


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 / 1452-1454 Light Street		

TO

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

DATE: January 11, 2016

REQUEST

The Department of Planning has received Nabil Bawomy's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the portion of the premises known as 1454 Light Street as a hookah lounge. The Zoning Administrator has determined that this is a prohibited use in a B-2 zoning district. We understand that this appeal is scheduled for hearing on January 26, 2016.

SITE

1452-1454 Light Street is located on the northwest corner of the intersection with Fort Avenue. This property measures approximately 32'10" by 67'4" and contains approximately 0.079 acre, and is currently improved with a three-story semi-detached residential mixed-use building covering the entire lot. This site is zoned B-2-3 and is located within the Federal Hill South National Register Historic District.

ANALYSIS

Use: In this zoning district, hookah lounges are not listed as a permitted or conditional use, and so are not allowed (§6-306 to §6-309). In this case, the property was last authorized for use as a retail commercial space and four dwelling units, which are permitted uses in this B-2 Community Business District.

Determination of nonconformity or noncompliance: (a) Whether a nonconforming use, noncomplying density or other form of nonconformity exists is a question of fact that, except as specified in subsection (b) of this section, must be decided by the Board after public notice and hearing in accordance with the rules of the Board (§13-107). Unless the applicant can demonstrate that there is a lawfully established nonconforming use of this property for which that use could be changed to the use sought by the applicant, the Board must disapprove this application, because the Zoning Code does not provide any authority to establish new non-conforming uses.

TransForm Baltimore: This property would become part of a C-1 District (Proposed Zoning Map Area 11-A) in which Personal Services Establishments and Retail Goods Establishments with No Alcohol Sales would be permitted uses (Table 10-301).

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the Zoning Code does not provide the Board discretionary authority to approve creation of a new non-conforming use, which the proposed use would be in a B-2 Community Business District.

TJS/wya/mf

cc: Nabil Bawomy, Appellant

South