


| | | | | |
|------|-----------------------|--|-------------------------------------|---|
| 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 / 2507 Calverton Heights Avenue | | |

TO

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

DATE: February 5, 2014

REQUEST

The Department of Planning has received Samuel Smiley and Derrick Shaw's Board of Municipal and Zoning Appeals (BMZA) application to continue to use the premises as two dwelling units. The Zoning Administrator has determined that this is a nonconforming use in a R-6 District. We understand that this appeal is scheduled for hearing on February 11, 2014.

SITE

2507 Calverton Heights Avenue is located on the south side of the street, approximately 49'6" west of the intersection with Warwick Avenue. This property measures approximately 15'4" by 93' and is currently improved with a two-story attached residential building measuring approximately 15'4" by 54'. This site is zoned R-6 and is located within the West Baltimore MARC Station Transit-Oriented Development Plan area.

ANALYSIS

Use: In this zoning district, multiple-family attached dwellings are not listed as a permitted or conditional use, and so are not allowed (§4-901 to §4-904). In this case, the property was last authorized for use as a multiple-family attached dwelling, which is a nonconforming use in this R-6 General Residence District, and a home day care center.

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 applicant would need to provide the Board with evidence that the nonconforming multiple-family dwelling use of the property has not been discontinued or abandoned in order for this application to be approvable.

TransForm Baltimore: This property would remain part of a R-6 District (Proposed Zoning Map Area 6-C) in which multi-family dwellings would be permitted uses (Table 9-301).

RECOMMENDATION

The Department of Planning has no objection to this appeal if the nonconforming use of this property as a multiple-family attached dwelling has not been discontinued or abandoned.

TJS/wya/mf

cc: Samuel Smiley and Derrick Shaw, Appellants