

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 / 2121 South Clinton Street		

TO

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

DATE: April 16, 2015

REQUEST

The Department of Planning has received Justin Redd's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Capitol Outdoor, Inc., to rebuild and reface the north face of an existing V-shaped double-faced general advertising sign, to an electronic changeable copy digital screen, of the same size and location as the existing north-facing sign. The Zoning Administrator has determined that this is a modification of a nonconforming use. We understand that this appeal is scheduled for hearing on April 21, 2015.

SITE

2121 South Clinton Street is located on the east side of the street, south of the intersection with Holabird Avenue and north of the intersection with Leland Avenue. This property has limited frontage on Clinton Street but extends easterly and northeasterly to and along the west side of Interstate Highway 95, a total of approximately 37.261 acres, and is currently unimproved except for a few equipment storage sheds and the subject general advertising sign (billboard) structure. The property is largely used for storage of road salt and similar materials, and has had use as a rail yard. This site is zoned M-3 and is located within the Canton Industrial Area Urban Renewal Plan area.

ANALYSIS

Use: In this zoning district, general advertising signs are not listed as a permitted or conditional use, and so are not allowed (§7-406 to §7-409); general advertising signs are a nonconforming use (§11-206). In this case, the property was last authorized for use as a rail yard, which is a permitted use (as a "railroad switching and classification yard") in this M-3 Industrial District. The existing sign was approved by the Board in its decision in appeal no. 284-94X dated November 1, 1994.

Urban Renewal Plan: This property is located in the Canton Industrial Area Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict this use as a continuing nonconforming use.

Change in structure: The Board may approve a change in structure (§11-506.d). "Structure" includes any building, fence, wall, sign, or tower (§1-193.b). The proposed digital sign would replace a standard externally-illuminated panel sign with a light-emitting diode (LED) light source controlled by a remote computer-activated system that allows changes in advertising copy (text, images, or both). Because of this capability of the system the outdoor (general) advertising sign can display several images of advertising copy within a relatively short period of time. For this reason, Board approval of a change in the general advertising sign structure must be conditioned upon certain limitations intended to minimize distraction of passing motorists and protect any residences in the vicinity from excessive glare. (There are no such residences in this particular case.)

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TransForm Baltimore: This property would become part of the MI (Maritime Industrial) District (Proposed Zoning Map Area 12-A) in which billboards would be prohibited uses, and thus remain nonconforming (Table 11-301).

RECOMMENDATION

The Department of Planning recommends approval of the appeal, only with the following conditions:

- That the entire north face of the existing V-shaped billboard (general advertising sign) is approved for alteration to a digital screen, and that this alteration may be installed in incremental steps at the appellant's option, without the need for further land use approval, so long as the billboard adheres to the operational limits or other conditions that may be imposed by the Board;
- That the performance of the digital screen billboard conform to all of the requirements of §11-502 by having a minimum dwell time of ten seconds; that it will not increase the area of the existing billboard, that it will not increase the degree of illumination, and that it will not have any flashing, blinking, fluctuating, or otherwise animated light;
- That the digital screen billboard will not have animations, movie clips and/or sound elements;
- That the digital screen will default to black entirely in the event of a failure of the remote control system or an interruption of advertising copy (text, images, or both); and
- That the digital sign will have automatic brightness controls so that the sign will not constitute a hazard to passing motorists at night, or during inclement weather.

TJS/wya/mf

cc: Justin Redd, Appellant