


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 / 5911 Belair Road		

TO

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

DATE: February 6, 2012

REQUEST

The Department of Planning has received Michelle Fortune's Board of Municipal and Zoning Appeals (BMZA) application to use the entire first floor of the premises for a tattoo parlor (also providing body piercing). We understand that this appeal is scheduled for hearing on February 7, 2012.

SITE

5911 Belair Road is located on the east side of the street, approximately 200' northeast of the intersection with Glenarm Avenue and approximately 815' southwest of the intersection with Powell Avenue. This property measures approximately 25' by 147' and contains approximately 0.086 acre, and is currently improved with a one-story attached commercial building measuring approximately 25' by 65', for which the rear of its basement is at ground level due to the downward slope of the land away from Belair Road. 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 commercial sales, which is a permitted use 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 5911 Belair Road as part of an "Opportunity Area," meaning an area with characteristics favorable to development, such as adequate parcel configurations and depths, available land, distinctive physical assets, and capacity for walkability. In particular, the property directly across Belair Road has been identified as a site for large-scale investment and re-development.

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 on site for up to two vehicles, accessible at the rear of the property by a 20' wide alley, which satisfies the requirements of §10-405 of the Zoning Code.

RECOMMENDATION

The Department of Planning has no objection to this appeal, but recommends that the applicant work with the community to devise ways that the proposed use could contribute to development of the "opportunity area" of which this property is a part.

TJS/wya/mf

cc: Michelle Fortune, Appellant