


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 / 4805 Garrison Boulevard		

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

DATE: March 12, 2010

### REQUEST

The Department of Planning has received Sandra Tillman's Board of Municipal and Zoning Appeals (BMZA) application to use a portion of the premises as offices (formerly used as a hair salon). We understand that this appeal is scheduled for hearing on March 16, 2010.

### SITE

4805 Garrison Boulevard is located on the southeast corner of the intersection with Wabash Avenue. This irregularly-shaped property measures approximately 90' along Garrison Boulevard by approximately 45' along Wabash Avenue and is currently improved with a two-story commercial building. This site is zoned M-2-1 and is located within the Rogers Avenue Transit Station Urban Renewal Plan area.

### ANALYSIS

Conditional Use: In this zoning district, offices: business and professional, other than accessory, are a conditional use, requiring approval by the Board (§7-307).

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 Rogers Avenue Transit Station Urban Renewal Plan, which does allow this use in this district. The Renewal Plan further enumerates 4805/15 Garrison Boulevard as part of the Garrison Boulevard Business District, in which additional exterior rehabilitation standards shall be applied, as specified in Appendix A, Section 2 of the Renewal Plan.

Off-Street Parking: ... whenever the existing use of a structure is changed to a new use, off-street parking facilities must be provided, as required by this title, for that new use (§10-203.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 hair salon established on the premises had a requirement to provide 1 parking space per 400 square feet of floor area in excess of 1,000 square feet. The proposed use has an identical off-street parking requirement (§10-405 (17)). The maximum gross floor area available for a new office use would be approximately 4,000 square feet, yielding an off-street parking requirement of 7 spaces. If a parking variance was requested the minimum number of spaces which the applicant would be required to provide would be two. If the proposed office use would utilize less than 4,000 square feet, the off-street parking requirement would be reduced accordingly.

#### **RECOMMENDATION**

The Department of Planning recommends approval of the appeal, conditioned upon the applicant complying with the Exterior Rehabilitation Standards of the Rogers Avenue Transit Station Urban Renewal Plan, and with the off-street parking requirements of §10-405 (17) of the Zoning Code.

TJS/ewt/mf

cc: Sandra Tillman, Appellant