


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 / 40 North Streeper Street		

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

DATE: March 31, 2015

REQUEST

The Department of Planning has received Victor Perez's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a tailor 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 April 7, 2015.

SITE

40 North Streeper Street is located on the southwest corner of the intersection with Fairmount Avenue. This property measures approximately 26'4" by 60' and is currently improved with a two-story end-of-row building covering the entire lot. This site is zoned R-8 and is located within the Patterson Park – Highlandtown National Register Historic District.

ANALYSIS

Use: In this zoning district, tailor 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 tavern, 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 applicant should provide the Board with information concerning the current use and occupancy of this property.

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). Tailor or dressmaking shops are listed as a permitted use in the B-1 District, and so the proposed use is eligible for a change in nonconforming use (§6-206).

Historic District: The property is located in a designated historic district, and so may be eligible for historic tax credits for restoration and renovation. The appellant is encouraged to contact the Baltimore Commission for Historical and Architectural Preservation before proceeding with any improvements which may be authorized as a result of this appeal.

TransForm Baltimore: This property would remain part of the 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)).

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RECOMMENDATION

The Department of Planning has no objection to this appeal if the applicant demonstrates that nonconforming use of the premises has not been discontinued or abandoned.

TJS/wya/mf

cc: Victor Perez, Appellant