


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 / 331 East North Avenue		

TO

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

DATE: August 22, 2014

REQUEST

The Department of Planning has received Felix Ogala's Board of Municipal and Zoning Appeals (BMZA) application to use the property as commercial offices. The Zoning Administrator has determined that this is a nonconforming use in a R-8 Zoning District. We understand that this appeal is scheduled for hearing on September 9, 2014.

SITE

331 East North Avenue is located on the south side of the street, approximately 45'4" west of the intersection with Barclay Street. This property measures approximately 14'8" by 70' and is currently improved with a three-story attached residential building measuring approximately 14'8" by 59'. This site is zoned R-8 and is located within the Greenmount West Urban Renewal Plan area.

ANALYSIS

Use: In this zoning district, offices: business, governmental, and professional, 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 multiple-family attached dwelling, which is a permitted use in this R-8 General Residence District. In this zoning district, physicians' or dentists' professional (non-resident) offices, in a structure designed and erected for residential use, subject to the condition that the use is limited to no more than 4 physicians or dentists in the office, are a conditional use, requiring approval by the Board (§4-1103). This would be the only type of offices that the Board could authorize, as the Board is not authorized to approve creation of new nonconforming uses.

Urban Renewal Plan: This property is located in the Greenmount West Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

TransForm Baltimore: This property would become part of the OR-1 District with a R-MU (Residential Mixed-Use) Overlay (Proposed Zoning Map Area 7-A) in which offices would be permitted uses (Table 12-301). The OR Districts would have off-street parking requirements of 1 space per 800 square feet of gross floor area, hence this property's use as offices would require 3 spaces (Table 16-406A). This property would not meet this standard.

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the Zoning Code does not authorize creation of new nonconforming uses, which offices would be in the R-8 zoning district containing this property.

TJS/wya/mf

cc: Felix Ogala, Appellant

Central