


TJS

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 / 200 East University Parkway		

TO

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

DATE: February 20, 2015

**REQUEST**

The Department of Planning has received Roberto Vela's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Delta Phi Club, Inc., to use the premises as a club house and fraternity house. The Zoning Administrator has determined that this is a nonconforming use in a R-6 Zoning District. We understand that this appeal is scheduled for hearing on February 24, 2015.

**SITE**

200 East University Parkway is located on the northeast corner of the intersection with Calvert Street. This property measures approximately 33'2" along University Parkway by 118' along Calvert Street and contains approximately 0.118 acre, and is currently improved with a three-story end-of-row residential building measuring approximately 24' by 46'. This site is zoned R-6 and is located within the Oakenshawe National Register Historic District.

**ANALYSIS**

Use: In this zoning district, clubs and lodges: nonprofit, and fraternity houses: off-campus, 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 fraternity house (off-campus), which is a nonconforming use in this R-6 General Residence District.

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 application indicates that there was interruption of occupancy of the premises during 2013 and 2014 as a result of a fire in December 2012, but does not indicate if all use of the property as a fraternity house was interrupted for more than 12 consecutive months. The application suggests that restoration of the damaged structure was made in accordance with Zoning Code requirements pertaining to repair of Class III nonconforming uses.

TransForm Baltimore: This property would remain part of the R-6 District (Proposed Zoning Map Area 3-C) in which lodges and social clubs would be conditional uses, and fraternities would be prohibited uses (Table 9-301). Social clubs and lodges would be prohibited from including sleeping facilities (§14-320). The current or proposed use of this property would thus remain nonconforming.

**RECOMMENDATION**

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Roberto Vela, Appellant