

# City of Cambridge

Department of Public Works  
1025 Washington Street  
Cambridge, Maryland 21613  
Phone: 410-228-1955 Fax: 410-228-1474

## Board of Appeals Minutes June 25, 2019

The Board of Zoning Appeals for the City of Cambridge met at 6:00 p.m. on Tuesday, June 25, 2019 in the City Council Chambers located at 305 Gay Street, Cambridge, Maryland.

**Board Members in Attendance:** Ted Brooks, Chairman, William Clyde, Vice-Chair, Commissioners Dormaim Green, (absent:).

**Absent:** Commissioners Robin Sample, William Bishop and Gaver Nichols

**Other representatives in Attendance:** Pat Escher, City Planner; Herve Hamon, Planner I; Patrick Thomas, City Attorney

Chairman Brooks opened the meeting.

There was one amendment to the agenda: BOA 2019-011 10 Washington Street (Culta) was deferred to July 25, 2019.

Chairman Brooks then issued a welcome and explained the order of the proceedings.

Chairman Brooks swore in those wishing to testify.

### Approval of May 29, 2019 Minutes:

Review of the May 29, 2019 minutes: Commissioner Green made a motion to approve the minutes as submitted, it was seconded by Vice Chair Clyde. All approved unanimously.

### Regular Business:

#### 1- BOA 2019- 010 – 218 Washington Street – Appeal of Zoning Land Use Designation

The property owners are appealing the determination of the City Planner and Zoning Administrator, Pat Escher, that a tattoo parlor is not a permitted use in the Downtown Waterfront Development District (“DWDD”) – General Subdistrict.

#### A- Background and Staff Recommendation:

- The Appellant seeks to operate a tattoo parlor on the premises located at 218 Washington Street (the “Property”), which is located in the DWDD – General Subdistrict. When the Appellant attempted to obtain a zoning certificate for the desired use, Ms. Escher advised him that tattoo parlors are only permitted in the General Commercial (“GC”) Zoning District. The Appellant has appealed Ms. Escher’s determination.

- Tables 1 and 2 of the Unified Development Code (the “UDC”) enumerate various uses and indicate whether they are permitted, permitted subject to conditions, permitted by special exception, or permitted by special exception with conditions in the various Zoning Districts and DWDD Subdistricts, respectively, in the City. Tattooing, body art, and piercings are only permitted in the GC Zoning District as set forth in Table 1.
- Ms. Escher provided a brief summary of the nature of the appeal and her Staff Report.
  - The City’s zoning ordinance that immediately preceded the UDC was silent as to tattoo studios. In 2015, the City Council adopted the UDC, which was the result of a multi-year, overarching City-wide rezoning.
  - The UDC created the DWDD, which is comprised of six Subdistricts, and is intended to promote high-quality development and associated uses. The DWDD is held to a higher design standard than other Zoning Districts in the City.
  - The Planning Commission and the City Council were selective as to the uses permitted in the DWDD, and some uses permitted in one Subdistrict may not be permitted in the others. Additionally, the Planning Commission and the City Council determined that certain uses were not appropriate anywhere in the DWDD, including homeless shelters, boarding houses, adult bookstores/entertainment, building material/supply stores, grain storage and sales, farm implement storage and sales, large and small scale manufacturing, filling/service stations, research laboratories, drive-through and drive-in fast food restaurants, salvaging, recycling, processing, trucking, and freight stations, and tattooing, body art, and body piercing.
  - The foregoing uses are permitted elsewhere in the City, as set forth in Table 1 of the UDC. Tattooing, body art, and body piercing are only permitted in the GC Zoning District.
- Staff recommends that the Board affirm the Zoning Administrator’s determination.

**B- Applicant’s Input and Testimonies:**

- The Appellant, having been duly sworn, testified.
  - When the Appellant applied for a zoning certificate, he did not believe that the use would be an issue.
  - The Appellant wants to improve the building on the property to operate a small tattoo studio, which he owns.
  - The Appellant does not intent to make any dramatic changes to the building; he only wants to clean it up and improve its appearance.
- Donald Wooten testified in support of the Appellant.
  - Mr. Wooten owns the Property and supports the Appellant’s operation of a tattoo studio.
  - Mr. Wooten did not know the Property was not zoned for a tattoo studio.
  - The Appellant is excited about starting the business, and it would be a benefit to Washington Avenue.

- Mr. Wooten feels as if there is a negative stigma associated with tattooing even though it has evolved in recent years.
- Mr. Wooten has spoken with other property owners in the vicinity of the Property, and none of them objected to the proposed use.
- Matthew Woodard also testified in support of the Appellant.
  - Mr. Woodard is the Appellant's business partner, and they will operate the studio together.
  - The tattoo studio is a dream of Mr. Woodard and the Appellant, and they want to give back to the City.
  - The Appellant and Mr. Woodard want to operate a clean, safe tattoo studio in a responsible manner.
  - Mr. Woodard inquired as to the tattoo studio on Race Street, which is also in the DWDD.
  - Ms. Escher stated that that studio was in operation prior to the UDC's enactment and is considered a valid nonconforming, or "grandfathered," use.
- No individuals appeared in opposition to the Appellant's appeal.

**C- Commissioners Decision:**

- Pursuant to § 2.2.6 of the UDC, any person aggrieved or affected by an action or decision of the Zoning Official may appeal such action or decision to the Board. The Board may, so long as such action is in conformity with the terms of the UDC, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the Zoning Official from whom the appeal is taken.
- The Board finds from the evidence and testimony before it that the Appellant seeks to operate a tattoo studio on the Property, which is located in the DWDD – General Subdistrict. Tables 1 and 2 of the UDC are clear that tattooing, body art, and body piercing are not permitted anywhere in the DWDD and are only permitted in the GC Zoning District. Based upon the foregoing, the Board unanimously finds that Ms. Escher was correct in determining that a tattoo studio is not a permitted use on the Property.

Chairman Ted Brooks asked for a motion to adjourn. Commissioner Clyde made the motion and was seconded by Commission Green.

**Meeting adjourned.**

Respectfully submitted,

Herve Hamon, Planner I

Signature: \_\_\_\_\_

Ted A. Brooks, Chairman, Board of Appeals

Date: SEPT. 27, 2019