


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR <i>Shole/pw T. SS</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR		
	SUBJECT	BMZA / 2696 Wilkens Avenue		

TO

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

DATE: April 12, 2012

REQUEST

The Department of Planning has received Ruth Monroe's Board of Municipal and Zoning Appeals (BMZA) application to add a package goods [liquor] store to an existing tavern. We understand that this appeal is scheduled for hearing on April 17, 2012.

SITE

2696 Wilkens Avenue is located on the northeast corner of the intersection with Brunswick Street. This property measures approximately 16' by 70' and is currently improved with a two-story end-of-row residential mixed-use building measuring approximately 16' by 54'. This site is zoned R-8.

ANALYSIS

Use: In this zoning district, liquor stores: package goods, 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. This property was the subject of a similar previous application and appeal by a different applicant in appeal no. 636-09 (postponed November 24, 2009 and ultimately withdrawn) in which the applicant described the premises as "formerly used for a tavern" but records showed an original Certificate of Occupancy for a tavern issued June 18, 1957. The current applicant's statements included in the application for a Use and Occupancy Permit on March 6, 2012 give no indication that there has been any change in this property's status quo since 2009.

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). Liquor stores: package goods, are not listed as a permitted use in the B-1 District, and so the proposed use is not eligible for a change in nonconforming use (§6-206).

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the Board is not authorized by the Zoning Code to approve a new nonconforming use, which a package goods liquor store would be in a Residential District.

TJS/wya/mf

cc: Ruth Monroe, Appellant
Southern