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| 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 / 1400 Mosher Street | | |

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

DATE: April 23, 2010

REQUEST

The Department of Planning has received Steven Palm's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises for a barber/ beauty shop, with a dwelling on the second floor. We understand that this appeal is scheduled for hearing on April 27, 2010.

SITE

1400 Mosher Street is located on the northwest corner of the intersection with Calhoun Street. This property measures approximately 14' by 56' and is currently improved with a two-story end-of-row building measuring approximately 14' by 51'. This site is zoned R-8 and is located within the Sandtown-Winchester Urban Renewal Plan area.

ANALYSIS

Use: In this zoning district, barber shops and beauty 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 dwelling.

Renewal Plans: Ordinance #01-0165 was approved May 14, 2001 for the purpose of, among other things, clarifying the relationship between conditions or requirements imposed by an Urban Renewal Plan or Conservation Plan, such that the condition or requirement that is more restrictive will govern. Additionally, the ordinance prohibits the approval of a conditional use or a variance if that conditional use or variance is precluded by an applicable renewal plan or master plan.

Required Findings: The Board may not approve a conditional use unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that: ... (2) the use is not in any way precluded by any other law, including an applicable urban renewal plan; (§14-204). For this reason, the Board must consider the requirements of the Sandtown-Winchester Urban Renewal Plan, which does not allow this use in this district, except as a nonconforming use.

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal, because it would establish a new nonconforming use where one is not currently permitted.

TJS/ewt/mf

cc: Steven Palm, Appellant

Western