

Introduced by: Councilmember Pinkett

At the request of: Mario and Elissa Moorhead

Address: c/o Alex Aaron, P.O. Box 23409, Baltimore, Maryland 21203

Telephone: 1-703-447-7539

Prepared by: Department of Legislative Reference

Date: April 13, 2017

Referred to: LAND USE AND TRANSPORTATION Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 17-0062

A BILL ENTITLED

AN ORDINANCE concerning

**Zoning – Conditional Use Conversion of 1 Dwelling Unit to
2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place**

FOR the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2216 Eutaw Place, as outlined in red on the accompanying plat.

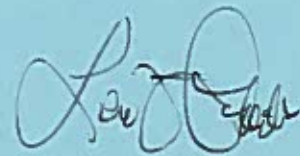
BY authority of

Article - Zoning

Section(s) 3-305(b) and 14-102

Baltimore City Revised Code

(Edition 2000)



****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

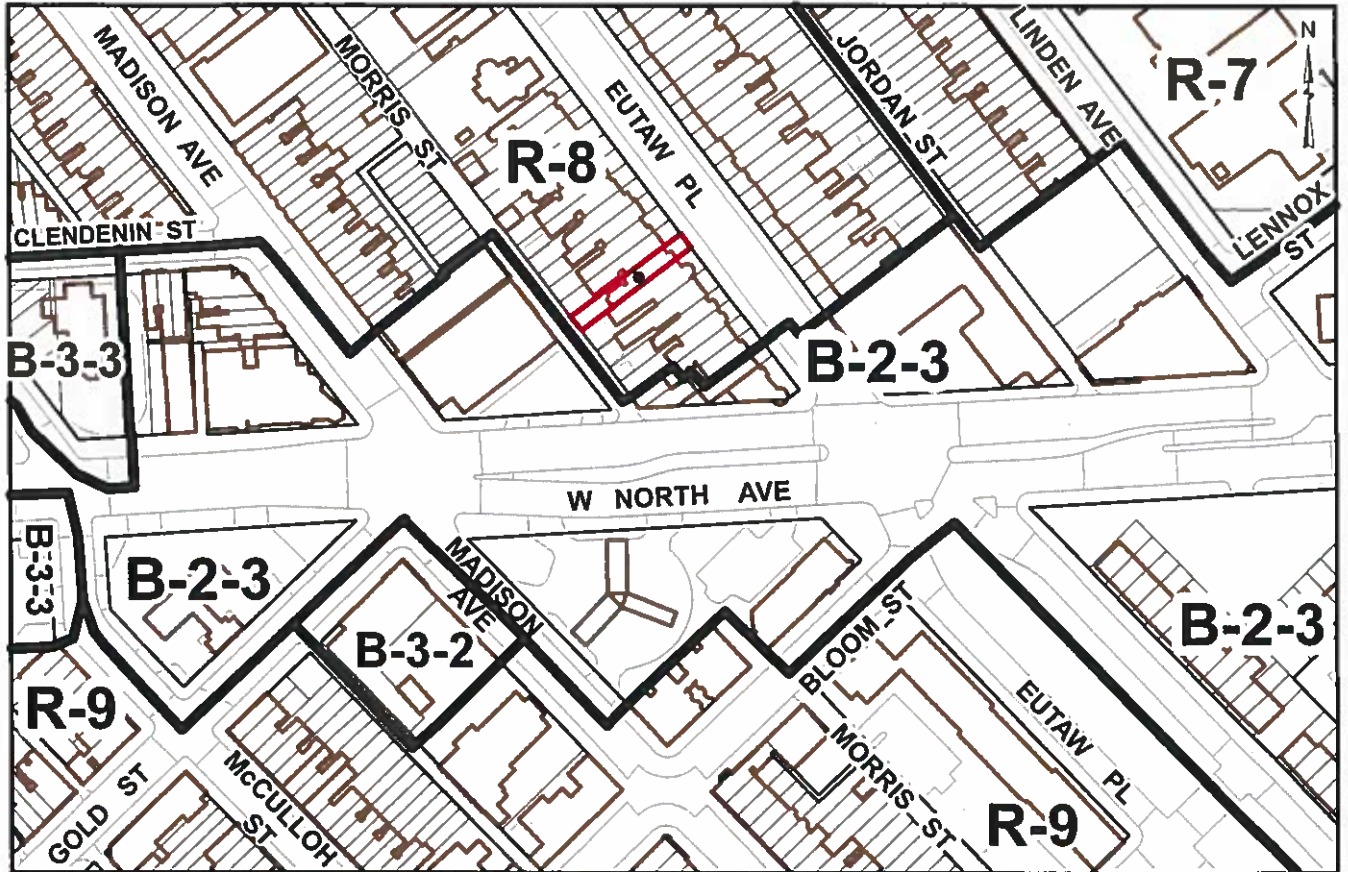
Agencies

<input type="checkbox"/> Department of Public Works	<input checked="" type="checkbox"/> Baltimore City Public School System
<input type="checkbox"/> Department of Real Estate	<input checked="" type="checkbox"/> Baltimore Development Corporation
<input type="checkbox"/> Department of Recreation and Parks	<input checked="" type="checkbox"/> City Solicitor
<input checked="" type="checkbox"/> Department of Transportation	<input type="checkbox"/> Comptroller's Office
<input type="checkbox"/> Fire Department	<input type="checkbox"/> Department of Audits
<input type="checkbox"/> Health Department	<input type="checkbox"/> Department of Finance
<input type="checkbox"/> Mayor's Office of Employment Development	<input type="checkbox"/> Department of General Services
<input type="checkbox"/> Mayor's Office of Human Services	<input checked="" type="checkbox"/> Department of Housing and Community Development
<input type="checkbox"/> Mayor's Office of Information Technology	<input type="checkbox"/> Department of Human Resources
<input type="checkbox"/> Office of the Mayor	<input type="checkbox"/> Department of Planning
<input type="checkbox"/> Police Department	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

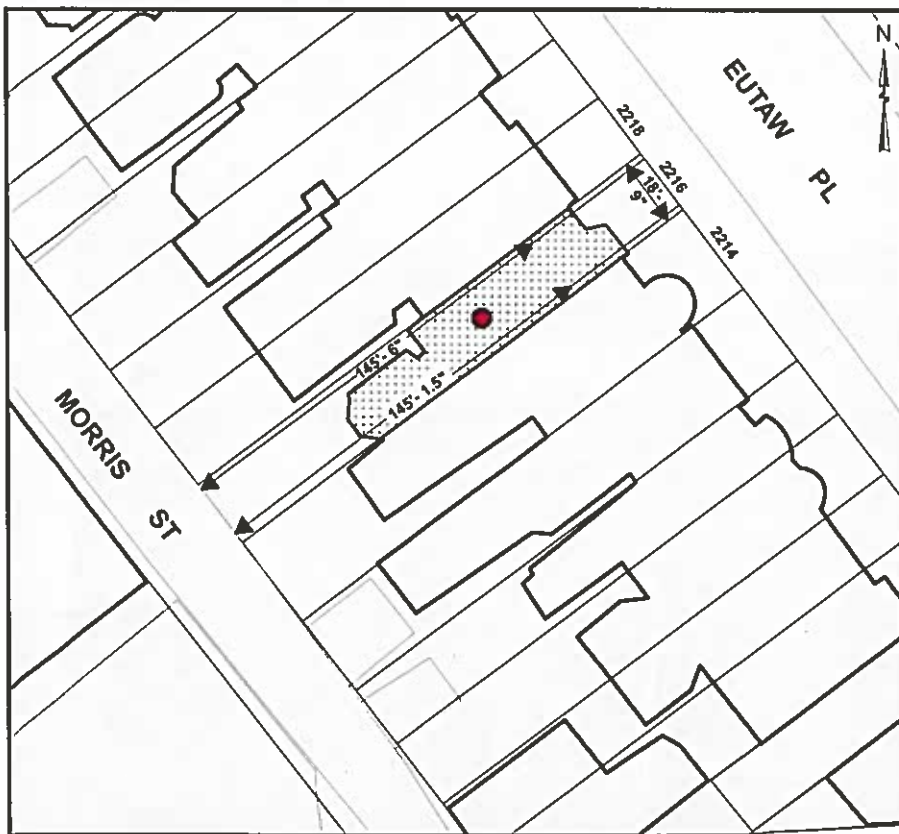
Boards and Commissions

<input type="checkbox"/> Environmental Control Board	<input type="checkbox"/> Board of Estimates
<input type="checkbox"/> Fire & Police Employees' Retirement System	<input type="checkbox"/> Board of Ethics
<input type="checkbox"/> Labor Commissioner	<input checked="" type="checkbox"/> Board of Municipal and Zoning Appeals
<input type="checkbox"/> Parking Authority Board	<input type="checkbox"/> Comm. for Historical and Architectural Preservation
<input checked="" type="checkbox"/> Planning Commission	<input type="checkbox"/> Commission on Sustainability
<input type="checkbox"/> Wage Commission	<input type="checkbox"/> Employees' Retirement System
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

**SHEET NO. 44 OF THE ZONING DISTRICT MAP OF
THE BALTIMORE CITY ZONING CODE**



Scale: 1" = 200'



Scale: 1" = 50'

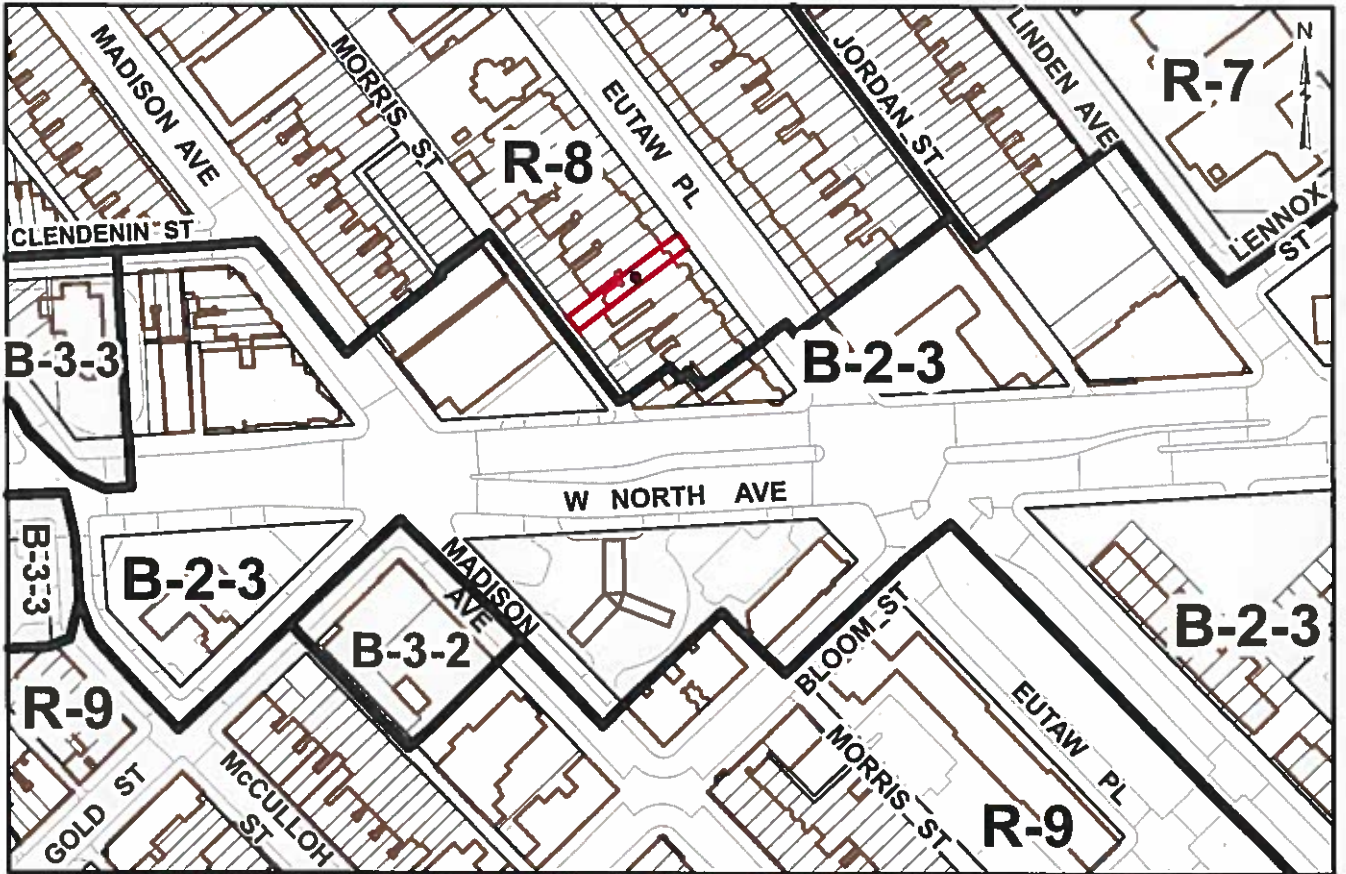
Note:

In Connection With The Property Known As No.2216 EUTAW PLACE. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A One Family Dwelling Unit To A Two Family Dwelling Unit In The R-8 Zoning District, As Outlined In Red Above.

