


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 / 526 Oldham Street		

TO

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

DATE:

July 12, 2013

REQUEST

The Department of Planning has received Jiao Jiao Chen'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 23, 2013.

SITE

526 Oldham Street is located on the northwest corner of the intersection with Fleet Street. This property measures approximately 15' by 70' and is currently improved with a two-story end-of-row residential mixed-use building covering the entire lot. This site is zoned R-8 and is located within the Southeast Neighborhoods Development (SEND) Strategic Neighborhood Action Plan area.

ANALYSIS

Use: In this zoning district, grocery 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 an antique store by the Board's approval of appeal no. 2012-342 heard on September 4, 2011, which approved that nonconforming use in this R-8 General Residence District.

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 the proposed use is eligible as a change in nonconforming use (§6-206).

TransForm Baltimore: This property would remain part of a R-8 District (Proposed Zoning Map Area 8-C) in which Neighborhood Commercial Establishments would be conditional uses (Table 9-301). "Neighborhood commercial establishment" means "a commercial use that is within a residential neighborhood, but in a structure that is non-residential in its construction and original use" (§1-310 (I)).

RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Jiao Jiao Chen, Appellant