


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 / 1301 North Broadway		

TO

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

DATE: January 6, 2014

REQUEST

The Department of Planning has received Lisa Junker's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of TRF DP Holdings LLC, to use the first floor of the premises as a coffee shop and the second and third floors as one dwelling unit. The Zoning Administrator has determined that the proposed commercial use on the first floor is a nonconforming use in a R-8 District. We understand that this appeal is scheduled for hearing on January 14, 2014.

SITE

1301 North Broadway is located on the northeast corner of the intersection with Preston Street. This property measures approximately 17' by 75' and is currently improved with a three-story semi-detached residential mixed-use building covering the entire lot. This site is zoned R-8 and is located within the Broadway East Urban Renewal Plan area and the Baltimore East/ South Clifton Park National Register Historic District.

ANALYSIS

Use: In this zoning district, coffee shops are not listed as a permitted or conditional use, and so are not allowed (§4-1101 to §4-1104). In this case, the property was last authorized for use as a grocery store, which is a nonconforming use in this R-8 General Residence District.

Change in Nonconforming Use: In accordance with Subtitle 7 {"Modifications and Continuances by Board"} of this title, the Board may authorize a Class III nonconforming use in a Residence or Office-Residence District to be changed to a use permitted in a B-1 District (§13-405.b). A restaurant, or a bakery and delicatessen (whichever category would be most suitable for permitting a coffee shop, as determined by the Zoning Administrator), is listed as a conditional use in the B-1 District, and so is eligible for a change in nonconforming use (§6-206).

Urban Renewal Plan: This property is located in the Broadway East Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict this use as a continuing nonconforming use.

Historic District: The property is located in a designated historic district, and so may be eligible for historic tax credits for restoration and renovation. The appellant is encouraged to contact the Baltimore Commission for Historical and Architectural Preservation before proceeding with any improvements which may be authorized as a result of this appeal.

Mr. David Lanner, BMZA
Executive Director
Page 2
Re: 1301 North Broadway

TransForm Baltimore: This property would remain part of a R-8 District (Proposed Zoning Map Area 7-B) in which Neighborhood Commercial Establishments would be conditional uses (Table 9-301). “Neighborhood commercial establishment” means “a commercial use that is within a residential neighborhood, but in a structure that is non-residential in its construction and original use” (§1-310 (I)).

RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Lisa Junker, Appellant