committee on Economic and Community Development (the "ECD") Findings of Fact for City Council Bill 21-0013, which adopted the Planning Commission's Findings of Fact, do not mention the proposed Greenway Trails Network. The ECD's Findings of Fact for City Council Bill 21-0013 are attached for your reference. The City Council's failure to consider the trail when assigning the Property, the I-2 designation in 2016 and later when assigning the IMU-2 designation to



801 S. Haven Street in 2021 indicates that the City Council was not aware of the proposed use.

In sum, the City Council (1) failed to account for the proposed Baltimore City Greenway Trail when evaluating the I-2 zoning for the Property as a whole in 2016 and the IMU-2 designation for of 801 S. Haven Street in 2021, and (2) was unaware of the proposed trail when evaluating the IMU-2 Zoning District for the lot. For those two reasons, the City Council's mistake meets the Boyce court's requirements of (1) misapprehension regarding probable development and (2) lack of knowledge of said probable developments. The Property should therefore be rezoned to the R-8 District.

As of 2018, the lots to the north and south-west of 801 S. Haven Street were zoned high density residential and low-density commercial. Furthermore, but for a small sliver of under-utilized outdoor storage area and abandoned railroad tracks, the Property abuts a low-density commercial district on the east. Additionally, the two other properties that were rezoned in conjunction with 801 S. Haven as part of the 2019 comprehensive rezoning were intended for and operate as commercial uses, despite the IMU-2 zoning classification. Potentially of greatest significance is the fact that the majority of the narrow strip of properties between S. Haven Street and the railroad tracks that lie north of O'Donnell Street and south of Eastern Avenue are residentially and commercially zoned. The map below indicates that the industrially zoned properties surrounding 801 S. Haven Street are dwarfed by high-density residential and low-density commercial zones.

A review of the Findings of Fact presented by the ECD which, as noted above, adopted the Planning Department's findings of fact, state "the existing uses of property within the general area of [the site] are a mix of residential, light industrial, and commercial." The language in the Findings of Fact indicates the committee was not aware of the disproportionately commercial and residential uses surrounding 801 S. Haven Street, as the memorandum gives equal weight to residential, light industrial, and commercial uses.

The City Council was unaware of the character of the surrounding area and was therefore unable to take said character into account when evaluating the 2019 comprehensive rezoning. Accordingly, the City Council's mistake meets the Boyce court's requirements of (1) failure to account for existing facts; and (2) lack of knowledge of said facts, indicating that the City Council should rezone the lot.

SOURCE OF FINDINGS (Check all that apply):

- [X] Planning Report – Planning Commission’s report, dated September 23, 2022, which included the Department of Planning Staff Report, dated September 22, 2022.

[X] Testimony presented at the Committee hearing

Oral – Witness Name:

- Matt DeSantis, Planning Department
- Elena DiPietro, Law Department
- Sophia Gebrehiwot, Board of Municipal Zoning Appeals
- Drew Tildon, Rosenberg, Martin and Greenberg, LLP

Written – Submitted by:

- Planning Commission Report – Dated September 23, 2022 and Planning Department Staff Report – Dated September 22, 2022
- Department of Transportation, Agency Report – Dated December 12, 2022
- Board of Municipal and Zoning Appeals, Agency Report – Dated April 16, 2022
- Law Department, Agency Report – Dated October 18, 2022
- Department of Housing and Community Development, Agency Report – Dated December 13, 2022
- Baltimore Development Corporation, Agency Report – Dated October 6, 2022
- Parking Authority, Agency Report – Dated August 29, 2022
- Rosenberg, Martin, Greenberg – Memorandum – Dated September 22, 2022

**COMMITTEE MEMBERS VOTING IN FAVOR**

Sharon Green Middleton, Chair  
John Bullock  
Mark Conway  
Antonio Glover  
Odette Ramos  
Robert Stokes

Findings of Fact adopted.

Committee Amendments to City Council Bill No. 22-0261

**Amendment No. 1**

On page 1, in line 2, in each instance, before “**Block**” insert “**a Portion of**”; and, on that same page, in line 5, in each instance, before “Block” insert “a portion of”; and, on that same page, in line 17, before “Block” insert “a portion of”; and, on that same page, in line 18, before the first instance of “Block” insert “a portion of”.

The amendments were read and adopted.

Favorable report, as amended, adopted.

The bill, as amended, was read the second time and ordered printed for third reading.

**BILL NO. 22-0276 REPORTED FAVORABLY  
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Middleton, for the Economic and Community Development Committee, reported that the Committee has complied with the Land Use Article of the Maryland Code and recommends the adoption of Bill No. 22-0276 favorably.

