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IN THE MATTER OF THE
PETITION OF: CHASE
HOFFBERGER

Baltimore City Board of Municipal
& Zoning Appeals

**1121 W Lombard Ave
(BLOCK 0250, LOT 048)**



Rebecca Witt
Executive Director
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Appeal No. **2024-116**
Hearing Date: **April 1, 2025**

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RESOLUTION

Background

This matter comes before the Baltimore City Board of Municipal & Zoning Appeals (“Board”) on appeal from the Zoning Administrator’s denial of the application of Chase Hoffberger (“Appellant”) to construct a first, second, and third floor addition, requiring variance approval, at 1121 W Lombard Ave. (“Property”).

Appellant appeared for a public hearing on April 1, 2025. Board staff prepared a memorandum evaluating the appeal. Following deliberations and for the reasons set forth below, the Board voted to approve Appellant’s request by a 5-0 vote.

Board members James Fields, Victor Clark, Leland Shelton, David Marcozzi, and Elizabeth Cornish participated in the hearing and deliberation. Chair James Fields presided. Notice of the public hearing was given in accordance with Title 5, Subtitle 6 {“Notices”} of the Zoning Code. The hearing was conducted in accordance with the Board’s Rules of Procedure, the Zoning Code, the Baltimore City Charter, and the Maryland Land Use Article.

Facts

The Property is a rectangular lot measuring approximately 847 square feet. It contains a two-story brick and frame single-family rowhouse, built around 1920. Appellant proposes additions to the existing two floors and the construction of a new third floor, as shown in the submitted plans. The existing rear yard is significantly shallower than those of neighboring properties; therefore, Appellant argues that they are unable to renovate the home in compliance with current R-8 rear yard setback requirements. Art. 32, Table 9-401, requires a minimum rear yard of 20 feet for rowhouses in an R-8 district. The proposed balcony, set back only 11 feet from the rear lot line, requires a 9-foot variance.

The Department of Planning recommended approval. The Hollins Roundhouse Neighborhood Association submitted a letter of support for the request, stating that, at its September 11, 2024 meeting, the association voted to support a minimum rear yard variance for the Property, recognizing the project's potential to restore a vacant property and attract new residents, while urging its owner to obtain proper permits and maintain the block’s historic aesthetics.

Support: Appellant explained that his client, Build It Back LLC (“Build It Back”), seeks a zoning variance to accommodate a rear addition to the vacant and severely deteriorated rowhouse at the Property. Upon acquiring the Property in January 2024, Build It Back demolished a decayed prior addition and rebuilt a slightly wider one without extending it further into the rear yard. This expansion, according to Appellant, is needed to support a functional ground-floor layout with

modern amenities such as a larger kitchen and bathroom, making the home habitable and marketable again.

Due to the lot's unique constraints, a shallow 60-foot depth compared to neighboring lots and a nonfunctional adjacent paper alley, Appellant argues that a strict application of the Zoning Code creates a practical difficulty. The current rear-yard setback requirement limits usable space in a way that prevents reasonable redevelopment. Appellant seeks relief to match surrounding building depths and to enable more efficient interior space, particularly on a narrow 14-foot-wide lot.

Appellant further contended that the variance meets all legal standards for approval under Art. 32, § 5-308, including the requirement that the hardship was not self-created and that the project aligns with the neighborhood's character and planning goals. The variance is supported by the Hollins Roundhouse Neighborhood Association and is expected to enhance public welfare by facilitating the restoration of a long-vacant property, improving neighborhood aesthetics and housing availability.

Opposition: There was no opposition to the appeal.

Standard of Review

Under Art. 32, § 5-305(a), the Board must evaluate a variance request based on the evidence presented at a public hearing, as outlined in Art. 32, § 5-308. According to Art. 32, § 5-308(a), the Board may grant a variance only if it finds that, due to the specific physical surroundings, shape, or topographical conditions of the structure or land in question, a practical difficulty — as opposed to a mere inconvenience — would result if the strict letter of the applicable requirement were enforced.

