


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 / 2809 Hudson Street		

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

DATE: May 29, 2015

### REQUEST

The Department of Planning has received Luis Carrera's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a barber shop. The Zoning Administrator has determined that this is a prohibited use in a R-8 Zoning District. We understand that this appeal is scheduled for hearing on June 2, 2015.

### SITE

2809 Hudson Street is located on the southeast corner of the intersection with Streeper Street. This property measures approximately 18' by 75' and is currently improved with a two-story semi-detached residential mixed-use building covering the entire lot. This site is zoned R-8 and is located within the Canton National Register Historic District.

### ANALYSIS

Use: In this zoning district, barber shops are not listed as a permitted or conditional use, and so are not allowed (§4-1101 to §4-1104). In this case, the property was last authorized for use as a carry-out food shop and a video movie store, which are nonconforming uses in this R-8 General Residence District, and a single-family attached dwelling (which will remain).

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). A barber shop is listed as a permitted use in the B-1 District, and so is eligible for a change in nonconforming use (§6-206).

TransForm Baltimore: This property would remain part of the R-8 District (Proposed Zoning Map Area 8-C) in which Neighborhood Commercial Establishments would be conditional uses (Table 9-301). "Neighborhood commercial establishment" means "a commercial use that is within a residential neighborhood, but in a structure that is non-residential in its construction and original use" (§1-310 (I)).

### RECOMMENDATION

The Department of Planning recommends approval of this appeal provided that nonconforming use of the property has not been discontinued or abandoned.

TJS/wya/mf

cc: Luis Carrera, Appellant