


TJA

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 / 1901 Clifton Avenue		

TO

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

DATE: January 31, 2013

**REQUEST**

The Department of Planning has received Donna Martinez's Board of Municipal and Zoning Appeals (BMZA) nonconforming use application to change an existing private club into an after-hours establishment. We understand that this appeal is scheduled for hearing on February 5, 2013.

**SITE**

1901 Clifton Avenue is located on the southwest corner of the intersection with Monroe Street. This property measures approximately 14' by 70' and is currently improved with a two-story building covering the entire lot. This site is zoned R-7.

**ANALYSIS**

Use: In this zoning district, after-hours establishments 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 club or lodge, which is a permitted use in this R-7 General Residence District. The applicant is requesting approval for conversion of the permitted use into a nonconforming use. This is a request which the Zoning Code does not provide discretionary authority to the Board to approve.

**RECOMMENDATION**

The Department of Planning recommends disapproval of this appeal, because the Zoning Code does not provide the Board discretionary authority to approve creation of nonconforming uses.

TJS/wya/mf

cc: Donna Martinez, Appellant