

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 / 3609 Springdale Avenue		

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

DATE: November 10, 2011

REQUEST

The Department of Planning has received Steve Joseph's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as two dwelling units. We understand that this appeal is scheduled for hearing on December 6, 2011.

SITE

3609 Springdale Avenue is located on the east side of the street, approximately 175'7" south of the intersection with Grantley Road. This property measures approximately 43'8" by 150' and is currently improved with a two-story semi-detached residential building measuring approximately 19' by 70'. This site is zoned R-2 and is located within the Greater Northwest Community Coalition Strategic Neighborhood Action Plan area.

ANALYSIS

Conversion of Dwellings: In all districts except the R-2, R-4, R-5, and R-6 Districts, the Board may authorize, as a conditional use, the conversion of a building for use by more than one family, as long as the number of families permitted conforms with the applicable bulk regulations for the district in which the building is located (§3-305.b.1). As this property is located in a R-2 District, it is not eligible for conversion to multiple-family dwelling use.

Discontinuance of Use: Whenever the active and continuous operation of any Class III nonconforming use, or any part of that use, has been discontinued for 12 consecutive months: (i) the discontinuance constitutes an abandonment of the discontinued nonconforming use, or discontinued part of that use... (§13-407.a.1). The application indicates that the structure is currently vacant and thus may have reverted to single-family dwelling status.

Determination of nonconformity or noncompliance: (a) Whether a nonconforming use, noncomplying density or other form of nonconformity exists is a question of fact that, except as specified in subsection (b) of this section, must be decided by the Board after public notice and hearing in accordance with the rules of the Board (§13-107).

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, as the Board is not authorized to approve new nonconforming uses of property, unless the applicant demonstrates that use of the property as a multiple-family dwelling has not been discontinued or abandoned.

TJS/wya/mf

cc: Steve Joseph, Appellant