


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 / 2460 Brentwood Avenue		

TO

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

DATE: October 17, 2014

REQUEST

The Department of Planning has received Angela Gray's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor front portion of the premises as a barber-shop. 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 October 21, 2014.

SITE

2460 Brentwood Avenue is located on the west side of the street, approximately 170'2" south of the intersection with 25th Street. This property measures approximately 14' by 90' and is currently improved with a two-story end-of-row residential mixed-use building measuring approximately 14' by 75'. This site is zoned R-8 and is located within the Barclay Urban Renewal Plan area.

ANALYSIS

Use: In this zoning district, barbershops 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 and as a barbershop, which is a nonconforming use in this R-8 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 indicates that the nonconforming use of the property as a barbershop would be continuing.

Urban Renewal Plan: This property is located in the Barclay Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district. However, the Plan does prohibit changing an existing nonconforming use to a different nonconforming use, so use as a barbershop is the only continuation of nonconforming use permitted in this instance.

TransForm Baltimore: This property would remain part of the R-8 District (Proposed Zoning Map Area 7-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" (§1-310 (I)).

RECOMMENDATION

The Department of Planning has no objection to this appeal provided that nonconforming use of the property as a barbershop has not been discontinued or abandoned.

TJS/wya/mf

cc: Angela Gray, Appellant

Central