


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 / 300-02 SOUTH COLLINGTON AVENUE	

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

DATE: April 3, 2009

REQUEST

The Department of Planning has received Jinette Thanos's Board of Municipal and Zoning Appeals (BMZA) application to use premises for an office for interior design business. We understand this appeal is scheduled for hearing on April 14, 2009.

SITE

300-02 South Collington Avenue is located on the southwest corner of the intersection with Gough Street. This property measures approximately 26' by 67' and is currently improved with a three-story commercial building. This site is zoned R-8.

ANALYSIS

Use: In this zoning district, offices are not listed as a permitted or conditional use, and so are not allowed (§4-1101 to §4-1103). In this case, the property was last authorized for use as a convenience store, which is a nonconforming use in this R-8 General Residence District.

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).

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

RECOMMENDATION

The Department of Planning recommends approval of the appeal.

TJS/ewt/jev

cc: Jinette Thanos, Appellant