


<b>FROM</b>	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 / 1800 North Caroline Street		

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

DATE: March 15, 2010

### REQUEST

The Department of Planning has received Errol Scott's Board of Municipal and Zoning Appeals (BMZA) application to continue to use the premises as a variety store on the first floor and dwelling on the second floor, and add a delicatessen and grocery store on the first floor. We understand that this appeal is scheduled for hearing on March 16, 2010.

### SITE

1800 North Caroline Street is located on the northwest corner of the intersection with Lafayette Avenue. This property measures approximately 20' by 80' and is currently improved with a three-story building measuring approximately 20' by 62'. This site is zoned R-8 and is located within the Oliver Urban Renewal Plan area.

### ANALYSIS

Use: In this zoning district, variety 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 variety 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). Grocery stores and delicatessens are listed as permitted uses in the B-1 District, and so this premises is eligible for a change in nonconforming use (§6-206).

Renewal Plans: The Oliver Urban Renewal Plan limits use of the premises to dwellings, but cannot extinguish the existing nonconforming use. However, Appendix C, "Properties for Acquisition and Disposition for Rehabilitation or Redevelopment", of the Plan lists the premises as number 194 on that list of properties. The scheduled acquisition has yet to occur; the applicant is on notice that the proposed use of the property is subject to termination when acquisition by the City of Baltimore occurs.

### RECOMMENDATION

The Department of Planning has no objection to the appeal.

TJS/ewt/mf

cc: Errol Scott, Appellant