


TJA

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 / 300 SOUTH CALHOUN STREET		

TO

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

DATE: May 28, 2009

REQUEST

The Department of Planning has received Cheng Kai You's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a grocery store/delicatessen. We understand this appeal is scheduled for hearing on June 9, 2009.

SITE

300 South Calhoun Street is located on the southwest corner of the intersection with McHenry Street. This property measures approximately 14'6" by 72' and is currently improved with a two-story end-of-row attached building. This site is zoned R-8.

ANALYSIS

Use: In this zoning district, grocery stores and delicatessens 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 grocery store, which is a nonconforming use in this R-8 General Residence District.

Discontinuance of Use: Whenever the active and continuous operation of any Class III nonconforming use, or any part of that use, has been discontinued for 12 consecutive months: (i) the discontinuance constitutes an abandonment of the discontinued nonconforming use, or discontinued part of that use... (§13-407.a.1). This section does not apply to any Class III nonconforming uses in an R-6, R-7, R-8, R-9, or R-10 District (§13-407.c).

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). Delicatessens are listed as a permitted use in the B-1 District, and so are eligible for a change in nonconforming use (§6-206).

RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/ewt

cc: Cheng Kai You, Appellant