


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 / 1207 Eutaw Place		

TO

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

DATE: January 18, 2012

REQUEST

The Department of Planning has received Thomas Hordnett's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Hiram Grand Foundation, Inc., to continue to use the premises as a multipurpose center, and to provide accessory space for public events, functions, meetings and related activities. We understand that this appeal is scheduled for hearing on January 24, 2012.

SITE

1207 Eutaw Place is located on the east side of the street, approximately 152' north of the intersection with Dolphin Street. This property measures approximately 153' by 75'8" and contains approximately 0.265 acre, and is currently improved with a three-story detached institutional building measuring approximately 59' by 62'. This site is zoned R-10 and is located within the Madison Park South Urban Renewal Plan area and the Bolton Hill Historic District.

ANALYSIS

Use: In this zoning district, multi-purpose neighborhood centers are a conditional use, and so are allowed subject to BMZA approval (§4-1303). In this case, the property was last authorized for use as a multi-purpose neighborhood center. The applicant is proposing to confirm this use while obtaining authorization for "public events, functions, meetings and related activities" in "accessory space". There was no schedule of proposed events, functions or meetings and related activities included in this application, nor a floor plan showing what portion of the building would be used for each of those. The Department of Planning considers this detailed information necessary for an appropriately founded decision on whether each proposed additional use would in fact be or become accessory to the principal use of the premises, and whether each one's floor area would qualify as "accessory space".

Accessory use: In this zoning district, accessory uses are the same as those in an R-9 District (§4-1302), which in turn are the same as those in an R-8 District (§4-1202), which in turn are the same as those in an R-1 District (§4-1102), which do not include "public events, functions, meetings and related activities" as proposed in this application (§4-202). As the phrase "accessory uses and structures include, but are not limited to, the following" used in other parts (e.g., §7-209) of the Zoning Code is not used in the Zoning Code sections related to Residence Districts, the Board is not authorized to consider adding the applicant's proposed "public events, functions, meetings and related events" as accessory to the existing conditional use, the multi-purpose neighborhood center.

Definition: “Multi-purpose neighborhood center” means a building or a group of buildings used, in whole or in part, for 2 or more governmental or community services, such as health, day care, recreation, legal aid, social services, education, and employment counseling (§1-163). The applicant should indicate how the “public events, functions, meetings and related activities” fit these definitional requirements for a multi-purpose neighborhood center.

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 Madison Park South Urban Renewal Plan (“the URP”), which restricts this use in this district. The Land Use Plan (Exhibit 2 of the URP) designates this property as part of a low-density residential area, in which a maximum density of 30 families per net residential acre is permitted, and in which additional uses are described as follows:

“Educational facilities; churches and church facilities; college, university, professional or other institutional clubs; convalescent homes and homes and clinics for the elderly; day nurseries and nursery schools; political clubs; professional societies; social agencies; and landscaping, parking, and loading facilities related to the above uses.”

The applicant must describe how the proposed “public events, functions, meetings and related activities” in “accessory space” would be consistent with these requirements in order for them to be approvable.

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal at this time because the applicant has not provided a complete description and schedule of proposed public events, functions, meetings and related activities that would be associated with the multi-purpose neighborhood center, and has not provided a floor plan that demonstrates that the space to be devoted to these would be accessory space in relation to the space used for multi-purpose neighborhood center community services (as those are defined in the Zoning Code).

TJS/wya/mf

cc: Thomas Hordnett, Appellant