


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 / 1821-1831 West Lafayette Avenue		

TO

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

DATE: May 21, 2012

REQUEST

The Department of Planning has received Zion Obih's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as a beauty salon and office. We understand that this appeal is scheduled for hearing on May 29, 2012.

SITE

1821-1831 West Lafayette Avenue is located on the southeast corner of the intersection with Monroe Street. This property measures approximately 85' by 83' and is currently improved with a one-story detached commercial building measuring approximately 28' by 43'. This site is zoned R-8 and is located within the Harlem Park II Urban Renewal Plan area.

ANALYSIS

Use: In this zoning district, beauty shops and offices are not listed as permitted or conditional uses, and so are not allowed (§4-1101 to §4-1104). In this case, the property was last authorized for use as a laundramat, which is a nonconforming use in this R-8 General Residence District. The application indicates that the Board approved the requested use in 2007, but that applicant never obtained a Use and Occupancy Permit following that approval.

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).

Changes in Nonconforming Use: *In Residence and Office-Residence 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 Residence or Office-Residence District to be changed as follows: (1) to a use permitted in an M-1 District, if the nonconforming use is located in a structure all or substantially all of which is designed and erected for an industrial use; or (2) to a use permitted in a B-1 District, if the nonconforming use is located in a structure all or substantially all of which is designed and erected for a business or other nonconforming use (§13-305.b). The existing building was erected as part of a gasoline service station that previously existed on the property. A beauty shop and an office: business, governmental, and professional – but not including sales and bulk storage of merchandise on the premises, are each permitted uses in a B-1 District (§6-206).

Urban Renewal Plan: This property is located in the Harlem Park II Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district; in fact, it mandates that non-conforming uses be changed only to uses that it itemizes, including to a beauty shop or to an office, business or professional (-- *Land Use Plan, Land Use Provisions and Building Requirements, Permitted Uses, C.2.a.(2)(a)*).

Mr. David Lanner, BMZA

Executive Director

Page 2

Re: 1821-1831 West Lafayette Avenue

RECOMMENDATION

The Department of Planning has no objection to this appeal, provided that the applicant demonstrates that nonconforming use of the property has not been discontinued or abandoned. Because this property is located in an Urban Renewal Area, if this application is approved the Department recommends that approval be conditional upon the applicant providing *landscaping of the street-corner portions of the property, in accordance with a site improvement plan approved by the Department of Planning.*

TJS/wya/mf

cc: Zion Obih, Appellant