


FROM	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 / 2438 (2436-2448) North Charles Street		

TO

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

DATE: March 25, 2013

### REQUEST

The Department of Planning has received William Bradford's Board of Municipal and Zoning Appeals (BMZA) conditional use application to use the property for digital/graphic design, apparel, dermographics, and modern art. The Zoning Administrator has determined that this is a conditional use or a prohibited use in a B-2 District. We understand that this appeal is scheduled for hearing on April 2, 2013.

### SITE

2436-2448 North Charles Street is located on the southwest corner of the intersection with 25<sup>th</sup> Street. This property measures approximately 150' by 93'6" and is currently improved with a three-story commercial building measuring approximately 150' by 86'. This site is zoned B-2-3 and is located within the Charles/ 25<sup>th</sup> Urban Renewal Plan area and the Old Goucher College National Register Historic District.

### ANALYSIS

Conditional Use: In this zoning district, artisans' and craft work are a conditional use, requiring approval by the Board (§6-308), while clothing shops are a permitted use (§6-306), and blueprinting and photostatting establishments are also permitted (§6-306). To the extent that 21<sup>st</sup> Century digital/graphic design work has replaced 20<sup>th</sup> Century blueprinting and photostatting, the portions of the application related to digital/graphic design and apparel are approvable by the Zoning Administrator. The applicant should clarify for the Board whether "modern art" is intended to meet criteria for consideration as artisans' and craft work.

Use: In this zoning district, tattoo parlors are not listed as a permitted or conditional use, and so are not allowed (§6-306 to §6-309). In this case, the property was last authorized for use as a liquor store, which is a permitted use in this B-2 Community Business District. Because the term "dermographics" does not appear in the Zoning Code, Planning staff are considering this to be a term composed of "derma-" referring to skin, and "graphics" referring to either pictorial representation or to graphic art, which is defined as application of lines and strokes to a two-dimensional surface (such as skin, whence the combination term "dermographics").

Urban Renewal Plan: This property is located in the Charles/ 25<sup>th</sup> Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict most of the proposed uses in this district. However, the Plan does explicitly prohibit tattoo parlors in the Community Commercial Land Use areas of the Urban Renewal Area, thus restricting the Board's ability to approve them there as conditional uses. While the Plan does not mention tattoo parlors in connection with its Community Business Land Use areas, it explicitly limits uses in those areas to uses permitted as principal uses, accessory uses, or conditional uses in B-2 Districts under the Zoning Code. The applicant would need to demonstrate that the "dermographics" use would not be inconsistent with the Urban Renewal Plan in order to obtain a use permit.

TransForm Baltimore: This property would be part of a C-1 District (Proposed Zoning Map Area 7-A) in which art galleries, personal services establishments, and retail goods establishments would be permitted uses, and body art establishments would be conditional uses (Table 10-301).

**RECOMMENDATION**

The Department of Planning recommends approval of the portions of this appeal related to digital/graphic design, apparel, and modern art. The Department recommends disapproval of the portion of this appeal related to dermographics unless the applicant demonstrates that this use would not be classifiable as equivalent to a tattoo parlor under the terms of the Zoning Code and the Charles/ 25<sup>th</sup> Urban Renewal Plan.

TJS/wya/mf

cc: William Bradford, Appellant