


TJS

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 / 1187 Cleveland Street		

TO

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

DATE: May 23, 2012

### REQUEST

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

### SITE

1187 Cleveland Street is located on the northeast corner of the intersection with Ostend Street. This property measures approximately 12'6" by 73'9" and is currently improved with a two-story building covering the entire lot. This site is zoned R-8 and is located within the Washington Village Urban Renewal Area and the Pigtown 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 grocery store, which is a nonconforming use in this R-8 General Residence District. However, the applicant has indicated that this store is currently vacant.

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 the first floor as "vacant" and the applicant must demonstrate that the nonconforming use of the property has not been discontinued or abandoned.

Urban Renewal Plan: This property is located in the Washington Village Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

Comprehensive Planning: Because Washington Boulevard, located two blocks away from this property, is an official Baltimore City Main Street, the community associations in this area prefer that, if this business is established, it be located along the Main Street rather than in a residentially zoned property such as this.

### RECOMMENDATION

The Department of Planning recommends disapproval of this appeal unless the applicant demonstrates that nonconforming use of the property has not been discontinued or abandoned.

TJS/wya/mf

cc: Amjad Khan, Appellant  
Southern