**2010-271**

TJS

| FROM | | |
|---|---|---|
| NAME & TITLE | THOMAS J. STOSUR, DIRECTOR | CITY of BALTIMORE **MEMO** |
| AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING<br>417 EAST FAYETTE STREET, 8TH FLOOR | |
| SUBJECT | BMZA / 2008 North Monroe Street | |

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 Jae Chung's Board of Municipal and Zoning Appeals (BMZA) application to continue to use the first floor of the premises for a carry-out restaurant. We understand that this appeal is scheduled for hearing on August 3, 2010.

**SITE**
2008 North Monroe Street is located on the southwest corner of the intersection with Ridgehill Avenue. This property measures approximately 14' by 70' and is currently improved with a two-story end-of-row building covering the entire lot. This site is zoned R-7.

**ANALYSIS**
Use: In this zoning district, carry-out food shops and restaurants are not listed as permitted or conditional uses, and so are not allowed (§4-1001 to §4-1004). In this case, the property was last authorized for use as a restaurant and a carry-out food shop, which are nonconforming uses in this R-7 General Residence District.

Discontinuance of Use: Whenever the active and continuous operation of any Class III nonconforming use, or any part of that use, has been discontinued for 12 consecutive months: (i) the discontinuance constitutes an abandonment of the discontinued nonconforming use, or discontinued part of that use… (§13-407.a.1). This section does not apply to any Class III nonconforming uses in an R-6, R-7, R-8, R-9, or R-10 District (§13-407.c).

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

TJS/wya/mf

cc: Jae Chung, Appellant

Western