


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 / 4923 Reisterstown Road		

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

DATE: May 15, 2015

REQUEST

The Department of Planning has received Shawn Connor's Board of Municipal and Zoning Appeals (BMZA) application to use the second floor of the premises as a lounge area in conjunction with the existing tavern and liquor store on the first floor of the premises. The Zoning Administrator has determined that this is a prohibited use in a R-6 Zoning District. We understand that this appeal is scheduled for hearing on May 19, 2015.

SITE

4923 Reisterstown Road is located on the northeast corner of the intersection with Nelson Avenue. This property measures approximately 21'6" along Reisterstown Road by 90' and contains approximately 0.060 acre, and is currently improved with a two-story semi-detached commercial building measuring approximately 20' by 80'. This site is zoned R-6 and is located within the Park Heights Urban Renewal Plan area.

ANALYSIS

Use: In this zoning district, taverns and liquor stores are not listed as permitted or conditional uses, and so are not allowed (§4-901 to §4-904). In this case, the property was last authorized for use as a tavern and a liquor store – package goods, which are nonconforming uses in this R-6 General Residence District.

Extension or moving of Class I, II, or III Nonconforming Use: The Board may authorize an extension of a Class I, Class II, or Class III nonconforming use, as limited and stated in §§ 13-206, 13-306, and 13-406 {"Expansions of use"} and §§ 13-208, 13-308, and 13-408 {"Relocations"} of this title, if the Board finds that: (1) the extension or moving will not cause a greater volume of traffic than that generated before the extension or move; (2) the extension or moving will not violate in any manner the bulk regulations of the district in which the property is located; (3) the effect of the extended or moved use on the health, safety, or general welfare of the community will be no worse than the existing or last use; (4) for the extension of a Class II or Class III nonconforming use, the extension will not result in an increase of the floor area of more than 25% beyond that which had been occupied or used when it became nonconforming; and (5) for an extension in the Critical Area: (i) there is no environmentally acceptable alternative outside the Critical Area; and (ii) the use is needed to correct an existing water quality or wastewater management problem (§13-714).

The application proposes use of a second floor that appears to be comparable in floor area to the first floor now occupied by the nonconforming uses. This would represent a doubling, or a 100% increase in floor area, of Class II nonconforming use. The Zoning Code does not allow the Board to authorize such a large increase, and therefore this application should be disapproved.

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TransForm Baltimore: This property would remain part of a R-6 District (Proposed Zoning Map Area 1-D) in which Neighborhood Commercial Establishments would be conditional uses (Table 9-301).

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the proposed amount of increase in nonconforming use floor area would exceed the Board's discretionary authority provided in the Zoning Code.

TJS/wya/mf

cc: Shawn Connor, Appellant