


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 6333 Belair Road		

TO

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

DATE: November 27, 2015

**REQUEST**

The Department of Planning has received Craig Walker's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of S.M.I.B. Cigar Shop LLC, to use a portion of the premises as a cigar lounge. The Zoning Administrator has determined that this is a prohibited use in a B-2 zoning district. We understand that this appeal is scheduled for hearing on December 1, 2015.

**SITE**

6333 Belair Road is located on the southeast corner of the intersection with Cedonia Avenue. This property measures approximately 32'1" along Belair Road, 19'4" along its northern boundary, 51'10" along Cedonia Avenue, and 50'2" along its southern boundary, and is currently improved with a one-story detached commercial building covering the entire lot. This site is zoned B-2-2.

**ANALYSIS**

Use: In this zoning district, cigar lounges are not listed as a permitted or conditional use, and so are not allowed (§6-306 to §6-309). In this case, the property was last authorized for use as a communications systems sales and service store, which is a permitted use in this B-2 Community Business District.

Changes in Nonconforming Use: *In Business and Industrial Districts.* In accordance with Subtitle 7 {"Modifications and Continuances by Board"} of this title, the Board may authorize a Class III nonconforming use in a Business or Industrial District to be changed to another nonconforming use that is similar in nature and character to the existing nonconforming use (§13-305.c). There is no current record of nonconforming use of this property. The application indicates that the premises is now used as a cigar shop, which is a form of tobacco shop, and tobacco shops are a permitted use; however, the applicant has not obtained a Use and Occupancy permit to that effect.

TransForm Baltimore: This property would become part of a C-1 District (Proposed Zoning Map Area 4-B) in which Retail Goods Establishments – No Alcohol Sales, would be permitted uses (Table 10-301).

**RECOMMENDATION**

The Department of Planning recommends that approval of this appeal, if granted, limit the proposed cigar lounge to accessory status in relation to a tobacco shop.

TJS/wya/mf

cc: Craig Walker, Appellant

Northeast