


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 / 901 Gorsuch Avenue		

TO

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

DATE: August 25, 2014

REQUEST

The Department of Planning has received Tyrone Staton's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as a dental laboratory. The Zoning Administrator has determined that this is a prohibited use in a R-7 Zoning District. We understand that this appeal is scheduled for hearing on September 9, 2014.

SITE

901 Gorsuch Avenue is located on the southeast corner of the intersection with Ellerslie Avenue. This property measures approximately 19' by 48' and contains approximately 0.021 acre, and is currently improved with a one-story detached building covering the entire lot. This site is zoned R-7.

ANALYSIS

Use: In this zoning district, dental laboratories are not listed as a permitted or conditional use, and so are not allowed (§4-1001 to §4-1004). In this case, the property was last authorized for use as a single-family dwelling, which is a permitted use in this R-7 General Residence District.

Changes in use. Reversion prohibited: If a Class III nonconforming use has been changed to a conforming use, it may not later be changed back to a nonconforming use (§13-405.e). While the appearance of the structure on this property suggests that it may have been constructed for non-residential use, its currently-authorized use is residential. There is a record of an application to use this premises as a beauty shop in 2008, but no Use and Occupancy permit for that use was issued.

TransForm Baltimore: This property would become part of the R-8 District (Proposed Zoning Map Area 3-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" (§1-301 (I)). The structure on this property would lend itself to categorization as a potential site for such an establishment.

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the Zoning Code does not authorize creation of new nonconforming uses, which a dental laboratory would be in the R-7 zoning district containing this property.

TJS/wya/mf

cc: Tyrone Staton, Appellant

North