


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 / 459 Anglesea Street		

TO

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

DATE: June 2, 2010

**REQUEST**

The Department of Planning has received Wilson Contreras' Board of Municipal and Zoning Appeals (BMZA) application to consolidate 459 and 457 Anglesea Street and use the combined premises as a liquor store and accessory storage for the liquor store on the first floor; and use the second floor as a dwelling [meaning, combining the second floors of 457 Anglesea and 459 Anglesea into a single dwelling unit]. We understand that this appeal is scheduled for hearing on June 8, 2010.

**SITE**

459 Anglesea Street is located on the northeast corner of the intersection with Eastern Avenue. This property measures approximately 17' by 100' and is currently improved with a two-story end-of-row building covering nearly all of the lot. This site was the subject of BMZA appeal 42-10, heard on February 16, 2010 and approved by consent for a one-story rear addition for use as restaurant seating. 457 Anglesea Street is located on the east side of the street, approximately 17' north of the intersection with Eastern Avenue, and adjoins 459 Anglesea Street. This property measures approximately 15' by 100' and is currently improved with a two-story row-house building measuring approximately 15' by 45'. This site is zoned B-3-2 for 459 Anglesea Street and R-7 for 457 Anglesea Street.

**ANALYSIS**

Use: Any use that is not expressly allowed in a district is prohibited (§3-106). In the R-7 zoning district, liquor stores are not listed as a permitted or conditional use, and so are not allowed (§4-1001 to §4-1004). In this case, the property known as 457 Anglesea Street was last authorized for use as a dwelling, which is a permitted use in the R-7 General Residence District. Liquor stores are a permitted use in a B-3 zoning district (§6-406), but not in a B-1 zoning district (§6-206 to §6-208). Thus, permitting liquor store use of any part of 457 Anglesea Street would require creation of a nonconforming use of that property.

Property Divided By Zoning District Line: Where a lot is divided into 2 or more parts by a zoning district line: (1) for all purposes except density, each part must comply with all of the regulations applicable to its zoning classification; and (2) for density purposes, the lot area computation of each part may be totaled and then distributed throughout the lot, without regard to the zoning lines (§3-307). Consolidation of 459 and 457 Anglesea Street into a single lot will not obviate the prohibiting of a liquor store or part thereof on the northern portion of the consolidated lot corresponding to the present 457 Anglesea Street.

**RECOMMENDATION**

The Department of Planning recommends disapproval of the appeal, as the Board has no discretion under the Zoning Code to create new nonconforming uses of property, such as would be required for use of 457 Anglesea Street as a liquor store or part thereof.

TJS/wya/mf

Southeastern

cc: Wilson Contreras, Appellant