


<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 / 200 North Hilton Street	

DATE:

**TO**

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

June 30, 2010

**REQUEST**

The Department of Planning has received Brian Abercrombie's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a grocery store.

We understand that this appeal is scheduled for hearing on July 6, 2010.

**SITE**

200 North Hilton Street is located on the northwest corner of the intersection with Kossuth Street. This property measures approximately 15'4" by 110' and is currently improved with a two-story end-of-row building measuring approximately 15'4" by 55'. This site is zoned R-6.

**ANALYSIS**

Use: In this zoning district, grocery stores 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 residence and a grocery and confectionary store, which is a nonconforming use in this R-6 General Residence District.

Discontinuance of Use:

(1) Except as specified in paragraph (2) of this subsection, whenever the active and continuous operation of any Class II nonconforming use, or any part of that use, has been discontinued for 18 consecutive months:

(i) the discontinuance constitutes an abandonment of the discontinued nonconforming use, or discontinued part of that use, regardless of any reservation of an intent to resume active operations or otherwise not abandon the use; and

(ii) the discontinued part of that use:

(A) may not be reestablished; and

(B) any subsequent use of any part of the land or structure previously used for the discontinued use, or discontinued part of that use, must conform to the regulations of the district in which the land or structure is located.

(2) In accordance with Subtitle 7 {"Modifications and Continuances by Board"} of this title, the Board may extend the time limit for discontinuance for 1 or more additional periods. In no case, however, may the total of the additional time exceed 18 months (§13-307).

**RECOMMENDATION**

The Department of Planning has no objection to the appeal, provided that the applicant can show that the nonconforming use has not been discontinued beyond the time limit which the Board may establish.

TJS/wya/mf

cc: Brian Abercrombie, Appellant