


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 / Northeast side 15' Alley Northeast of Rosalie Avenue		

TO

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

DATE:

April 30, 2014

REQUEST

The Department of Planning has received Stephen Cromwell's Board of Municipal and Zoning Appeals (BMZA) application to use the property for an office and storage of household appliances. The Zoning Administrator has determined that this is a nonconforming use in a R-3 District. We understand that this appeal is scheduled for hearing on May 6, 2014.

SITE

This descriptive lot is located to the rear of 3006-10 Rosalie Avenue, on the northeast side of the 15' alley north of 3006 – 3010 Rosalie Avenue (Block 5542/ Lot 70). This property measures approximately 134' by 98' and is currently improved with a one-story detached commercial building measuring approximately 25' by 80'. This site is zoned R-3.

ANALYSIS

Use: In this zoning district, offices and warehousing and storage are not listed as permitted or conditional uses, and so are not allowed (§4-601 to §4-604). In this case, the property was last authorized for use as a plumbing business with storage of materials in bins and accessory parking of commercial vehicles, as approved by the Board in its decision concerning appeal no. 296-09X. This is a nonconforming use in this R-3 Single-Family 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). Warehousing and storage is a permitted use in a M-1 District (§7-206) and offices: business and professional, other than accessory, are a conditional use (§7-207).

Change of Certain Class II or III Nonconforming Uses: The Board may authorize a change of a Class II or Class III nonconforming use, as limited and stated in §§ 13-305 and 13-405 {"Changes in use"} of this title, if the Board finds that: (1) any emission of noise, vibration, smoke or particulate matter, toxic matter, odorous matter, or glare from the proposed use would be no greater than that from the existing or last use of the property; (2) the proposed use will not generate a greater volume of traffic than the existing or last use of the property; (3) the proposed use will not occupy a greater portion of the lot or structure than the existing or last use of the property; and (4) the effect of the proposed use on the health, safety, or general welfare of the community will be no worse than the existing or last use of the property (§13-712). Due to the fact that this property is surrounded by residential use, and bordered by

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a 15' wide alley to its south which gives access to Rosalie Avenue, the Board should give consideration to concerns of nearby residents about limiting the method and hours of delivery of household appliances to this property.

TransForm Baltimore: This property would remain part of the R-3 District (Proposed Zoning Map Area 4-B) in which offices and warehousing and storage would be prohibited uses (Table 8-301). The uses proposed in this application would thus remain nonconforming.

RECOMMENDATION

The Department of Planning recommends approval of this appeal only if nonconforming use of the property has not been discontinued or abandoned, and subject to reasonable restrictions on hours of operation.

TJS/wya/mf

cc: Stephen Cromwell, Appellant