



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 #19-0419/ ZONING – CONDITIONAL USE CONVERSION TO 3 DWELLING UNITS IN THE R-7 ZONING DISTRICT – VARIANCE – 2310 EUTAW PLACE		

TO

DATE:

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

September 13, 2019

At its regular meeting of September 12, 2019, the Planning Commission considered City Council Bill #19-0419, 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 2310 Eutaw Place (Block 3424, Lot 026), as outlined in red on an accompanying plat; and granting a variance from certain bulk (lot area) regulations.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment and approval of City Council Bill #19-0419 and adopted the following resolution, five members being present (five in favor):

RESOLVED, That the Planning Commission finds, in accordance with subsections 5-406(a) and 5-406(b) of the Zoning Code of Baltimore City, that the proposed use provided in this bill:

- would not be detrimental to or endanger the public, health, safety, or welfare;
- would not be precluded by any other law, including an applicable Urban Renewal Plan;
- would not be contrary to the public interest;
- would be in harmony with the purpose and intent of this Code; and
- meets all criteria for approval specified in subsection 5-406(b) of the Zoning Code of Baltimore City, as described in the Departmental staff report; and further

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #19-0419 be amended and 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/mf

attachment

cc: Mr. Nicholas Blendy, Mayor's Office
Mr. Matthew Stegman, Mayor's Office
Ms. Nina Themelis, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Mr. Bob Pipik, 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. Elliott Pratt, Applicant



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

September 12, 2019

REQUEST: City Council Bill #19-0419/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 3 Dwelling Units in the R-7 Zoning District – Variance – 2310 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 2310 Eutaw Place (Block 3424, Lot 026), as outlined in red on the accompanying plat; and granting a variance from certain bulk (lot area) regulations.

RECOMMENDATION: Amendment, and Approval as amended

Amendment: Delete Section 2 of the bill, as a lot area variance is not needed for approval; and remove reference to a variance from the bill title and purpose statement.

STAFF: Martin French

PETITIONER: Councilmember Pinkett, at the request of Elliott Pratt

OWNER: Elliott Pratt

SITE/GENERAL AREA

Site Conditions: 2310 Eutaw Place is located on the southwest side of the street, approximately 70' northwest of the intersection with Ducatel Street. This property measures approximately 19'3" by 146'6" and extends through to Morris Street, and is currently improved with a three-story attached residential building measuring approximately 19'3" by 72' and a detached accessory garage measuring approximately 19' by 20' in the rear yard. The site is zoned R-7 and is located in the Eutaw Place – Madison Avenue Historic District.

General Area: Most of the housing in this area was originally developed in the late 19th Century and first two decades of the 20th Century. There are also scattered nonresidential uses such as offices, churches and small businesses in the area. During the 20th Century there was much conversion of single-family dwellings to multi-family structures.

HISTORY

The Eutaw Place – Madison Avenue Historic District was approved by Ordinance no. 407 dated July 2, 1981. This block 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.

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.

ANALYSIS:

Background: This legislation would allow the petitioner to use the existing structure as three dwelling units, each a 1-bedroom or 2-bedroom unit on each floor level of the structure. Approving use as a three-family multi-family dwelling would allow preservation of a piece of the community's traditional architectural fabric while responding to more contemporary, smaller-scale residential needs in a location with convenient access to downtown for residents of the three dwelling units.

Zoning Analysis: This property is a middle-of-group residential structure containing approximately 2,000 square feet of gross floor area. This bill would encourage re-use (or continuing use) of a structure consistent with its current zoning.

- The Zoning Code requires, for conversion of a single-family dwelling property in the R-7 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 required for the proposed use, as BCZC subsection 15-302, "Measurement of density", states: "On a lot with 3 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." This lot has 2,820 square feet and thus meets the lot area requirement for conversion. A variance of the lot area requirement is included in this bill, but is not technically necessary and should be removed from the bill.
- The Zoning Code requires, for conversion of a single-family dwelling property in the R-7 District, 750 square feet of floor area per 1-bedroom dwelling unit and 1,000 square feet of floor area per 2-bedroom dwelling unit (BCZC subsection 9-703.c.). The existing structure contains approximately 1,200 square feet of floor area on each of its three levels, thus meeting this requirement.
- The maximum lot coverage allowed is 70% (Zoning Code Table 9-401). This structure and its accessory garage together cover approximately 55% of the lot. No variance of this requirement is needed.
- Two additional off-street parking spaces are required to serve the two newly-created dwelling units (BCZC subsection 9-703.f.). This property can provide two off-street parking spaces meeting Zoning Code standards.

Conditional Use: Per subsection 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.

The establishment, location, and 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. The proposed 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.

In making the above recommendation, Planning staff reviewed subsection 5-406(b) {"Required considerations"} of Article 32 – *Zoning*, and finds that the proposed use meets these additional criteria for approval of a conditional use:

1. The nature of the proposed site, including its size and shape, are adequate for the proposed use;
2. There will be no negative impact to traffic patterns;
3. The proposed use will not impair the present and future development of this lot or the surrounding area;
4. There will be no negative impact resulting from proximity to dwellings, churches, schools, public structures, and other places of public gathering;
5. There is adequate accessibility of the premises to emergency vehicles;
6. There is adequate light and air to the premises and to properties in the vicinity;
7. Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided;
8. The proposed use will not interfere with preservation of cultural and historic landmarks and structures;
9. The proposed use would not alter the character of the neighborhood;
10. The proposed use is consistent with provisions of the City’s Comprehensive Master Plan;
11. The proposed use is consistent with the provisions of the applicable urban renewal plan;
12. The proposed use meets all other applicable standards and requirements of the Zoning Code;
13. The proposed use is consistent with the intent and purpose of the Zoning Code; and
14. Is consistent with any other matters that may be considered to be in the interest of the general welfare.

Planning staff recommend that the Planning Commission also find:

- The proposed use as a three-family dwelling would be consistent with other residential use in the area.
- Sufficient off-street parking spaces meeting Zoning Code standards can be provided on this property.

Notification: The Friends of Reservoir Hill, Reservoir Hill Improvement Council, Upper Eutaw Madison Neighborhood Association, and Councilman Pinkett have been notified of this matter.



Chris Ryer
Director