


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 / 561½ Oldtown Mall		

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

DATE: March 12, 2010

REQUEST

The Department of Planning has received Tony Jacobs' Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a tattoo shop. We understand that this appeal is scheduled for hearing on March 16, 2010.

SITE

561½ Oldtown Mall is located on the east side of the street, approximately 280' southwest of the intersection with Aisquith Street. This property measures approximately 13' by 116' and is currently improved with a two-story building covering the entire lot. This site is zoned B-2-2 and is located within the Oldtown Urban Renewal Plan area and the Oldtown Mall Historic District.

ANALYSIS

Use: In this zoning district, tattoo shops are not listed as a permitted or conditional use, and so are not allowed (§6-306 to §6-309). In this case, the property was last authorized for use as a barber shop, which is a permitted use in this B-2 Community Business District (§6-306).

Renewal Plans: Ordinance #01-0165 was approved May 14, 2001 for the purpose of, among other things, clarifying the relationship between conditions or requirements imposed by an Urban Renewal Plan or Conservation Plan, such that the condition or requirement that is more restrictive will govern. Additionally, the ordinance prohibits the approval of a conditional use or a variance if that conditional use or variance is precluded by an applicable renewal plan or master plan.

Required Findings: The Board may not approve a conditional use unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that: ... (2) the use is not in any way precluded by any other law, including an applicable urban renewal plan; (§14-204). For this reason, the Board must consider the requirements of the Oldtown Urban Renewal Plan, which does not allow this use in this district.

Historic District: The subject property is located within the Oldtown Mall 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 the proposal.

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal, as the proposed use is not allowed by either the Oldtown Urban Renewal Plan or the underlying zoning.

TJS/ewt/mf

cc: Tony Jacobs, Appellant

Eastern