


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 / 3520 Chestnut Avenue		

TO

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

DATE:

May 30, 2014

REQUEST

The Department of Planning has received Reginald Allen and Steve Monnier's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a restaurant (not including live entertainment or accessory outdoor table service) and a carry-out food shop. The Zoning Administrator has determined that this is a conditional use in a B-1 District. We understand that this appeal is scheduled for hearing on June 3, 2014.

SITE

3520 Chestnut Avenue is located on the west side of the street, approximately 15' south of the intersection with Wellington Street. This property measures approximately 14' by 80' and is currently improved with a two-story attached building covering the entire lot. This site is zoned B-1 and is located within the Hampden National Register Historic District.

ANALYSIS

Use: In this zoning district, carry-out food shops are not listed as a permitted or conditional use, and so are not allowed (§6-206 to §6-209), while restaurants are a conditional use (§6-208). In this case, the property was last authorized for use as a tavern, which is a nonconforming use in this B-1 Neighborhood Business District.

Changes in Nonconforming Use: *In Business and Industrial 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 Business or Industrial District to be changed to another nonconforming use that is similar in nature and character to the existing nonconforming use (§13-305.c). The proposed combination of a restaurant and a carry-out food shop would meet this standard.

Historic District: The property is located in a designated historic district, and so may be eligible for historic tax credits for restoration and renovation. The appellant is encouraged to contact the Baltimore Commission for Historical and Architectural Preservation before proceeding with any improvements which may be authorized as a result of this appeal.

TransForm Baltimore: This property would become part of the R-MU (Rowhouse Mixed-Use Overlay) District (Proposed Zoning Map Area 2-D) in which commercial uses that are compatible with residential uses would be permitted uses (§12-208). The underlying R-8 District would otherwise make Neighborhood Commercial Establishments conditional uses (Table 9-301).

RECOMMENDATION

The Department of Planning recommends approval of this appeal.

TJS/wya/mf

cc: Reginald Allen and Steve Monnier, Appellants

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