


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 / 2719 Ashland Avenue		

TO

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

DATE:

May 7, 2012

REQUEST

The Department of Planning has received Reginald Swan's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises for a barber shop/ beauty shop/ unisex hair salon. We understand that this appeal is scheduled for hearing on May 15, 2012.

SITE

2719 Ashland Avenue is located on the southwest corner of the intersection with Belnord Avenue. This property measures approximately 14'6" by 75' and is currently improved with a two-story end-of-row residential building measuring approximately 14'6" by 52'. This site is zoned R-8.

ANALYSIS

Use: In this zoning district, barber shops and beauty shops are not listed as permitted or conditional uses, and so are not allowed (§4-1101 to §4-1104). In this case, the property was last authorized for use as a single-family attached dwelling, which is a permitted 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 exterior of the building does indicate past conversion of the lower level of the structure to a non-residential use. The applicant should demonstrate that nonconforming use of the property has not been discontinued or abandoned in order for this application to be approvable.

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the Board is not authorized by the Zoning Code to approve new nonconforming uses, which the proposed use would be in a Residential District, unless the applicant demonstrates that nonconforming use of the property has not been discontinued or abandoned.

TJS/wya/mf

cc: Reginald Swan, Appellant