

TJA

FROM

NAME &
TITLE

THOMAS J. STOSUR, DIRECTOR

AGENCY
NAME &
ADDRESSDEPARTMENT OF PLANNING
417 EAST FAYETTE STREET, 8TH FLOOR

SUBJECT

BMZA / 2402-2406 Frederick 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 29, 2010

REQUEST

The Department of Planning has received Uvell Reaves' Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a beauty shop, with accessory storage. We understand that this appeal is scheduled for hearing on December 7, 2010.

SITE

2402-2406 Frederick Avenue is located on the north side of the street, approximately 25' west of the intersection with Willard Street. This property measures approximately 48'6" along Frederick Avenue by approximately 125' deep and is currently improved with a combination two- and three-story building measuring approximately 48'6" along Frederick Avenue by 49' deep. This site is zoned R-8 and is located within the Operation Reach Out Southwest (OROSW) Strategic Neighborhood Action Plan area.

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 delicatessen and a beauty shop, which are nonconforming uses 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). 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). In this case, two former nonconforming uses may be merged into a single nonconforming use if the beauty shop use proposed is going to occupy all of the space formerly occupied by the delicatessen. (The applicant suggests that the 2402 Frederick Avenue portion of the combined building would be used for storage accessory to the proposed beauty shop, while the 2404-2406 portion would be the actual beauty shop.)

RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Uvell Reaves, Appellant