


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 / 401 West 24 th Street		

TO

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

DATE: September 12, 2013

REQUEST

The Department of Planning has received Ongenette Washington's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the property as a grocery store. The Zoning Administrator has determined that this is a nonconforming use in a R-8 District. We understand that this appeal is scheduled for hearing on September 17, 2013.

SITE

401 West 24th Street is located on the southwest corner of the intersection with Hampden Avenue. This property measures approximately 14' by 70' and is currently improved with a two-story end-of-row residential building measuring approximately 14' by 57'. This site is zoned R-8.

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). The application states that the property is currently vacant and that the owner closed "a retail ceramic store", which is a nonconforming use in this R-8 General Residence District, in December 2012.

Determination of nonconformity or noncompliance: (a) Whether a nonconforming use, noncomplying density or other form of nonconformity exists is a question of fact that, except as specified in subsection (b) of this section, must be decided by the Board after public notice and hearing in accordance with the rules of the Board (§13-107). There is presently no record of a Use and Occupancy permit for a retail store at this location.

TransForm Baltimore: This property would remain part of a R-8 District (Proposed Zoning Map Area 6-B) 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 recommends disapproval of this appeal unless the applicant demonstrates that nonconforming use of the property, if lawfully established, has not been discontinued or abandoned.

TJS/wya/mf

cc: Ongenette Washington, Appellant
Northern