


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 / 2332 East Hoffman Street		

TO

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

DATE: November 24, 2009

REQUEST

The Department of Planning has received Wendy A. Gomez's Board of Municipal and Zoning Appeals (BMZA) application to use a portion of the first floor as a carry-out food store in conjunction with the existing grocery store. We understand this appeal is scheduled for hearing on November 24, 2009.

SITE

2332 East Hoffman Street is located on the northwest corner of the intersection with North Montford Avenue. This property measures approximately 16' by 70' and is currently improved with a two-story end-of-row attached building that covers nearly the entire parcel. This site is zoned R-8.

ANALYSIS

Use: In this zoning district, carry-out food stores 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 grocery store, which is a nonconforming use 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). Carry-out food stores are not listed as a permitted use in the B-1 District, and so are not eligible for a change in nonconforming use (§6-206).

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal. Approval of this appeal would increase the degree of nonconformity of this property. For this reason, the appeal should be denied.

TJS/ewt

cc: Ms. Wendy A. Gomez, Appellant