

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 / 3300 Ravenwood Avenue		

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

DATE: August 10, 2010

REQUEST

The Department of Planning has received Anthony Adekunle's Board of Municipal and Zoning Appeals (BMZA) application to use the basement portion of the premises for a grocery store. We understand that this appeal is scheduled for hearing on August 17, 2010.

SITE

3300 Ravenwood Avenue is located on the northeast corner of the intersection with St. Cloud Avenue. This property measures approximately 17' by 74' and is currently improved with a two-story end-of-row building covering the entire lot. This site is zoned R-7.

ANALYSIS

Use: In this zoning district, grocery 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 was last authorized for use as a grocery store, which is a nonconforming use in this R-7 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). A former provision of the Zoning Code made this section 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); however, this provision was deleted effective June 17, 2010 by enactment of Ordinance 10-289. This application was filed July 14, 2010, and thus the applicant must show that the nonconforming use was not discontinued for more than 12 consecutive months.

RECOMMENDATION

The Department of Planning has no objection to this appeal, provided that the applicant is able to demonstrate that the nonconforming use (grocery store) was not discontinued for more than 12 consecutive months.

TJS/wya/mf

cc: Anthony Adekunle, Appellant