


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR <i>Shah / for TJS</i>	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 1682 Darley Avenue		

TO

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

DATE: October 26, 2009

**REQUEST**

The Department of Planning has received Syed Shah's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises for a grocery store. We understand that this appeal is scheduled for hearing on October 27, 2009.

**SITE**

1682 Darley Avenue is located on the north side of the street, approximately 60' west of the intersection with Regester Lane. This property measures approximately 14' by 70' and is currently improved with a two-story building measuring approximately 14' by 50'. This site is zoned R-8.

**ANALYSIS**

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 food store or 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). The previous use, a confectionary store, is a type of food store; thus, the proposed use would be a change in nonconforming use in name only.

**RECOMMENDATION**

The Department of Planning has no objection to the appeal, provided that the proposed use will not occupy a greater portion of the lot or structure than the existing or last use of the property, and provided that the appellant can demonstrate that the nonconforming use has not been discontinued.

TJS/ewt/mf

cc: Syed Shah, Appellant