


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 3818 Roland Avenue		

TO

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

DATE: October 16, 2014

**REQUEST**

The Department of Planning has received Rev. Bonnie McCubbin's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Good Shepherd United Methodist Church, to continue to use the premises as offices. The Zoning Administrator has determined that this is a nonconforming use in a R-7 Zoning District. We understand that this appeal is scheduled for hearing on October 21, 2014.

**SITE**

3818 Roland Avenue is located on the southwest corner of the intersection with Rectory Lane. This property measures approximately 107' by 125' and is currently improved with a two-story detached building measuring approximately 30' by 100'. This site is zoned R-7 and is located within the Hampden National Register Historic District.

**ANALYSIS**

Use: In this zoning district, offices: business, governmental, or professional, are not listed as a permitted or conditional use, and so are not allowed (§4-1001 to §4-1004). In this case, the property was last authorized for use as a single-family dwelling and an open-air off-street parking lot, the latter being a conditional use authorized by ordinance in this R-7 General Residence District.

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). The application states that the property was used prior to 2000 as a funeral home (undertaking establishment or funeral parlor) which was a nonconforming use, and that office use of the premises has continued since that time.

TransForm Baltimore: This property would become part of the R-6 District (Proposed Zoning Map Area 2-D) in which Neighborhood Commercial Establishments would be conditional uses (Table 9-301). "Neighborhood commercial establishment" means "a commercial use that is within a residential neighborhood, but in a structure that is non-residential in its construction and original use" (§1-310 (I)).

**RECOMMENDATION**

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Rev. Bonnie McCubbin, Appellant