


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 / 310 East Lanvale Street		

TO

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

DATE: September 25, 2009

REQUEST

The Department of Planning has received Michael Brown's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as an emergency shelter in conjunction with an existing community correction center. We understand that this appeal is scheduled for hearing on September 29, 2009.

SITE

310 East Lanvale Street is located on the northeast corner of the intersection with Latrobe Street. This property measures approximately 17' by 88' and is currently improved with a three-story building measuring approximately 17' by 62'. This site is zoned R-8 and is located within the Greenmount West Urban Renewal Plan area.

ANALYSIS

Conditional Use: In this zoning district, community correction centers, and nonprofit homes for the care and custody of homeless persons, are each a conditional use requiring approval by Ordinance (§4-204 and 4-1004). The premises has been approved for use as a community correction center by Ordinance no. 746, dated October 31, 1974, and is subject to the terms of that ordinance. The definition of a community corrections center is: "a facility (1) that provides community-oriented treatment services to individuals under the jurisdiction of an agency in the criminal justice system; and (2) to which only individuals classified as minimum security are assigned and allowed to participate in work-release, educational release, individual, group, or family counseling, recreation, pre-release orientation, and community involvement" (§1-128). The premises has not been approved for the care and custody of homeless persons, which is the essential function of an emergency shelter, by a similar legislative process. The Zoning Code does not empower the Board to approve the additional use proposed in this application; approval requires an ordinance.

Comprehensive Planning: The Department of Planning is in the process of preparing the Area Master Plan for Greenmount West, which includes the premises and its vicinity. While the Plan is not yet final, it is noted that the additional use proposed in this application would be inconsistent with goals, objectives and strategies for improving the area that are now being finalized. In particular, the proposed additional use would tend to contradict these planning principles developed to guide the new Area Master Plan:

- Develop a diverse mix of retail, service, and office land use throughout the neighborhood.
- Maintain the neighborhood's income diversity with special emphasis on creating and maintaining affordable housing for long term residents.
- Support homeownership through consultation, development programs, and financial support.

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RECOMMENDATION

The Department of Planning recommends denial or dismissal of the appeal, for the reason that the Zoning Code does not empower the Board to approve the proposed use, nor empower the Board to modify the terms of an ordinance.

TJS/ewt/mf

cc: Michael Brown, Appellant