


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 / 5909 Falls Road		

TO

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

DATE:

May 15, 2014

REQUEST

The Department of Planning has received Nate Pretl's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Roger Stanley, to use the premises as a tobacco shop and cigar shop. The Zoning Administrator has determined that this is a nonconforming use in a R-5 District. We understand that this appeal is scheduled for hearing on May 20, 2014.

SITE

5909 Falls Road is located on the east side of the street, approximately 157'11" north of the intersection with Bellemore Road. This property measures approximately 45'10" by 96'9" and is currently improved with a two-story detached building measuring approximately 24' by 40'. This site is zoned R-5.

ANALYSIS

Use: In this zoning district, tobacco shops are not listed as a permitted or conditional use, and so are not allowed (§4-801 to §4-804). In this case, the property was last authorized for use as a picture framing shop, an art gallery, and a variety store, which are nonconforming uses in this R-5 General Residence District.

Change in Nonconforming Use: In accordance with Subtitle 7 {"Modifications and Continuances by Board"} of this title, the Board may authorize a Class III nonconforming use in a Residence or Office-Residence District to be changed to a use permitted in a B-1 District (§13-405.b). A tobacco shop is listed as a permitted use in the B-1 District, and so is eligible for a change in nonconforming use (§6-206). The applicant should indicate to the Board whether the proposed use would replace some or all of the current nonconforming uses, or would be an additional nonconforming use of this property. The application did not contain any statement concerning the existing floor area of the premises or what part of the premises would be used as a tobacco shop and cigar shop.

TransForm Baltimore: This property would become part of a C-2 District (Proposed Zoning Map Area 2-A) in which art galleries, personal services establishments, and retail goods establishments would be permitted uses (Table 10-301).

RECOMMENDATION

The Department of Planning has no objection to this appeal provided that no increase in total nonconforming use of the property would result from approval of the application.

TJS/wya/mf

cc: Nate Pretl, Appellant

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