


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 / 547-549 East Fort Avenue		

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

DATE: August 14, 2015

REQUEST

The Department of Planning has received John Giorgakis' Board of Municipal and Zoning Appeals (BMZA) application to install two illuminated signs, one 6' tall by 3' wide on the front upper level of the structure, and one 3' tall by 6' wide on the side upper level of the structure. The Zoning Administrator has determined that the proposed signs would violate subsection §11-405 of the Zoning Code. We understand that this appeal is scheduled for hearing on August 25, 2015.

SITE

547-549 East Fort Avenue is located on the southwest corner of the intersection with Jackson Street. This property measures approximately 24'10" by 75' and is currently improved with a two-story end-of-row residential mixed-use building covering approximately 95% of the lot. This site is zoned B-2-2 and is located within the Riverside National Register Historic District.

ANALYSIS

Use: In this zoning district, illuminated signs are a permitted use, and so are allowed (§11-401 to §11-416). In this case, the property was last authorized for use as a liquor store: package goods, and a multiple-family attached dwelling, which are permitted uses in this B-2 Community Business District.

Use: Any use that is not expressly allowed in a district is prohibited (§3-106). The proposed sign, if an LED sign or including LED components, is a type of directly-illuminated sign (§11-101.c.). In a Business District, such as the B-2-2 Zoning District containing this property, signs may not have or consist of any flashing, blinking, fluctuating, or otherwise animated light (§11-405). The LED sign face, although capable of being controlled remotely to display flashing, blinking, fluctuating, or otherwise animated light, is not *per se* prohibited if it is used to provide a fixed display or message.

The proposed sign could include a standard internally-illuminated sign with a light-emitting diode (LED) light source which can be 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 LED sign could display several images or messages within a relatively short period of time. For this reason, Board approval of inclusion of LED components within the proposed wall-mounted sign panels must be conditioned upon certain limitations intended to minimize distraction of passing motorists and protect any residences in the vicinity from excessive glare. The signs must also comply with requirements stated in §11-207 of the Zoning Code.

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TransForm Baltimore: This property would become part of the C-1 District (Proposed Zoning Map Area 11-A) in which retail goods establishments with alcohol sales, and multi-family dwellings, would be conditional uses (Table 10-301). The C-1 Districts would be covered in specific requirements for electronic message signs (§17-803) that are similar to the criteria recommended below, with the exception of a limit of 6 square feet on the size of the electronic message component of a wall-mounted sign in a C-1 district.

RECOMMENDATION

The Department of Planning has no objection to this appeal, provided that the Board requires that the approved signs meet and continue to meet these conditions:

- That the top of the new wall-mounted sign(s) will not be placed at a height exceeding the level of the bottom of the cornice of the existing structure formerly known as 549 East Fort Avenue, and will not contain an area greater than 18 square feet on each block face;
- That the entire face of each sign is approved for alteration to a light-emitting diode (LED) screen, that this alteration must be installed in a single step, and that the LED sign adheres to the operational limits or other conditions that may be imposed by the Board;
- That the performance of the LED sign conform to all of the requirements of §11-205 and §11-405 of the Zoning Code by having a minimum dwell (uninterrupted display of message or image) time of ten seconds; that it will not increase the area of the existing sign, 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 LED screen will not have animations, movie clips and/or sound elements;
- That the LED sign will default to black entirely in the event of a failure of its 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: John Giorgakis, Appellant