


Thib Ngazang for

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 / 3443 Edmondson Avenue		

TO

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

DATE: August 13, 2013

REQUEST

The Department of Planning has received Magdi Alsamet's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a grocery store. The Zoning Administrator has determined that this is a nonconforming use in a R-6 District. We understand that this appeal is scheduled for hearing on August 20, 2013.

SITE

3443 Edmondson Avenue is located on the southeast corner of the intersection with Edgewood Street, in the Lower Edmondson Village community. This property measures approximately 22' by 100' and is currently improved with a two-story end-of-row residential mixed-use building measuring approximately 22' by 65'. This site is zoned R-6 and is located in the Edmondson Village Area Master Plan Area.

ANALYSIS

Use: In this zoning district, grocery stores are not listed as a permitted or conditional use, and so are not allowed (§4-901 to §4-904). In this case, the property was last authorized for use as a beauty shop, which is a nonconforming use in this R-6 General Residence District, and a single-family attached dwelling unit.

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). The application indicates that the property is currently vacant, but does not state how long the vacancy has existed.

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). A grocery store is listed as a permitted use in the B-1 District, and so is eligible for a change in nonconforming use (§6-206).

Comprehensive Planning: A commercial use such as a grocery store is not consistent with land use plans for the neighborhood. The Department of Planning and the community, in the 2007 Edmondson Village Area Master Plan, identified corner stores as problem locations connected with loitering, sanitation issues, and crime. For these reasons, the community has voiced opposition to a grocery store at this site.

TransForm Baltimore: This property would become part of a R-7 District (Proposed Zoning Map Area 5-D) 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, as noted above, is recommending that this property remain residential and be rezoned from R-6 to R-7. The Department therefore recommends disapproval of this application.

TJS/wya/mf

cc: Magdi Alsamet, Appellant