An Ordinance permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2722 Auchentoroly Terrace (Block 3229, Lot 30), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size) and required off-street parking requirements.

Councilmember Middleton made a motion, duly seconded, that pursuant to Article 32, § 5-406 of the Baltimore City Code the Council adopt these findings of fact concerning a conditional use.

**Findings of Fact**

**City Council Bill No. 22-0276**

**Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units  
in  
the R-8 Zoning District - Variances - 2722 Auchentoroly Terrace**

- (1) the establishment, location, construction, maintenance, or operation of the conditional use **will not** be detrimental to or endanger the public health, safety, or welfare **for the following reasons:**

Establishment, location, construction, maintenance, and operation of a multifamily dwelling at 2722 Auchentoroly Terrace would not be detrimental to or endanger public health, safety, or welfare.

- (2) the use **would not** be precluded by any other law, including an applicable Urban Renewal Plan:

The proposed use is not precluded by any other law, including an Urban Renewal Plan, as it is authorized by the Zoning Code in this Residential district and there is no Urban Renewal Plan for this area.

- (3) the authorization **would not** be contrary to the public interest **for the following reasons:**

Use of this property for a multi-family dwelling is not otherwise in any way contrary to the public interest. This structure, built in the first decade of the 20th Century, is now a vacant single-family residential property that is being restored and renovated in accordance with an Authorization to Proceed issued by the Commission for Historical and Architectural Preservation on August 16, 2022.

- (4) the authorization **would** be in harmony with the purpose and intent of this Code **for the following reasons:**

The authorization would allow a multi-family dwelling use of this property in a district in Residential district, thereby providing housing resources for the residents of Baltimore.

After consideration of the following, where applicable (**fill out all that are *only* relevant**):

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of structures;

This property is located on the southwest corner of the intersection with Avalon Avenue and is currently improved with a three-story end-of-row residential dwelling measuring approximately 15' by 63' on a lot measuring approximately 15' by 80'. The site, including its size and shape, is appropriate for the proposed use.

- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;

There would be no change to traffic patterns if this use would be authorized. One off-street parking space is required to serve the newly created dwelling unit. Since the property cannot provide a parking space meeting Zoning Code standard, as the rear yard is only 17' deep, a parking variance is need and has been included in the Bill.

- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;

The surrounding area is one in which the predominant residential type was originally single-family owner-occupancy row-housing but in which some conversions of single family to multi-family dwellings occurred during the 20th Century. For this reason, it is unlikely that the proposed multi-family use would impair present or future development.

- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;

There is reasonable proximity of other dwellings, churches and other places of worship, schools, public structures, and places of public gathering.

- (5) accessibility of the premises for emergency vehicles;

There is adequate accessibility of the premises for emergency vehicles.

- (6) accessibility of light and air to the premises and to the property in the vicinity;

There is adequate light and air to the premises and to properties in the vicinity.

- (7) the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;

Adequate utilities, access roads, drainage, and other necessary facilities have been provided.

- (8) the preservation of cultural and historic landmarks and structures;

The proposed use will not interfere with preservation of cultural and historic landmarks and structures.

- (9) the character of the neighborhood;

Approval of the proposed use as a multi-family dwelling would not affect the existing character of the neighborhood.

- (10) the provisions of the City's Comprehensive Master Plan;

The proposed use is consistent with the Comprehensive Master Plan for Baltimore.

(11) the provisions of any applicable Urban Renewal Plan;

The proposed use is not prevented or limited by any Urban Renewal Plan.

(12) all applicable standards and requirements of this Code;

The multi-family use would meet all applicable standards and requirements of the Zoning Code upon granting of variances for lot area and off-street parking

(13) the intent and purpose of this Code; and

The proposed use is consistent with the intent and purpose of the Zoning Code.

(14) any other matters considered to be in the interest of the general welfare.

The proposed use is consistent with any other matters that may be considered to be in the interest of the general welfare.

