


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 / 1430 West Baltimore Street		

TO

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

DATE: May 21, 2012

REQUEST

The Department of Planning has received Bernard Jackson II's Board of Municipal and Zoning Appeals (BMZA) application to continue to use the premises as a club and to include after-hours operation for members and guests. We understand that this appeal is scheduled for hearing on May 29, 2012.

SITE

1430 West Baltimore Street is located on the north side of the street, approximately 58'8" east of the intersection with Stricker Street. This property measures approximately 16' by 95' and is currently improved with a three-story attached building measuring approximately 16' by 78'. This site is zoned B-2-3 and is located within the Franklin Square Urban Renewal Plan area and the Union Square Historic District.

ANALYSIS

Conditional Use: In this zoning district, clubs and lodges: private, are a conditional use, requiring approval by the Board (§6-308). In this zoning district, after-hours establishments 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 club or lodge, and the applicant is requesting a modification of the conditional use. However, a conditional use cannot be modified if the modification would cause the use to be reclassified as another use recognized by the Zoning Code.

Definition: "After-hours establishment" means any of the following that remains open after 2 a.m. on any day:

- (1) A banquet hall, dance hall, private club or lodge, or similar place; or
- (2) A restaurant that provides live entertainment or dancing. (§1-107).

The applicant is requesting approval for an after-hours establishment in lieu of a private club or lodge. As such, this application is not approvable because the Board is not authorized to approve new nonconforming uses, which an after-hours establishment would be in a B-2 Community Business District.

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the Board is not authorized to approve this proposed use of the property.

TJS/wya/mf

cc: Bernard Jackson II, Appellant

Southern