


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 / 4600 Gough Street		

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

DATE: March 25, 2013

REQUEST

The Department of Planning has received Brian Bendyna's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of M. Luis Construction Co., Inc., to use the property as a construction vehicle, equipment, and material storage yard. The Zoning Administrator has determined that this is a change of nonconforming use in a R-8 District. We understand that this appeal is scheduled for hearing on April 2, 2013.

SITE

4600 Gough Street is located on the north side of the street, approximately 80' west of the intersection with Oldham Street. This property measures approximately 490' along Gough Street by 137' along Oldham Street and contains approximately 4.91 acres, and is currently improved with a one-story detached commercial building measuring approximately 83' by 124'. This site is zoned R-8 and is located within the Southeast Neighborhoods Development (SEND) Strategic Neighborhood Action Plan area.

ANALYSIS

Use: In this zoning district, contractor and construction shops and yards 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 motor freight terminal, which is a nonconforming use in this R-8 General Residence District.

Changes in Nonconforming Use: *In Residence and Office-Residence Districts.* In accordance with subtitle 7 {"Modifications and Continuances by Board"} of this title, the Board may authorize a Class II nonconforming use in a Residence or Office-Residence District to be changed as follows: (1) to a use permitted in an M-1 District, if the nonconforming use is located in a structure all or substantially all of which is designed and erected for an industrial use; or (2) to a use permitted in a B-1 District, if the nonconforming use is located in a structure all or substantially all of which is designed and erected for a business or other nonconforming use (§13-305.b). For over three decades, from 1971 onward, this property was zoned M-2-2, and its rezoning created the nonconforming use situation now present. As the previous use was industrial, and contractor and construction shops are a permitted use in M-1 Districts, but contractor and construction [shops and] yards are a permitted use in M-2 Districts but not in M-1 Districts (§7-206 and 7-306), the Board does not have discretionary authority to approve this requested change of nonconforming use.

TransForm Baltimore: This property would remain part of a R-8 Rowhouse Residential District (Proposed Zoning Map Area 8-C) in which the proposed use would not be permitted either by right or conditionally (Table 9-301). Together with the two properties immediately to its north, this property is planned for redevelopment as housing, intended to be marketed to employees at the nearby Johns Hopkins Bayview Medical Campus.

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RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the use proposed by the applicant would be inconsistent with recently-established plans for redevelopment of this property and its environs.

TJS/wya/mf

cc: Brian Bendyna, Appellant