

TJS

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 / 1601 Park Avenue		

TO

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

DATE: November 24, 2009

REQUEST

The Department of Planning has received George Crowley's Board of Municipal and Zoning Appeals (BMZA) application to use the property as a carry-out food store, an art studio with retail sales, and an office in the portion of the building known as 132 South McMechen Street. We understand this appeal is scheduled for hearing on November 24, 2009.

SITE

1601 Park Avenue is located on the northern corner of the intersection with McMechen Street. This property measures approximately 21'6" by 130' and is currently improved with a three-story building fronting on Park Avenue, and a one-story rear portion with an entrance on McMechen Street. This site is zoned R-8 and is located within the Madison-Park North Urban Renewal Plan area, the Bolton Hill Historic District, and the Parking Lot District.

ANALYSIS

Use: In this zoning district, carry-out food stores, art studios with retail sales, offices 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 flower shop, which is a nonconforming use in this R-8 General Residence District.

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). Of the uses requested, only the office use is listed as a permitted use in the B-1 District and is eligible for a change in nonconforming use. The carry-out food store and art studio uses are not listed as permitted uses in the B-1 District and so therefore are not eligible for a change in nonconforming use (§6-206).

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal, as the uses requested are outside of the Board's approval authority.

TJS/ewt

cc: Mr. George Crowley, Appellant