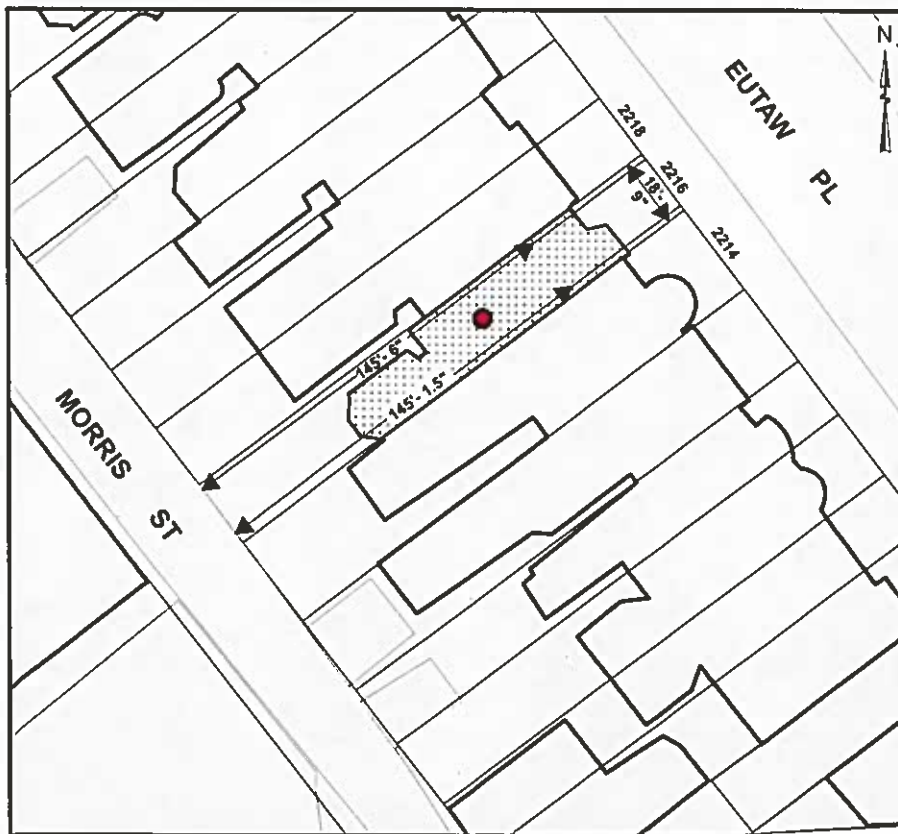
WARD 13 SECTION 8
BLOCK 3424 LOT 9

[Signature]
MAYOR
[Signature]
PRESIDENT CITY COUNCIL

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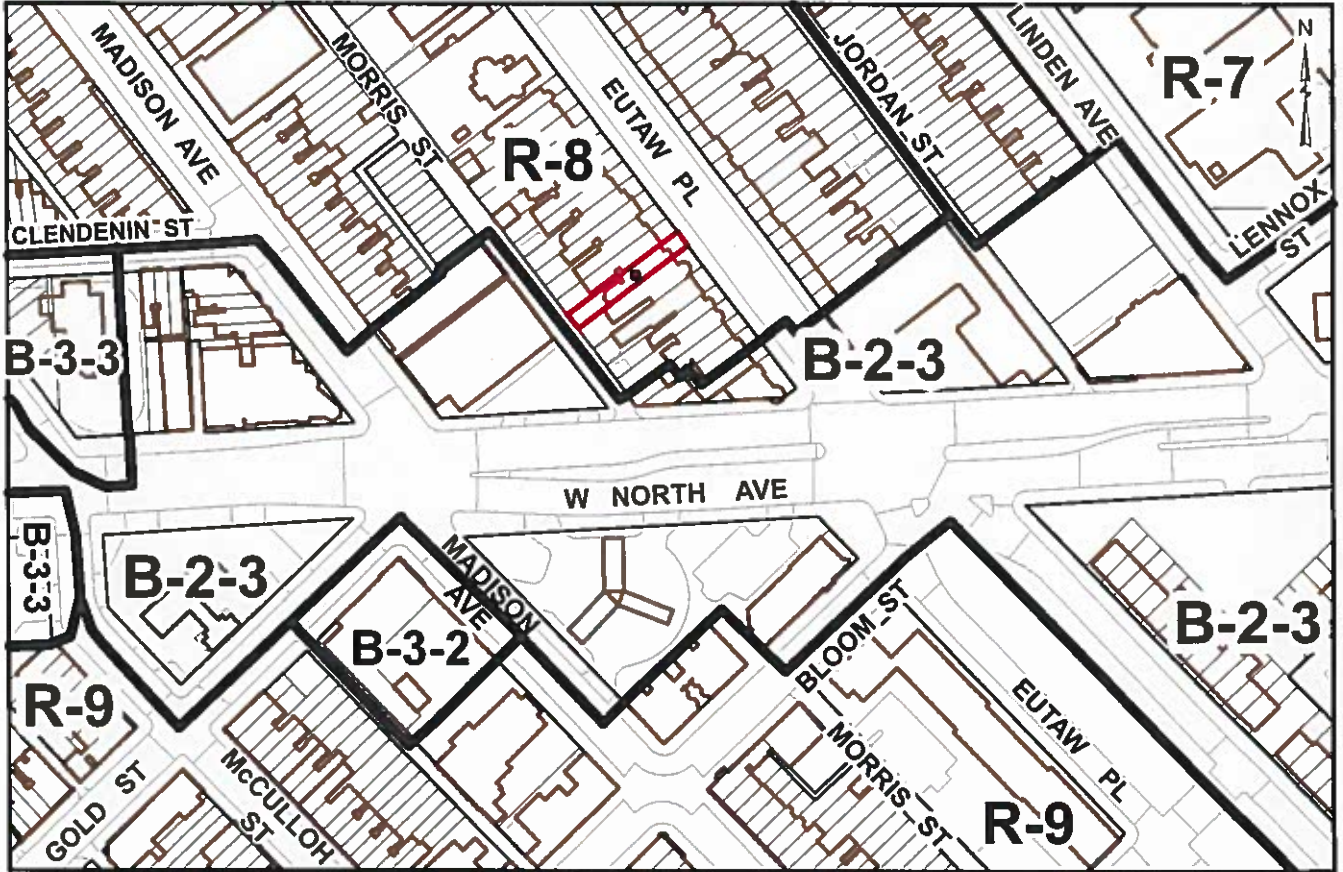
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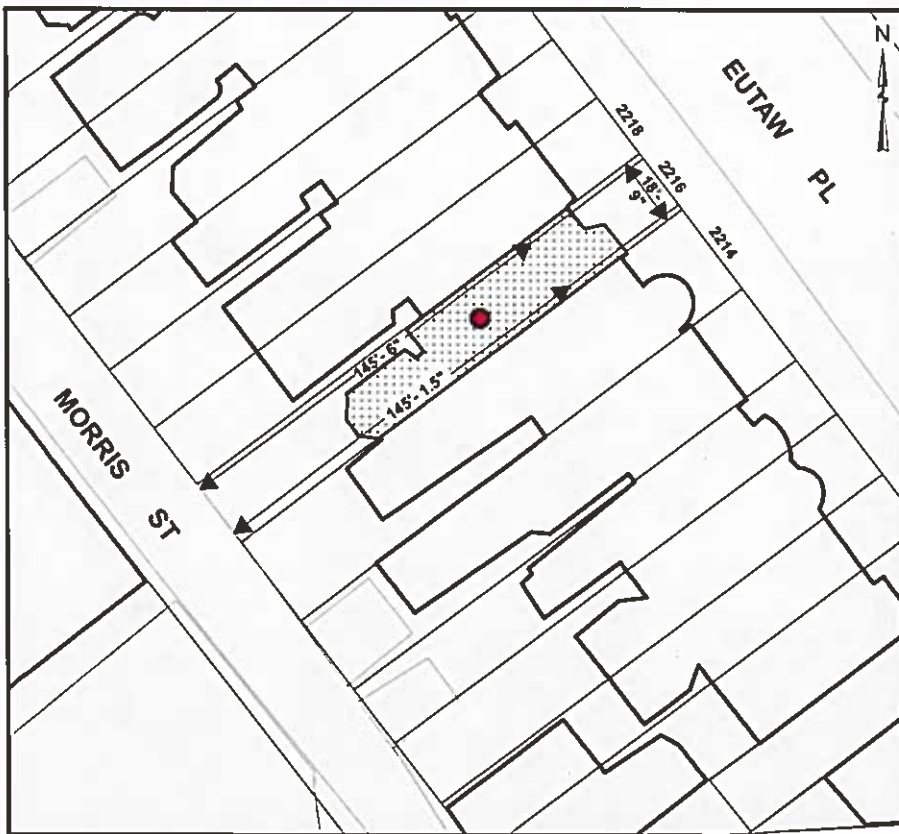
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Carroll
MAYOR
Robert J. Kelly
PRESIDENT CITY COUNCIL

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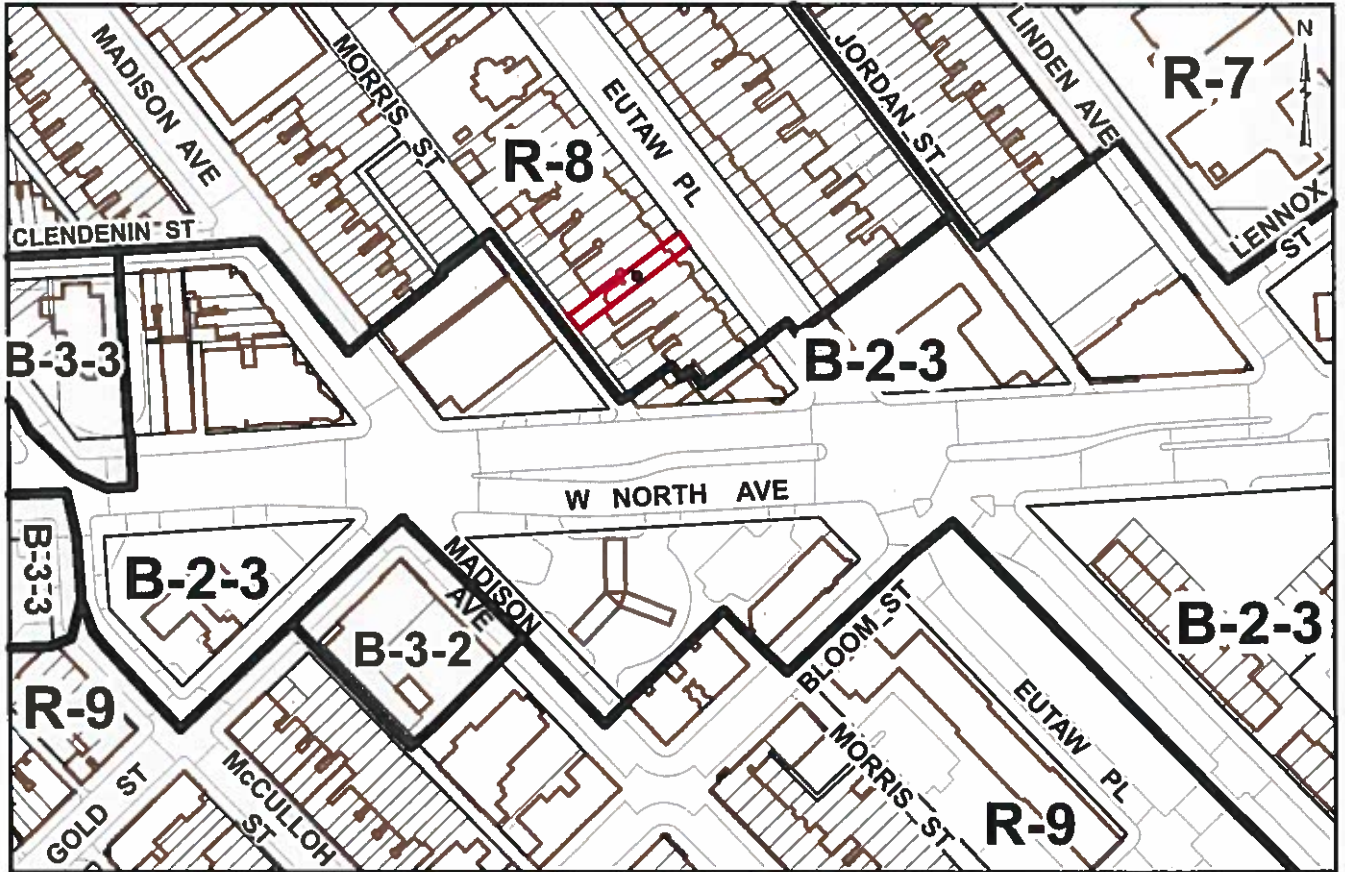
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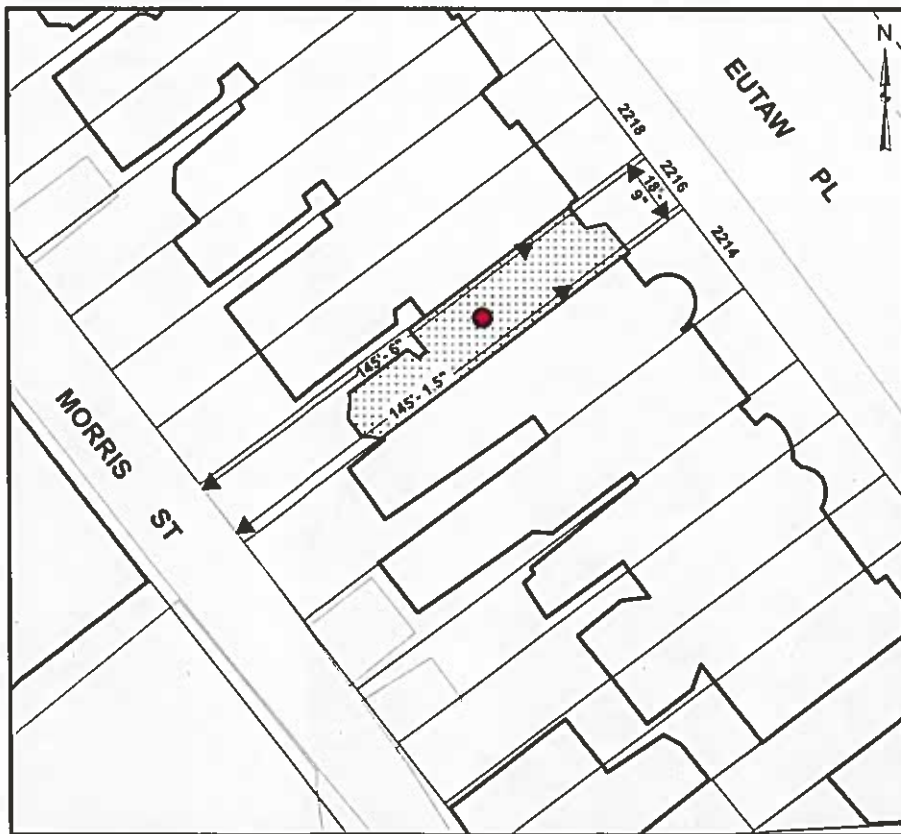
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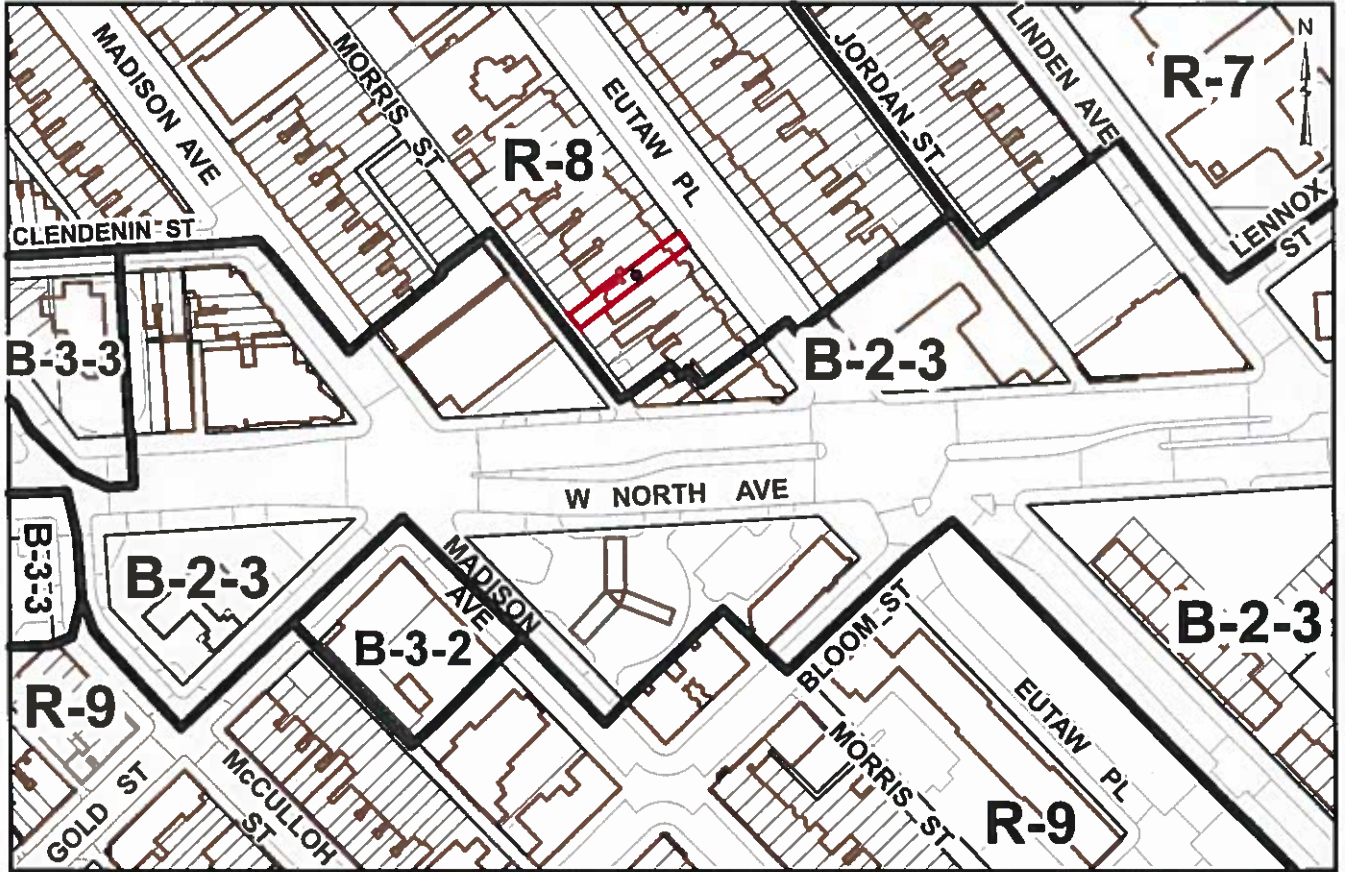
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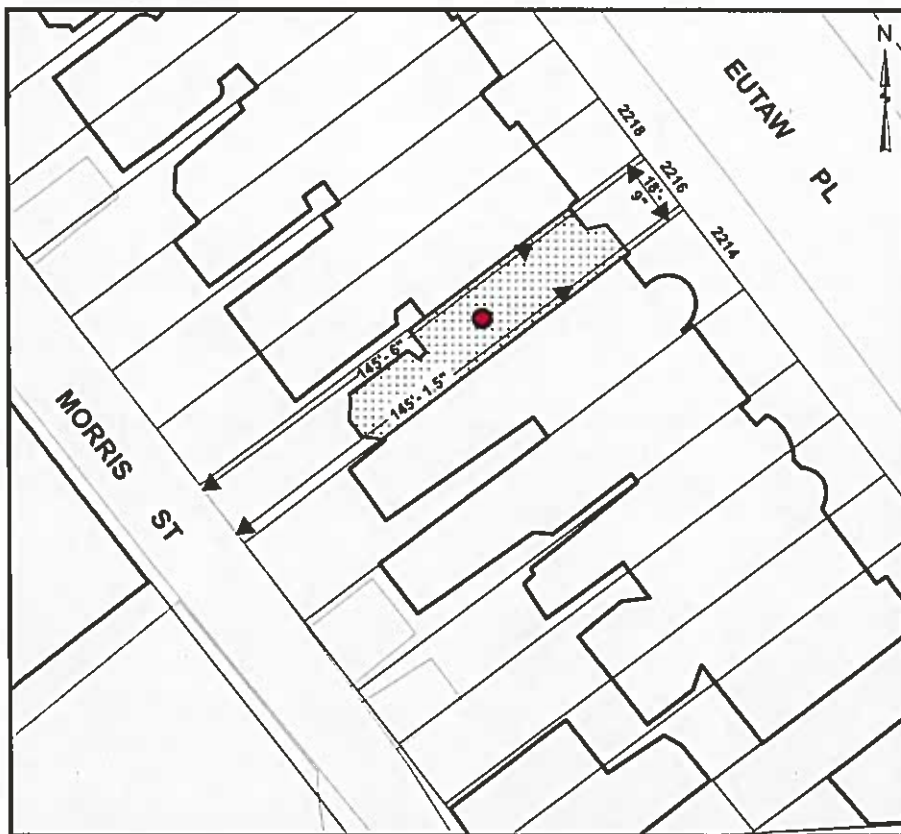
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[Signature]
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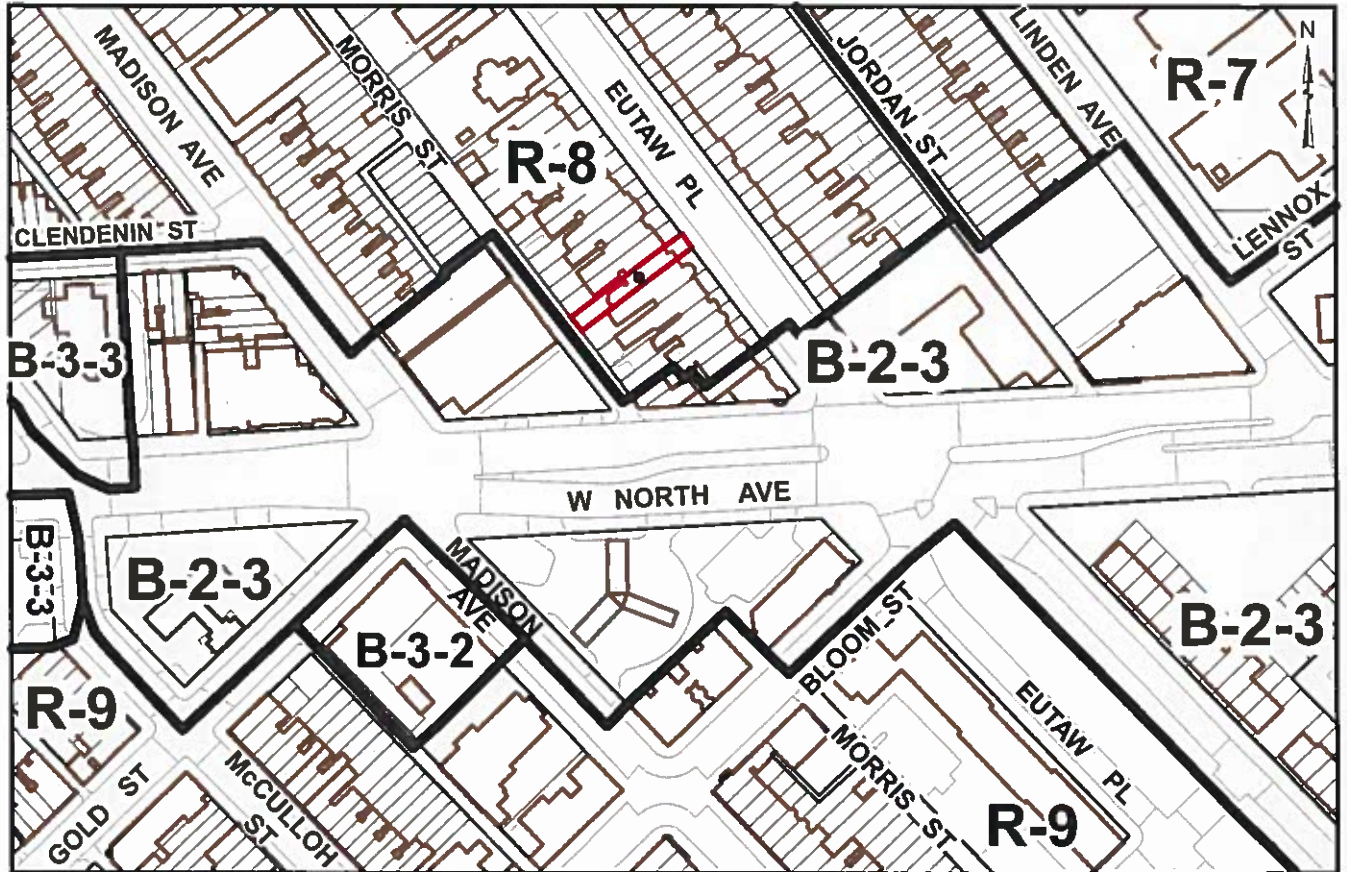
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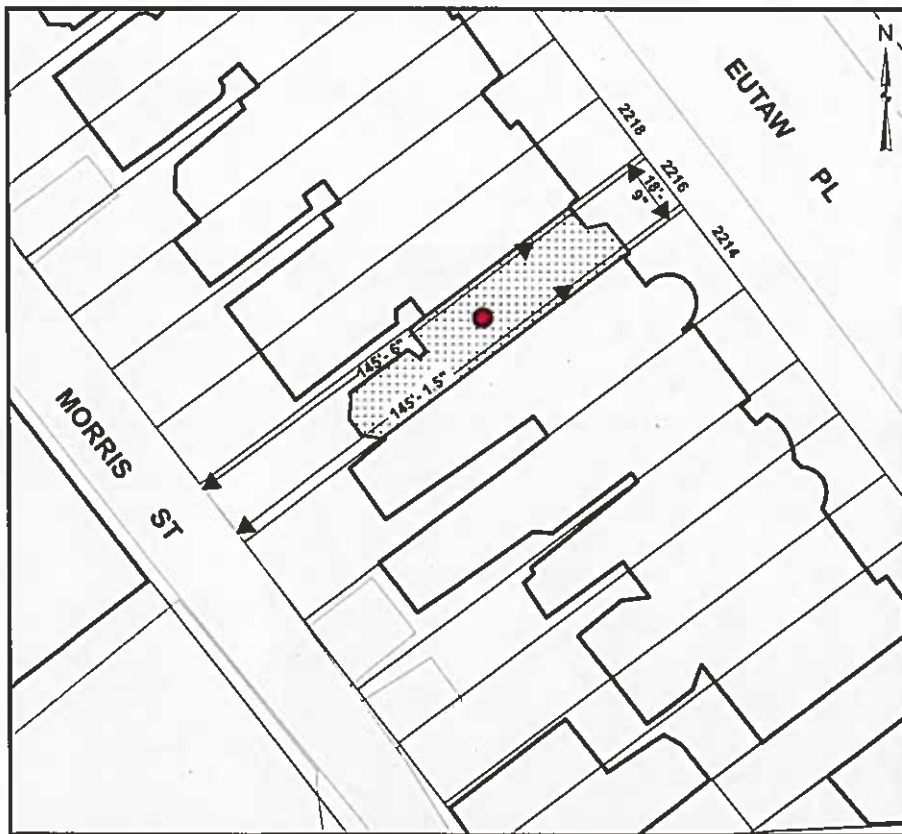
Paul Br...
MAYOR

