


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 / 1175 Sargeant Street		

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

DATE: May 29, 2015

REQUEST

The Department of Planning has received Tekalegne Gizaw's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a grocery and convenience store. The Zoning Administrator has determined that this is a prohibited use in a R-8 Zoning District. We understand that this appeal is scheduled for hearing on June 2, 2015.

SITE

1175 Sargeant Street is located on the southeast corner of the intersection with Ostend Street. This property measures approximately 25'8" by 60' and is currently improved with a two-story end-of-row residential mixed-use building covering the entire lot. This site is zoned R-8 and is located within the Washington Village Urban Renewal Plan area and the Pigtown National Register Historic District.

ANALYSIS

Use: In this zoning district, grocery and convenience stores are not listed as a permitted or conditional use, and so are not allowed (§4-1101 to §4-1104). In this case, the property was last authorized for use as a tavern, which is a nonconforming use in this R-8 General Residence District, and a single-family attached dwelling.

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). The application indicates that previous use of the premises as a tavern has been discontinued, but does not state how long ago this occurred.

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).

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.

TransForm Baltimore: This property would remain part of the R-8 District (Proposed Zoning Map Area 6-D) 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)).

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RECOMMENDATION

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

TJS/wya/mf

cc: Tekalegne Gizaw, Appellant