


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 / 3423-3449 Noble Street		

TO

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

DATE: December 12, 2014

REQUEST

The Department of Planning has received Srun Chea's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as a laundromat and food service establishment (food service accessory to and serving patrons of the laundromat). The Zoning Administrator has determined that this is a nonconforming use in a R-8 Residential Zoning District. We understand that this appeal is scheduled for hearing on December 16, 2014.

SITE

3423-3449 Noble Street is located on the southwest corner of the intersection with Conkling Street. This property measures approximately 235'3" by 60' and is currently improved with a one-story detached commercial building measuring approximately 180' by 39'. This site is zoned R-8 and is located within the Patterson Park – Highlandtown National Register Historic District (to which it is a non-contributing structure).

ANALYSIS

Use: In this zoning district, laundromats and food stores are not listed as permitted or conditional uses, and so are not allowed (§4-1101 to §4-1104). In this case, the property was last authorized for use as a contractor's construction shop and yard and as a garage, other than accessory, for storage, repair, and servicing of motor vehicles, which are nonconforming uses in this R-8 General Residence District, and for offices for an automobile tag and title service by the Board's approval of appeal no. 2011-320 heard on August 16, 2011.

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). In testimony at its hearing of appeal no. 2014-338 on December 2, 2014, the Board was informed that nonconforming use of this property is continuing.

Change in Nonconforming Use: In accordance with Subtitle 7 {"Modifications and Continuances by Board"} of this title, the Board may authorize a Class II nonconforming use in a Residence or Office-Residence District to be changed to a use permitted in a B-1 District (§13-305.b.(1)(ii)). Launderettes – no more than 2 employees and 1 owner or manager on the premises, and food stores are listed as permitted uses in the B-1 District, and so the proposed combination of nonconforming uses is eligible for a change in nonconforming use (§6-206).

Mr. David Lanner, BMZA
Executive Director
Page 2
Re: 3423-3449 Noble Street

TransForm Baltimore: This property would remain part of a R-8 District (Proposed Zoning Map Area 8-C) 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: Srun Chea, Appellant