2010-277

TJ

FROM		
NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE **MEMO**
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8TH FLOOR	
SUBJECT	BMZA / 3411 Clifton Avenue	

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

DATE: July 27, 2010

REQUEST
The Department of Planning has received Nathaniel Greene's Board of Municipal and Zoning Appeals (BMZA) application to use a portion of the premises for prepared food delivery service. We understand that this appeal is scheduled for hearing on August 3, 2010.

SITE
3411 Clifton Avenue is located on the northwest corner of the intersection with Dennison Street, in the Walbrook Junction Shopping Center. The Walbrook Junction Shopping Center contains approximately 2.76 acres and is currently improved with a group of one-story commercial buildings, of which the premises is the easternmost. This site is zoned B-2-2 and is located within the Walbrook Shopping Center Urban Renewal Plan area.

ANALYSIS
Conditional Use: In this zoning district, prepared food delivery services – including any operated as an accessory use by a restaurant, are a conditional use, requiring approval by the Board (§6-308).

Renewal Plans: Ordinance #01-0165 was approved May 14, 2001 for the purpose of, among other things, clarifying the relationship between conditions or requirements imposed by an Urban Renewal Plan or Conservation Plan, such that the condition or requirement that is more restrictive will govern. Additionally, the ordinance prohibits the approval of a conditional use or a variance if that conditional use or variance is precluded by an applicable renewal plan or master plan.

Required Findings: The Board may not approve a conditional use unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that: … (2) the use is not in any way precluded by any other law, including an applicable urban renewal plan; (§14-204). For this reason, the Board must consider the requirements of the Walbrook Shopping Center Urban Renewal Plan, which does allow this use in this district.

RECOMMENDATION
The Department of Planning has no objection to this appeal.

TJS/wya/mf

Western

cc: Nathaniel Greene, Appellant