


2010-58

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 / 1636 McHenry Street		

TO

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

DATE:

March 29, 2010

REQUEST

The Department of Planning has received Francis Hendrix's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor portion of the premises for a carry-out food store. We understand that this appeal is scheduled for hearing on March 30, 2010.

SITE

1636 McHenry Street is located on the northeast corner of the intersection with Mount Street. This property measures approximately 16' by 60' and is currently improved with a two-story end-of-row building covering the entire lot. This site is zoned R-8.

ANALYSIS

Use: In this zoning district, carry-out food shops are not listed as a permitted or conditional use, and so are not allowed (§4-1101 to §4-1104).

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 carry-out food store (or shop) is not listed as a permitted or conditional use in the B-1 District, and so is not eligible for a change in nonconforming use (§6-206 – §6-209).

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal, as the proposed use is not one which the Board can authorize pursuant to the Zoning Code.

TJS/ewt/mf

cc: Francis Hendrix, Appellant