

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 / 1605-1607 Sulgrave Avenue		

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

DATE: May 5, 2010

REQUEST

The Department of Planning has received Rachel Gardner's Board of Municipal and Zoning Appeals (BMZA) application to use the rear portion of the premises for a yoga and art studio/ commercial school and studio. We understand that this appeal is scheduled for hearing on May 11, 2010.

SITE

1605-1607 Sulgrave Avenue is located on the south side of the street, approximately 50' west of the intersection with Newbury Street. This property measures approximately 25' by 150' and is currently improved with a two-story attached building measuring approximately 25' by 66'. This site is zoned B-2-2 and is located within the Mount Washington Village Business Urban Renewal Plan area.

ANALYSIS

Use: In this zoning district, commercial schools and studios 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 delicatessen and restaurant with accessory outdoor table service, which is a permitted use in this B-2 Community Business District. Physical culture and health services are listed as a permitted use, and so are allowed (§6-306 (63)); similarly, schools and studios: business, dance, and music, are permitted (§6-306 (1), from 6-206 (32a)).

Conditional Use: In this zoning district, artisans' and craft work are a conditional use, requiring approval by the Board (§6-308 (4)).

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 Mount Washington Village Business Area Urban Renewal Plan, which does allow schools and studios in this district, according to its part B, Land Use Plan, 2.a Permitted Uses, (2.b).

RECOMMENDATION

The Department of Planning has no objection to the appeal.

TJS/ewt/mf

cc: Rachel Gardner, Appellant