

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 101 North Patterson Park Avenue		

TO

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

DATE: May 21, 2012

**REQUEST**

The Department of Planning has received Ahmed Javed's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a grocery store and convenience store. We understand that this appeal is scheduled for hearing on May 29, 2012.

**SITE**

101 North Patterson Park Avenue is located on the northeast corner of the intersection with Fairmount Avenue. This property measures approximately 29'2" by 88' and is currently improved with a two- and three-story building covering the entire lot. This site is zoned R-8 and is located within the Patterson Park – Highlandtown National Register Historic District.

**ANALYSIS**

Use: In this zoning district, grocery stores and convenience stores 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 beauty shop by the Board's approval of appeal no. 495-07, approving that nonconforming use in this R-8 General Residence District. As the Zoning Code does not contain "convenience store" the applicant must specify what additional use, if any, other than a grocery store is being proposed for this property.

Determination of nonconformity or noncompliance: (a) Whether a nonconforming use, noncomplying density or other form of nonconformity exists is a question of fact that, except as specified in subsection (b) of this section, must be decided by the Board after public notice and hearing in accordance with the rules of the Board (§13-107). This application refers to an "empty beauty salon" and the applicant must demonstrate that the nonconforming use of the property has not been discontinued or abandoned.

**RECOMMENDATION**

The Department of Planning has no objection to approval of the appeal provided that nonconforming use of the property has not been discontinued or abandoned.

TJS/wya/mf

cc: Ahmed Javed, Appellant