


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 / 711 West 40 th Street		

TO

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

DATE: March 14, 2012

REQUEST

The Department of Planning has received Thomas Wierholt's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Horizon Cinemas, to expand the existing movie theater from three screens to four screens, with 78 additional seats in the new fourth viewing room. We understand that this appeal is scheduled for hearing on March 20, 2012.

SITE

711 West 40th Street is located on the southwest corner of the intersection with Elm Street. This property measures approximately 529'9" by 951'4" and contains approximately 11.525 acres, and is currently improved with a three-story detached commercial building with one-story additions. This site is zoned B-2-2.

ANALYSIS

Conditional Use: In this zoning district, theaters are a conditional use, requiring approval by the Board (§6-308). This property was approved for an increase from two screens to three screens by the Board in 2010, by its decision in appeal no. 2010-76 heard on April 13, 2010. This appeal proposes a further modification of the existing conditional use.

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 a theater is one parking space per 10 persons of rated capacity (§10-405.22.i). In this case, for 78 seats additional capacity, 8 off-street parking spaces are required; more than eight spaces are provided in the shared parking areas in front of, beside, and in back of the Rotunda Building, of which this theater is a part.

RECOMMENDATION

The Department of Planning recommends approval of the appeal.

TJS/wya/mf

cc: Thomas Wierholt, Appellant