Councilmember Middleton made a motion, duly seconded and pursuant to the applicable sections of Article 32 of the Baltimore City Code, that the Council adopt these findings of fact concerning any variances of applicable standards for:

**City Council Bill No. 22-0276**

**Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 2722 Auchentoroly Terrace**

**VARIANCE FROM LOT AREA PER DWELLING UNIT**

**Threshold Question:**

[x] *In accordance with Section 5-305(c), it has been determined that there is no written decision by the Board of Municipal and Zoning Appeals on an application for this same subject matter.*

**Hardship or Practical Difficulty:**

*The City Council has considered at least one of the following:*  
(check all that apply to evidence consideration)

[x] The physical surroundings around the **Structure/ Land** involved;  
*(underline one)*

[x] The shape of the **Structure/ Land** involved;  
(*underline one*)

[ ] The topographical conditions of the **Structure/ Land** involved;  
(*underline one*)

*and finds either that:*

(1) An unnecessary hardship **Would / Would Not** exist if the strict letter of the applicable  
(*underline one*)  
requirement from which the variance is sought were applied because:

*or that:*

(2) Practical difficulty **Would / Would Not** exist if the strict letter of the applicable  
(*underline one*)  
requirement from which the variance is sought were applied because:

There is a practical difficulty with complying with the lot area size requirements in the Zoning Code that has not been caused by the action or inaction of any person with a present interest in this property. Conditions on which this variance is based are unique to this property and are not generally applicable to other property within the same zoning classification.

The existing building covers approximately 79% of the property, yet also contains approximately 3,600 square feet of gross floor area, which creates an unusual ratio of floor area to lot area. The interior space of the building is larger than what would ordinarily be needed for a single-family dwelling, and so the lot area variance requested is reasonable. The practical difficulty is not being created by the intentional action of a person with a present interest in the property. Additionally, the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property, given its large floor area that meets the floor area per unit type conversion standards in the Zoning Code, and its existing structure is large in relation to the lot on which it is situated.

The variance would not be injurious to the use and enjoyment of other property in the immediate vicinity and not substantially diminish or impair property values in the neighborhood. The variance requested is in harmony with the Comprehensive Master Plan, and related considerations of public health, safety, and general welfare.

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The City Council has considered at least one of the following:
(check all that apply to evidence consideration)

- [x] The physical surroundings around the Structure/ Land involved;
[x] The shape of the Structure/ Land involved;
[ ] The topographical conditions of the Structure/ Land involved;

and finds either that:

- (1) An unnecessary hardship Would / Would Not exist if the strict letter of the applicable requirement from which the variance is sought were applied because:

or that:

- (2) Practical difficulty Would / Would Not exist if the strict letter of the applicable requirement from which the variance is sought were applied because:

There is a practical difficulty with complying with the lot area size requirements in the Zoning Code that has not been caused by the action or inaction of any person with a present interest in this property. Conditions on which this variance is based are unique to this property and are not generally applicable to other property within the same zoning classification.

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person with a present interest in the property. Additionally, the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property, given its large floor area that meets the floor area per unit type conversion standards in the Zoning Code, and its existing structure is large in relation to the lot on which it is situated.

The variance would not be injurious to the use and enjoyment of other property in the immediate vicinity and not substantially diminish or impair property values in the neighborhood. The variance requested is in harmony with the Comprehensive Master Plan, and related considerations of public health, safety, and general welfare.

**Source of Findings:**

*(check all that apply)*

Planning Commission's report, dated October 14, 2022, which included the Department of Planning Staff Report, dated October 13, 2022.

Testimony presented at the Committee hearing:

Oral – Witnesses Names:

Martin French, Planning Department  
Elena DiPietro, Law Department

Written – Authors' Names:

Department of Transportation, Agency Report – Dated December 12, 2022  
Board of Municipal and Zoning Appeals, Agency Report – Dated March 1, 2022  
Law Department, Agency Report – Dated December 13, 2022  
Department of Housing and Community Development, Agency Report – Dated December 13, 2022  
Baltimore Development Corporation, Agency Report – Dated December 12, 2022  
Fire Department, Agency Report – Dated December 8, 2022  
Parking Authority, Agency Report – Dated December 6, 2022

**COMMITTEE MEMBERS VOTING IN FAVOR**

Sharon Green Middleton, Chair  
John Bullock  
Mark Conway  
Antonio Glover  
Odette Ramos  
Robert Stokes

Findings of Fact adopted.

Favorable report adopted.

The bill was read the second time and ordered printed for third reading.

**THIRD READING TODAY**

Councilmember Middleton made a motion, which was duly seconded, to place Bill No. 22-0226 on third reading today.

The roll was called on the motion, resulting as follows:

Yeas - President and Councilmembers Cohen, McCray, Conway, Schleifer, Middleton, Torrence, Burnett, Bullock, Stokes, Ramos - Total 11.

Nays - 0.

Absent - 4.

The President declared that three fourths of all the members-elect, voting in the affirmative, Article 3, Section 14 of the Charter having been complied with, the bill was placed on third reading file.

