

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR
	SUBJECT	BMZA / 1909 North Pulaski Street

CITY of
BALTIMORE

MEMO



TO

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

DATE: February 5, 2016

REQUEST

The Department of Planning has received Melvin Kodenski's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Claude Shell, Jr., to continue to use the first floor of the premises as a tavern (not including live entertainment and dancing). 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 February 9, 2016.

SITE

1909 North Pulaski Street is located on the southeast corner of the intersection with Herbert Street. This property measures approximately 14' by 70' and is currently improved with a two-story end-of-row building covering the entire lot. This site is zoned R-7.

ANALYSIS

Use: In this zoning district, taverns 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 tavern, which is a nonconforming use in this R-7 General Residence 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). This property was subject to a Vacant Building Notice in 2014. The application states that the current use is as a tavern. The applicant should present the Board evidence that the nonconforming use has not been discontinued in order for the application to receive further consideration.

TransForm Baltimore: This property would become part of the R-8 District (Proposed Zoning Map Area 6-A) 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 recommends disapproval of this appeal unless the applicant demonstrates that nonconforming use of the property has not been discontinued or abandoned.

TJS/wya/mf

cc: Melvin Kodenski, Appellant

West