

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR
	SUBJECT	BMZA / 6210 Park Heights Avenue

CITY of
BALTIMORE
MEMO



TO

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

DATE: November 12, 2015

REQUEST

The Department of Planning has received Lisa Junker's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Graber and Associates, to expand the existing use of the portion of the premises known as Unit 101 by adding Units 100 and 100A to the use, which is an accounting (professional) office. The Zoning Administrator has determined that this is a prohibited use in a R-7 zoning district. We understand that this appeal is scheduled for hearing on November 17, 2015.

SITE

6210 Park Heights Avenue is located on the southwest corner of the intersection with Strathmore Avenue. This property measures approximately 200' by 261' and contains approximately 1.178 acre, and is currently improved with a nine-story detached multiple-family dwelling building known as the Strathmore Tower Condominium. Unit 101 contains approximately 1,208 square feet, and is currently used as a professional office. Unit 100 contains approximately 507 square feet, and is currently vacant. Unit 100A contains approximately 325 square feet, and is currently vacant. This site is zoned R-7 and is located within the Northwest Community Planning Forum Strategic Neighborhood Action Plan area.

ANALYSIS

Use: In this zoning district, offices: business or professional, are not listed as a permitted or conditional use, and so are not allowed (§4-1001 to §4-1004). In this case, the portion of the property known as Unit 101 was last authorized for use as an accounting office, which is a nonconforming use in this R-7 General Residence District, by the Board's approval of appeal no. 2014-565 on January 29, 2015. There is no record of uses authorized for Units 100 or 100A, which are the subject of the request to expand the accounting office from Unit 101.

Extension or moving of Class I, II, or III Nonconforming Use: The Board may authorize an extension of a Class I, Class II, or Class III nonconforming use, as limited and stated in §§ 13-206, 13-306, and 13-406 {"Expansions of use"} and §§ 13-208, 13-308, and 13-408 {"Relocations"} of this title, if the Board finds that: (1) the extension or moving will not cause a greater volume of traffic than that generated before the extension or move; (2) the extension or moving will not violate in any manner the bulk regulations of the district in which the property is located; (3) the effect of the extended or moved use on the health, safety, or general welfare of the community will be no worse than the existing or last use; (4) for the extension of a Class II or Class III nonconforming use, the extension will not result in an increase of the floor area of more than 25% beyond that which had been occupied or used when it became nonconforming; and (5) for an extension in the Critical Area: (i) there is no environmentally acceptable alternative outside the Critical Area; and (ii) the use is needed to correct an existing water quality or wastewater management problem (§13-714).

The amount of floor area of the currently-authorized nonconforming use is 1,208 square feet. The combined amount of floor area of the proposed nonconforming use is 2,041 square feet, an increase of 832 square feet, or 69%, in the floor area beyond that which was occupied when the nonconforming use was created. This amount of increase is more than the Zoning Code authorizes the Board to consider as a possible extension of nonconforming use, and should be disapproved.

TransForm Baltimore: This property would become 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" (§1-310 (I)).

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the amount of increase of nonconforming use would exceed the limitation imposed by the Zoning Code on increasing the extent of nonconforming use.

TJS/wya/mf

cc: Lisa Junker, Appellant