


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 / 2400 East Fayette Street		

TO

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

DATE: September 28, 2009

REQUEST

The Department of Planning has received John Zorzit's Board of Municipal and Zoning Appeals (BMZA) application to use a portion of the premises, the 1st floor, for a grocery store and delicatessen. We understand that this appeal is scheduled for hearing on September 29, 2009.

SITE

2400 East Fayette Street is located on the northeast corner of the intersection with North Montford Street. This property measures approximately 25' by 70' and is currently improved with a three-story building covering the entire lot. This site is zoned R-7.

ANALYSIS

Use: In this zoning district, grocery stores and delicatessens are not listed as permitted or conditional uses, and so are not allowed (§4-1001 to §4-1003). In this case, the property was last authorized for use as a tavern, which is a nonconforming use in this R-7 General Residence District.

Change in Nonconforming Use: Except as specified in subsection (b) or (c) of this section, a Class III nonconforming use in any district may not be changed to any other nonconforming use (13-405.a). 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 a permitted use in the B-1 District, and so is eligible for a change in nonconforming use (§6-206).

Comprehensive Planning: The premises adjoins a residential redevelopment being created by Habitat for Humanity using modular housing units. This is an experiment in producing affordable housing for owner-occupants in a neighborhood identified as distressed-to-transitional by Baltimore City's housing market typology. The exterior appearance of this premises, and its use, can have, when combined with the appearance of the new housing next to it, a considerable positive effect upon this neighborhood. It is therefore important that any re-use of the premises be accompanied by exterior alterations which enhance, rather than detract from, the neighborhood's value and sense of community.

RECOMMENDATION

The Department of Planning has no objection to approval of the appeal, provided that the applicant can demonstrate that the existing nonconforming use has not been discontinued. Approval of the appeal, if granted, should be conditioned on approval of the building façade and loading spaces by the Site Plan Review Committee.

TJS/ewt/mf

cc: John Zorzit, Appellant

Southeastern