

**CITY OF BALTIMORE, BOARD OF MUNICIPAL AND ZONING APPEALS**

**ZONING APPEALS MINUTES FOR TUESDAY AUGUST 1, 2023**

**IN-PERSON HEARING – 417 E. FAYETTE ST, 8<sup>TH</sup> FLOOR PLANNING DEPT. BOARDROOM**

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**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.

<b>Appeal Number</b>	<b>Address</b>	<b>JF</b>	<b>BC</b>	<b>VC</b>	<b>LS</b>	<b>Notes/Conditions</b>
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, 8<sup>th</sup> 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 checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in 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.

4. This statement is made by James Fields, Presiding Officer.

James Fields

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**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: 12:40pm

Place: 417E Fayette St. 8th Floor Boardroom

Purpose(s): to consult with City Law Department to obtain legal advice

Members who voted to meet in closed session: Fields, Cunningham, Shelton, Clark

Persons attending closed session: Fields, Cunningham, Shelton, Clark, Levine, Salisbury, 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: \_\_\_\_\_