


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 / 4500-4536 Erdman Avenue		

TO

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

DATE: February 2, 2015

REQUEST

The Department of Planning has received Daryl Moore-Stone's Board of Municipal and Zoning Appeals (BMZA) application to use the portion of the premises known as 4500 Erdman Avenue as a tattoo shop and artist's studio. 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 February 10, 2015.

SITE

4500-4536 Erdman Avenue is located on the northeast side of the street, approximately 122' northwest of the intersection with Federal Street. This property measures approximately 4456' by 200' and contains approximately 2.059 acres, and is currently improved with a one-story detached commercial building measuring approximately 300' by 100'. This site is zoned B-2-1 and is located within the 4500-4538 Erdman Avenue Planned Unit Development.

ANALYSIS

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). In this case, the property was last authorized for use as a package goods liquor store, which is a permitted use in this B-2 Community Business District. This use is for only a portion of the premises, however; the application indicates that the portion known as 4500 has most recently been used as a barber shop, also a permitted use. There is no record of currently-approved nonconforming use of this property.

Planned Unit Development: This property is located in the 4500-4538 Erdman Avenue Planned Unit Development, where the Development Plan does not prohibit or further restrict the proposed use in this district; provisions of the Zoning Code are applicable.

TransForm Baltimore: This property would become part of a C-2 District (Proposed Zoning Map Area 8-A) in which Personal Services Establishments would be permitted uses (Table 10-301). "Personal services establishment" means "an establishment that provides recurrent needed services of a personal nature" (§1-311 (O)).

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the Zoning Code does not authorize establishing new nonconforming uses of property, which a tattoo parlor would be in this B-2 Zoning District.

TJS/wya/mf

cc: Daryl Moore-Stone, Appellant

Northeast