


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 / 411-413 South Highland Avenue		

TO

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

DATE:

March 24, 2014

REQUEST

The Department of Planning has received John Mitchell's Board of Municipal and Zoning Appeals (BMZA) conditional use application to use a portion of the premises as a private club. The Zoning Administrator has determined that this is a conditional use in a B-2 District. We understand that this appeal is scheduled for hearing on March 25, 2014.

SITE

411-413 South Highland Avenue is located on the east side of the street, approximately 86' south of the intersection with Bank Street. This property measures approximately 29' by 125' and is currently improved with a two-story attached commercial building measuring approximately 29' by 75'. This site is zoned B-2-2 and is located within the Highlandtown Business Area Urban Renewal Plan area and the Patterson Park – Highlandtown National Register Historic District.

ANALYSIS

Conditional Use: In this zoning district, clubs and lodges: private, are a conditional use, requiring approval by the Board (§6-308). In this case, the property was last authorized for use as a tobacco shop, which is a permitted use in this B-2 Community Business District.

Definition: "Club or lodge: private" means a club or lodge that: (1) has a limited membership elected pursuant to its charter or bylaws; (2) excludes the general public from its premises or place of meeting; (3) is organized with officers and directors; and (4) holds all property for the common benefit of its members (§1-127). In this case, the appellant will have to demonstrate adherence to this definition and provide proof of the nonprofit status. The applicant provided a copy of the Eastside Sports and Social Club's constitution and by-laws, as adopted on the 15th day of March 2014, today.

Urban Renewal Plan: This property is located in the Highlandtown Business Area Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

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 amount of off-street parking required for a club or lodge is one parking space per four persons of rated capacity (§10-405 (7)). In this case, the rated capacity of the portion of the premises proposed for use as a private club is unknown. An unsigned agreement to provide six off-street parking spaces at 3401 Bank Street, which is 150' +/- around the corner from this property to its north, was provided for

review. The terms of the agreement do not appear to satisfy Zoning Code requirements for off-site off-street parking spaces contained in §10-304.b. of the Code.

TransForm Baltimore: This property would become part of a C-1 District (Proposed Zoning Map Area 8-C) in which lodges or social clubs would be conditional uses (Table 10-301). “Lodges and social clubs” would be subject to specific standards and requirements (§14-320).

RECOMMENDATION

The Department of Planning recommends deferral of a complete hearing of this appeal, to allow the applicant time to prepare a dimensioned floor plan, provide information on the capacity and operating hours of the club, and enter into an agreement for off-street parking that meets the requirements of the Zoning Code.

TJS/wya/mf

cc: John Mitchell, Appellant