


TJS

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 / 2518 North Charles Street		

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

DATE: December 17, 2010

### REQUEST

The Department of Planning has received Jennifer West's Board of Municipal and Zoning Appeals (BMZA) application to use a portion of the premises as a full service [hair] salon. We understand that this appeal is scheduled for hearing on December 21, 2010.

### SITE

2518 North Charles Street is located on the west side of the street, approximately 250' north of the intersection with 25<sup>th</sup> Street. This property, which is part of a consolidated lot measuring approximately 77'6" by 150', measures approximately 16'3" by 150' and is currently improved with a three-story attached office-residential building measuring approximately 16'3" by 75'. This site is zoned O-R-2 and is located within the Charles/ 25<sup>th</sup> Urban Renewal Plan area and the Charles Village/ Abell National Register Historic District.

### ANALYSIS

Use: In this zoning district, beauty shops (the 1971 term for "hair salons") are not listed as a permitted or conditional use, and so are not allowed (§5-201 to §5-204). In this case, the property was last authorized for use as a business and professional office, which is a permitted use in this O-R-2 Office-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).

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). The applicant must demonstrate that a nonconforming use currently exists in the portion of the property that the hair salon would occupy in order for this appeal to be eligible for the Board's consideration.

### RECOMMENDATION

The Department of Planning recommends disapproval of the appeal, because the Board is not authorized by the Zoning Code to create new nonconforming uses, which a hair salon would be in an Office-Residential District.

TJS/wya/mf

cc: Jennifer West, Appellant