


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 / 5200 Moravia Road		

TO

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

DATE: November 7, 2013

REQUEST

The Department of Planning has received Richardson Engineering's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Beatrice Properties LLC, to construct two new one-story retail structures on this property. The Zoning Administrator has determined that this requires approval of multiple structures on a lot, and that variances of Zoning Code setback requirements are needed for approval of this application. We understand that this appeal is scheduled for hearing on November 12, 2013.

SITE

5200 Moravia Road is located on the east side of the street, approximately 515' north of the intersection with Sinclair Lane. This property measures approximately 452'2" along Moravia Road and contains approximately 1.752 acre, and is currently improved with a one-story commercial building measuring approximately 64' by 98'. This site is zoned B-2-1.

ANALYSIS

Number of Principal Structures on a Lot: No more than one principal detached structure may be located on: ... (ii) any office-residential, business, or industrial lot that is adjacent to a residential lot ... (§3-301.a). Notwithstanding subsection (a) of this section, the Zoning Administrator must approve construction of more than one principal detached structure or other free-standing structure on a residential lot; or any office-residential, business, or industrial lot that is adjacent to a residential lot if, in a specific case: (1) the development otherwise would conform to the requirements of this article; and (2) the Planning Commission approves the design of the development (§3-301.b). In this case, more than one structure is proposed for this site, and so Planning Commission approval is required for this development.

Required Yard: In this zoning district, a minimum side yard setback of 10' is required if a side yard is provided (§6-312 (c)). In this case, the proposed 10,000 square feet retail building will project to within 6' of the northern interior side lot line, and the proposed 6,000 square feet retail building will project to within 4' of the southern interior side lot line.

Yard Variance: The Board may grant a variance to authorize a yard or setback that is less than that otherwise required by the applicable regulation (§15-203).

Projections and Obstructions into Required Yards: (a) *In general.* Except for the specified projections and obstructions listed in this section, every part of a required yard or of any other required open space must be open and unobstructed from the ground to the sky (§3-209). In this case, the proposed off-street parking lot is not listed among the permitted projections and obstructions into required yards. A portion of the parking spaces to be provided to serve the

two commercial buildings would project into the required front yard. Planning staff and the Site Plan Review Committee have worked with the applicant to devise landscaping buffers that would minimize the visual effect of this parking on the Moravia Road streetscape.

Land Use and Urban Design: The Site Plan Review Committee reviewed and approved the proposed site plan for this property on October 30, 2013. The two structures proposed, being on a property adjoining residential lots, require Planning Commission approval.

TransForm Baltimore: This property would become part of a C-2 District (Proposed Zoning Map Area 8-B) in which personal services establishments and retail goods establishments and offices would be permitted uses (Table 10-301). Personal services establishments would be required to provide 2 parking spaces per 1,000 square feet of gross floor area, and retail goods establishments would have the same requirement (Table 16-406A). The proposed total of 16,000 square feet would thus require 32 spaces. The approved site plan would provide for 83 spaces plus 9 bicycle spaces.

RECOMMENDATION

The Department of Planning recommends approval of this appeal, subject to final approval of the proposed multiple structures on a single lot by the Planning Commission.

TJS/wya/mf

cc: Richardson Engineering, Appellant