


<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 1213 Edmondson Avenue		

**TO**

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

DATE: February 5, 2016

**REQUEST**

The Department of Planning has received Anthony Ogbuokiri's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a tavern. The Zoning Administrator has determined that this is a prohibited use in a B-1 zoning district. We understand that this appeal is scheduled for hearing on February 9, 2016.

**SITE**

1213 Edmondson Avenue is located on the south side of the street, approximately 110' east of the intersection with Carey Street. This property measures approximately 16' by 92'8" and is currently improved with a three-story now-detached residential mixed-use building measuring approximately 16' by 59'. This site is zoned B-1-2 and is located within the Harlem Park Project II Urban Renewal Plan area.

**ANALYSIS**

Use: In this zoning district, taverns are not listed as a permitted or conditional use, and so are not allowed (§6-206 to §6-209). In this case, the property was last authorized for use as a gift shop and a single-family dwelling, which are permitted uses in this B-1 Neighborhood Business District. The Zoning Code does not authorize creation of new nonconforming uses.

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 Harlem Park Project II Urban Renewal Plan, which does not allow this use in this area which it designates as commercial (Plan, C.2.a.(4) Commercial).

TransForm Baltimore: This property would become part of the R-8 District (Proposed Zoning Map Area 6-D) 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, because the Zoning Code does not provide the Board discretionary authority to approve creation of new nonconforming uses, which a tavern would be at this location.

TJS/wya/mf

cc: Anthony Ogbuokiri, Appellant

West