

TJS

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 / 1601 Park Avenue		

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

DATE: December 30, 2009

REQUEST

The Department of Planning has received George Crowley's amended Board of Municipal and Zoning Appeals (BMZA) application to use the property as a delicatessen or retail clothing store in the portion of the building known as 132 McMechen Street, and as a nail salon in the portion of the building known as 134 McMechen Street. We understand that this amended appeal is scheduled for hearing on January 5, 2010.

SITE

Please refer to this Department's previous memorandum of November 24, 2009 concerning this property.

ANALYSIS

Use: Any use that is not expressly allowed in a district is prohibited (§3-106). In this zoning district, delicatessens, retail clothing stores, and nail salons are not listed as permitted or conditional uses, and so are not allowed (§4-203 to §4-1104). In this case, the property was last authorized for use as a flower shop, which is a nonconforming use in this R-8 General Residence District.

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). Beauty shops, clothing shops, and food stores and delicatessens are listed as permitted uses in a B-1 District, and so are eligible for a change in nonconforming use (§6-206). As second-hand stores are not permitted in a B-1 District, the proposed retail clothing store can not operate as a second-hand store. Similarly, the proposed delicatessen can not operate as a carry-out food shop.

Historic District: The subject property is located within the Bolton Hill Historic District, a locally designated Baltimore City historic district. All exterior changes, including additions, demolitions, and alterations are subject to review and approval by the Commission for Historical and Architectural Preservation (CHAP). It is recommended that the applicant contact CHAP to determine the review process applicable to this project. In particular, any exterior alterations required for ventilation of the nail salon/ beauty shop, and all signs to be erected by the proposed business tenants, must receive CHAP approval.

RECOMMENDATION

The Department of Planning recommends approval of the appeal, if granted, be conditioned upon the applicant receiving CHAP approval for all exterior alterations or additional signage.

TJS/ewt/mf

cc: George Crowley, Appellant

Central