


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 / 2600 East Oliver Street		

TO

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

DATE: August 22, 2012

**REQUEST**

The Department of Planning has received Abdulla Aljaradi's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a variety store. We understand that this appeal is scheduled for hearing on September 4, 2012.

**SITE**

2600 East Oliver Street is located on the northeast corner of the intersection with Luzerne Avenue. This property measures approximately 15' by 80' 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, variety 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.

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 this property is currently vacant and may have been so for more than a year. This property was previously the subject of appeal no. 2012-224, which the Board disapproved on June 26, 2012 after hearing testimony from the owner that the property had been vacant for approximately three years.

**RECOMMENDATION**

The Department of Planning recommends disapproval of the appeal, because the property has been vacant and as a result nonconforming use of the property has been abandoned, and because the Board is not authorized by the Zoning Code to approve new nonconforming uses.

TJS/wya/mf

cc: Abdulla Aljaradi, Appellant