

<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 / 1501 Homestead 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, 2012

**REQUEST**

The Department of Planning has received Saher Hanash'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 March 20, 2012.

**SITE**

1501 Homestead Street is located on the southeast corner of the intersection with Kirk Avenue. This property measures approximately 24' by 90' and is currently improved with a two-story semi-detached building measuring approximately 16' by 58'. This site is zoned R-6 and is located within the Coldstream – Homestead – Montebello Urban Renewal Plan area.

**ANALYSIS**

Use: In this zoning district, grocery stores are not listed as a permitted or conditional use, and so are not allowed (§4-901 to §4-904). In this case, the property was last authorized for use as a dry cleaners and clothes pressing establishment, which is a nonconforming use in this R-6 General Residence District.

Determination of nonconformity or noncompliance: (a) Whether a nonconforming use, noncomplying density or other form of nonconformity exists is a question of fact that, except as specified in subsection (b) of this section, must be decided by the Board after public notice and hearing in accordance with the rules of the Board (§13-107).

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 Coldstream – Homestead – Montebello Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict a change of nonconforming use. Any exterior building improvements, modifications, repair, or rehabilitation, including new or replacement signs, must be approved by the Department of Planning in accordance with the requirements of this Urban Renewal Plan.

**RECOMMENDATION**

The Department of Planning has no objection to this appeal, provided that nonconforming use of the property has not been discontinued or abandoned.

TJS/wya/mf

cc: Saher Hanash, Appellant

North/Northeast