

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 / 916 North Broadway		

TO

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

DATE: December 6, 2012

REQUEST

The Department of Planning has received Om Tschand's Board of Municipal and Zoning Appeals (BMZA) application to use the premises for a delicatessen on the first floor and add a grocery store. We understand that this appeal is scheduled for hearing on December 11, 2012.

SITE

916 North Broadway is located on the northwest corner of the intersection with Abbott Street. This property measures approximately 14' by 60' and is currently improved with a three-story end-of-row building measuring approximately 14' by 51'. This site is zoned R-8 and is located within the Gay Street I Urban Renewal Plan area and the Old East Baltimore National Register Historic District.

ANALYSIS

Use: In this zoning district, grocery 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 residence, which is a permitted use in this R-8 General Residence District, and a delicatessen by the Board's approval of amended appeal no. 2010-491 on January 18, 2011.

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).

Urban Renewal Plan: This property is located in the Gay Street I Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

Historic District: The property is located in a designated historic district, and so may be eligible for historic tax credits for restoration and renovation. The appellant is encouraged to contact the Baltimore Commission for Historical and Architectural Preservation before proceeding with any improvements which may be authorized as a result of this appeal.

RECOMMENDATION

The Department of Planning has no objection to approval of this appeal, provided that the grocery store use does not create an expansion of the existing nonconforming use floor area.

TJS/wya/mf

cc: Om Tschand, Appellant

Eastern