


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 / 916 North Broadway		

TO

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

DATE: October 24, 2013

REQUEST

The Department of Planning has received Joseph Woolman's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of 722 Duncan LLC, to use the premises as a delicatessen and one dwelling unit. The Zoning Administrator has determined that the delicatessen is a nonconforming use in a R-8 District. We understand that this appeal is scheduled for hearing on October 29, 2013.

SITE

916 North Broadway is located on the northwest corner of the intersection with Abbott Street. This property measures approximately 14' by 60' and is currently improved with a three-story end-of-row building measuring approximately 14' by 51'. This site is zoned R-8 and is located within the Gay Street I Urban Renewal Plan area and the Old East Baltimore National Register Historic District.

ANALYSIS

Use: In this zoning district, commercial uses 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 single-family residence, which is a permitted use in this R-8 General Residence District, and a delicatessen by the Board's decision, dated June 3, 2011, concerning appeal no. 2010-491. The applicant is essentially requesting a decision affirming the previous decision of the Board, as partial reconstruction of the building on the property delayed obtaining a Use & Occupancy permit pursuant to the Board's 2011 decision.

Lot Area: In this zoning district, single-family attached dwellings require 750 square feet of lot area per dwelling unit (§4-1106.a). The lot encloses 840 square feet, and so does meet this requirement.

Urban Renewal Plan: This property is located in the Gay Street I Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed uses in this district. The applicant is cautioned that Appendix B of the Urban Renewal Plan, effective April 1, 2003 listed this property among Properties for Acquisition and Disposition for Rehabilitation or Redevelopment; the applicant should contact the Department of Housing and Community Development concerning possible removal of this property from the list if he intends to complete investment in the property.

TransForm Baltimore: This property would become part of a O-R-1 District (Proposed Zoning Map Area 7-B) in which Neighborhood Commercial Establishments would be conditional uses (Table 12-301). "Neighborhood commercial establishment" means "a use that is within a residential neighborhood, but in a structure that is non-residential in its construction and original use" (§1-310 (I)).

Mr. David Ianner, BMZA
Executive Director
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RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Joseph Woolman, Appellant