Carl DeJoy
PRESIDENT CITY COUNCIL

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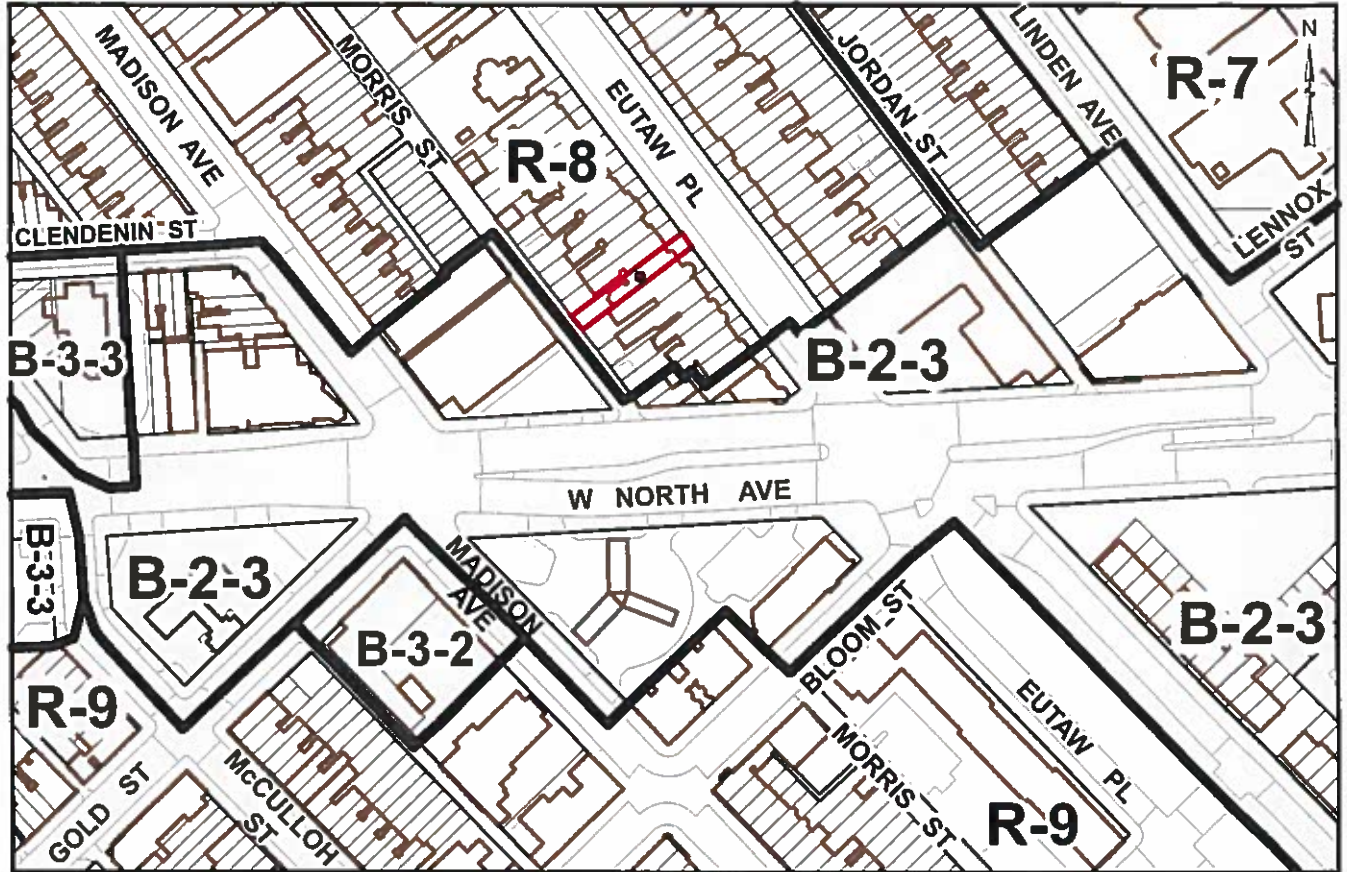
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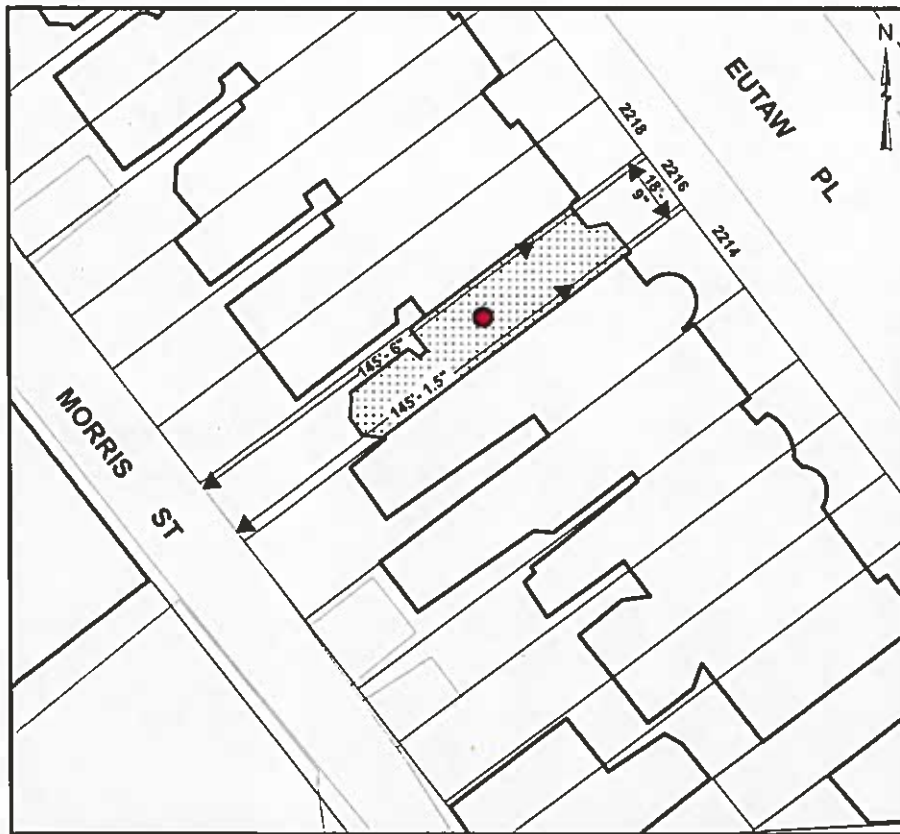
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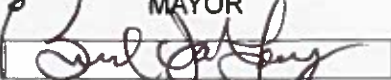


Scale: 1" = 50'

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BLOCK 3424 LOT 9


MAYOR

PRESIDENT CITY COUNCIL

CITY OF BALTIMORE
ORDINANCE **17-045**
Council Bill 17-0062

Introduced by: Councilmember Pinkett
At the request of: Mario and Elissa Moorhead
Address: c/o Alex Aaron, P.O. Box 23409, Baltimore, Maryland 21203
Telephone: 1-703-447-7539
Introduced and read first time: April 24, 2017
Assigned to: Land Use and Transportation Committee
Committee Report: Favorable
Council action: Adopted
Read second time: July 17, 2017

AN ORDINANCE CONCERNING

1 **Zoning – Conditional Use Conversion of 1 Dwelling Unit to**
2 **2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place**

3 FOR the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to
4 2 dwelling units in the R-8 Zoning District on the property known as 2216 Eutaw Place, as
5 outlined in red on the accompanying plat.

6 BY authority of
7 Article - Zoning
8 Section(s) 3-305(b) and 14-102
9 Baltimore City Revised Code
10 (Edition 2000)

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
12 permission is granted for the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning
13 District on the property known as 2216 Eutaw Place, as outlined in red on the plat accompanying
14 this Ordinance, in accordance with Baltimore City Zoning Code §§ 3-305(b) and 14-102, subject
15 to the condition that the building complies with all applicable federal, state, and local licensing
16 and certification requirements.

