


<b>FROM</b>	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 / 2250 East Chase Street		

**TO**

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

DATE: March 15, 2010

**REQUEST**

The Department of Planning has received Samuel Perez's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a grocery and carry-out. We understand that this appeal is scheduled for hearing on March 16, 2010.

**SITE**

2250 East Chase Street is located on the northwest corner of the intersection with North Patterson Park Avenue. This property measures approximately 14' by 70' and is currently improved with a two-story building covering the entire lot. This site is zoned R-8 and is located within the Middle East Urban Renewal Plan area.

**ANALYSIS**

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). A carry-out food shop is not listed as a permitted or conditional use in the B-1 District, and so is not eligible for a change in nonconforming use.

Renewal Plans: The Middle East Urban Renewal Plan does not limit operation of the Zoning Code on the premises. However, Appendix D, "Properties for Acquisition and Disposition for Rehabilitation or Redevelopment", of the Plan lists the premises as number 671 on that list of properties. The scheduled acquisition has yet to occur; the applicant is on notice that the proposed use of the property is subject to termination when acquisition by the City of Baltimore occurs.

**RECOMMENDATION**

The Department of Planning recommends disapproval of the appeal for a carry-out food shop, as the Zoning Code does not authorize the use as a nonconforming use in a R-8 District. The Department has no objection to the appeal for a grocery store on the premises as a continuation of the nonconforming use at that location.

TJS/ewt/mf

cc: Samuel Perez, Appellant