2010-273

TJS

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 / 2300 West North 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 AB Associates' Board of Municipal and Zoning Appeals (BMZA) application to use the lower level of the premises for a grocery store and delicatessen. We understand that this appeal is scheduled for hearing on August 3, 2010.

SITE
2300 West North Avenue is located on the northwest corner of the intersection with Bentalou Street. This property measures approximately 23'10.5" by 87'3" and is currently improved with a two-story building measuring approximately 23' by 74'. This site is zoned R-8.

ANALYSIS
Use: In this zoning district, grocery stores and delicatessens 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 a beauty shop and an office, which are nonconforming uses 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 and delicatessens are listed as permitted uses in the B-1 District, and so are eligible for a change in nonconforming use (§6-206).

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

TJS/wya/mf

cc: AB Associates, Appellant

Western