


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 1536 Northgate Road		

TO

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

DATE: June 18, 2012

**REQUEST**

The Department of Planning has received Vernon and Angelie Lee's Board of Municipal and Zoning Appeals (BMZA) application to appeal Violation Notice #828444A-2 relating to operating one or more rooming units on the premises without permits. We understand that this appeal is scheduled for hearing on June 26, 2012.

**SITE**

1536 Northgate Road is located on the north side of the street, approximately 525' east of the intersection with Loch Raven Boulevard. This property measures approximately 30' by 123' and is currently improved with a two-story end-of-row residential building measuring approximately 20' by 36'. This site is zoned R-5.

**ANALYSIS**

Use: In this zoning district, multiple-family attached dwellings 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 single-family attached dwelling, which is a permitted use in this R-5 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 applicant must present evidence of lawfully established multiple-family use of the premises in order for this appeal to be approvable.

**RECOMMENDATION**

The Department of Planning recommends disapproval of this appeal if the applicant does not demonstrate that there is a lawfully established nonconforming use of the property as a multiple-family dwelling.

TJS/wya/mf

cc: Vernon and Angelie Lee, Appellants

