


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 / 525 South Bentalou 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 Tyrone Hart's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a barber shop. The Zoning Administrator has determined that this is a prohibited use in a R-8 Zoning District. We understand that this appeal is scheduled for hearing on February 24, 2015.

SITE

525 South Bentalou Street is located on the southeast corner of the intersection with Christian Street. This property measures approximately 15' by 71' and is currently improved with a two-story semi-detached residential mixed-use building measuring approximately 15' by 50'. This site is zoned R-8 and is located within the Operation Reach Out Southwest (OROSW) Strategic Neighborhood Action Plan area.

ANALYSIS

Use: In this zoning district, barber shops are not listed as a permitted or conditional use, and so are not allowed (§4-1101 to §4-1104). In this case, the property was last authorized for use as a beauty shop, which is a nonconforming use in this R-8 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). The application indicates that commercial use of the premises is vacant currently. Information received from community sources suggests that the vacancy may have existed for over 12 consecutive months.

TransForm Baltimore: This property would remain part of the R-8 District (Proposed Zoning Map Area 6-C) 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 if the applicant demonstrates to the Board that nonconforming use of the property has not been discontinued or abandoned.

TJS/wya/mf

cc: Tyrone Hart, Appellant