


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 1001 North Broadway		

TO

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

DATE: December 31, 2013

### REQUEST

The Department of Planning has received Lisa Junker's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of TRF Development Partners, to use the first floor of the premises as a restaurant. The Zoning Administrator has determined that this is a nonconforming use in a R-8 District. We understand that this appeal is scheduled for hearing on January 14, 2014.

### SITE

1001 North Broadway is located on the northeast corner of the intersection with Eager Street. This property measures approximately 20'4" by 100' and is currently improved with a three-story semi-detached residential mixed-use building measuring approximately 20'4" by 60'. This site is zoned R-8 and is located within the Middle East Urban Renewal Plan area.

### ANALYSIS

Use: In this zoning district, restaurants 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 liquor 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). A restaurant is listed as a conditional 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 Middle East Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict this use as a continuing nonconforming use.

TransForm Baltimore: This property would remain part of a R-8 District (Proposed Zoning Map Area 7-B) 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 recommends approval of this appeal.

TJS/wya/mf

cc: Lisa Junker, Appellant  
Eastern