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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 / 3722-3724 Old Frederick Road		

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

DATE: December 15, 2010

REQUEST

The Department of Planning has received Muhammad Zulqurnain's Board of Municipal and Zoning Appeals (BMZA) application to use the premises for two dwelling units, offices, and a grocery store and carry-out food shop. We understand that this appeal is scheduled for hearing on December 21, 2010.

SITE

3722-3724 Old Frederick Road is located on the northeast corner of the intersection with Kossuth Street. This property measures approximately 63'9" along Old Frederick Road by 124' along Kossuth Street and is currently improved with a two-story detached building measuring approximately 56' by 25'. This site is zoned R-5 and is located within the Edmondson Village Master Plan area.

ANALYSIS

Use: In this zoning district, offices and carry-out food shops are not listed as permitted or conditional uses, and so are not allowed (§4-801 to §4-804). [New] multiple-family detached dwellings are a conditional use (§4-803). In this case, the property was last authorized for use as a tavern, which is a nonconforming use in this R-5 General Residence District.

Conversion of Dwellings: In all districts except the R-2, R-4, R-5, and R-6 Districts, the Board may authorize, as a conditional use, the conversion of a building for use by more than one family, as long as the number of families permitted conforms with the applicable bulk regulations for the district in which the building is located (§3-305.b.1). This property is located in an R-5 District, and thus is not eligible for conversion to a multiple-family detached dwelling.

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). Offices: business, governmental, and professional – but not including sales and bulk storage of merchandise on the premises, and grocery stores are listed as permitted uses in the B-1 District, and so are eligible for a change in nonconforming use (§6-206). Carry-out food shops are not listed as permitted or conditional uses in the B-1 District, and so are not eligible for a change in nonconforming use.

RECOMMENDATION

The Department of Planning has no objection to approval of offices, a grocery store, and a single dwelling on the premises. The Department recommends disapproval of the appeal for conversion to a multiple-family detached dwelling and the appeal for a carry-out food shop, as the Zoning Code does not authorize the Board to approve either of these in a R-5 District.

TJS/wya/mf

cc: Muhammad Zulqurnain, Appellant