


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 / 1644 East Pratt Street		

TO

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

DATE: February 21, 2014

REQUEST

The Department of Planning has received Nicholas Ramos' Board of Municipal and Zoning Appeals (BMZA) application to use the first floor and basement of the premises for a retail clothing store. The Zoning Administrator has determined that this is a nonconforming use in a R-8 District. We understand that this appeal is scheduled for hearing on February 25, 2014.

SITE

1644 East Pratt Street is located on the north side of the street, approximately 64'6" west of the intersection with Broadway. This property measures approximately 15' by 72' and is currently improved with a three-story attached residential building covering approximately 90% of the lot. This site is zoned R-8 and is located within the Washington Hill Historic District.

ANALYSIS

Use: In this zoning district, clothing stores 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 single-family attached dwelling. The structure on this property has a storefront appearance suggesting that it was used for both commercial and residential purposes in the past, and may have been constructed originally for both types of use.

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). For this application to be approvable, the applicant must demonstrate to the Board that nonconforming use of the property has not been discontinued or abandoned.

Discontinuance of Use: Whenever the active and continuous operation of any Class III nonconforming use, or any part of that use, has been discontinued for 12 consecutive months: (i) the discontinuance constitutes an abandonment of the discontinued nonconforming use, or discontinued part of that use... (§13-407.a.1). The record available to this Department does not include a current nonconforming use at this property.

Historic District: The subject property is located within the Washington Hill District, a locally and nationally designated Baltimore City historic district. All exterior changes, including additions, demolitions, and alterations are subject to review and approval by the Commission for Historical and Architectural Preservation (CHAP). It is recommended that the applicant contact CHAP to determine the review process applicable to their project if the Board approves this application.

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TransForm Baltimore: This property would remain part of a R-8 District (Proposed Zoning Map Area 7-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 unless the applicant demonstrates that nonconforming use of the property has not been discontinued or abandoned.

TJS/wya/mf

cc: Nicholas Ramos, Appellant