


2010-69

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 / 2699 Wilkens Avenue		

TO

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

DATE:

April 12, 2010

REQUEST

The Department of Planning has received Rosenda Ayala Rodriguez's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a grocery store. We understand that this appeal is scheduled for hearing on April 13, 2010.

SITE

2699 Wilkens Avenue is located on the southeast corner of the intersection with Brunswick Street. This property measures approximately 14' by 80' and is currently improved with a two-story end-of-row building measuring approximately 14' by 60'. This site is zoned R-8 and is located within the Operation Reach Out Southwest planning area.

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 and an office, 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). Food stores and grocery stores are listed as a permitted use in the B-1 District, and so are eligible for a change in nonconforming use (§6-206).

Discontinuance of Use: Whenever the active and continuous operation of any Class III nonconforming use, or any part of that use, has been discontinued for 12 consecutive months: (i) the discontinuance constitutes an abandonment of the discontinued nonconforming use, or discontinued part of that use... (§13-407.a.1). This section does not apply to any Class III nonconforming uses in an R-6, R-7, R-8, R-9, or R-10 District (§13-407.c).

RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/ewt/mf

cc: Rosenda Ayala Rodriguez, Appellant