


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 / 6210 Park Heights Avenue		

TO

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

DATE: January 23, 2015

REQUEST

The Department of Planning has received Michael Freedman's Board of Municipal and Zoning Appeals (BMZA) application to use the portion of the premises known as Unit 101 as a professional office providing counselling. The Zoning Administrator has determined that this is a prohibited use in a R-7 Zoning District. We understand that this appeal is scheduled for hearing on January 27, 2015.

SITE

6210 Park Heights Avenue is located on the southwest corner of the intersection with Strathmore Avenue. This property measures approximately 200' by 260' and contains approximately 1.178 acre, and is currently improved with a nine-story detached residential condominium building in which the Unit 101/103 takes up 1.01% of the floor area. This site is zoned R-7 and is located within the Northwest Community Planning Forum Strategic Neighborhood Action Plan area.

ANALYSIS

Use: In this zoning district, offices – business, governmental, or professional, are not listed as a permitted or conditional use, and so are not allowed (§4-1001 to §4-1004). In this case, the property was last authorized for use as a single-family condominium unit, which is a permitted use in this R-7 General Residence District. The Zoning Code does allow “physicians’ or dentists’ professional offices” but this applicant states that his profession is neither of these, hence the initial denial of his application. Home occupations are also allowed by the Zoning Code if they are accessory to residential use of the premises.

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). If the applicant cannot demonstrate that Unit 101 was previously authorized for nonconforming use, this application could not be approved as a continuation of nonconforming use.

TransForm Baltimore: This property would become part of the R-5 District (Proposed Zoning Map Area 1-A) in which home occupations would be permitted uses and neighborhood commercial establishments would be conditional uses (Table 9-301). “Home occupation” includes occupations carried on in a dwelling unit by a resident of that unit, secondary to use of the unit for residential purposes (§1-307 (M)). “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)).

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RECOMMENDATION

If the Board determines that there has been nonconforming use of the premises that would allow the proposed use, or if the applicant provides information that would allow the Board to determine that the proposed use could be categorized as a home occupation, the Department of Planning would have no objection to the proposed use.

TJS/wya/mf

cc: Michael Freedman, Appellant