


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 / 1852 West Fayette Street		

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

DATE: April 23, 2010

REQUEST

The Department of Planning has received Yun Lee and Jong Lee's Board of Municipal and Zoning Appeals (BMZA) application to use the entire first floor of the premises for a grocery store with an accessory carry-out food store. We understand that this appeal is scheduled for hearing on April 27, 2010.

SITE

1852 West Fayette Street is located on the northeast corner of the intersection with Monroe Street. This property measures approximately 29' by 84' and is currently improved with a three-story end-of-row building consolidated with a two-story row-house, and the combination measures approximately 29' by 80'. This site is zoned R-8 and is located within the Franklin Square Urban Renewal Plan area.

ANALYSIS

Use: In this zoning district, grocery stores and carry-out food shops are not listed as permitted or conditional uses, and so are not allowed (§4-1101 to §4-1104). In this case, the property was last authorized for use as a multiple-family attached dwelling, which is a permitted use, and for a clothing store, which is a nonconforming use in this R-8 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 grocery store is listed as a permitted use in the B-1 District, and so is eligible for a change in nonconforming use (§6-206). A carry-out food shop is not listed as a permitted use in the B-1 District, and so is not eligible for a change in nonconforming use (§6-206).

RECOMMENDATION

The Department of Planning has no objection to the appeal for a grocery store, which is within the Board's discretionary authority to approve, but recommends disapproval of the appeal for an accessory carry-out food store, because a carry-out food store or shop is not within the Board's discretionary authority to approve.

TJS/ewt/mf

cc: Yun Lee and Jong Lee, Appellants