


<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 / 910 Poplar Grove Street		

**TO**

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

DATE: February 4, 2016

**REQUEST**

The Department of Planning has received Omar Abdulsalem's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a carry-out food shop. We understand that this appeal is scheduled for hearing on February 9, 2016.

**SITE**

910 Poplar Grove Street is located on the west side of the street, approximately 78'5" north of the intersection with Lafayette Avenue. This property measures approximately 19'6" by 220' and is currently improved with a two-story semi-detached residential mixed-use building measuring approximately 15' by 83'. This site is zoned R-6.

**ANALYSIS**

Use: In this zoning district, carry-out food shops 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 delicatessen by the Board's decision in approving appeal no. 2012-450, which authorized a change of nonconforming use in this R-6 General Residence District. However, the application indicates that the premises currently are vacant.

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 carry-out food shop is not listed as a permitted use in the B-1 District, and so is not eligible for a change in nonconforming use (§6-206).

TransForm Baltimore: This property would remain part of the R-6 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)).

**RECOMMENDATION**

The Department of Planning recommends disapproval of this appeal, because a carry-out food shop cannot be approved by the Board as a change of nonconforming use on a property located in a R-6 General Residence District.

TJS/wya/mf

cc: Omar Abdulsalem, Appellant  
West