


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 / 338 North Pulaski Street		

TO

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

DATE: January 17, 2014

REQUEST

The Department of Planning has received Awet Woldeselassie's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a convenience store. The Zoning Administrator has determined that this is a nonconforming use in a R-7 District. We understand that this appeal is scheduled for hearing on January 28, 2014.

SITE

338 North Pulaski Street is located on the southwest corner of the intersection with Mulberry Street. This property measures approximately 14'5" by 80' and is currently improved with a two-story end-of-row residential mixed-use building measuring approximately 14'5" by 52'. This site is zoned R-7 and is located within the West Baltimore MARC Station Transit-Oriented Design Area Master Plan area.

ANALYSIS

Use: In this zoning district, convenience stores are not listed as a permitted or conditional use, and so are not allowed (§4-1001 to §4-1004). In this case, the property was last authorized for use as a beauty shop, which is a nonconforming use in this R-7 General Residence District.

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 application indicates that this property is being used for a barber shop.

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). Food and grocery stores and variety stores are listed as permitted uses in the B-1 District, and so are eligible for a change in nonconforming use (§6-206). The applicant should be requested to state what merchandise would be available in the proposed store.

TransForm Baltimore: This property would remain part of a R-7 District (Proposed Zoning Map Area 6-C) in which Neighborhood Commercial Establishments would be conditional uses (Table 9-301). "Neighborhood commercial establishment" means "a commercial use that is within a residential neighborhood, but in a structure that is non-residential in its construction and original use" (§1-310 (I)).

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RECOMMENDATION

The Department of Planning has no objection to this appeal if nonconforming use of the property has not been discontinued or abandoned.

TJS/wya/mf

cc: Awet Woldeselassie, Appellant