


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 / 2400 FLEET STREET		

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 Harry J. Herman's Board of Municipal and Zoning Appeals (BMZA) application to use first floor front for a plant and garden shop. We understand this appeal is scheduled for hearing on April 14, 2009.

SITE

2400 Fleet Street is located on the northeast corner of the intersection with South Montford Avenue. This property measures approximately ±0.083 Acres and is currently improved with a three-story commercial building. This site is zoned R-8.

ANALYSIS

Use: In this zoning district, plant and garden shops 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 bakery, which is a nonconforming use in this R-8 General Residence District.

Changes in Nonconforming Use: *In Residence and Office-Residence Districts.* In accordance with subtitle 7 {"Modifications and Continuances by Board"} of this title, the Board may authorize a Class II nonconforming use in a Residence or Office-Residence District to be changed as follows: (1) to a use permitted in an M-1 District, if the nonconforming use is located in a structure all or substantially all of which is designed and erected for an industrial use; or (2) to a use permitted in a B-1 District, if the nonconforming use is located in a structure all or substantially all of which is designed and erected for a business or other nonconforming use (§13-305.b). The proposed use in this case, a plant and garden shop (Florist shop), is a permitted use in a B-1 District; thus qualifying for a change in nonconforming use.

RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/ewt/jev

cc: Harry J. Herman Jr., Appellant