

2010-53

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 / 1201 North Patterson Park Avenue		
TO	Mr. David Tanner, Executive Director Board of Municipal and Zoning Appeals 417 East Fayette Street, 14 th Floor		DATE:	March 31, 2010

REQUEST

The Department of Planning has received Ahmad Bagheri's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor for a variety store. We understand that this appeal was scheduled for hearing on March 30, 2010, but has been postponed.

SITE

1201 North Patterson Park Avenue is located on the northeast corner of the intersection with Biddle Street. This property measures approximately 15' by 75' and is currently improved with a two-story end-of-row building measuring approximately 15' by 59'. This site is zoned R-8 and is located within the Broadway East 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 used as a residence, which extinguished the previous nonconforming use of the premises.

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 variety store is listed as a permitted use in the B-1 District, and so is eligible for a change in nonconforming use (§6-206). However, a Class III nonconforming use may no longer exist, according to the applicant's testimony at the previous BMZA hearing concerning this property.

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal, as there is no longer a Class III nonconforming use of this premises which could be converted to a permitted B-1 use.

TJS/ewt/mf

cc: Ahmad Bagheri, Appellant