


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 / 24 NORTH FULTON AVENUE		

TO

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

DATE: July 2, 2009

REQUEST

The Department of Planning has received Wenliang Tao's Board of Municipal and Zoning Appeals (BMZA) application to use a portion of the premises' first floor as a Chinese carryout. We understand this appeal is scheduled for hearing on July 7, 2009.

SITE

24 North Fulton Avenue is located on the southwest corner of the intersection with West Fairmount Avenue. This property measures approximately 40' by 137' and is currently improved with a three-story building. This site is zoned R-8 and is located within the Franklin Square Urban Renewal Plan area.

ANALYSIS

Use: In this zoning district, carryout food stores 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 multi-family dwelling, which is a permitted use in this R-8 General Residence District. Approval of this appeal would create a new nonconforming use on this property. For this reason, the appeal should be denied.

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal.

TJS/ewt

cc: Wenliang Tao, Appellant