


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 / 2957 Clifton Avenue		

TO

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

DATE: March 19, 2012

REQUEST

The Department of Planning has received Stacie Locust's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Baltimore City Investors, to use the premises for two dwelling units and a full service unisex [hair] salon. We understand that this appeal is scheduled for hearing on March 20, 2012.

SITE

2957 Clifton Avenue is located on the southeast corner of the intersection with Longwood Street. This property measures approximately 15' by 110' and is currently improved with a two-story end-of-row residential building measuring approximately 15' by 60'. This site is zoned R-6.

ANALYSIS

Use: In this zoning district, multiple-family attached or semi-detached 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 dwelling, which is a nonconforming use in this R-6 General Residence District, by the Board's decision in appeal no. 557-08. This same applicant received approval to convert the nonconforming commercial use of the basement to a third dwelling unit; this appeal is to reverse that decision's effect and resume nonconforming commercial use of the basement.

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). As the applicant is proposing to convert the third dwelling unit in the basement of the building into a full service unisex [hair] salon, the Board must first determine that the basement dwelling unit actually has been lawfully established and occupied since its approval of three dwelling units at this location in 2008.

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). Barber shops and beauty shops, which are comprised in a unisex hair salon, are listed as permitted uses in the B-1 District, and so the proposed use is eligible for a change in nonconforming use (§6-206). However, photographs of the property suggest that the basement is in fact boarded and unoccupied, and thus nonconforming use of it does not exist and has not existed for several years.

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RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, unless the applicant demonstrates that nonconforming use of the basement portion of this property has not been discontinued or abandoned.

TJS/wya/mf

cc: Stacie Locust, Appellant