


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 / 2300 Essex Street		

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

DATE:

October 4, 2010

REQUEST

The Department of Planning has received Keith Jackson's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as a dog care facility. We understand that this appeal is scheduled for hearing on October 12, 2010.

SITE

2300 Essex Street is located on the southeast corner of the intersection with Foster Street. This triangular property measures approximately 82' along Essex Street by approximately 109' along Foster Street and contains approximately 0.069 acre, and is currently improved with a two-and-one-half-story commercial building covering the entire lot. This site is zoned R-8 and is located within the Canton Waterfront Urban Renewal Plan area.

ANALYSIS

Use: In this zoning district, dog or cat kennels are not listed as a permitted or conditional use, and so are not allowed (§4-1101 to §4-1104). In this case, the property was last authorized for use as a warehouse, which is a nonconforming use in this R-8 General Residence District.

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). Dog or cat kennels: private, are listed as a use permitted as accessory to B-1 permitted uses (§6-207), and as a use permitted as accessory to M-1 permitted uses (§7-209). However, the definition of "dog or cat kennel: private" explicitly excludes "any establishment ... where dogs or cats are boarded, groomed, sold, or trained for a fee" (§1-134.b). Pet shops are a use permitted in a B-2 Community Business District (§6-306).

The proposed use (a "dog care facility") would be more appropriately located in a B-2 zone.

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal, because the proposed use is not one which the Board is authorized to approve at this location under the terms of the Zoning Code.

TJS/wya/mf

cc: Keith Jackson, Appellant