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| FROM | NAME & TITLE | THOMAS J. STOSUR, DIRECTOR | CITY of BALTIMORE MEMO  |
| | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR | |
| | SUBJECT | BMZA / 2339 Eutaw Place | |

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

DATE: November 22, 2010

REQUEST

The Department of Planning has received Darnellena “Christie” Burnett’s Board of Municipal and Zoning Appeals (BMZA) application to use the premises for four dwelling units. We understand that this appeal is scheduled for hearing on December 7, 2010.

SITE

2339 Eutaw Place is located on the east side of the street, approximately 197’ south of the intersection with Whitelock Street. This property measures approximately 25’10” by 156’ and is currently improved with a three-story end-of-row residential building measuring approximately 18’ by 83’. This site is zoned R-8 and is located within the Reservoir Hill Urban Renewal Plan area and the Eutaw Place – Madison Historic District.

ANALYSIS

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).

Lot Area: In this zoning district, multiple-family dwellings require 750 square feet of lot area per dwelling unit (§4-1106.a). In this case, for four dwelling units, 2,625 square feet of lot area is required. The lot encloses 4,029 square feet, and so does meet this requirement.

Renewal Plans: Ordinance #01-0165 was approved May 14, 2001 for the purpose of, among other things, clarifying the relationship between conditions or requirements imposed by an Urban Renewal Plan or Conservation Plan, such that the condition or requirement that is more restrictive will govern. Additionally, the ordinance prohibits the approval of a conditional use or a variance if that conditional use or variance is precluded by an applicable renewal plan or master plan.

Required Findings: The Board may not approve a conditional use unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that: ... (2) the use is not in any way precluded by any other law, including an applicable urban renewal plan; (§14-204). For this reason, the Board must consider the requirements of the Reservoir Hill Urban Renewal Plan, which does allow this use in this district.

Off-Street Parking: ... if the intensity in use of a structure or premises is increased through the addition of dwelling, efficiency, or rooming units, floor area, seating capacity, or other units of measurement, off-street parking facilities must be provided for that increased intensity, as required by this title (§10-202.a).

Off-Street Parking: In this zoning district, multiple-family attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For four dwelling units, four parking spaces are required; two are provided at the rear of the property. As the structure was lawfully erected before April 20, 1971, additional off-street parking facilities are mandatory only in the amount by which the requirements for the new use exceed those for the existing use (§10-203.b).

Off-Street Parking Variance: ... the Board may grant a variance to reduce by no more than 75% the number of off-street parking spaces otherwise required by the applicable regulation (§15-208.b). In this case the reduction proposed is 33%, which is within the variable amount the Board may authorize.

Comprehensive Planning: The Department of Planning typically will only support one dwelling unit per floor, and normally does not support units in basements. However, the subject property is part of a block of housing for well-to-do Baltimoreans built a century ago with a design that featured an “English basement” for servants. As such, this property is intended to include a basement dwelling unit. The Baltimore City Comprehensive Master Plan: LIVE, EARN, PLAY, LEARN calls for better land use and urban design standards in order to improve the neighborhoods in our City. In this case, approval of a basement dwelling unit would not be part of excessive conversion of residences, which this Department opposes.

Historic District: The subject property is located within the Eutaw Place – Madison District, a locally 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.

RECOMMENDATION

The Department of Planning recommends approval of the appeal, conditional upon the applicant receiving a Notice To Proceed from the Commission for Historical and Architectural Preservation for any exterior alterations or improvements which may be required for conversion or use of the building as four dwelling units.

TJS/wya/mf

cc: Darnellena “Christie” Burnett, Appellant