


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 / 2 South Ellamont Street/ 3049 West Baltimore Street		

TO

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

DATE: February 20, 2015

REQUEST

The Department of Planning has received Katonya Davis' Board of Municipal and Zoning Appeals (BMZA) application to continue to use the basement of the premises as a beauty shop, and to use a portion of the basement as a convenience store. The Zoning Administrator has determined that this is a prohibited use in a R-6 Zoning District. We understand that this appeal is scheduled for hearing on February 24, 2015.

SITE

2 South Ellamont Street is located on the southwest corner of the intersection with Baltimore Street (the basement was formerly known as 3101 West Baltimore Street). This property measures approximately 19'11" by 73' and is currently improved with a two-story end-of-row residential building measuring approximately 19' by 32'. This site is zoned R-6.

ANALYSIS

Use: In this zoning district, convenience stores are not listed as a permitted or conditional use, and so are not allowed (§4-901 to §4-904). In this case, the property was last authorized for use as a beauty shop, which is a nonconforming use in this R-6 General Residence District.

Change in Nonconforming Use: In accordance with Subtitle 7 {"Modifications and Continuances by Board"} of this title, the Board may authorize a Class III nonconforming use in a Residence or Office-Residence District to be changed to a use permitted in a B-1 District (§13-405.b). Food stores and variety stores are listed as permitted uses in the B-1 District, and so would be eligible for a change in nonconforming use (§6-206).

TransForm Baltimore: This property would become part of the R-7 District (Proposed Zoning Map Area 5-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 has no objection to this appeal.

TJS/wya/mf

cc: Katonya Davis, Appellant