


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 / 3423-3449 Noble Street		

TO

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

DATE: September 18, 2014

REQUEST

The Department of Planning has received Ronald Rinehart's Board of Municipal and Zoning Appeals (BMZA) application to use the portion of the premises known as Unit 1-B for sale of furniture and bedding. The Zoning Administrator has determined that this is a nonconforming use in a R-8 Residential Zoning District. We understand that this appeal is scheduled for hearing on September 23, 2014.

SITE

3423-3449 Noble Street is located on the southwest corner of the intersection with Conkling Street. This property measures approximately 235'3" by 60' and is currently improved with a one-story detached commercial building measuring approximately 180' by 39'. This site is zoned R-8 and is located within the Patterson Park – Highlandtown National Register Historic District (to which it is a non-contributing structure).

ANALYSIS

Use: In this zoning district, furniture and bedding stores are not listed as permitted or conditional uses, and so are not allowed (§4-1101 to §4-1104). In this case, the property was last authorized for use as a contractor's construction shop and yard and as a garage, other than accessory, for storage, repair, and servicing of motor vehicles, which are nonconforming uses in this R-8 General Residence District, and for offices for an automobile tag and title service by the Board's approval of appeal no. 2011-320 heard on August 16, 2011.

Change in Nonconforming Use: In accordance with Subtitle 7 {"Modifications and Continuances by Board"} of this title, the Board may authorize a Class II nonconforming use in a Residence or Office-Residence District to be changed to a use permitted in a B-1 District (§13-305.b.(1)(ii)). Furniture stores are not listed as a permitted use or a conditional use in the B-1 District, and so the proposed furniture and bedding store is not eligible for a change in nonconforming use (§6-206 through §6-208).

TransForm Baltimore: This property would remain part of a R-8 District (Proposed Zoning Map Area 8-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" (§1-310 (I)).

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal because a furniture store is not among the B-1 uses to which a nonconforming use in a Residential Zoning District may be authorized to be changed.

TJS/wya/mf

cc: Ronald Rinehart, Appellant
East