


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 / 4594-4598 Edmondson Avenue		

TO

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

DATE: January 23, 2014

REQUEST

The Department of Planning has received Zulfiqar Baig's Board of Municipal and Zoning Appeals (BMZA) conditional use application to construct a one-story side addition to an existing gasoline service station with convenience store. The Zoning Administrator has determined that this is a modification of a conditional use in a B-2 District, and that a variance of Zoning Code side yard setback and parking requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on January 28, 2014.

SITE

4594-4598 Edmondson Avenue is located on the northeast corner of the intersection with Swann Avenue. This property measures approximately 175' by 100' and is currently improved with a one-story detached commercial building measuring approximately 70' by 27'. This site is zoned B-2-1 and is located opposite the Uplands Urban Renewal Plan area.

ANALYSIS

Conditional Use: In this zoning district, gasoline service stations are a conditional use, requiring approval by the Board (§6-308). The applicant is requesting a modification of an existing conditional use of the property.

Required Yard: In this zoning district, a minimum street-corner side yard setback of 15' is required (§6-312.d.). In this case, the proposed building addition will project to within 60' of the street corner side lot line.

Off-Street Parking: ... if the intensity in use of a structure or premises is increased through the addition of dwelling, efficiency, or rooming units, floor area, seating capacity, or other units of measurement, off-street parking facilities must be provided for that increased intensity, as required by this title (§10-202.a). If the structure was lawfully erected before April 20, 1971, additional off-street parking facilities are mandatory only in the amount by which the requirements for the new use exceed those for the existing use (§10-203.b). The amount of off-street parking required for retail sales establishments is one parking space per 300 square feet of floor area in excess of 1,000 square feet (§10-405.26). The proposed addition of 556 square feet would require two additional parking spaces. However, the existing building's floor area requires three spaces, and there are already 15 spaces on the property, so no additional spaces need to be created to serve the additional floor area.

Off-Street Parking: Accessory off-street parking facilities that existed on April 20, 1971, and still serve a structure or use may not be reduced below – or if already below, may not be further reduced below – the minimum requirements of this title for a similar new structure or use (§10-204). The side addition's location will not reduce the number of parking spaces.

Land Use and Urban Design: The rear of the property, which is directly visible from the Edmondson Village Shopping Center behind it, is currently used in part for placement of a dumpster and other containers of waste materials. Staff met with the applicant and recommended that a proper dumpster enclosure of masonry, with an opaque gate, be constructed at the same time as, and possibly as an integral part of, the proposed side addition to the existing building. The applicant agreed with this recommendation, and for that reason approval of this application, if granted, should be conditional upon inclusion of this enclosure in the scope of work approved.

TransForm Baltimore: This property would become part of the C-4 District (Proposed Zoning Map Area 5-C) in which gas stations would be permitted uses (Table 10-301), subject to a requirement to provide at least 5 feet of landscaped front yard and if adjoining a residential district, a buffer yard in accordance with the Baltimore City Landscape Manual.

RECOMMENDATION

The Department of Planning has no objection to this appeal, and recommends that if the Board approves this appeal, its approval be conditional upon the applicant constructing an enclosure at the rear of the enlarged building for storage of a dumpster and related waste containers. The enclosure should be required to be of masonry with an opaque lockable wooden gate.

TJS/wya/mf

cc: Zulfiqar Baig, Appellant