


FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	City Council Bill #21-0111 / Zoning – Conditional Use Conversion to 3 Dwelling Units in the R-7 Zoning District - - Variance – 2312 Eutaw Place		

TO

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

DATE: August 6, 2021

At its regular meeting of August 5, 2021, the Planning Commission considered City Council Bill #21-0111, for the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 3 dwelling units on the property known as 2312 Eutaw Place (Block 3424, Lot 027), as outlined in red on the accompanying plat; and granting a variance from certain bulk regulations (lot area size).

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #21-0111, and adopted the following resolution, nine members being present (nine in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff to delete a variance of bulk regulations from this bill, adopts the findings of fact outlined in the attached staff report and its equity findings, with consideration for testimony and facts presented in this meeting, and recommends that City Council Bill #21-0111 be amended to delete a variance of bulk regulations, and as amended be passed by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

cc: Ms. Natasha Mehu, Mayor's Office
 Ms. Nina Themelis, Mayor's Office
 Mr. Ted Carter, Mayor's Office
 The Honorable Eric Costello, Council Rep. to Planning Commission
 Mr. Matthew Stegman, City Council President's Office
 Ms. Nikki Thompson, City Council President's Office
 Mr. Colin Tarbert, BDC
 Ms. Kathleen Byrne, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Stephanie Murdock, DHCD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Mr. Liam Davis, DOT
 Ms. Natawna Austin, Council Services
 Mr. Dominic McAlily, Council Services
 Mr. Avery Aisenstark, Legislative Reference
 Dr. Marilyn Walker for Master Pro Real Estate Investment LLC



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

August 5, 2021

REQUEST: City Council Bill #21-0111/ Zoning – Conditional Use Conversion of a Single-Family Dwelling to 3 Dwelling Units in the R-7 Zoning District – Variance – 2312 Eutaw Place: For the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 3 dwelling units in the R-7 Zoning District on the property known as 2312 Eutaw Place (Block 3424, Lot 027), as outlined in red on the accompanying plat; and granting a variance from certain bulk regulations (lot area size).

RECOMMENDATION: Amendment, and Approval as amended

Amendment: delete the variance of bulk regulations (lot area size) and references thereto.

STAFF: Martin French

INTRODUCED BY: Councilmember Torrence, at the request of Master Pro Real Estate Investment, LLC

OWNER: Master Pro Real Estate Investment, LLC

SITE/GENERAL AREA

Site Conditions: 2312 Eutaw Place is located on the southwest side of the street, approximately 110' northwest of the intersection with Ducatel Street. This property measures approximately 19'3" by 146' and extends through to Morris Street. It is currently improved with a three-story attached residential building measuring approximately 19'3" by 80' that was constructed in 1907. This site is zoned R-7 and is located within the Eutaw Place – Madison Avenue Historic District and the Reservoir Hill community.

General Area: Eutaw Place and Madison Avenue between North Avenue and Druid Hill Park form the western portion of the predominantly residential community known as Reservoir Hill that is between North Avenue and Druid Hill Park. This area was developed in the final decade of the 19th Century and first three decades of the 20th Century, and its architecture reflects some dramatic changes in consumer choices of housing that happened in that span of time. During the mid-20th Century there was much conversion of single-family dwellings to multi-family dwellings in Reservoir Hill. There are scattered religious, institutional, and small-scale commercial uses in the area, and residential uses range from single-family attached housing of various sizes to small and large apartment houses, including twin high-rise public housing buildings for the elderly and disabled on the north edge of Reservoir Hill along Druid Park Lake Drive. To the east of the junction of Eutaw Place and North Avenue is the redevelopment site known as Madison Park North, where new townhouses are now being planned.

HISTORY

The Eutaw Place – Madison Avenue Historic District was designated by Ordinance no. 407, dated July 2, 1981. The Reservoir Hill Historic District, which includes Eutaw Place and Madison Avenue, was certified to the National Register of Historic Places on December 23, 2004. This portion of Eutaw Place was rezoned from R-8 to R-7 during the comprehensive rezoning mapping process associated with the effective date of the current Zoning Code on June 5, 2017.

ANALYSIS

Background: This legislation would allow the petitioner to use the existing structure as three dwelling units: a two-bedroom unit consisting of the entire first floor level and the upper two floors of the “back-building” portion of the original rowhouse; and two one-bedroom units, one on each of the second and third floor levels of the “front-building” portion of the original rowhouse. This unusual arrangement is possible because this large residential building retains both its front stairs, which would be used by residents of the upper-level dwelling units, and its back stairs, which would be exclusively used by residents of the first-floor level dwelling unit.

Although originally constructed as a three-story, six-bedroom house for a family with servants (hence the back stairs), by 1950 this building had been converted to apartments. Sixty years later, the then-current owner of the property filed an application to reduce the number of dwelling units in the building and it was reclassified as a single-family dwelling. However, interior alterations to remove key fixtures of apartment dwellings were not completed. The current owner purchased the property with utility arrangements in place supportive of three dwelling units. The Board of Municipal and Zoning Appeals denied her application for multi-family dwelling use of this property on March 9, 2021, and on April 29, 2021 issued its decision, noting that the single-family dwelling Use and Occupancy permit was still in force. Thus, according to the Zoning Code, the current owner is obliged to obtain legislative approval for use of the property as three dwelling units.

Zoning analysis: This property is a mid-group residential structure containing over 4,400 square feet of gross floor area. This bill would encourage re-use of the structure consistent with its current zoning.

