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| 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 / 617-619 Oldham Street | | |

TO

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

DATE: January 3, 2013

REQUEST

The Department of Planning has received Bao Ren Lin's Board of Municipal and Zoning Appeals (BMZA) application to change the use of the first floor of the premises from a tavern to a grocery store. We understand that this appeal is scheduled for hearing on January 8, 2013.

SITE

617-619 Oldham Street is located on the east side of the street, approximately 115'8" south of the intersection with Fleet Street. This property measures approximately 24'6" by 59'3" and is currently improved with a two-story semi-detached residential mixed-use building covering the entire lot. This site is zoned R-8.

ANALYSIS

Use: In this zoning district, grocery stores 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 tavern, which is a nonconforming use in this R-8 General Residence District, and a multiple-family dwelling.

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 grocery store is listed as a permitted use in the B-1 District, and so is eligible for a change in nonconforming use (§6-206).

TransForm Baltimore: In the proposed new zoning code for Baltimore, this property, as a structure that is non-residential in its original construction and use, would be eligible for consideration for conditional use approval of a neighborhood commercial establishment (§1-310 (I) and §14-328 and Table 9-301). On Proposed Zoning Map Area 8-C this property and its surrounding area would remain in a R-8 District.

RECOMMENDATION

The Department of Planning recommends approval of this appeal.

TJS/wya/mf

cc: Bao Ren Lin, Appellant