


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 / 4021 Eastern Avenue		

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

DATE: September 30, 2015

REQUEST

The Department of Planning has received Yakob Ghirmay's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as a driving school and seasonal tax preparation office. The Zoning Administrator has determined that this is a prohibited use in a B-2 zoning district. We understand that this appeal is scheduled for hearing on October 6, 2015.

SITE

4021 Eastern Avenue is located on the south side of the street, approximately 52' west of the intersection with Haven Street. This property measures approximately 12' by 140' and contains approximately 0.038 acre, and is currently improved with a two-story attached commercial building measuring approximately 12' by 90'. This site is zoned B-2-3 and is located within the Highlandtown Business Area Urban Renewal Plan area.

ANALYSIS

Conditional Use: In this zoning district, schools: commercial, are a conditional use, requiring approval by the Board (§6-308). In this zoning district, offices: business, governmental, and professional – but not including sales and bulk storage of merchandise on the premises, are a permitted use, and so are allowed (§6-306). In this case, the property was last authorized for use as a beauty shop, which is a permitted use in this B-2 Community Business District.

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 commercial school is one parking space per 4 teachers and employees, plus one space per 24 students (based on the greatest number of students on the premises at any one time) (§10-405.27.ii). In this case, the number of staff members is not stated in the application, but the applicant confirmed that at most 20 students would be on site at a time. One parking space is provided at the rear of the premises.

Off-Street Parking Variance: ... the Board may grant a variance to reduce by no more than 75% the number of off-street parking spaces otherwise required by the applicable regulation (§15-208.b). In this case the reduction proposed is 75%.

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TransForm Baltimore: This property would become part of a TOD-2 (transit-oriented) District (Proposed Zoning Map Area 8-C) in which Personal Services Establishments would be permitted uses (Table 12-402).

RECOMMENDATION

The Department of Planning recommends approval of this appeal subject to the condition that the applicant provide sufficient off-street parking to support the proposed use.

TJS/wya/mf

cc: Yakob Ghirmay, Appellant