The President laid before the City Council:

**BILL NO. 22-0226** - An Ordinance repealing the existing Charles/North Revitalization Area Urban Renewal Plan and replacing it by designating as a "Renewal Area" an area situated in Baltimore City, Maryland known as Charles North, bounded generally by Falls Road on the west, West Lanvale Street and Interstate 83 on the south, Calvert Street and Hargrove Street on the east, and West 22nd Street and West 23rd Street on the north; establishing the objectives of the Urban Renewal Plan; establishing permitted land uses in the Renewal Area; providing that where there might be conflict between the provisions of the Urban Renewal Plan and the provisions of any Planned Unit Development, the provisions of the Planned Unit Development control; providing review requirements and controls for all plans for new construction; providing that the provisions of the Baltimore City Zoning Code apply to the properties in the Urban Renewal Area; establishing controls for off-street parking facilities; authorizing the conditions for acquisition of properties in the Urban Renewal Area; providing for review by the Department of Housing and Community Development of development or rehabilitation plans in the Urban Renewal Area with respect to their conformance with the provisions of the Urban Renewal Plan; providing for community notification of any permit application for the development or redevelopment of any property within the boundaries of the Urban Renewal Area; creating

disposition lots and providing for specific controls on specific lots; providing for the term of the Urban Renewal Plan; providing for community review of all proposed amendments to the Urban Renewal Plan; making provisions of this Ordinance severable; approving appendices and exhibits to the Urban Renewal Plan; waiving certain content and procedural requirements; providing for the application of the Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

It was read the third time.

The bill being on its final passage, the yeas and nays were called, resulting as follows:

Yeas - President and Councilmembers Cohen, McCray, Conway, Schleifer, Middleton, Torrence, Burnett, Bullock, Stokes, Ramos - Total 11.

Nays - 0.

Absent - 4.

The bill was read and approved, and the bill was declared "Passed".

### **THIRD READING**

The President laid before the City Council:

**BILL NO. 22-0302** - An Ordinance authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property that is located at 2801 Harford Road, and consisting of a portion of Block 4199, Revised Lot 9, and is no longer needed for public use; and providing for a special effective date.

It was read the third time.

The bill being on its final passage, the yeas and nays were called, resulting as follows:

Yeas - President and Councilmembers Cohen, McCray, Conway, Schleifer, Middleton, Torrence, Burnett, Bullock, Stokes, Ramos - Total 11.

Nays - 0.

Absent - 4.

The bill was read and approved, and the bill was declared "Passed".

**ADJOURNMENT**

On motion of Councilmember Middleton, duly seconded, the City Council adjourned to meet on Monday, January 9, 2023, at 5:00 p.m.

Consent Calendar**CR 1150      Porter**

**A Baltimore City Resolution congratulating Revered Dr. Frances "Toni" Draper on your retirement and many years of Pastoral Service in the African Methodist Episcopal-Zion Church.**

**CR 1151      Porter**

**A Baltimore City Resolution congratulating Reverend Dr. Joan L. Wharton on 40 years of Pastoral service in the African Methodist Episcopal Church, 2nd Episcopal District.**

**CR 1152      President Mosby, All Members**

**A Baltimore City Resolution on the death of Yvonne E. Atkins, November 2, 1940 - December 2, 2022.**

**CR 1153      Costello**

**A Baltimore City Resolution congratulating Aaron Friendrichsen, Aaron Lewis, Bryan San Pedro, Charlie Brehm, Darrius Pugh, Jay Rubinoff, Jesse Masinter, Jean Michel Chanchu, Jonathan Mowbray, Keno'e Mullings, Kevin Hayes, Malik Cole, Malik Jones, Mick Humes, Mike Correlli, Peter Anderson, Tyler Stevens, Val Pizzo, MJ Mello, James Crane, Jonathan Williams, Cory Yeboah, Joshua Franklin, and Elliot Troutner on your playing for the Baltimore Flamingos in the 2022 Bingham Cup and winning the Challengers Cup undefeated.**

**CR 1154      Costello**

**A Baltimore City Resolution congratulating Kirk Wiggins on coaching the Baltimore Flamingoes to victory in the Challengers Cup of the 2022 Bingham Cup.**

**CR 1155      President Mosby, All Members**

**A Baltimore City Resolution on the death of Sister Ruth Powers, December 6, 1931 - December 5, 2022.**

**CR 1156      Burnett**

**A Baltimore City Resolution on the death of Charles R. Webb, III, January 27, 1983 - November 25, 2022.**

**CR 1157      President Mosby, All Members**

**A Baltimore City Resolution congratulating Bryon K. Wall, Sr. on six years of service as a Commercial Driver's License Driver to the City of Baltimore.**

**CR 1158      President Mosby, All Members**

**A Baltimore City Resolution on the death of Ruth Nelson, March 1, 1952 - December 6, 2022.**