


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 / 515 West 29 th Street (529 West 29 th Street)		

TO

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

DATE: May 10, 2013

REQUEST

The Department of Planning has received JoAnne Garrett's Board of Municipal and Zoning Appeals (BMZA) application to use the portion of the premises known as 529 West 29th Street as a "dog day care" facility. The Zoning Administrator has determined that this is a nonconforming use in a B-3 District. We understand that this appeal is scheduled for hearing on May 14, 2013.

SITE

515 West 29th Street is located on the south side of the street, approximately 100' west of the intersection with Hampden Avenue. This consolidated irregularly-shaped property measures approximately 193'4" along 29th Street and 233'6" along Sisson Street and is currently improved with two groups of one-story commercial buildings and a parking area. This site is zoned B-3-2.

ANALYSIS

Use: In this zoning district, "dog day care" is not listed as a permitted or conditional use, and so is not allowed (§6-406 to §6-409). In this case, the property was last authorized for use as a wholesale establishment, which is a nonconforming use in this B-3 Community Commercial District, but is a permitted use in a M-1 District (§7-206).

Changes in Nonconforming Use: *In B-2 to B-5, M-2, and M-3 Districts.* In accordance with Subtitle 7 {"Modifications and Continuances by Board"} of this title, the Board may authorize a Class III Nonconforming use in a B-2, B-3, B-4, B-5, M-2, or M-3 District to be changed to another nonconforming use that is similar in nature and character to the existing nonconforming use (§13-405.d). In a B-3 District, pet shops are a permitted use (§6-406) and animal hospitals are a conditional use (§6-408). Each of these uses could include or involve keeping of dogs for short periods of time, and would also generate a traffic volume similar to the proposed use. A wholesale establishment as is currently authorized on this property generates both automobile and truck traffic. This property is relatively isolated from residential areas, as the only residential area near it is across Hampden Avenue from its neighboring commercial properties to the east. The slope of the surface elevation in this area makes this property downhill from the residential area also.

TransForm Baltimore: This property would become part of an Industrial Mixed-Use (I-MU) District (Proposed Zoning Map Area 6-B) in which kennels would be a conditional use, and personal services establishments, which would include animal grooming establishments (§1-311.O), would be permitted uses (Table 11-301). As a "dog day care" facility could incorporate aspects of both types of use, the Zoning Administrator would make a determination, based upon the applicant's description of the facility, of whether the proposed use would require Board approval.

Mr. David Tanner, BMZA

Executive Director

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Re: 515 West 29th Street/ 529 West 29th Street

RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: JoAnne Garrett, Appellant