


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 / 5528-5534 Belair Road		

TO

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

DATE: May 18, 2012

### REQUEST

The Department of Planning has received Michelle Fortune's Board of Municipal and Zoning Appeals (BMZA) application to use the rear of the portion of the premises known as 5528 Belair Road for a tattoo parlor (also providing body piercing). We understand that this appeal is scheduled for hearing on June 26, 2012.

### SITE

5528-5534 Belair Road is located on the west side of the street, approximately 142' northeast of the intersection with Montana Avenue. This property measures approximately 70'11" by 134' and is currently improved with a combination one- and two-story commercial building measuring approximately 70' by 55'. The front of the portion known as 5528 Belair Road is occupied by a beauty salon, which would remain. This site is zoned B-3-1.

### ANALYSIS

Conditional Use: In this zoning district, tattoo parlors are a conditional use, requiring approval by the Board (§6-408). In this case, the property was last authorized for use for a beauty shop and a barber shop, which are permitted uses in this B-3 Community Commercial District. To further aid in this decision, the following should be considered, where appropriate:

1. The nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of structures;
2. The resulting traffic patterns and adequacy of proposed off-street parking and loading;
3. The nature of the surrounding area and the extent to which the proposed use might impair its present and future development;
4. The proximity of dwellings, churches, schools, public structure, and other places of public gathering;
5. Accessibility of the premises for fire and police protection;
6. Accessibility of light and air to the premises and to the property in the vicinity;
7. The type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;
8. The preservation of cultural and historic landmarks;
9. The provisions of the City Master Plan;

10. The provisions of any applicable Urban Renewal Plan;
11. All applicable standards and requirements of this article;
12. The intent and purpose stated in §1-401 {"Purposes of article"} of this article; and
13. Any other matters considered to be in the interest of the general welfare (§14-205.1-13).

The application should be evaluated in particular with regard to items (3), (4), and (13) above.

Comprehensive Planning: In evaluating this application, the Board should consider the nature of the surrounding area and the extent to which the proposed use might impair its present and future development. The Belair Road Technical Advisory Panel (TAP), a partnership of the Urban Land Institute, the City of Baltimore and Baltimore County, has developed a comprehensive and strategic approach to restoring the vitality of Belair Road that seeks to build upon the commercial corridor's positive attributes, while halting evident trends of decline. Its March 2011 report, "Revitalizing the Belair Road Corridor", identifies the block containing 5528 Belair Road as part of a "walkable node" meaning an area with a unique character that serves as an existing hub of activity. To help maintain a desirable appearance of the front of the building being used by the beauty salon, the combination of all signs and banners placed in its windows, including those related to the proposed use, should not exceed 50% of the window area of the portion of the premises known as 5528 Belair Road.

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). There is parking available at the rear of the site for vehicles, accessible at the rear of the property by a 10' wide alley, which because of the narrow width of the alley does not satisfy the requirements of §10-405 of the Zoning Code. However, the floor area of the proposed use (less than 200 square feet) would not trigger the requirements of that section because it would be less than 1,000 square feet.

## **RECOMMENDATION**

The Department of Planning has no objection to this appeal; however, it recommends that the applicant work with the community to devise ways that the proposed use could contribute to development of the "walkable node" of which this property is a part, and ensure that all signs and banners related to the tattoo parlor and body piercing studio are placed inside the front windows of the beauty parlor and together with the beauty parlor's window signs do not cover more than 50% of the front window area of 5528 Belair Road.

TJS/wya/mf

cc: Michelle Fortune, Appellant