


<b>FROM</b>	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 / 5450-5458 Reisterstown Road	

DATE:

**TO**

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

June 30, 2010

**REQUEST**

The Department of Planning has received Simon Gudis' Board of Municipal and Zoning Appeals (BMZA) application to use a portion of the premises known as 5450 Reisterstown Road, Suite 203, as a tattoo studio. We understand that this appeal is scheduled for hearing on July 6, 2010.

**SITE**

5450-5458 Reisterstown Road is located on the southwest corner of the intersection with Rogers Avenue. This property measures approximately 105' by 108' and is currently improved with a two-story commercial building measuring approximately 102' by 53'. This site is zoned B-3-1 and is located within the Park Heights Urban Renewal Plan area.

**ANALYSIS**

Conditional Use: In this zoning district, tattoo parlors are a conditional use, requiring approval by the Board (§6-408).

Renewal Plans: Ordinance #01-0165 was approved May 14, 2001 for the purpose of, among other things, clarifying the relationship between conditions or requirements imposed by an Urban Renewal Plan or Conservation Plan, such that the condition or requirement that is more restrictive will govern. Additionally, the ordinance prohibits the approval of a conditional use or a variance if that conditional use or variance is precluded by an applicable renewal plan or master plan.

Required Findings: The Board may not approve a conditional use unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that: ... (2) the use is not in any way precluded by any other law, including an applicable urban renewal plan; (§14-204). For this reason, the Board must consider the requirements of the Park Heights Urban Renewal Plan, which does allow this use in this district (although it prohibits this use in the Pimlico Business Area, which this property is not part of).

**RECOMMENDATION**

The Department of Planning has no objection to the appeal.

TJS/wya/mf

**2010-222**

cc: Simon Gudis, Appellant