


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 / 2120 East Madison Street		

TO

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

DATE: October 23, 2009

REQUEST

The Department of Planning has received Miguel DeLuna's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor as a grocery store. We understand that this appeal was scheduled for hearing on September 29, 2009, but postponed to October 27, 2009.

SITE

2120 East Madison Street is located on the northwest corner of the intersection with North Collington Avenue. This property measures approximately 14' by 71' and is currently improved with a two-story building covering the entire lot. This site is zoned R-8 and is located within the Middle East Urban Renewal Plan area.

ANALYSIS

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

Renewal Plans: Ordinance #01-0165 was approved May 14, 2001 for the purpose of, among other things, clarifying the relationship between conditions or requirements imposed by an Urban Renewal Plan or Conservation Plan, such that the condition or requirement that is more restrictive will govern. Additionally, the ordinance prohibits the approval of a conditional use or a variance if that conditional use or variance is precluded by an applicable renewal plan or master plan.

Required Findings: The Board may not approve a conditional use unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that: ... (2) the use is not in any way precluded by any other law, including an applicable urban renewal plan; (§14-204). For this reason, the Board must consider the requirements of the Middle East Urban Renewal Plan, which designates, in its Land Use Plan, this premises (and its adjoining row of buildings between this property and North Duncan Street) as Community Business. The Urban Renewal Plan states, among Permitted Land Uses, "Commercial uses permitted shall be those permitted under the B-1 (Neighborhood Business) and B-2 (Community Business) and B-3 (Community Commercial) use categories of the Zoning Code of Baltimore City." The proposed use is therefore consistent with the Middle East Urban Renewal Plan.

RECOMMENDATION

The Department of Planning recommends approval of the appeal.

TJS/ewt/mf

cc: Miguel DeLuna, Appellant

Eastern