To grant a variance under Art. 32, § 5-308(b), the Board must find the following:

1. The conditions supporting the application are unique to the property in question and do not generally apply to other properties within the same zoning classification.
2. The unnecessary hardship or practical difficulty is caused by this article and was not created by the intentional action or inaction of any person with a present interest in the property.
3. The purpose of the variance is not solely to increase the property's value or income potential.
4. The variance will not:
 - (i) harm the use and enjoyment of other properties in the immediate vicinity; or
 - (ii) substantially diminish or impair property values in the neighborhood.
5. The variance aligns with the purpose and intent of this Code.
6. The variance is not prohibited by and will not adversely affect:
 - (i) any Urban Renewal Plan;
 - (ii) the City's Comprehensive Master Plan; or
 - (iii) any Historical and Architectural Preservation District.
7. The variance will not:
 - (i) endanger or harm public health, safety, or welfare; or
 - (ii) otherwise be contrary to the public interest.

Discussion

After a thorough review of the file, evidence and testimony submitted in support of this application, the Board evaluated this application under the variance approval standards found in City Code Article 32 and Maryland law.

Baltimore City Code Art. 32 § 18-403 provides that a nonconforming structure may not be expanded if the expansion would create a new nonconformity or increase the degree of any nonconformity. Because the Property contains a nonconforming structure, it would not ordinarily be eligible for expansion under this rule. However, the Board finds that the proposed project qualifies for an exception as a minor variance under Art. 32 § 5-305(b)(1)(v). The Property is improved with a rowhouse constructed around 1920, making it a nonconforming structure that has existed for over 50 years. The structure includes a historic rear addition, portions of which were recently demolished and rebuilt due to extensive deterioration. The proposed construction involves a modest widening of that addition. As such, the project falls within the 10% cumulative increase in bulk permitted for minor variances to nonconforming structures and is approvable by the Board.

Based on the evidence presented and the standards set forth in Art. 32 § 5-308, the Board concludes that the requested variance satisfies the legal criteria for approval. The Property presents unique physical conditions that distinguish it from other properties in the R-8 zoning district. Specifically, the lot is significantly shallower than others on the block, only 60 feet in depth, and is abutted by a narrow, nonfunctional paper alley that contributes no usable space but limits compliance with setback requirements. These conditions support a finding of “uniqueness” under Art. 32 § 5-308(b)(1) and establish that strict application of the 20-foot rear-yard setback would impose a practical difficulty on the property owner.

The Board further finds that the practical difficulty has not been created by any intentional action or inaction by Appellant, satisfying Art. 32 § 5-308(b)(2). The existing structure was in severe disrepair at the time of purchase. Rather, the rebuild modestly widens the structure to accommodate functional and livable interior space. The purpose of the variance is to restore and rehabilitate a long-vacant property and bring it in line with other rowhouses on the block, not merely to enhance its value or profitability. Accordingly, the Board finds compliance with Art. 32 § 5-308(b)(3).

The Board finds that the variance will not harm adjacent properties, diminish neighborhood property values, or conflict with any Urban Renewal Plan, the City’s Comprehensive Plan, or any Historic Preservation guidelines, as required under Art. 32 § 5-308(b)(4) through (6). On the contrary, the proposed work will improve the health, safety, and welfare of the public by converting a blighted and unsafe property into viable housing. The project is supported by the Department of Planning and the Hollins Roundhouse Neighborhood Association, and there was no opposition presented. Therefore, the Board concludes that the variance request aligns with the purpose and intent of the Zoning Code and is not contrary to the public interest, consistent with Art. 32 § 5-308(b)(7).

Conclusion

For the reasons set forth above, and after giving public notice, reviewing the zoning records, holding a public hearing, considering all data submitted, and by authority of City Code Article 32, it is this **9th day of May 2025**, by the Baltimore City Board of Municipal and Zoning Appeals, hereby:

RESOLVED, that the Board finds sufficient evidence in the record to support the application of Appellant to construct a first, second and third floor addition, requiring variance approval; and it is further,

RESOLVED, that Appeal No. 2024-116 is **GRANTED**.

DO NOT START WORK OR USE THE PROPERTY UNTIL YOU OBTAIN A BUILDING OR A USE & OCCUPANCY PERMIT FROM THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT. YOU HAVE ONE YEAR FROM THE DATE OF THIS RESOLUTION TO OBTAIN A BUILDING PERMIT OR A USE & OCCUPANCY PERMIT.



Rebecca Witt
Executive Director

