


TJS

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 / 1527-29 UNION AVENUE		

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

DATE: June 2, 2009

REQUEST

The Department of Planning has received Howard Barshop's Board of Municipal and Zoning Appeals (BMZA) application to use the property as eight dwelling units and one business: two dwelling units in the portion known as 1527 Union Avenue, six dwelling units in the portion known as 1529 Union Avenue, and one business in the portion known as 3687 Ash Street. We believe that this appeal is not yet scheduled for hearing.

SITE

1527-29 Union Avenue is located on the southeast corner of the intersection with Ash Street. This property measures approximately 60' by 133'6" and is currently improved with a three-story detached building. This site is zoned M-2-1.

ANALYSIS

Use: In this zoning district, dwellings are not listed as a permitted or conditional use, and so are not allowed (§7-306 to §7-309). In this case, the property was last authorized for use as seven dwelling units. Dwellings are a nonconforming use in this M-2-1 Industrial District. Offices, other than accessory, are listed as a conditional use in this District (§7-307).

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 II 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). Approval of this appeal would increase the degree of nonconformity of this property by replacing an office use, which is a conditional use in this district, with a non-permitted dwelling unit. For this reason, the appeal should be denied.

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal.

TJS/ewt

cc: Mr. Howard Barshop, Appellant