

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 / 3525 O'Donnell Street		

TO

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

DATE: November 7, 2013

REQUEST

The Department of Planning has received Kate D'Alleva's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a beauty shop. The Zoning Administrator has determined that this is a nonconforming use in a R-8 District. We understand that this appeal is scheduled for hearing on November 12, 2013.

SITE

3525 O'Donnell Street is located on the southwest corner of the intersection with Conkling Street. This property measures approximately 16' by 95'6" and is currently improved with a two-story building covering the entire lot. This site is zoned R-8 and is located within the Canton National Register Historic District.

ANALYSIS

Use: In this zoning district, beauty shops 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 dry cleaning establishment, which is a nonconforming use in this R-8 General Residence District, and a multiple-family attached dwelling.

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 is listed as a permitted use in the B-1 District, and so is eligible for a change in nonconforming use (§6-206).

TransForm Baltimore: This property would remain part of the 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 has no objection to this appeal.

TJS/wya/mf

cc: Kate D'Alleva, Appellant