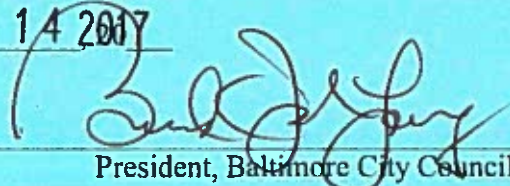
17 **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
18 accompanying plat and in order to give notice to the agencies that administer the City Zoning
19 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
20 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
21 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
22 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
23 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
24 the Zoning Administrator.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike-out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

Council Bill 17-0062

1 SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day
2 after the date it is enacted.

Certified as duly passed this _____ day of AUG 14 2017



President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of AUG 14, 2017



Chief Clerk

Approved this 23 day of August, 20 17



Mayor, Baltimore City

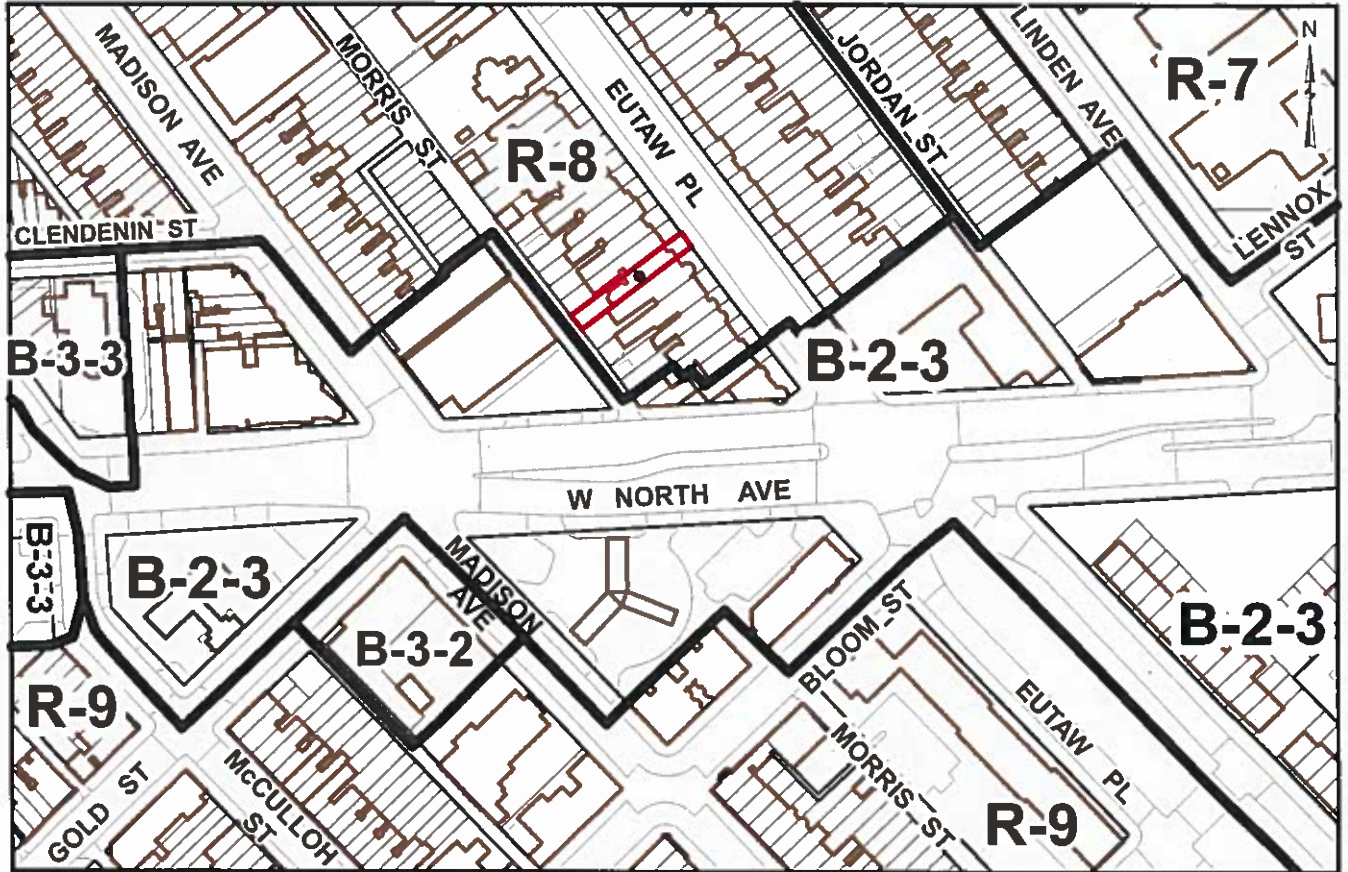
Approved For Form and Legal Sufficiency

This 15th Day of August 2017

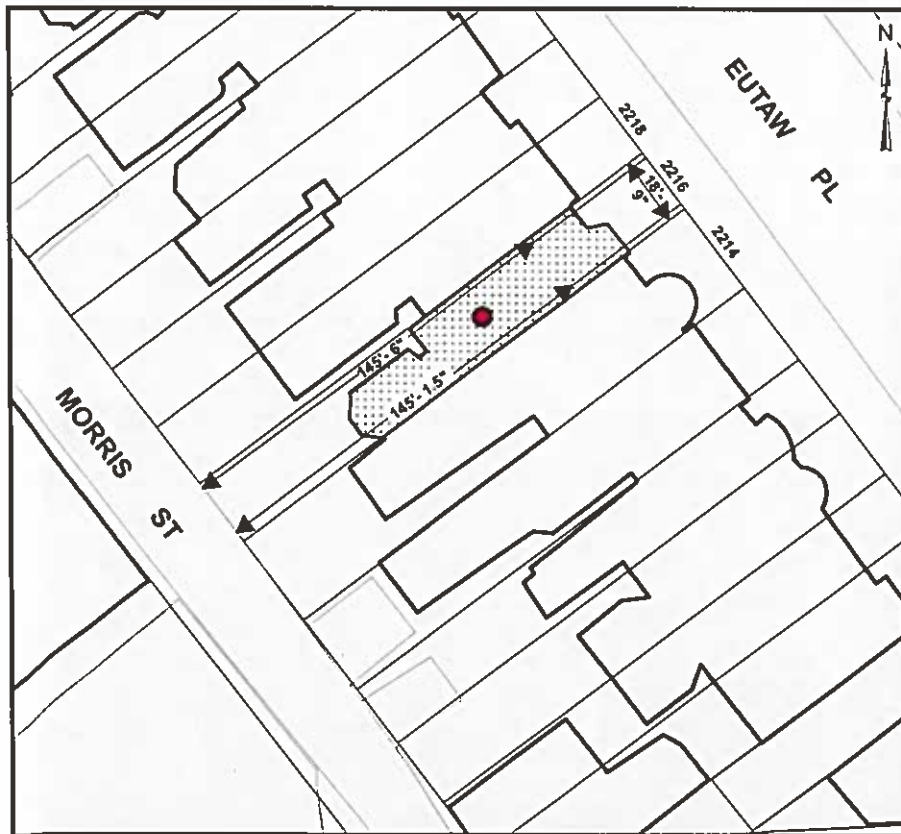


Chief Solicitor

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[Signature]
MAYOR
[Signature]
PRESIDENT CITY COUNCIL

BALTIMORE CITY COUNCIL LAND USE AND TRANSPORTATION COMMITTEE VOTING RECORD

DATE: July 12, 2017

BILL NUMBER: 17-0062

BILL TITLE: ZONING - CONDITIONAL USE CONVERSION - OF 1 DWELLING UNIT TO 2 DWELLING UNITS IN THE R-8 ZONING DISTRICT - 2216 EUTAW PLACE

MOTION BY: *Pinkett* SECONDED BY: *Clarke*

- FAVORABLE FAVORABLE WITH AMENDMENTS
 UNFAVORABLE WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward - Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Middleton, Sharon - Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, Mary Pat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Costello, Eric	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, Robert	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CHAIRPERSON: *Edward Reisinger*

COMMITTEE STAFF: Marshall C. Bell Initials: *WRB*

1953

1954

1955

1956

LAND USE AND TRANSPORTATION COMMITTEE

FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION COMMITTEE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING A CONDITIONAL USE FOR:

City Council Bill No. 17-0062

Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place.

According to the Baltimore City Zoning Code, agency reports and public testimony a conditional use is being granted under:

Title 14-204

Upon finding that:

ADOPTED

- (1) the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals;
- (2) the use is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization is not otherwise in any way contrary to the public interest; and
- (4) the authorization is in harmony with the purpose and intent of this article

Title 14-205

After consideration of:

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;
- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;




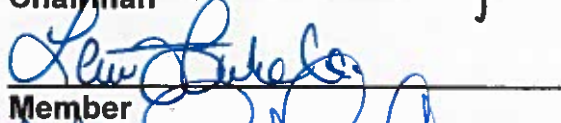
SECRET



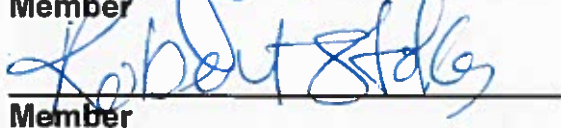
- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;
- (5) accessibility of the premises for fire and police protection;
- (6) accessibility of light and air to the premises and to the property in the vicinity;
- (7) the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;
- (8) the preservation of cultural and historic landmarks;
- (9) the provisions of the City Master Plan;
- (10) the provisions of any applicable Urban Renewal Plan;
- (11) all applicable standards and requirements of this article;
- (12) any other matters considered to be in the interest of the general welfare.

LAND USE AND TRANSPORTATION COMMITTEE:

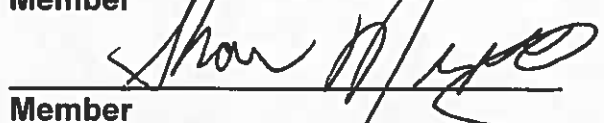

Chairman

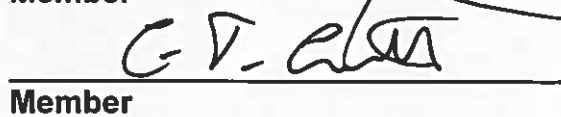

Member


Member


Member


Member


Member


Member

Member

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor

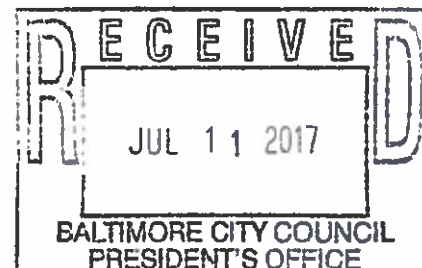


DEPARTMENT OF LAW

101 City Hall
Baltimore, Maryland 21202

July 10, 2017

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202



Re: City Council Bill 17-0062 – Zoning – Conditional Use Conversion of 1 Unit
to 2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0062 for form and legal sufficiency. The bill permits the conversion of 1 Dwelling Unit and 1 Efficiency Dwelling Unit in the R-8 Zoning District on the property known as 2216 Eutaw Place. Conversions are permitted in an R-8 Zoning District only by ordinance. Zoning Code of Baltimore City (“ZC”), § 3-305(b)(2).

This bill was introduced on April 24, 2017. Article 32, § 2-203 permits a development to be governed under the zoning code in effect prior to June 5, 2017 (Old Zoning Code) if certain conditions are met. Specifically, if an application is filed – in this case, an application for a conditional use by ordinance – prior to June 5, 2017, the effective date of Article 32, and the application is considered complete, the requirements of the Old Code govern the development. New Code, § 2-203(k). Pursuant to the Old Zoning Code, a bill proposing a conditional use is governed by Title 16. Old Zoning Code, § 14-208. Title 16 requires the applicant to submit a written statement that contains certain prescribed elements, which will inform the City Council and the public as to the intended uses and changes that are being sought. Old Zoning Code, § 16-202. From the information available to the Law Department, the required statement was made and completed prior to June 5, 2017. Therefore, this conditional use conversion can be governed under provisions of the Old Code.

The Law Department points out that, if this bill is to be adopted, findings of fact are required in a quasi-judicial proceeding such as granting a conditional use. *Montgomery County v. Woodward & Lothrop, Inc.*, 280 Md. 686, 713 (1977). To this end, the Zoning Code requires the Planning Commission (“Commission”) and the Board of Municipal Zoning Appeals (“Board”) to report their findings of facts and considerations to the City Council in regard to a bill authorizing a conditional use. ZC § 16-302. The Zoning Code directs both entities to base their recommendations on considerations outlined in Title 14 of the Zoning Code. ZC § 16-304. Title 14 outlines the elements the Board must consider in regard to a proposed conditional use as well as the type of facts it must find before it can approve a conditional use. See ZC §§ 14-204 & 14-205.

Title 14 does not address the duties of the Commission, but since the Zoning Code directs the Commission to make findings of fact and considerations with respect to those stated in Title 14, the Law Department concludes that the required considerations and findings of fact applicable to the Board apply to the Commission.

We note further that, pursuant to the Old Zoning Code, a bill concerning a conditional use is classified as a "legislative authorization." ZC § 16-101. Legislative authorizations require that certain procedures be followed in the bill's passage. Specifically, certain notice requirements apply to the introduction of the bill. See ZC § 16-203. The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. See ZC §§ 16-301, 16-302 & 16-304. Additional public notice and hearing requirements also apply to the bill. See ZC § 16-402. Finally, certain limitations on the City Council's ability to amend the bill apply. See ZC § 16-403.

The Law Department notes that the Planning Commission's Report provides necessary findings of fact. If the City Council finds facts identical or similar to those found by the Planning Commission, the Law Department is prepared to approve the bill for form and legal sufficiency if all other procedural requirements are met.

Sincerely,



Victor K. Tervala
Chief Solicitor

cc: David Ralph, Acting City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor

F
Comments



BALTIMORE HOUSING

CATHERINE E. PUGH
Mayor

PAUL T. GRAZIANO
Executive Director, HABC
Commissioner, HCD

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Acting Commissioner *MB*

Date: July 10, 2017

Re: **City Council Bill 17-0062 - Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place**

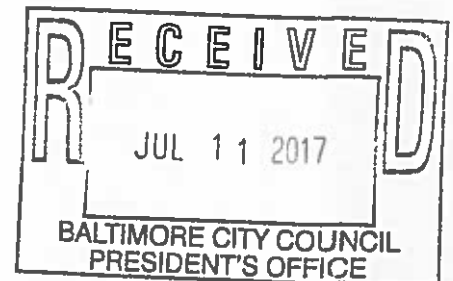
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0062 for the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2216 Eutaw Place.

If enacted, this bill, introduced by Councilman Pinkett, would allow renovation of the existing structure into two dwelling units, which is consistent with its current zoning.

The Department of Housing and Community Development supports the passage of City Council Bill 17-0062.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*



CERTIFICATE OF POSTING

RE: Case No. CCB 17-0062

Date of Hearing 7/12/17

**Baltimore City Council
c/o Natawna B. Austin
Room 409 – City Hall
100 N. Holliday Street
Baltimore, Md. 21202**

This letter is to certify that the necessary sign(s) were posted conspicuously
on the property located at _____

2216 Eutaw Place

on 6/26/17

Sincerely,

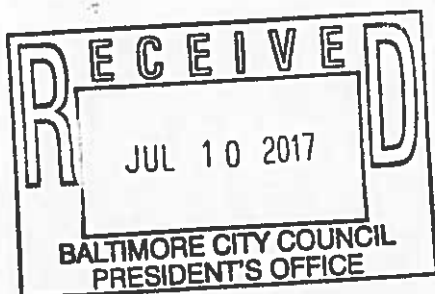


Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

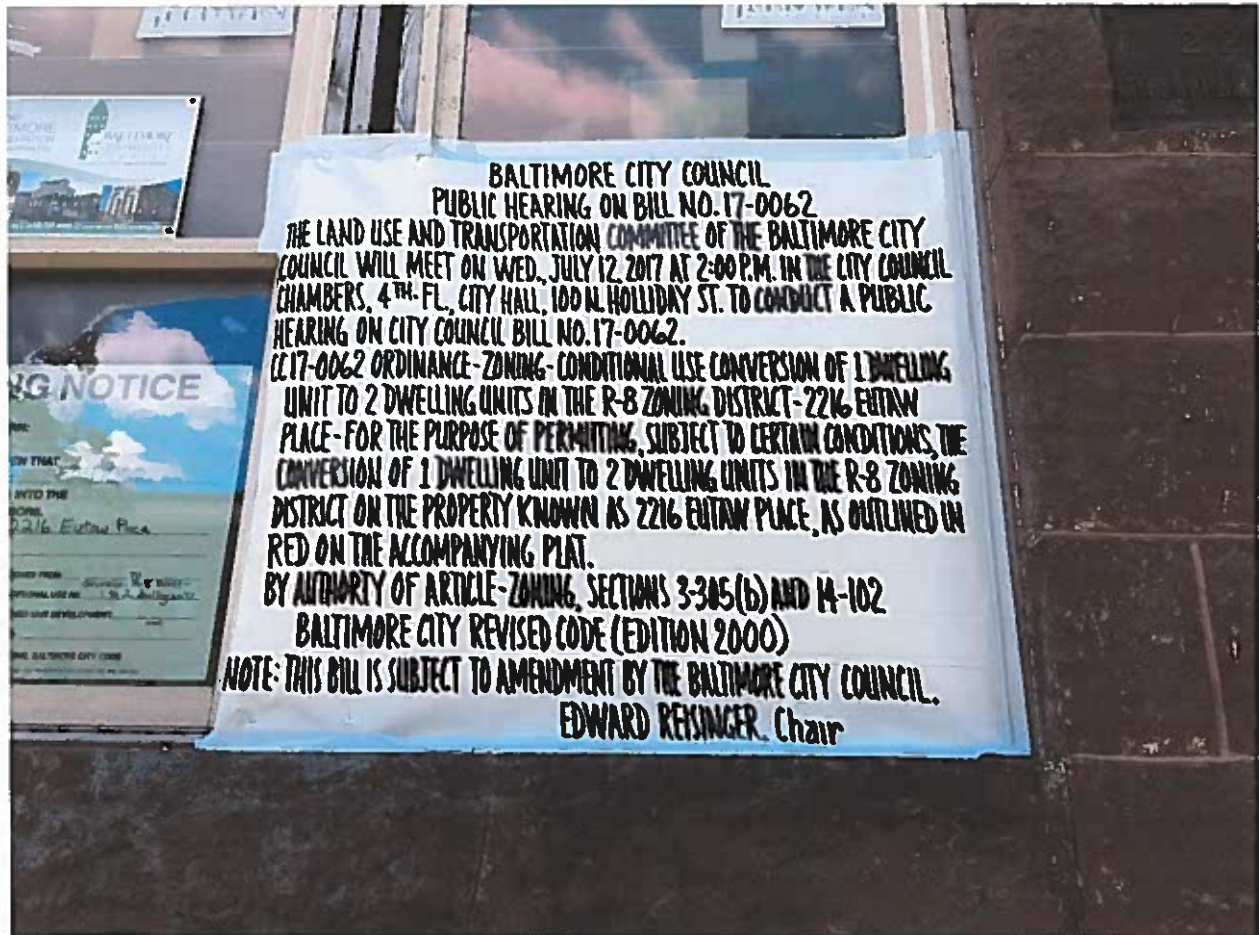


Certificate of Posting

Baltimore City Council

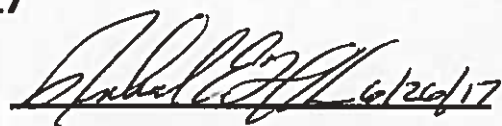
Land Use and Transportation Committee

City Council Bill No. 17-0062



2216 Eutaw Place

Posted 6/26/17

 6/26/17

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

http://www.thedailyrecord.com

Order #: 11359498

Case #: 17-0062

Description:

Bill No. 17-0062 The Land Use and Transportation Committee of the Baltimore City Council w

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

6/26/2017

Darlene Miller, Public Notice Coordinator
(Representative Signature)

BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 17-0062

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, July 12, 2017 at 2:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 17-0062.

