


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 / 4101-4121 Reisterstown Road		

TO

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

DATE: April 17, 2015

REQUEST

The Department of Planning has received Mazhar Hayat's Board of Municipal and Zoning Appeals (BMZA) application to use the portion of the premises known as 4115 Reisterstown Road as a convenience store. The Zoning Administrator has determined that this is a prohibited use in a R-6 Zoning District. We understand that this appeal is scheduled for hearing on April 21, 2015.

SITE

4101-4121 Reisterstown Road is located on the northeast corner of the intersection with Oswego Avenue. This L-shaped property measures approximately 250' along Reisterstown Road by 104'3" along Oswego Avenue and has an interior depth of 238'3" and is currently improved with a one-story detached L-shaped commercial building measuring approximately 100' along Reisterstown Road. This site is zoned R-6 and is located within the Park Heights Urban Renewal Plan area.

ANALYSIS

Use: In this zoning district, convenience stores are not listed as a permitted or conditional use, and so are not allowed (§4-901 to §4-904). In this case, the property was last authorized for use as a garage, other than accessory, for storage, repair, and servicing of motor vehicles, which is a nonconforming use in this R-6 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). A food store and a variety store are listed as permitted uses in the B-1 District, and so would be eligible for a change in nonconforming use (§6-206).

Urban Renewal Plan: This property is located in the Park Heights Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict this use as a continuing nonconforming use.

TransForm Baltimore: This property would remain part of the R-6 District (Proposed Zoning Map Area 2-C) in which Neighborhood Commercial Establishments would be conditional uses (Table 9-301). "Neighborhood commercial establishment" means "a commercial use that is within a residential neighborhood, but in a structure that is non-residential in its construction and original use" (§1-310 (I)).

RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Mazhar Hayat, Appellant
Northwest