


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 / 681 Washington Boulevard		

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

DATE:

July 13, 2010

REQUEST

The Department of Planning has received Marcia Davis' Board of Municipal and Zoning Appeals (BMZA) application to use the first floor portion of the premises as a hair salon and barber shop. We understand that this appeal is scheduled for hearing on July 20, 2010.

SITE

681 Washington Boulevard is located on the south side of the street, approximately 60' east of the intersection with Martin Luther King, Jr. Boulevard. This property measures approximately 18' by 72' and is currently improved with a two-story attached building covering the entire lot. This site is zoned R-9 and is located within the Ridgely's Delight Urban Renewal Plan area and the Ridgely's Delight Historic District.

ANALYSIS

Use: Any use that is not expressly allowed in a district is prohibited (§3-106). In this zoning district, barber shops and beauty shops are not listed as a permitted or conditional use, and so are not allowed (§4-1201 to §4-1204). In this case, the property was last authorized for use as a dwelling, which is a permitted use in this R-9 General Residence District.

Renewal Plans: Ordinance #01-0165 was approved May 14, 2001 for the purpose of, among other things, clarifying the relationship between conditions or requirements imposed by an Urban Renewal Plan or Conservation Plan, such that the condition or requirement that is more restrictive will govern. Additionally, the ordinance prohibits the approval of a conditional use or a variance if that conditional use or variance is precluded by an applicable renewal plan or master plan.

Required Findings: The Board may not approve a conditional use unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that: ... (2) the use is not in any way precluded by any other law, including an applicable urban renewal plan; (§14-204). For this reason, the Board must consider the requirements of the Ridgely's Delight Urban Renewal Plan, which does not allow this use in this district. The Urban Renewal Plan's Appendix A, which itemizes all nonconforming uses in the Ridgely's Delight Urban Renewal Area, does not list any nonconforming use at this address.

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal, because the proposed use cannot be authorized pursuant to the Zoning Code or the Ridgely's Delight Urban Renewal Plan, and approval would constitute creation of a new nonconforming use at this location.

TJS/wya/mf

cc: Marcia Davis, Appellant