2011-496

TJS

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 / 815 Scott Street	DATE: December 8, 2011

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 Moon Kim's Board of Municipal and Zoning Appeals (BMZA) application to use the entire first floor for an art gallery and frame shop, and the second and third floors as a dwelling unit. We understand that this appeal is scheduled for hearing on December 20, 2011.

SITE
815 Scott Street is located on the northeast corner of the intersection with Hamburg Street. This property measures approximately 16'2" by 72' and is currently improved with a three-story semi-detached residential mixed-use building covering the entire lot. This site is zoned R-9 and is located within the Washington Village Urban Renewal Plan area and the Pigtown National Register Historic District.

ANALYSIS
Use: In this zoning district, art galleries and frame shops are not listed as a permitted or conditional use, and so are not allowed (§4-1201 to §4-1204). In this case, the property was last authorized for use as a bank, which is a nonconforming use in this R-9 General Residence District, and a multiple-family attached dwelling.

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).

Change in Nonconforming Use: In accordance with Subtitle 7 {"Modifications and Continuances by Board"} of this title, the Board may authorize a Class III nonconforming use in a Residence or Office-Residence District to be changed to a use permitted in a B-1 District (§13-405.b). Art galleries and picture framing shops – when conducted for retail trade on the premises, are listed as permitted uses in the B-1 District, and so are eligible for a change in nonconforming use (§6-206).

Urban Renewal Plan: This property is located in the Washington Village Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

Historic District: The property is located in a designated historic district, and so may be eligible for historic tax credits for restoration and renovation. The appellant is encouraged to

contact the Baltimore Commission for Historical and Architectural Preservation before proceeding with any improvements which may be authorized as a result of this appeal.

RECOMMENDATION
The Department of Planning recommends approval of the appeal, because changing the non-conforming use from a bank to an art gallery and frame shop would tend to reduce the effects of this property's commercial activity on the surrounding residential neighborhood.

TJS/wya/mf

cc: Moon Kim, Appellant