


<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 / 1269-73 WASHINGTON BOULEVARD		

**TO**

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

DATE: July 2, 2009

**REQUEST**

The Department of Planning has received Sumrit Dechanuhul's Board of Municipal and Zoning Appeals (BMZA) application to consolidate lots 1269, 1271, and 1273 Washington Boulevard and use the first floor as a liquor/grocery store/carryout. We understand this appeal is scheduled for hearing on July 7, 2009.

**SITE**

1269-73 Washington Boulevard is located on the southeast side of the street, approximately 31' northeast of the intersection with South Carey Street. This property measures approximately 13' by 75' and is currently improved with a three-story attached dwelling. This site is zoned R-9 and is located within the Washington Village Urban Renewal Plan area.

**ANALYSIS**

This is an update to our report dated March 13, 2009 via case 205-09X.

Use: In this zoning district, liquor stores, grocery stores, and carryout food stores are not listed as permitted or conditional uses, and so they are not allowed (§4-1201 to §4-1204). In this case, the property was last authorized by the Board for use as a barber shop and two dwelling units. The barber shop use is a nonconforming use in this R-9 General Residence District.

Discontinuance of Use: Whenever the active and continuous operation of any Class III nonconforming use, or any part of that use, has been discontinued for 12 consecutive months: (i) the discontinuance constitutes an abandonment of the discontinued nonconforming use, or discontinued part of that use... (§13-407.a.1). This section does not apply to any Class III nonconforming uses in an R-6, R-7, R-8, R-9, or R-10 District (§13-407.c).

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). Grocery stores are listed as a permitted use in the B-1 District, and so they are eligible for a change in nonconforming use (§6-206). However, liquor stores and carryout food stores are not listed as permitted uses in the B-1 District, and so they are not eligible. Further, the retail grocery store would most likely increase the relative degree of impact this nonconforming property imposes on the surrounding residential area. For this reason, Planning continues to recommend disapproval.

Mr. David Tanner, BMZA  
Executive Director  
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Re: 377-09X 1269-73 Washington Boulevard

**RECOMMENDATION**

The Department of Planning recommends disapproval of the appeal.

TJS/ewt

cc: Sumrit Dechanuhul, Appellant