


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR <i>Globe / for T.S.S.</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR		
	SUBJECT	BMZA / 1201 Washington Boulevard		

TO

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

DATE: August 12, 2011

REQUEST

The Department of Planning has received Naeem Tariq's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor portion of the premises as a convenience store. We understand that this appeal is scheduled for hearing on August 16, 2011.

SITE

1201 Washington Boulevard is located on the southeast corner of the intersection with Ostend Street. This property measures approximately 15' by 75' and is currently improved with a two-story end-of-row building covering the entire lot. This site is zoned R-9 and is located within the Washington Village Urban Renewal Plan area and the Pigtown National Register Historic District.

ANALYSIS

Use: In this zoning district, convenience stores are not listed as a permitted or conditional use, and so are not allowed (§4-1201 to §4-1204). In this case, the property was last authorized for use as a launderette and a carry-out food shop, which are nonconforming uses in this R-9 General Residence District.

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). Convenience stores are not listed as a permitted use in the B-1 District, and so the proposed use would not be 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 nonconforming uses.

Extension or moving of Class I, II, or III Nonconforming Use: The Board may authorize an extension of a Class I, Class II, or Class III nonconforming use, as limited and stated in §§ 13-206, 13-306, and 13-406 {"Expansions of use"} and §§ 13-208, 13-308, and 13-408 {"Relocations"} of this title, if the Board finds that: (1) the extension or moving will not cause a greater volume of traffic than that generated before the extension or move; (2) the extension or moving will not violate in any manner the bulk regulations of the district in which the property is located; (3) the effect of the extended or moved use on the health, safety, or general welfare of the community will be no worse than the existing or last use; (4) for the extension of a Class II or Class III nonconforming use, the extension will not result in an increase of the floor area of more than 25% beyond that which had been occupied or used when it became nonconforming; and (5) for an extension in the Critical Area: (i) there is no

environmentally acceptable alternative outside the Critical Area; and (ii) the use is needed to correct an existing water quality or wastewater management problem (§13-714). The applicant should provide a dimensioned floor plan for the proposed use of the premises to demonstrate that there would be no expansion of the nonconforming use floor area of more than 25% beyond the current nonconforming use floor area.

Comprehensive Planning: Due to the concentration of convenience stores and other nonconforming commercial uses in the area around this property, the applicant must demonstrate that the effect of the proposed use would be a positive contribution to the residential character of the Washington Village – Pigtown community.

Historic District: The property is located in a designated historic district, and so may be eligible for historic tax credits for restoration and renovation. The appellant is encouraged to contact the Baltimore Commission for Historical and Architectural Preservation before proceeding with any improvements which may be authorized as a result of this appeal.

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the proposed use is not among the B-1 permitted uses that the Board is authorized to approve for a change of nonconforming use in the Zoning Code.

TJS/wya/mf

cc: Naeem Tariq, Appellant