


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 / 714-716 North Fremont Avenue		

TO

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

DATE: September 5, 2014

### REQUEST

The Department of Planning has received Rich Cohen's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Fremont Avenue LLC in care of Cobblestone Development, to use the first floor of the premises as a 120-member non-profit club. The Zoning Administrator has determined that variances of Zoning Code lot area and off-street parking requirements are needed for approval of this application. We understand that this appeal is scheduled for hearing on September 9, 2014.

### SITE

714-716 North Fremont Avenue is located on the west side of the street, approximately 139'8" north of the intersection with Harlem Avenue. This property measures approximately 34' along Fremont Avenue by an average of 100' and is currently improved with a three-story semi-detached residential building covering the entire lot. This site is zoned R-8 and is located within the Harlem Park Project II Urban Renewal Plan area and the Old West Baltimore National Register Historic District.

### ANALYSIS

Use: In this zoning district, clubs and lodges: nonprofit, are a permitted use, and so are allowed (§4-1101). In this case, the property was last authorized for use as a multiple-family dwelling, which is also a permitted use in this R-8 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. The Harlem Park Project II Urban Renewal Plan, in its Land Use Plan, Land Use Provisions and Building Requirements, Permitted Uses, states in part:

“(a) Residential uses shall be restricted to uses listed in the R-8 and General Residence and O-R-2 Office Residence Districts as listed in the Zoning Ordinance of Baltimore City with the exception of clubs and lodges – non-profit, ....” ( -- Plan, C.2.a.(1))

The proposed use is thus prohibited by the Urban Renewal Plan.

TransForm Baltimore: This property would remain part of a R-8 District (Proposed Zoning Map Area 6-D) in which lodges or social clubs would be conditional uses (Table 9-301). “Lodge or social club” excludes “an establishment that permits non-members to pay a temporary membership fee at the door in order to enter and use the premises (§1-308 (Q)).

**RECOMMENDATION**

The Department of Planning recommends disapproval of this appeal, because the proposed use as a non-profit club or lodge is prohibited by the Harlem Park Project II Urban Renewal Plan, which controls the Urban Renewal Area in which this property is located.

Conflicting Provisions: *Most restrictive provision governs.* If any condition or requirement imposed by a provision of this article is either more or less restrictive than a comparable condition or requirement imposed by any other provision of this article or of any other law, rule, or regulation of any kind, including an applicable urban renewal plan, the condition or requirement that is the more restrictive governs (§1-206.b). As stated above, the Board must disapprove this request, as the provision of the Harlem Park Project II Urban Renewal Plan is the more restrictive.

TJS/wya/mf

cc: Rich Cohen, Appellant