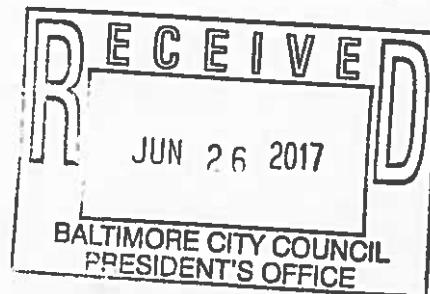
CC 170062 ORDINANCE - Zoning - Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - 2216 Eutaw Place - FOR the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2216 Eutaw Place, as outlined in red on the accompanying plat.

BY authority of
Article - Zoning
Section(s) 3-305(b) and 14-102
Baltimore City Revised Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.

EDWARD BEISINGER,
Chair

Je26



TO: Alex Aaron, Mario and Elissa Moorhead
FROM: Natawna B. Austin, Executive Secretary, Baltimore City Council
DATE: June 13, 2017
RE: INSTRUCTIONS FOR ADVERTISING A PUBLIC HEARING FOR ZONING -
CONDITIONAL USE

The Land Use and Transportation Committee has scheduled the following City Council Bill for public hearing:

Bill: City Council Bill No. 17-0062

Date: Wednesday, July 12, 2017

Time: 2:00 p.m.

Place: City Council Chambers, 4th floor of City Hall, 100 N. Holliday Street.

At the expense of the applicant, notice of this public hearing:

- 1) must be posted by sign on the property involved, 15 days prior to date of hearing. The sign is to be not less than 4 feet long and 3 feet wide with black lettering 2 inches high on a white back-ground. The sign is to be placed in a conspicuous manner not over 15 feet above the ground; and
- 2) must be published in one (1) newspaper of general circulation, 15 days prior to the date of the hearing.

Newspaper Advertisement

You may choose any of the following newspapers for advertising purposes: The Daily Record, Baltimore Sun, or Afro-American.

Wording for Sign and Newspaper Advertisement

The information that must be advertised and posted appears between the double lines on the attached page; the deadline date is indicated at the top of the page.

Certification of Postings

Certification of the sign posting on the property and publication of the newspaper advertisements, in duplicate, must be sent to the Executive Secretary, four (4) days prior to the hearing.

If the required certifications are not received as specified above, the public hearing will be cancelled without notice to the applicant.

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE ADVERTISED IN A NEWSPAPER AND A SIGN MUST BE POSTED ON THE PROPERTY **BY TUESDAY, JUNE 27 2017**, AS OUTLINED ON THE PREVIOUS PAGE.

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 17-0062

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, July 12, 2017 at 2:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 17-0062.

CC 17-0062 ORDINANCE - Zoning - Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - 2216 Eutaw Place - FOR the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2216 Eutaw Place, as outlined in red on the accompanying plat.

By authority of
Article - Zoning
Section(s) 3-305(b) and 14-102
Baltimore City Revised Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.

EDWARD REISINGER

Chair

SEND CERTIFICATION OF PUBLICATION TO:

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

SEND BILL FOR THIS ADVERTISEMENT TO:

Alex Aaron
PO Box 23409,
Baltimore, MD 21203
703-447-7539



MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna Austin, Executive Secretary

FROM: William H. Cole, President and CEO *W. Cole*

DATE: July 7, 2017

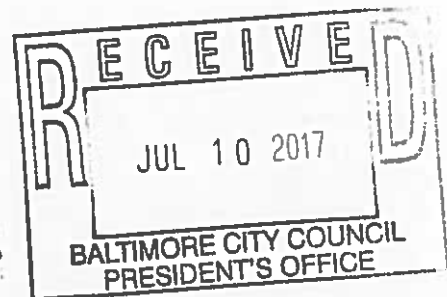
SUBJECT: City Council Bill 17-0062
Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling
Units in the R-8 Zoning District – 2216 Eutaw Place

The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill 17-0062, *Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place.*

The proposed bill allows a conditional use necessary for the additional dwelling unit in the R-8 Zoning District. BDC has no objection in this matter.

cc: Kyron Banks

*No
obj*



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

DAVID C. TANNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

July 3, 2017

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

Re: City Council Bill No. 17-0062: Zoning - Conditional Use Conversion of 1 Dwelling
Unit to 2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place

Ladies and Gentlemen:

City Council Bill No. 17-0062 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. 17-0062 is to permit, subject to certain conditions,
the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the
property known as 2216 Eutaw Place, as outlined in red on the accompanying plat.

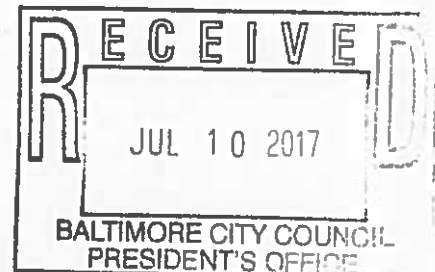
The BMZA has reviewed the legislation and has no objection to approval to the passage
of Bill Number 17-0062.

Sincerely,

David C. Tanner
Executive Director

DCT/rdh

CC: Mayors Office of Council Relations
Legislative Reference



no obj.

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #17-0062 / ZONING - CONDITIONAL USE CONVERSION OF 1 DWELLING UNIT TO 2 DWELLING UNITS - 2216 EUTAW PLACE

CITY of
BALTIMORE
MEMO



DATE:

TO

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

May 25, 2017

At its regular meeting of May 25, 2017, the Planning Commission considered City Council Bill #17-0062, for the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2216 Eutaw Place, as outlined in red on the accompanying plat.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #17-0062, and adopted the following resolution, seven members being present (seven in favor):

RESOLVED, That the Planning Commission finds, in accordance with §16-304 and §14-204 of the Zoning Code of Baltimore City, that the proposed use provided in this bill:

- will not be detrimental to or endanger the public health, security, general welfare, or morals;
- is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
- is not otherwise in any way contrary to the public interest; and
- is in harmony with the purpose and intent of that article;

and further RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #17-0062 be passed by the City Council.

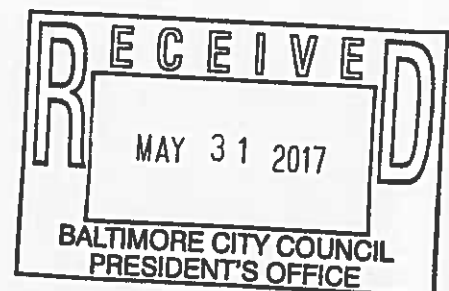
If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

cc: (next page)

↙



cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Kyron Banks, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. David Tanner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Mr. Patrick Fleming, DOT
Ms. Elena DiPietro, Law Dept.
Ms. Natawna Austin, Council Services
Mr. Francis Burnszynski, PABC
Mr. Alex Aaron (for Mario and Elissa Moorhead)



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

May 25, 2017

REQUEST: City Council Bill # 17-0062 / Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place

For the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2216 Eutaw Place, as outlined in red on the accompanying plat.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONERS: Councilmember Pinkett, at the request of Mario and Elissa Moorhead

OWNER: Mario and Elissa Moorhead

SITE/ GENERAL AREA

Site Conditions: 2216 Eutaw Place is located on the southwest side of the street, approximately 184' northwest of the intersection with North Avenue. This property measures approximately 18'9" by 146' and is currently improved with a three-story attached residential building measuring approximately 18'9" by 82'. This site is zoned R-8.

General Area: This is a predominantly residential area known as Reservoir Hill, with scattered other uses such as religious institutions, a 21st Century School, and a few small commercial uses. This property is also within the Eutaw Place – Madison Avenue Historic District, a locally designated historic district, and the Reservoir Hill National Register Historic District.

HISTORY

The Reservoir Hill Urban Renewal Plan was originally approved by Ordinance no. 33 dated April 10, 1972. This Plan was last amended by Amendment no. 12 approved by Ordinance no. 14-298 dated October 1, 2014. The Eutaw Place – Madison Avenue Historic District was approved by Ordinance no. 407 dated July 2, 1981. The Reservoir Hill Historic District was placed on the National Register of Historic Places on December 23, 2004.

CONFORMITY TO PLANS

The proposed action is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, Live Goal 1: Build Human and Social Capital by Strengthening

Neighborhoods, Objective 1: Expand Housing Choices for all Residents. It also is consistent with Reservoir Hill Urban Renewal Plan housing objectives to provide housing for families presently residing in the area, encourage home ownership, and foster rehabilitation of housing.

ANALYSIS

Project: This legislation would allow the petitioner to renovate the existing structure into two dwelling units, providing new life for this original building. Adaptive re-use as a two-family attached dwelling would allow preservation of part of the neighborhood's traditional and historic architectural fabric while offering a more affordable housing alternative to persons who wish to live in an area convenient to downtown Baltimore.

Zoning Analysis: This property was formerly used as three rental dwelling units, but is being gut-rehab'd. This bill would encourage re-use of a structure consistent with its current zoning.

- The Zoning Code requires, for a property in the R-8 District, 750 square feet of lot area per dwelling unit (BCZC §4-1106.a.). A lot area of 1,500 square feet is thus required for the proposed use. This lot has 2,737 square feet, so no lot area variance is needed to reduce this requirement.
- A rear yard setback of 25' is required (BCZC §4-1107.a.). The property has a 35' deep rear yard that meets this requirement and is suitable for off-street parking, and no encroachment upon this setback is proposed by the petitioner. The rear yard parking spaces are accessible from Morris Street, which parallels Eutaw Place.
- The maximum floor area ratio (FAR) in this zoning district is 2.0 (BCZC §4-1108.a.). This premises has a FAR of 1.64, so a variance of that requirement is not needed.

Conditional Use – Required findings: In accordance with §16-304 of the Zoning Code of Baltimore City, the Planning Commission must base its recommendation to the City Council to approve a conditional use on these considerations required by Title 14 {"Conditional Uses"} of the Zoning Code:

1. the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals;
2. the use is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
3. the authorization is not otherwise in any way contrary to the public interest; and the authorization is in harmony with the purpose and intent of this article (§14-204).

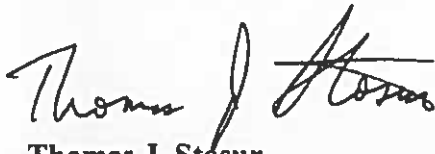
In addition, the Zoning Code requires review of these considerations, as appropriate:

- the nature of the proposed site, including its size and shape, are adequate for the proposed use;
- there will be no negative impact to traffic patterns in the immediate area;

- development of the proposed use will not impair the present and future development of this lot or the surrounding area;
- there will be no negative impact resulting from its proximity to dwellings, churches, schools, public structures, or other places of public gathering;
- there is adequate accessibility of the premises to fire and police protection;
- there is adequate light and air to the premises and to properties in the vicinity; adequate utilities, access, drainage, and other necessary facilities have been or will be provided; and
- the use of the property as two dwelling units meets all other applicable standards and requirements of this article (§14-205).

The proposed use as a 2-family dwelling would be consistent with residential use in the area; would not be detrimental to or endanger public health, security, general welfare, or morals; and would allow constructive re-use of a vacant structure that could otherwise become a blighting influence on the community. The site is adequate for the proposed use, would not create a negative impact on traffic patterns in the immediate area, nor impair present or future development of the surrounding area, nor have a negative impact on other dwellings, churches, schools, public structures, or other places of public gathering. The site has adequate fire and police protection, adequate air and light, adequate utilities, access, drainage, and other facilities; and use as two dwelling units meets all other applicable standards of the Zoning Code.

Notification: Planning staff notified the Reservoir Hill Improvement Council and the Upper Eutaw – Madison Neighborhood Association of this action.



Thomas J. Stosur
Director

**CITY OF BALTIMORE
COUNCIL BILL 17-0062
(First Reader)**

Introduced by: Councilmember Pinkett

At the request of: Mario and Elissa Moorhead

Address: c/o Alex Aaron, P.O. Box 23409, Baltimore, Maryland 21203

Telephone: 1-703-447-7539

Introduced and read first time: April 24, 2017

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Conditional Use Conversion of 1 Dwelling Unit to**
3 **2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place**

4 FOR the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to
5 2 dwelling units in the R-8 Zoning District on the property known as 2216 Eutaw Place, as
6 outlined in red on the accompanying plat.

7 BY authority of

8 Article - Zoning
9 Section(s) 3-305(b) and 14-102
10 Baltimore City Revised Code
11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
13 permission is granted for the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning
14 District on the property known as 2216 Eutaw Place, as outlined in red on the plat accompanying
15 this Ordinance, in accordance with Baltimore City Zoning Code §§ 3-305(b) and 14-102, subject
16 to the condition that the building complies with all applicable federal, state, and local licensing
17 and certification requirements.

18 **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
19 accompanying plat and in order to give notice to the agencies that administer the City Zoning
20 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
21 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
22 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
23 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
24 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
25 the Zoning Administrator.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 17-0062

1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
2 after the date it is enacted.



HEARING NOTES

Bill: 17-0062

Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place

Committee: Land Use and Transportation
Chaired By: Councilmember Edward Reisinger

Hearing Date: July 12, 2017
Time (Beginning): 2:20 pm
Time (Ending): 2:30 pm
Location: Clarence "Du" Burns Chamber
Total Attendance: 20

Committee Members in Attendance:
Edward Reisinger Leon Pinkett Mary Pat Clarke
Sharon Green Middleton Ryan Dorsey Eric Costello
Robert Stokes

Bill Synopsis in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Attendance sheet in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Agency reports read?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Hearing televised or audio-digitally recorded?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Certification of advertising/posting notices in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Evidence of notification to property owners?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Final vote taken at this hearing?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Motioned by:	Councilmember Pinkett		
Seconded by:	Councilmember Clarke		
Final Vote:	Favorable		

Major Speakers
(This is not an attendance record.)

- Martin French, Department of Planning

Major Issues Discussed

1. Planning Department briefly testified in support of the ordinance, outlining in great detail, the required *findings of fact* (echoing the same information contained in the department's submitted written report).
2. All other departments and agencies stood by their submitted written reports.

Further Study

Was further study requested?

Yes No

If yes, describe.

Marshall C. Bell, Committee Staff

Date: July 17, 2017

cc: Bill File
OCS Chrono File



**BALTIMORE CITY COUNCIL
LAND USE AND TRANSPORTATION COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Land Use and Transportation Committee is to review and support responsible development and zoning initiatives to ensure compatibility with the aim of improving the quality of life for the diverse population of Baltimore City.