- The Zoning Code requires, for conversion of a single-family dwelling in the R-7 zoning district, 1,100 square feet of lot area per dwelling unit (BCZC subsection 9-703.d., citing Table 9-401). A lot area of 2,750 square feet is thus required for the proposed use. This lot has approximately 2,810.5 square feet and thus meets this requirement for conversion. This bill was drafted using an estimation that a lot area of 3,300 square feet would be required for approval. However, the Zoning Code provides, in its subsection 15-302, “On a lot with three or more dwelling units, a fraction of the total area that is 50% or more of the required lot area factor counts as an additional permitted dwelling unit.” Therefore, a variance of lot area size (bulk regulations) is not required. The variance and references to it may be deleted from City Council Bill #21-0111.
- The Zoning Code requires, for conversion of a single-family dwelling in the R-7 district, 1,500 square feet of floor area in the structure (BCZC subsection 9-703.b.). The existing

structure contains approximately 4,464 square feet of floor area, thus meeting this requirement.

- The Zoning Code requires, for conversion of a single-family dwelling in the R-7 district, 750 square feet of floor area for each one-bedroom dwelling unit and 1,000 square feet of floor area for each two-bedroom dwelling unit (BCZC subsection 9-703.c.). The preliminary floor plan for this conversion shows approximately 855 gross square feet for each of the two one-bedroom dwelling units on the two upper floor levels of the “front-building” portion of the premises, and approximately 2,754 square feet in the proposed multi-level two-bedroom dwelling unit, thus meeting this requirement.
- The maximum lot coverage allowed for a multi-family dwelling structure in the R-7 district is 70% (BCZC, Table 9-401). The existing structure covers approximately 52% of the lot, and is not being enlarged. No variance of this requirement is needed.
- Two additional off-street parking spaces are required to serve the newly-created dwelling units (BCZC subsection 9-703.f.). This property can provide the necessary off-street parking spaces, as the lot is 19’3” wide, has a rear yard at least 20’ deep, and has a public street behind it. No variance of this requirement is needed.

Conditional Use: Per §5-406 {“Approval standards”} of Article 32 – *Zoning*:

(a) *Limited criteria for denying.*

Neither the Board of Municipal and Zoning Appeals, nor the City Council, as the case may be, may approve a conditional use unless, after public notice and hearing and on consideration of the standards required by this subtitle, it finds that:

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

Establishment, location, maintenance, or operation of this property as a multi-family dwelling containing three dwelling units would not be detrimental to or endanger public health, safety, or welfare (its previous use from before 1950 to 2010 having not proven a danger to public health, safety, or welfare). The proposed multi-family use is not precluded by any other law, and there is no Urban Renewal Plan for this area. The proposed authorization would not be contrary to the public interest (in fact, it could advance the public interest by creating housing affordable to moderate-income families). Therefore, Planning staff conclude that the authorization would be in harmony with the purpose and intent of the Zoning Code.

Below is the staff’s review of §5-406(b) {“Required considerations”} of Article 32 – *Zoning*:

(b) *Required considerations.*

As a further guide to its decision on the facts of each case, the Board of Municipal and Zoning Appeals must consider the following, where appropriate:

- (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 emergency vehicles;
- (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 and structures;
- (9) the character of the neighborhood;
- (10) the provisions of the City's Comprehensive Master Plan;
- (11) the provisions of any applicable Urban Renewal Plan;
- (12) all applicable standards and requirements of this Code;
- (13) the intent and purpose of this Code; and
- (14) any other matters considered to be in the interest of the general welfare.

Staff finds that the site, including its size and shape, is appropriate for the proposed use. There would be no change to traffic patterns if this use would be authorized. The surrounding area is one in which the predominant residential type was originally single-family owner-occupancy row-housing but in which conversions of some single-family to multi-family dwellings occurred during the 20th Century. For this reason, it is unlikely that the proposed multi-family use would impair present or future development. There is reasonable proximity of other dwellings, churches and other places of worship, schools, public structures, and places of public gathering. There is adequate accessibility for emergency vehicles, and of light and air to the premises and to other properties in the vicinity. There are adequate utilities, roads, drainage, and other necessary facilities. The proposed use of the existing structure would not affect preservation of cultural and historic landmarks and structures, including this structure itself. Approval of the proposed use as a multi-family dwelling would not affect the existing character of the neighborhood, as noted above. While consistent with provisions of the City's Comprehensive Master Plan, the proposed use is not prevented or limited by any Urban Renewal Plan. Multi-family use would meet all applicable standards and requirements of the Zoning Code without granting of variances, and would be consistent with the intent and purpose of the Zoning Code.

Equity considerations: This property is located within a part of Baltimore City that has stable real estate market values and a proportion of non-whites that is similar to the City-wide average. The Reservoir Hill community, as part of the larger West Baltimore area, did in the past suffer from significant net disinvestment, combined with population losses, for several decades at the end of the 20th Century and beginning of the 21st Century. Since then this real estate submarket has rebounded. While there would be no apparent or predictable changes to the quality of life in the Reservoir Hill community that would result from disapproval of this proposed action, there is a predictable, though limited, improvement that could result from completion of renovation and re-use of this property, reinforced by creation of additional housing options for residents. By itself, the proposed action would not change existing patterns of inequity that persist in Baltimore. However, the proposed action should be considered in the context of other actions generating both investment in and re-activation of significant parts of this portion of Baltimore.

Southeast of this property is the Madison Park North revitalization project, which is bringing 120 planned townhouses with homeownership opportunities to a now-vacant tract of land on the north side of North Avenue. Along with such action under the auspices of the Department of Housing and Community Development, this conversion could be part of a new beginning to counteract patterns of inequity. There would be no effect on internal operations of the Department of Planning that would result from approval of the proposed action.

Notification: The Friends of Reservoir Hill, Reservoir Hill Improvement Council, Reservoir Hill Association, Friends of German Park, Upper Eutaw/ Madison Neighborhood Association, Reservoir Hill Housing and Development Committee, and Councilman Torrence have been notified of this action.



Chris Ryer
Director