


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 / 1703-1705 South Clinton Street		

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

DATE: June 6, 2013

REQUEST

The Department of Planning has received a copy of the Board's notification that Renee Mason's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as a dog and cat boarding and day care facility, which had been approved by the Board following its hearing on May 1, 2012, was remanded by the Circuit Court of Baltimore City following an appeal, and in accordance with the Court's order further hearing of this matter has been scheduled for June 11, 2013.

SITE

1703-1705 South Clinton Street is located on the east side of the street, approximately 19' south of the intersection with Eastbourne Avenue. This property measures approximately 37' by 95' and is currently improved with a combination one- and two-story building covering the entire lot. This site is zoned M-3 and is located within the Canton Industrial Area Urban Renewal Plan area and the Maritime Industrial Zone Overlay District (MIZOD).

ANALYSIS

Use: In this zoning district, dog and cat boarding and day care facilities are not listed as a permitted or conditional use, and so are not allowed (§7-406 to §7-409). In this case, the property was last authorized for use as a warehouse, which is a permitted use in this M-3 Industrial District. (In this zoning district, animal hospitals are a conditional use, requiring approval by the Board (§7-407). Animal hospitals often include dog and cat boarding and care facilities as part of their use of property.) This proposed use is thus not explicitly authorized by the Zoning Code. The Zoning Code §8-407, "Use regulations for the Maritime Industrial Zone Overlay District", states in part:

"(b) Prohibited uses.

...

(6) Any other use that is not expressly allowed by this article for an Industrial District."

Maritime Industrial Zone Overlay District (MIZOD): This property is located in the Canton Industrial Area of the MIZOD. The Department of Planning has reviewed the proposed use of the property and determined that it is prohibited by the MIZOD because it is a use not permitted in a M-3 zone. In addition, the location of this property makes it an inappropriate site for the proposed use. The proposed use may engender safety hazards for their customers, given the heavy industrial nature of the site area and presence of heavy truck traffic. While the Department recognizes that, due to its size, there may be difficulties inherent in using the property's existing structure for heavy industrial or maritime industrial uses, this property

has no area available for safe drop-off and pick-up of animals on site, and Clinton Street is a major thoroughfare for heavy truck traffic serving the Canton Industrial Area.

Urban Renewal Plan: This property is located in the Canton Industrial Area Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district. As noted above, the MIZOD is the more restrictive ordinance in this case.

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the Zoning Code does not authorize the proposed use in M-3 Industrial Districts, which is a prerequisite for approval of a use in the Maritime Industrial Zone Overlay District, and because this particular site is located on a major heavy truck thoroughfare which does not allow safe provision of an on-street location for drop-off and pick-up of animals that would be cared for or boarded at this location. Disapproval would also be consistent with one of the intents of the MIZOD, to protect maritime industrial land uses from intrusion by non-industrial uses.

TJS/wya/mf

cc: Renee Mason, Appellant