**The Honorable Edward L. Reisinger
Chairman**

PUBLIC HEARING

WEDNESDAY, JULY 12, 2017

2:00 PM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

City Council Bill #17-0062

***Zoning – Conditional Use Conversion of 1 Dwelling Unit to
2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place***

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS

Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Brandon M. Scott
Isaac "Yitzy" Schleifer
Shannon Sneed
Staff: Marguerite Murray

EDUCATION AND YOUTH

Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristofer Burnett
Ryan Dorsey
Staff: D'Paul Nibber

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Robert Stokes – Chair
Kristofer Burnett – Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac "Yitzy" Schleifer
Staff: Jennifer Coates

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Isaac "Yitzy" Schleifer – Vice Chair
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Shannon Sneed
Zeke Cohen
Ryan Dorsey
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Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Edward Reisinger
Brandon Scott
Robert Stokes
Staff: D'Paul Nibber

LABOR

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Robert Stokes – Vice Chair
Eric Costello
Bill Henry
Mary Pat Clarke
Staff: Marguerite Murray

LAND USE AND TRANSPORTATION

Edward Reisinger - Chair
Sharon Green Middleton – Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Leon Pinkett
Robert Stokes
Staff: Marshall Bell

PUBLIC SAFETY

Brandon Scott – Chair
Ryan Dorsey – Vice Chair
Kristofer Burnett
Shannon Sneed
Zeke Cohen
Leon Pinkett
Isaac "Yitzy" Schleifer
Staff: Marshall Bell

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair
Leon Pinkett – Vice Chair
Eric Costello
Edward Reisinger
Robert Stokes
Staff: Jennifer Coates
- Larry Greene (*pension only*)

CITY OF BALTIMORE

CATHERINE P. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Land Use and Transportation

Bill 17-0062

Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place

Sponsor: Councilmember Pinkett
Introduced: April 24, 2017

Purpose:

FOR the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2216 Eutaw Place, as outlined in red on the accompanying plat.

Effective: 30th Day after Enactment

Hearing Date/Time/Location: Wednesday, July 12, 2017/2:00 PM/Clarence "Du" Burns Chambers

Agency Reports

Planning Commission	Favorable
Department of Law	Favorable/Comments
Department of Housing and Community Development	Favorable
Board of Municipal and Zoning Appeals	No Objection
Baltimore Development Corporation	No Objection
Department of Transportation	

Analysis

Current Law

Article – Zoning; Section(s) 3-305(b) and 14-102; Baltimore City Revised Code (Edition 2000)

Background

CC Bill 17-0016, if approved, would permit, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2216 Eutaw Place. The petitioner seeks to renovate the existing structure into two dwelling units, providing new life for this original building. Such an adaptive re-use as a two-family attached dwelling would allow preservation of part of the neighborhood's traditional and historic architectural fabric, while also offering a more affordable housing option to individuals looking to live in an area convenient to downtown Baltimore.

2216 Eutaw Place is located in a predominantly residential area known as Reservoir Hill, and also within the Eutaw Place - Madison Avenue Historic District. This site is zoned R-8, and is improved with a three-story attached residential building. North Avenue, the major commercial corridor which spans from East to West Baltimore, intersects with Eutaw Place approximately 184' away.

As required by the Zoning Code, the proposed use as a 2-family dwelling is consistent with residential use in the area, satisfies all applicable considerations as appropriate, would not be detrimental to or endanger the public trust and, such constructive re-use of a vacant structure, is a positive remedy for this blighting influence on the community. In addition, the proposed action is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, Live Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 1: Expand Housing Choices for all Residents.

Additional Information

Fiscal Note: Not Available

Information Source(s): Planning Department staff report

Analysis by: Marshall Bell
Analysis Date: July 11, 2017

MR2

Direct Inquiries to: 410-396-1091

**CITY OF BALTIMORE
COUNCIL BILL 17-0062
(First Reader)**

Introduced by: Councilmember Pinkett
At the request of: Mario and Elissa Moorhead
Address: c/o Alex Aaron, P.O. Box 23409, Baltimore, Maryland 21203
Telephone: 1-703-447-7539

Introduced and read first time: April 24, 2017

Assigned to: Land Use and Transportation Committee

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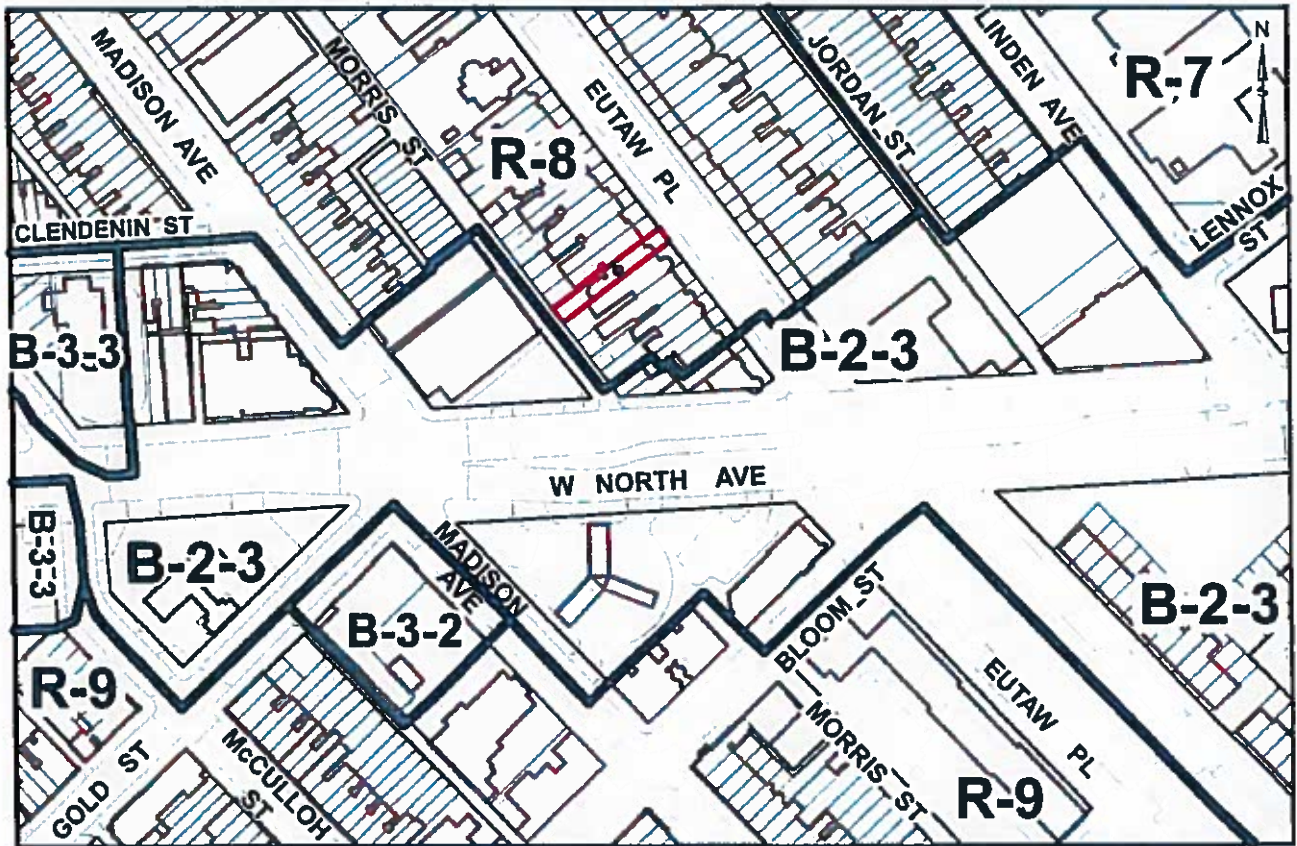
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EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

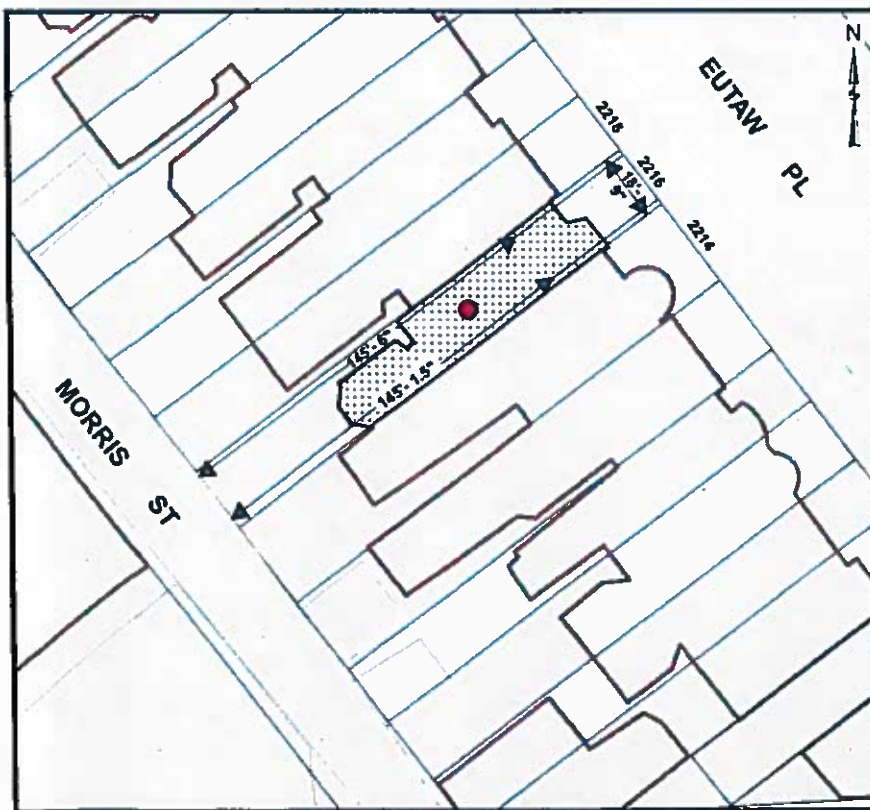
Council Bill 17-0062

1 **SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day**
2 **after the date it is enacted.**

**SHEET NO. 44 OF THE ZONING DISTRICT MAP OF
THE BALTIMORE CITY ZONING CODE**



Scale: 1" = 200'



Scale: 1" = 50'

Note:

In Connection With The Property Known As No.2216 EUTAW PLACE. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A One Family Dwelling Unit To A Two Family Dwelling Unit In The R-8 Zoning District, As Outlined In Red Above.

WARD 13 SECTION 8
BLOCK 3424 LOT 9

MAYOR

PRESIDENT CITY COUNCIL

**LAND USE
AND
TRANSPORTATION
COMMITTEE**

CC#: 17-0062

**AGENCY
REPORTS**



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

May 25, 2017

REQUEST: City Council Bill # 17-0062 / Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place

For the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2216 Eutaw Place, as outlined in red on the accompanying plat.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONERS: Councilmember Pinkett, at the request of Mario and Elissa Moorhead

OWNER: Mario and Elissa Moorhead

SITE/ GENERAL AREA

Site Conditions: 2216 Eutaw Place is located on the southwest side of the street, approximately 184' northwest of the intersection with North Avenue. This property measures approximately 18'9" by 146' and is currently improved with a three-story attached residential building measuring approximately 18'9" by 82'. This site is zoned R-8.

General Area: This is a predominantly residential area known as Reservoir Hill, with scattered other uses such as religious institutions, a 21st Century School, and a few small commercial uses. This property is also within the Eutaw Place – Madison Avenue Historic District, a locally designated historic district, and the Reservoir Hill National Register Historic District.

HISTORY

The Reservoir Hill Urban Renewal Plan was originally approved by Ordinance no. 33 dated April 10, 1972. This Plan was last amended by Amendment no. 12 approved by Ordinance no. 14-298 dated October 1, 2014. The Eutaw Place – Madison Avenue Historic District was approved by Ordinance no. 407 dated July 2, 1981. The Reservoir Hill Historic District was placed on the National Register of Historic Places on December 23, 2004.

CONFORMITY TO PLANS

The proposed action is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, Live Goal 1: Build Human and Social Capital by Strengthening

Neighborhoods, Objective 1: Expand Housing Choices for all Residents. It also is consistent with Reservoir Hill Urban Renewal Plan housing objectives to provide housing for families presently residing in the area, encourage home ownership, and foster rehabilitation of housing.

ANALYSIS

Project: This legislation would allow the petitioner to renovate the existing structure into two dwelling units, providing new life for this original building. Adaptive re-use as a two-family attached dwelling would allow preservation of part of the neighborhood's traditional and historic architectural fabric while offering a more affordable housing alternative to persons who wish to live in an area convenient to downtown Baltimore.

Zoning Analysis: This property was formerly used as three rental dwelling units, but is being gut-rehab'd. This bill would encourage re-use of a structure consistent with its current zoning.

- The Zoning Code requires, for a property in the R-8 District, 750 square feet of lot area per dwelling unit (BCZC §4-1106.a.). A lot area of 1,500 square feet is thus required for the proposed use. This lot has 2,737 square feet, so no lot area variance is needed to reduce this requirement.
- A rear yard setback of 25' is required (BCZC §4-1107.a.). The property has a 35' deep rear yard that meets this requirement and is suitable for off-street parking, and no encroachment upon this setback is proposed by the petitioner. The rear yard parking spaces are accessible from Morris Street, which parallels Eutaw Place.
- The maximum floor area ratio (FAR) in this zoning district is 2.0 (BCZC §4-1108.a.). This premises has a FAR of 1.64, so a variance of that requirement is not needed.

Conditional Use – Required findings: In accordance with §16-304 of the Zoning Code of Baltimore City, the Planning Commission must base its recommendation to the City Council to approve a conditional use on these considerations required by Title 14 {"Conditional Uses"} of the Zoning Code:

1. the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals;
2. the use is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
3. the authorization is not otherwise in any way contrary to the public interest; and the authorization is in harmony with the purpose and intent of this article (§14-204).

In addition, the Zoning Code requires review of these considerations, as appropriate:

- the nature of the proposed site, including its size and shape, are adequate for the proposed use;
- there will be no negative impact to traffic patterns in the immediate area;

- development of the proposed use will not impair the present and future development of this lot or the surrounding area;
- there will be no negative impact resulting from its proximity to dwellings, churches, schools, public structures, or other places of public gathering;
- there is adequate accessibility of the premises to fire and police protection;
- there is adequate light and air to the premises and to properties in the vicinity; adequate utilities, access, drainage, and other necessary facilities have been or will be provided; and
- the use of the property as two dwelling units meets all other applicable standards and requirements of this article (§ 14-205).

The proposed use as a 2-family dwelling would be consistent with residential use in the area; would not be detrimental to or endanger public health, security, general welfare, or morals; and would allow constructive re-use of a vacant structure that could otherwise become a blighting influence on the community. The site is adequate for the proposed use, would not create a negative impact on traffic patterns in the immediate area, nor impair present or future development of the surrounding area, nor have a negative impact on other dwellings, churches, schools, public structures, or other places of public gathering. The site has adequate fire and police protection, adequate air and light, adequate utilities, access, drainage, and other facilities; and use as two dwelling units meets all other applicable standards of the Zoning Code.

Notification: Planning staff notified the Reservoir Hill Improvement Council and the Upper Eutaw – Madison Neighborhood Association of this action.



Thomas J. Stosur
Director

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Kyron Banks, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. David Tanner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Mr. Patrick Fleming, DOT
Ms. Elena DiPietro, Law Dept.
Ms. Natawna Austin, Council Services
Mr. Francis Burnszynski, PABC
Mr. Alex Aaron (for Mario and Elissa Moorhead)

TJS

FROM

NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
SUBJECT	CITY COUNCIL BILL #17-0062 / ZONING – CONDITIONAL USE CONVERSION OF 1 DWELLING UNIT TO 2 DWELLING UNITS – 2216 EUTAW PLACE

CITY of
BALTIMORE
MEMO



DATE:

TO

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

May 25, 2017

At its regular meeting of May 25, 2017, the Planning Commission considered City Council Bill #17-0062, for the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2216 Eutaw Place, as outlined in red on the accompanying plat.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #17-0062, and adopted the following resolution, seven members being present (seven in favor):

RESOLVED, That the Planning Commission finds, in accordance with §16-304 and §14-204 of the Zoning Code of Baltimore City, that the proposed use provided in this bill:

- will not be detrimental to or endanger the public health, security, general welfare, or morals;
- is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
- is not otherwise in any way contrary to the public interest; and
- is in harmony with the purpose and intent of that article;

and further RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #17-0062 be passed by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

cc: (next page)

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

101 City Hall
Baltimore, Maryland 21202

July 10, 2017

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 17-0062 – Zoning – Conditional Use Conversion of 1 Unit
to 2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0062 for form and legal sufficiency. The bill permits the conversion of 1 Dwelling Unit and 1 Efficiency Dwelling Unit in the R-8 Zoning District on the property known as 2216 Eutaw Place. Conversions are permitted in an R-8 Zoning District only by ordinance. Zoning Code of Baltimore City ("ZC"), § 3-305(b)(2).

