

CITY OF BALTIMORE, BOARD OF MUNICIPAL AND ZONING APPEALS

ZONING APPEALS MINUTES FOR TUESDAY AUGUST 1, 2023

IN-PERSON HEARING – 417 E. FAYETTE ST, 8TH FLOOR PLANNING DEPT. BOARDROOM

12:30PM – 1:00PM GENERAL MEETING

- Call to Order: Present: James Fields (Chair), Bill Cunningham, Leland Shelton, Victor Clark.
- Extensions: BMZ2021-201 3132 Remington Ave; Cheryl Sadera – 6-month extension granted by vote of 4-0.
BMZ2022-202 1602-1604 Blossom Street; Caroline Hecker, Esq. – 12-month extension granted by a vote of 4-0.
BMZ2022-278 2212 Essex Street; Adam Carballo – 12-month extension granted by a vote of 4-0.
- Miscellaneous: Draft Resolution Adoption – 2023-051 and 2023-101 draft resolutions both approved without edits by a 4-0 vote.
- Closed Session: The Board and its Executive Director met with representatives from the City Law Department under Md. Code Gen. Prov. Art. § 3-305(b)(7) to obtain legal advice regarding recent Circuit Court appeal outcomes and regarding the Board’s interpretation of City Code Art. 32 § 18-403 (nonconforming structures).
Motion to close the meeting at around 12:45pm was made by Bill Cunningham; seconded by Leland Shelton. A vote was held: 4 members in favor, 0 opposed, 0 abstaining, 0 absent. Closed meeting lasted approximately 45 minutes. No votes were taken during the closed session. The Board reconvened for the zoning appeals docket at around 1:30pm.

Adjournment

1:00PM ZONING APPEAL DOCKET

Call to Order

Attendance: **Present** – James Fields, Bill Cunningham, Victor Clark, Leland Shelton.

Appeal Number	Address	JF	BC	VC	LS	Notes/Conditions
2022-363	1501 E North Ave	postpone	postpone	postpone	postpone	failed to appear
2023-003	242 N Milton Ave	postpone	postpone	postpone	postpone	Appellant to meet with community - rescheduled for 8/29/23
2023-058	1035 S Kenwood Ave	deny	deny	deny	deny	
2023-059	2736 O'Donnell St	deny	deny	deny	deny	
2023-105	3812 Dolfield Ave	approve	approve	approve	approve	
2023-113	640 N Carrollton Ave	approve	approve	approve	approve	

Adjournment

**PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT")
UNDER THE OPEN MEETINGS ACT (General Provisions Article § 3-305)**

This form has two sides. *Complete items 1 – 4 before closing the meeting.*

1. Recorded vote to close the meeting:

Date: August 1, 2023; Time: 12:30pm; Location: 417 E Fayette Street, 8th Floor;
Motion to close meeting made by: Bill Cunningham Seconded by Leland Shelton;
Members in favor: 4; Opposed: 0;
Abstaining: —; Absent: —.

2. Statutory authority to close session (check all provisions that apply).

This meeting will be closed under General Provisions Art. § 3-305(b) only:

(1)___ "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals"; (2)___ "To protect the privacy or reputation of individuals concerning a matter not related to public business"; (3)___ "To consider the acquisition of real property for a public purpose and matters directly related thereto"; (4)___ "To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State"; (5)___ "To consider the investment of public funds"; (6)___ "To consider the marketing of public securities"; (7) X "To consult with counsel to obtain legal advice"; (8)___ "To consult with staff, consultants, or other individuals about pending or potential litigation"; (9)___ "To conduct collective bargaining negotiations or consider matters that relate to the negotiations"; (10)___ "To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans"; (11)___ "To prepare, administer, or grade a scholastic, licensing, or qualifying examination"; (12)___ "To conduct or discuss an investigative proceeding on actual or possible criminal conduct"; (13)___ "To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter"; (14)___ "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process"; (15)___ "To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information . . . or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices."

Continued →

3. For each provision cited above, disclosure of the body's reason for discussing that [redacted] be discussed and the public closed session.

Citation (insert from above)	Topic	Reason for closed-session discussion of topic
§3-305(b) (7)	Recent court decisions, nonconforming structures	To consult with counsel from the Law Department to obtain legal advice.

by James Fields, Presiding Officer.

WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION FOR SUMMARY TO BE DISCLOSED IN THE MINUTES OF THE NEXT OPEN MEETING. (See also template for summary.)

For a meeting closed under the statutory authority cited above:

Time of closed session: 12:40 pm
 Place: E. Fayette St. 8th Floor Boardroom
 Purpose(s): to consult with counsel
 Members who voted to meet in closed session: Fields, Cunningham, Hon. Clark
 Persons attending closed session: Fields, Cunningham, Hon. Clark, Vine, Salsberry, With
 Authority under § 3-305 for the closed session: (b)(7)
 Topics actually discussed: nonconforming structures
 Actions taken: none
 Each recorded vote: none

For a meeting recessed to perform an administrative function (§ 3-104): Time:

Place:
 Persons present:
 Subjects discussed: