


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 / 701 McKewin Avenue		

TO

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

DATE: March 15, 2013

REQUEST

The Department of Planning has received Issa Sh Issa's Board of Municipal and Zoning Appeals (BMZA) application to add preparation of hot food and a delicatessen to an existing grocery store. The Zoning Administrator has determined that this is a change of nonconforming use in a R-6 District. We understand that this appeal is scheduled for hearing on March 19, 2013.

SITE

701 McKewin Avenue is located on the southeast corner of the intersection with Frisby Street. This property measures approximately 20' by 91' and is currently improved with a two-story residential mixed-use building measuring approximately 20' by 52'. This site is zoned R-6.

ANALYSIS

Use: In this zoning district, delicatessens are not listed as a permitted or conditional use, and so are not allowed (§4-901 to §4-904). In this case, the property was last authorized for use as a grocery store, which is a nonconforming use in this R-6 General 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 delicatessen (including hot food service) is listed as a permitted use in the B-1 District, and so is eligible for a change in nonconforming use (§6-206). The applicant has provided a floor plan to the BMZA indicating that there would be no increase in the total nonconforming use floor area in the premises.

TransForm Baltimore: This property is part of an area to be zoned R-7 (Proposed Zoning Map Area 3-C) in which Neighborhood Commercial Establishments such as this one would be conditional uses. The Board would thus have discretion to approve this application as a modification of a conditional use.

RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Issa Sh Issa, Appellant