This bill was introduced on April 24, 2017. Article 32, § 2-203 permits a development to be governed under the zoning code in effect prior to June 5, 2017 (Old Zoning Code) if certain conditions are met. Specifically, if an application is filed – in this case, an application for a conditional use by ordinance – prior to June 5, 2017, the effective date of Article 32, and the application is considered complete, the requirements of the Old Code govern the development. New Code, § 2-203(k). Pursuant to the Old Zoning Code, a bill proposing a conditional use is governed by Title 16. Old Zoning Code, § 14-208. Title 16 requires the applicant to submit a written statement that contains certain prescribed elements, which will inform the City Council and the public as to the intended uses and changes that are being sought. Old Zoning Code, § 16-202. From the information available to the Law Department, the required statement was made and completed prior to June 5, 2017. Therefore, this conditional use conversion can be governed under provisions of the Old Code.

The Law Department points out that, if this bill is to be adopted, findings of fact are required in a quasi-judicial proceeding such as granting a conditional use. *Montgomery County v. Woodward & Lothrop, Inc.*, 280 Md. 686, 713 (1977). To this end, the Zoning Code requires the Planning Commission ("Commission") and the Board of Municipal Zoning Appeals ("Board") to report their findings of facts and considerations to the City Council in regard to a bill authorizing a conditional use. ZC § 16-302. The Zoning Code directs both entities to base their recommendations on considerations outlined in Title 14 of the Zoning Code. ZC § 16-304. Title 14 outlines the elements the Board must consider in regard to a proposed conditional use as well as the type of facts it must find before it can approve a conditional use. See ZC §§ 14-204 & 14-205.



Title 14 does not address the duties of the Commission, but since the Zoning Code directs the Commission to make findings of fact and considerations with respect to those stated in Title 14, the Law Department concludes that the required considerations and findings of fact applicable to the Board apply to the Commission.

We note further that, pursuant to the Old Zoning Code, a bill concerning a conditional use is classified as a "legislative authorization." ZC § 16-101. Legislative authorizations require that certain procedures be followed in the bill's passage. Specifically, certain notice requirements apply to the introduction of the bill. See ZC § 16-203. The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. See ZC §§ 16-301, 16-302 & 16-304. Additional public notice and hearing requirements also apply to the bill. See ZC § 16-402. Finally, certain limitations on the City Council's ability to amend the bill apply. See ZC § 16-403.

The Law Department notes that the Planning Commission's Report provides necessary findings of fact. If the City Council finds facts identical or similar to those found by the Planning Commission, the Law Department is prepared to approve the bill for form and legal sufficiency if all other procedural requirements are met.

Sincerely,



Victor K. Tervalo
Chief Solicitor

cc: David Ralph, Acting City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor



Baltimore

Development Corporation

MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna Austin, Executive Secretary

FROM: William H. Cole, President and CEO *W. Cole*

DATE: July 7, 2017

SUBJECT: City Council Bill 17-0062
Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling
Units in the R-8 Zoning District – 2216 Eutaw Place

The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill 17-0062, *Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place.*

The proposed bill allows a conditional use necessary for the additional dwelling unit in the R-8 Zoning District. BDC has no objection in this matter.

cc: Kyron Banks

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

DAVID C. TANNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

July 3, 2017

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

Re: City Council Bill No. 17-0062: Zoning - Conditional Use Conversion of 1 Dwelling
Unit to 2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place

Ladies and Gentlemen:

City Council Bill No. 17-0062 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. 17-0062 is to permit, subject to certain conditions,
the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the
property known as 2216 Eutaw Place, as outlined in red on the accompanying plat.

The BMZA has reviewed the legislation and has no objection to approval to the passage
of Bill Number 17-0062.

Sincerely,

David C. Tanner
Executive Director

DCT/rdh

CC: Mayors Office of Council Relations
Legislative Reference



BALTIMORE HOUSING

CATHERINE E. PUGH
Mayor

PAUL T. GRAZIANO
Executive Director HABC
Commissioner HCD

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Acting Commissioner *MB*

Date: July 10, 2017

Re: **City Council Bill 17-0062 - Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place**

The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0062 for the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2216 Eutaw Place.

If enacted, this bill, introduced by Councilman Pinkett, would allow renovation of the existing structure into two dwelling units, which is consistent with its current zoning.

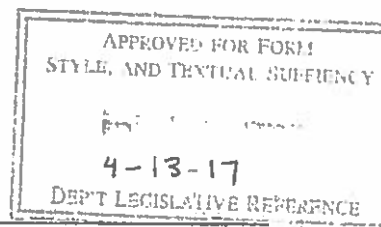
The Department of Housing and Community Development supports the passage of City Council Bill 17-0062.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*



INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



Introduced by: Councilmember Pinkett
At the request of: Mario and Elissa Moorhead
Address: c/o Alex Aaron, P.O. Box 23409, Baltimore, Maryland 21203
Telephone: 1-703-447-7539

A BILL ENTITLED

AN ORDINANCE concerning

**Zoning – Conditional Use Conversion of 1 Dwelling Unit to
2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place**

FOR the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2216 Eutaw Place, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 3-305(b) and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2216 Eutaw Place, as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 3-305(b) and 14-102, subject to the condition that the building complies with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

(ii) The purpose, nature, and effect of the contract are: N/A

7. Agency:

(a) The applicant is X is not _____ acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows {use additional sheet if necessary}: Mario and Elissa Moorhead

AFFIDAVIT

I, Alexander Aaron, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.

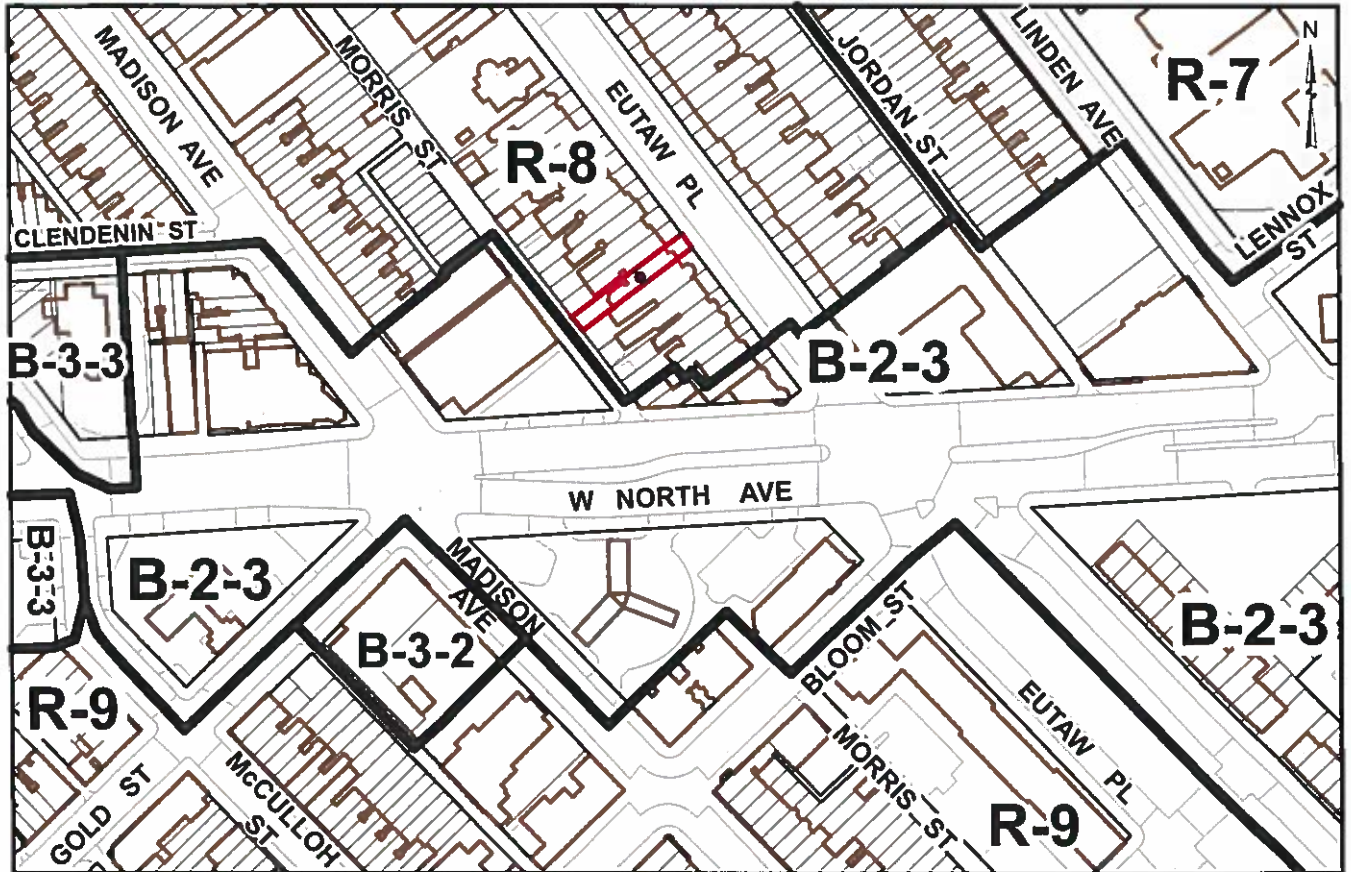


Applicant's signature

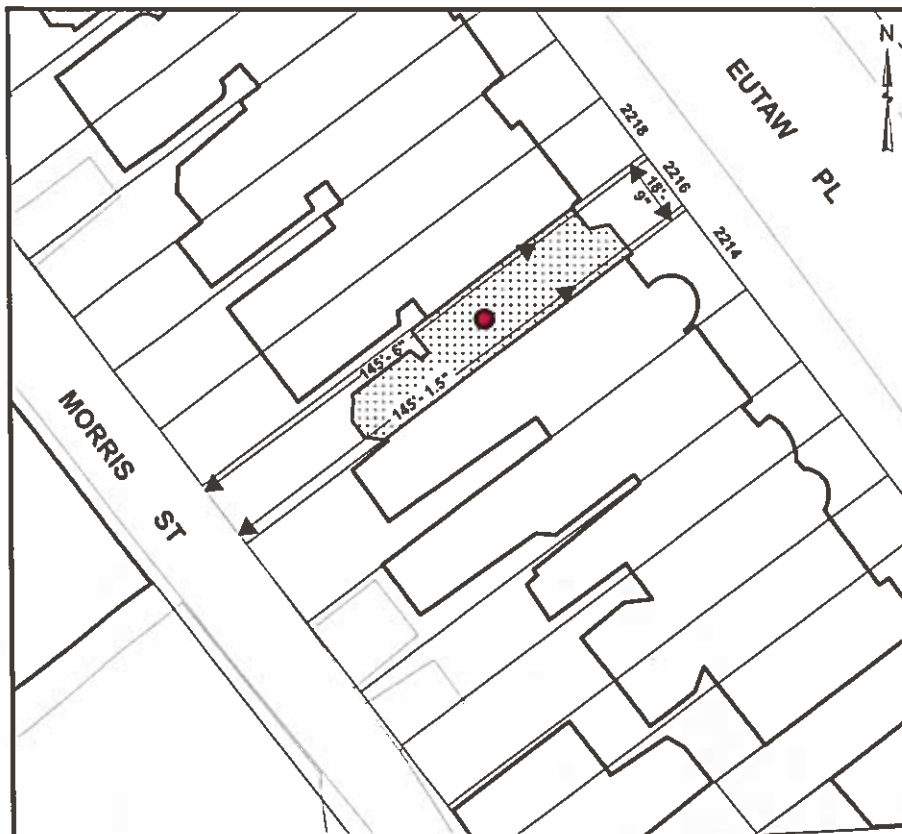
4/11/17

Date

**SHEET NO. 44 OF THE ZONING DISTRICT MAP OF
THE BALTIMORE CITY ZONING CODE**



Scale: 1" = 200'



Scale: 1" = 50'

Note:

In Connection With The Property Known As No.2216 EUTAW PLACE. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A One Family Dwelling Unit To A Two Family Dwelling Unit In The R-8 Zoning District, As Outlined In Red Above.

WARD 13 SECTION 8
BLOCK 3424 LOT 9

MAYOR

PRESIDENT CITY COUNCIL



ACTION BY THE CITY COUNCIL


APR 24 2017
20

FIRST READING (INTRODUCTION) _____

PUBLIC HEARING HELD ON July 12 _____ 20 17

COMMITTEE REPORT AS OF July 17 _____ 20 17

FAVORABLE _____ UNFAVORABLE _____ FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION


Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for
Third Reading on:

JUL 17 2017
20

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ AUG 14 2017

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

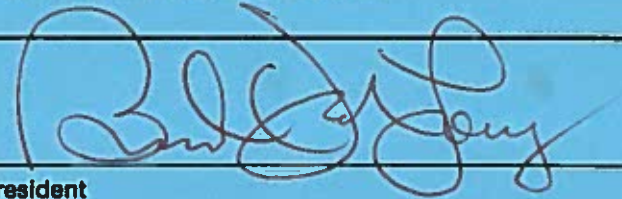
THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.


President

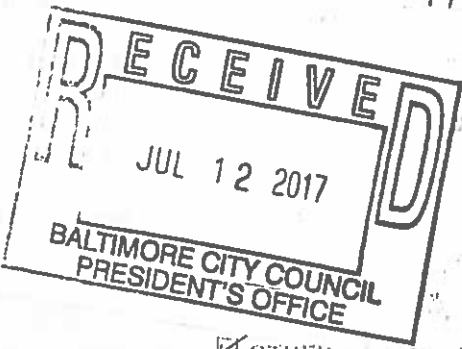

Chief Clerk

"NOTICE OF INTRODUCTION" SIGN - POSTING REQUIRED
(Conditional Use, Planned Unit Development and Rezoning Ordinances)

Each property owner who is required for a conditional use, a change in the zoning classification of a property, or the installation of a sign on the property a sign giving notice of the proposed change must be posted for at least 30 days prior to the public hearing. The Department of Legislative Services, Baltimore, MD

Certificate of Posting

I hereby certify that the sign relating to City Council Bill 17-0062 introduced on April 24th, 2007, was posted on the premises in question from May 29th, 2007, in accordance with the above instructions. July 12, 2007



SIGNATURE OF PROPERTY OWNER OR AUTHORIZED REPRESENTATIVE
Alex A.

OTHER: _____
BY AUTHORITY OF ARTICLE 30 - ZONING, BALTIMORE

- The "Notice of Introduction" sign must be posted on the property as follows:
- The sign must be posted in a conspicuous manner on the front side of the property, not over ten feet above the ground level, and where it will be clearly visible and legible to the public.
 - The sign must be posted not later than one week after introduction of the bill and must remain posted for 30 days thereafter.
 - The sign must be maintained in good condition the entire time it is posted. Where proposed changes are to be at the rear of the property, the sign must nevertheless be posted on the front of the premises, unless otherwise directed.

FOR DEPARTMENT OF LEGISLATIVE REFERENCE

Property Owner: _____

Authorized Representative: _____

Address: _____

Bill No. 17-0062 Sign Picked Up By: *Alex A.*
SIGNATURE OF PROPERTY OWNER OR AUTHORIZED REPRESENTATIVE

Type of Change Requested by the Bill (check one):
 Conditional Use Rezoning Planned Unit Development

NOTE:
Prior to the public hearing on the bill, the Certificate of Posting at the bottom of this form must be dated, signed, and returned to: Baltimore City Council Office; Executive Secretary; Room 409 City Hall; 100 N. Holliday Street, Baltimore, Maryland 21202.

A second sign ("Notice of Hearing") will be required to be posted before the public hearing. Information about the "Notice of Hearing" sign can be obtained from the Executive Secretary of the Baltimore City Council (396-4300.)

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor

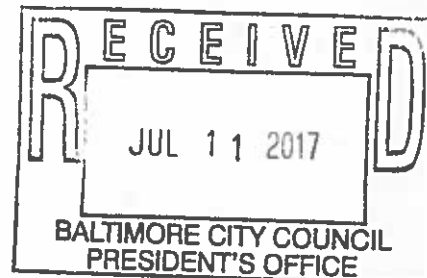


DEPARTMENT OF LAW

101 City Hall
Baltimore, Maryland 21202

July 10, 2017

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202



Re: City Council Bill 17-0062 – Zoning – Conditional Use Conversion of 1 Unit
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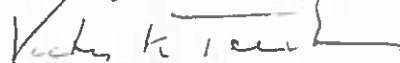
F + Comments

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The Law Department notes that the Planning Commission's Report provides necessary findings of fact. If the City Council finds facts identical or similar to those found by the Planning Commission, the Law Department is prepared to approve the bill for form and legal sufficiency if all other procedural requirements are met.

