


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 / 3600 Parkdale Avenue		

TO

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

DATE:

April 8, 2010

REQUEST

The Department of Planning has received Rob Whetstone's Board of Municipal and Zoning Appeals (BMZA) application to add package goods (beer, wine, and liquor) sales to the existing nonconforming use of grocery store on the first floor of the premises. We understand that this appeal is scheduled for hearing on April 13, 2010.

SITE

3600 Parkdale Avenue is located on the northwest corner of the intersection with Druid Park Drive. This property measures approximately 20' by 125' and is currently improved with a three-story building measuring approximately 20' by 70'. This site is zoned R-6 and is located within the Woodberry National Register Historic District.

ANALYSIS

Use: In this zoning district, liquor stores: package goods 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 grocery store, which is a nonconforming use in this R-6 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). Liquor stores: package goods, are not listed as a permitted use in the B-1 Neighborhood Business District, and so are not eligible for a change in nonconforming use (§6-206).

Comprehensive Planning: A nearly identical application by the same appellant was disapproved by the Board in 1993 (case 293-93X). There has not been a significant change in the surrounding predominantly residential community since that time sufficient to justify a reconsideration of that decision.

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal, as the requested use is not a use permitted in a B-1 District, and thus the Board does not have the authority to approve the application under the Zoning Code.

TJS/ewt/mf

cc: Rob Whetstone, Appellant