**2010-351**

TJS

| FROM | | |
|---|---|---|
| NAME & TITLE | THOMAS J. STOSUR, DIRECTOR | CITY of BALTIMORE **MEMO** |
| AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING<br>417 EAST FAYETTE STREET, 8TH FLOOR | |
| SUBJECT | BMZA / 2040 West Fayette Street | |

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

DATE: November 15, 2010

**REQUEST**
The Department of Planning has received Iqbal Trimizi's Board of Municipal and Zoning Appeals (BMZA) application to continue to use the first floor of the premises as a grocery store. We understand that this appeal is scheduled for hearing on November 23, 2010.

**SITE**
2040 West Fayette Street is located on the north side of the street, approximately 16' east of the intersection with Pulaski Street. This nearly-triangular property measures approximately 14'1" along Fayette Street by approximately 47' deep plus a 3' wide strip which angles to a 10' alley at the rear of the property, and is currently improved with a two-story attached triangular building measuring approximately 14' by 37'. 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.

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).

Change in Nonconforming Use: Except as specified in subsection (b) or (c) of this section, a Class III nonconforming use in any district may not be changed to any other nonconforming use (13-405.a).

**RECOMMENDATION**
The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Iqbal Trimizi, Appellant

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