Sincerely,



Victor K. Tervala
Chief Solicitor

cc: David Ralph, Acting City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor



**BALTIMORE
HOUSING**

CATHERINE E. PUGH
Mayor

PAUL T. GRAZIANO
Executive Director, HABC
Commissioner, HCD

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Acting Commissioner *MB*

Date: July 10, 2017

Re: **City Council Bill 17-0062 - Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place**

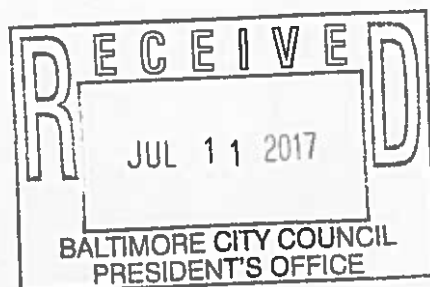
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0062 for the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2216 Eutaw Place.

If enacted, this bill, introduced by Councilman Pinkett, would allow renovation of the existing structure into two dwelling units, which is consistent with its current zoning.

The Department of Housing and Community Development supports the passage of City Council Bill 17-0062.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyrn Banks, *Mayor's Office of Government Relations*



The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

Order #: 11359498

Case #: 17-0062

Description:

Bill No. 17-0062 The Land Use and Transportation Committee of the Baltimore City Council w

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

6/26/2017

Darlene Miller, Public Notice Coordinator
(Representative Signature)

BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 17-0062

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, July 12, 2017 at 2:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 17-0062.

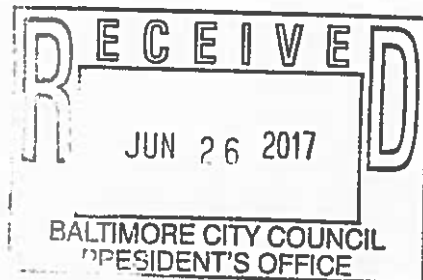
CC 17-0062 ORDINANCE - Zoning - Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - 2216 Eutaw Place - FOR the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2216 Eutaw Place, as outlined in red on the accompanying plat.

BY authority of
Article - Zoning
Section(s) 3-305(b) and 14-102
Baltimore City Revised Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.

EDWARD REISINGER,
Chair

Jc28





MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna Austin, Executive Secretary

FROM: William H. Cole, President and CEO *W. Cole*

DATE: July 7, 2017

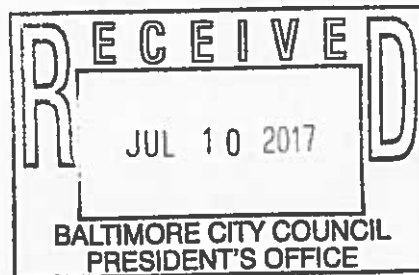
SUBJECT: City Council Bill 17-0062
Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling
Units in the R-8 Zoning District – 2216 Eutaw Place

The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill 17-0062, *Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place.*

The proposed bill allows a conditional use necessary for the additional dwelling unit in the R-8 Zoning District. BDC has no objection in this matter.

cc: Kyron Banks

*No
obj*



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

DAVID C. TANNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

July 3, 2017

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

Re: City Council Bill No. 17-0062: Zoning - Conditional Use Conversion of 1 Dwelling
Unit to 2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place

Ladies and Gentlemen:

City Council Bill No. 17-0062 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. 17-0062 is to permit, subject to certain conditions,
the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the
property known as 2216 Eutaw Place, as outlined in red on the accompanying plat.

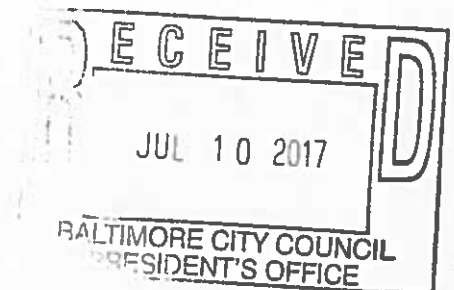
The BMZA has reviewed the legislation and has no objection to approval to the passage
of Bill Number 17-0062.

Sincerely,


David C. Tanner
Executive Director

DCT/rdh

CC: Mayors Office of Council Relations
Legislative Reference



no obj.

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0062 / ZONING - CONDITIONAL USE CONVERSION OF 1 DWELLING UNIT TO 2 DWELLING UNITS - 2216 EUTAW PLACE		

DATE:

TO

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

May 25, 2017

At its regular meeting of May 25, 2017, the Planning Commission considered City Council Bill #17-0062, for the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2216 Eutaw Place, as outlined in red on the accompanying plat.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #17-0062, and adopted the following resolution, seven members being present (seven in favor):

RESOLVED, That the Planning Commission finds, in accordance with §16-304 and §14-204 of the Zoning Code of Baltimore City, that the proposed use provided in this bill:

- will not be detrimental to or endanger the public health, security, general welfare, or morals;
- is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
- is not otherwise in any way contrary to the public interest; and
- is in harmony with the purpose and intent of that article;

and further RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #17-0062 be passed by the City Council.

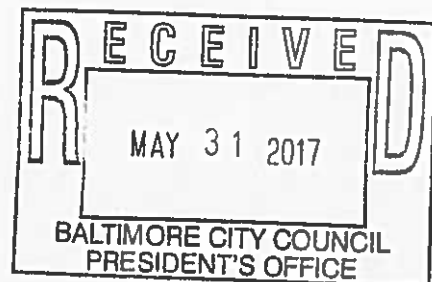
If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

cc: (next page)

F



cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Kyron Banks, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. David Tanner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Mr. Patrick Fleming, DOT
Ms. Elena DiPietro, Law Dept.
Ms. Natawna Austin, Council Services
Mr. Francis Burnszynski, PABC
Mr. Alex Aaron (for Mario and Elissa Moorhead)



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

May 25, 2017

REQUEST: City Council Bill # 17-0062 / Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place

For the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2216 Eutaw Place, as outlined in red on the accompanying plat.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONERS: Councilmember Pinkett, at the request of Mario and Elissa Moorhead

OWNER: Mario and Elissa Moorhead

SITE/ GENERAL AREA

Site Conditions: 2216 Eutaw Place is located on the southwest side of the street, approximately 184' northwest of the intersection with North Avenue. This property measures approximately 18'9" by 146' and is currently improved with a three-story attached residential building measuring approximately 18'9" by 82'. This site is zoned R-8.

General Area: This is a predominantly residential area known as Reservoir Hill, with scattered other uses such as religious institutions, a 21st Century School, and a few small commercial uses. This property is also within the Eutaw Place – Madison Avenue Historic District, a locally designated historic district, and the Reservoir Hill National Register Historic District.

HISTORY

The Reservoir Hill Urban Renewal Plan was originally approved by Ordinance no. 33 dated April 10, 1972. This Plan was last amended by Amendment no. 12 approved by Ordinance no. 14-298 dated October 1, 2014. The Eutaw Place – Madison Avenue Historic District was approved by Ordinance no. 407 dated July 2, 1981. The Reservoir Hill Historic District was placed on the National Register of Historic Places on December 23, 2004.

CONFORMITY TO PLANS

The proposed action is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, Live Goal 1: Build Human and Social Capital by Strengthening

Neighborhoods, Objective 1: Expand Housing Choices for all Residents. It also is consistent with Reservoir Hill Urban Renewal Plan housing objectives to provide housing for families presently residing in the area, encourage home ownership, and foster rehabilitation of housing.

ANALYSIS

Project: This legislation would allow the petitioner to renovate the existing structure into two dwelling units, providing new life for this original building. Adaptive re-use as a two-family attached dwelling would allow preservation of part of the neighborhood's traditional and historic architectural fabric while offering a more affordable housing alternative to persons who wish to live in an area convenient to downtown Baltimore.

Zoning Analysis: This property was formerly used as three rental dwelling units, but is being gut-rehab'd. This bill would encourage re-use of a structure consistent with its current zoning.

- The Zoning Code requires, for a property in the R-8 District, 750 square feet of lot area per dwelling unit (BCZC §4-1106.a.). A lot area of 1,500 square feet is thus required for the proposed use. This lot has 2,737 square feet, so no lot area variance is needed to reduce this requirement.
- A rear yard setback of 25' is required (BCZC §4-1107.a.). The property has a 35' deep rear yard that meets this requirement and is suitable for off-street parking, and no encroachment upon this setback is proposed by the petitioner. The rear yard parking spaces are accessible from Morris Street, which parallels Eutaw Place.
- The maximum floor area ratio (FAR) in this zoning district is 2.0 (BCZC §4-1108.a.). This premises has a FAR of 1.64, so a variance of that requirement is not needed.

Conditional Use – Required findings: In accordance with §16-304 of the Zoning Code of Baltimore City, the Planning Commission must base its recommendation to the City Council to approve a conditional use on these considerations required by Title 14 {"Conditional Uses"} of the Zoning Code:

1. the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals;
2. the use is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
3. the authorization is not otherwise in any way contrary to the public interest; and the authorization is in harmony with the purpose and intent of this article (§14-204).

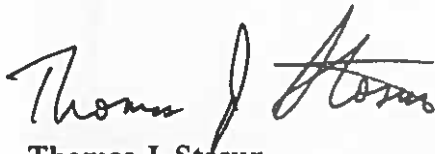
In addition, the Zoning Code requires review of these considerations, as appropriate:

- the nature of the proposed site, including its size and shape, are adequate for the proposed use;
- there will be no negative impact to traffic patterns in the immediate area;

- development of the proposed use will not impair the present and future development of this lot or the surrounding area;
- there will be no negative impact resulting from its proximity to dwellings, churches, schools, public structures, or other places of public gathering;
- there is adequate accessibility of the premises to fire and police protection;
- there is adequate light and air to the premises and to properties in the vicinity; adequate utilities, access, drainage, and other necessary facilities have been or will be provided; and
- the use of the property as two dwelling units meets all other applicable standards and requirements of this article (§14-205).

The proposed use as a 2-family dwelling would be consistent with residential use in the area; would not be detrimental to or endanger public health, security, general welfare, or morals; and would allow constructive re-use of a vacant structure that could otherwise become a blighting influence on the community. The site is adequate for the proposed use, would not create a negative impact on traffic patterns in the immediate area, nor impair present or future development of the surrounding area, nor have a negative impact on other dwellings, churches, schools, public structures, or other places of public gathering. The site has adequate fire and police protection, adequate air and light, adequate utilities, access, drainage, and other facilities; and use as two dwelling units meets all other applicable standards of the Zoning Code.

Notification: Planning staff notified the Reservoir Hill Improvement Council and the Upper Eutaw – Madison Neighborhood Association of this action.



Thomas J. Stosur
Director

**CITY OF BALTIMORE
COUNCIL BILL 17-0062
(First Reader)**

Introduced by: Councilmember Pinkett

At the request of: Mario and Elissa Moorhead

Address: c/o Alex Aaron, P.O. Box 23409, Baltimore, Maryland 21203

Telephone: 1-703-447-7539

Introduced and read first time: April 24, 2017

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Conditional Use Conversion of 1 Dwelling Unit to**
3 **2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place**

4 FOR the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to
5 2 dwelling units in the R-8 Zoning District on the property known as 2216 Eutaw Place, as
6 outlined in red on the accompanying plat.

7 BY authority of

8 Article - Zoning
9 Section(s) 3-305(b) and 14-102
10 Baltimore City Revised Code
11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
13 permission is granted for the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning
14 District on the property known as 2216 Eutaw Place, as outlined in red on the plat accompanying
15 this Ordinance, in accordance with Baltimore City Zoning Code §§ 3-305(b) and 14-102, subject
16 to the condition that the building complies with all applicable federal, state, and local licensing
17 and certification requirements.

18 **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
19 accompanying plat and in order to give notice to the agencies that administer the City Zoning
20 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
21 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
22 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
23 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
24 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
25 the Zoning Administrator.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 17-0062

1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
2 after the date it is enacted.

STATEMENT OF INTENT
UNDER ZONING CODE § 16-202
FOR

2216 Eutaw Place Baltimore, MD 21217
{Address}

1. Applicant's Contact Information:

Name: Alexander Aaron
Mailing Address: PO Box 23409 Baltimore, MD 21203
Telephone Number: 703-447-7539
Email Address: Alex.Aaron@chasestreetpartner.com

2. All Proposed Zoning Changes for the Property: Convert the currently vacant property from one dwelling unit to two dwelling units.

3. All Intended Uses of the Property: End owner plans to live in unit A (1st, 2nd, & 3rd floors) and plans to rent out unit B (basement) to a family friend.

4. Current Owner's Contact Information:

Name: Mario and Elissa Moorhead
Mailing Address: 2216 Eutaw Pl Baltimore, MD 21217
Telephone Number: 347-495-2309
Email Address: blackskymedia@gmail.com

5. Property Acquisition:

The property was acquired by the current owner on 5/16/16 by deed recorded in the Land Records of Baltimore City in Liber LGA18105 Folio 0415.

6. Contract Contingency:

(a) There is is not X a contract contingent on the requested legislative authorization.

(b) If there is a contract contingent on the requested legislative authorization:

(i) The names and addresses of all parties to the contract are as follows {use additional sheet if necessary}: N/A

17-0062

(ii) The purpose, nature, and effect of the contract are: N/A


7. Agency:

(a) The applicant is X is not _____ acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows *{use additional sheet if necessary}*: Mario and Elissa Moorhead

AFFIDAVIT

I, Alexander Aaron, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.



Applicant's signature

4/11/17

Date

STATEMENT OF INTENT
UNDER ZONING CODE § 16-202

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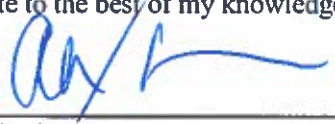
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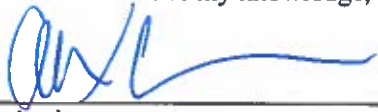
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062

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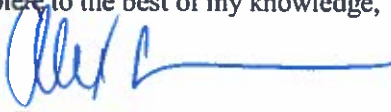
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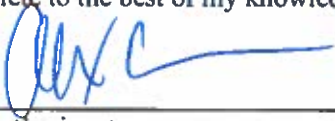
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AFFIDAVIT

I, Alexander Aaron, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.



Applicant's signature

4/11/17

Date

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL 17-082

APPROVED FOR FORM
STYLE, AND TEXTUAL SUFFICIENCY

4-13-17
DEPT LEGISLATIVE REFERENCE

Introduced by: Councilmember Pinkett
At the request of: Mario and Elissa Moorhead
Address: c/o Alex Aaron, P.O. Box 23409, Baltimore, Maryland 21203
Telephone: 1-703-447-7539

A BILL ENTITLED

AN ORDINANCE concerning

**Zoning – Conditional Use Conversion of 1 Dwelling Unit to
2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place**

FOR the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2216 Eutaw Place, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 3-305(b) and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2216 Eutaw Place, as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 3-305(b) and 14-102, subject to the condition that the building complies with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

LUT
Law
Planning Co
BMZA
HCP
BDC
~~DOT~~
DOT

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

LAND USE AND TRANSPORTATION COMMITTEE

FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION COMMITTEE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING A CONDITIONAL USE FOR:

City Council Bill No. 17-0062

Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place.

According to the Baltimore City Zoning Code, agency reports and public testimony a conditional use is being granted under:

Title 14-204

Upon finding that:

- (1) the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals;
- (2) the use is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization is not otherwise in any way contrary to the public interest; and
- (4) the authorization is in harmony with the purpose and intent of this article

Title 14-205

After consideration of:

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;
- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;

- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;
- (5) accessibility of the premises for fire and police protection;
- (6) accessibility of light and air to the premises and to the property in the vicinity;
- (7) the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;
- (8) the preservation of cultural and historic landmarks;
- (9) the provisions of the City Master Plan;
- (10) the provisions of any applicable Urban Renewal Plan;
- (11) all applicable standards and requirements of this article;
- (12) any other matters considered to be in the interest of the general welfare.

LAND USE AND TRANSPORTATION COMMITTEE:

Chairman

Member

Member

Member

Member

Member

Member

Member

CITY OF BALTIMORE
ORDINANCE
Council Bill 17-0062

Introduced by: Councilmember Pinkett

At the request of: Mario and Elissa Moorhead

Address: c/o Alex Aaron, P.O. Box 23409, Baltimore, Maryland 21203

Telephone: 1-703-447-7539

Introduced and read first time: April 24, 2017

Assigned to: Land Use and Transportation Committee

Committee Report: Favorable

Council action: Adopted

Read second time: July 17, 2017

AN ORDINANCE CONCERNING

**Zoning – Conditional Use Conversion of 1 Dwelling Unit to
2 Dwelling Units in the R-8 Zoning District – 2216 Eutaw Place**

FOR the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2216 Eutaw Place, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning

Section(s) 3-305(b) and 14-102

Baltimore City Revised Code

(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2216 Eutaw Place, as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 3-305(b) and 14-102, subject to the condition that the building complies with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

Council Bill 17-0062

1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
2 after the date it is enacted.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City