


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 / 6420-6506 Park Heights 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 James and Toya Cussaac's Board of Municipal and Zoning Appeals (BMZA) application to use the portion of the premises known as 6420 Park Heights Avenue as a beauty shop and barber shop. The Zoning Administrator has determined that this is a nonconforming use in a R-5 Zoning District. We understand that this appeal is scheduled for hearing on September 9, 2014.

SITE

6420-6506 Park Heights Avenue is located on the west side of the street, approximately 344' north of the intersection with Fords Lane. This property measures approximately 150' along Park Heights Avenue by 285'6" and contains approximately 1.256 acre, and is currently improved with a three-story U-shaped garden apartment building. The portion of this building known as 6420 Park Heights Avenue is at the southeasternmost corner of this building. This site is zoned R-5 and is located within Northwest Community Planning Forum Strategic Neighborhood Action Plan area.

ANALYSIS

Use: In this zoning district, beauty shops and barber shops are not listed as a permitted or conditional use, and so are not allowed (§4-801 to §4-804). In this case, a portion of the property was last authorized for use as a non-resident professional office, which is a nonconforming use in this R-5 General Residence District.

Determination of nonconformity or noncompliance: (a) Whether a nonconforming use, noncomplying density or other form of nonconformity exists is a question of fact that, except as specified in subsection (b) of this section, must be decided by the Board after public notice and hearing in accordance with the rules of the Board (§13-107). The application states that this nonconforming use is currently vacant.

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). A beauty shop and a barber shop are listed as permitted uses in the B-1 District, and so each is eligible for a change in nonconforming use (§6-206).

TransForm Baltimore: This property would remain part of the R-5 District (Proposed Zoning Map Area 1-A) 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)).

Mr. David Lanner, BMZA

Executive Director

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RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: James and Toya Cussaac, Appellants