

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

DEREK J. BAUMGARDNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

January 22, 2019

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

**RE: CC Bill #18-0299 Rezoning – 2501-13, 2515, and 2525 West Franklin
Street and 330 North Warwick Avenue**

Ladies and Gentlemen:

City Council Bill No. 18-299 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 18-299 is to change the zoning for the property known as 2501-13 West Franklin Street (Block 2207, Lot 001) from the C-2 Zoning District to the C-3 Zoning District, and change the zoning for the properties known as 2515, and 2525 West Franklin Street (Block 2207, Lots 002 and 006), and 330 North Warwick Avenue (Block 2207, Lot 010) from the I-1 Zoning District to the C-3 Zoning District.

The BMZA has reviewed the legislation and accompanying agency reports pertaining to CC Bill. 18-299. The Planning Department's staff report indicates potential conflict with the Design Manual if the proposed development of these properties were to move forward under their current zoning districts. BMZA questions the enforceability of a Design Manual, generally, as incorporated into municipal and state land use regulatory authority. For this reason and upon review of the required standards and findings necessary under local and state law BMZA concurs with the findings of the Planning Commission recommending approval of CC Bill. 18-299 on the condition that facts are presented to this council sufficient to meet the required standards and findings necessary under local and state law.

Sincerely,

Derek J. Baumgardner
Executive Director

**CC: Mayors Office of Council Relations
City Council President
Legislative Reference**