FROM		
NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8TH FLOOR	
SUBJECT	BMZA / 2701-2709 North Charles Street	DATE: July 27, 2010

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

REQUEST
The Department of Planning has received AB Associates' Board of Municipal and Zoning Appeals (BMZA) application to use a portion of the premises as a doctor's office for sleep disorders. We understand that this appeal is scheduled for hearing on August 3, 2010**.**

SITE
2701-2709 North Charles Street is located on the northeast corner of the intersection with 27th Street. This property measures approximately 80' by 154' and is currently improved with a six-story office building. This site is zoned O-R-2 and is located within the Charles Village/ Abell National Register Historic District (but the building is not a contributing structure).

ANALYSIS
Use: In this zoning district, a doctor's office for sleep disorders is not listed as a permitted or conditional use, and so is not allowed per se (§5-201 to §5-204). In this case, the property was last authorized for use as offices – business and professional, which is a permitted use in this O-R-2 Office-Residence District.

Conditional Use: In this zoning district, clinics: health care, are a conditional use, requiring approval by the Board (§5-203).

Whether the doctor's office (which could be characterized as a professional office) for sleep disorders will be used only for interviewing and observing persons with sleep disorders, or will also be used for treating sleep disorders, including on-site therapy, development or prescription of ameliorative remedies, or referrals to sleep disorder specialists, would determine which type of use, a permitted use office or a conditional use clinic, is proposed by the applicant.

RECOMMENDATION
The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: AB Associates, Appellant