

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 / 1400 East Fort Avenue		

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

DATE: August 6, 2010

REQUEST

The Department of Planning has received Vincent Oswald's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises for an office for a flooring products company with accessory sales, and continue the use of the dwelling above (on the upper floor). We understand that this appeal is scheduled for hearing on August 17, 2010.

SITE

1400 East Fort Avenue is located on the northeast corner of the intersection with Decatur Street. This property measures approximately 15' by 80' and is currently improved with a two-story end-of-row building covering the entire lot. This site is zoned R-8 and is located within the Locust Point Area Master Plan area.

ANALYSIS

Use: In this zoning district, offices (with or without accessory sales) 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 beauty shop, which is a nonconforming use in this R-8 General Residence District.

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). Offices: business, governmental, and professional – but not including sales and bulk storage of merchandise on the premises, are listed as a permitted use in the B-1 District, and so are eligible for a change in nonconforming use (§6-206). Accessory sales of flooring products proposed by the applicant would not be allowed under this category of use.

RECOMMENDATION

The Department of Planning recommends approval of the appeal for use of the property for an office only, and disapproval of the proposed accessory sales use of the premises.

TJS/wya/mf

cc: Vincent Oswald, Appellant