


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 1704 Eutaw Place		

TO Mr. David Tanner, Executive Director  
Board of Municipal and Zoning Appeals  
417 East Fayette Street, 14<sup>th</sup> Floor

DATE: July 9, 2015

### REQUEST

The Department of Planning has received John Diakoulas' Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Affinity Reservoir Hill LLC, to use the premises for seven dwelling units. The Zoning Administrator has determined that a variance of lot area requirements is needed for approval of this conditional use conversion in an O-R zoning district. We understand that this appeal is scheduled for hearing on July 14, 2015.

### SITE

1704 Eutaw Place is located on the southwest side of the street, approximately 75' northwest of the intersection with Wilson Street. This property measures approximately 21' by 130' and is currently improved with a three-story attached residential building measuring approximately 21' by 107'. This site is zoned O-R-2 and is located within the Madison Park South Urban Renewal Plan area and the Bolton Hill Historic District.

### ANALYSIS

Use: In this zoning district, dwellings are a permitted use, and so are allowed (§5-201). In this case, the property was last authorized for use as a single-family attached dwelling.

Conversion of Dwellings: In all districts except the R-2, R-4, R-5, and R-6 Districts, the Board may authorize, as a conditional use, the conversion of a building for use by more than one family, as long as the number of families permitted conforms with the applicable bulk regulations for the district in which the building is located (§3-305.b.1).

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 550 square feet of lot area per dwelling unit (§5-206.c.). In this case, for seven dwelling units, 3,850 square feet of lot area is required. The lot only encloses 2,247 square feet, and so does not meet this requirement. However, §5-105.c. of the Zoning Code permits approval of an additional dwelling unit if the fraction determined by dividing the total area of the lot by the lot area requirement exceeds 50% or more of the required lot area factor; in this case, the result is 58%.

Urban Renewal Plan: This property is located in the Madison Park South Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district. However, the Plan does specify that any habitable room in a basement must have 70% or more of the required window area for light and ventilation as set forth in Baltimore City Health Department regulations. The applicant is encouraged to have the proposed basement dwelling unit reviewed for compliance with this requirement.

Historic District: The subject property is located within the Bolton Hill District, a locally and nationally designated Baltimore City historic district. All exterior changes, including additions, demolitions, and alterations are subject to review and approval by the Commission for Historical and Architectural Preservation (CHAP). It is recommended that the applicant contact CHAP to determine the review process applicable to their project, especially if enlargement of window openings in the basement walls would be required for final approval of occupancy of the basement dwelling unit.

TransForm Baltimore: This property would become part of the O-R-1 District (Proposed Zoning Map Area 6-B) in which multi-family dwellings would be permitted uses (Table 12-301). The O-R Districts would have off-street parking requirements of 1 space per dwelling unit (Table 16-406A).

#### **RECOMMENDATION**

The Department of Planning recommends that approval of this appeal be subject to the applicant receiving a Notice To Proceed from the Commission for Historical and Architectural Preservation for any exterior alterations that may be required in order to make any of the approved dwelling units habitable.

TJS/wya/mf

cc: John Diakoulas, Appellant