
CITY OF BALTIMORE

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Mayor



DEPARTMENT OF LAW
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August 18, 2022

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 22-0221 – Zoning – Conditional Use Conversion of Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variance – 2315 Eutaw Place

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 22-0221 for form and legal sufficiency. The bill would permit the conversion of a single-family dwelling unit to 2 dwelling units at 2315 Eutaw Place, which is in an R-7 Zoning district.

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). The only properties eligible for conversions are those that were “originally constructed as a single-family dwelling” and contain “1,500 square feet or more in gross floor area” exclusive of the basement. Baltimore City Code, Art. 32, § 9-703(b).

The Planning Commission Report notes that this property was originally constructed as a single-family dwelling and the building contains more than 4,500 square feet, making it clearly eligible for the conversion. The Planning Commission Report also contains the Commission’s favorable findings under Baltimore City Code, Art. 32, Section 5-406(a) and (b), and recommends that the bill be approved and amended to delete the word “variance” from the bill title (because there are no variances at issue), and to correct the Block-Lot reference to state Block 3426, Lot 023.

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(a).

Procedural Requirements

Certain procedural requirements apply to this bill because conditional uses are considered “legislative authorizations.” Baltimore City Code, Art. 32, § 5-501(2). Specifically, notice requirements apply to the bill, and it must be referred to certain City agencies, which are obligated to review it in a specified manner. Baltimore City Code, Art. 32, §§ 5-504, 5-506, 5-602. The City Council must consider the above law at the scheduled public hearing wherein it will hear and weigh the evidence to make findings of fact as outlined above. Baltimore City Code, Art. 32, § 5-602. If the Committee makes findings that support the conditional use sought, it may adopt those findings and the legal requirements will be met. Finally, certain limitations on the City Council’s ability to amend the bill apply. Baltimore City Code, Art. 32, § 5-507.

This bill is the appropriate method to review the facts and make the determination as to whether the legal standards for a conditional use have been met. Assuming 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,



Jeffrey Hochstetler
Chief Solicitor

cc: James L. Shea, City Solicitor
Nina Themelis, Mayor’s Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
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