


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 / 3320-3322 Eastern Avenue		

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

DATE: May 15, 2015

REQUEST

The Department of Planning has received James Park's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a restaurant and carry-out food shop. The Zoning Administrator has determined that a variance of off-street parking requirements is needed for approval. We understand that this appeal is scheduled for hearing on May 19, 2015.

SITE

3320-3322 Eastern Avenue is located on the northwest corner of the intersection with Highland Avenue. This property measures approximately 36' by 62' and is currently improved with a two-story semi-detached commercial building measuring approximately 36' by 59'. This site is zoned B-2-2 and is located within the Highlandtown Business Area Urban Renewal Plan area and the Patterson Park – Highlandtown National Register Historic District.

ANALYSIS

Use: In this zoning district, restaurants and carry-out food shops are permitted uses, and so are allowed (§6-306). In this case, the property was last authorized for use as a wearing apparel and tailor shop, which is also 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). In this zoning district, restaurants require one off-street parking space per 400 square feet of floor area (§10-405.21.i). There is no area available on site for provision of off-street parking. Previous use of the premises as a retail establishment would create a credit of 1 parking space for each 600 square feet of floor area in excess of 4,000 square feet. The existing first floor contains approximately 2,100 square feet.

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 100%, which is greater than the variable amount the Board ordinarily may authorize. However, the existing development patterns of Highlandtown and of this property in particular present the applicant with a practical difficulty in meeting this requirement.

Mr. David Tanner, BMZA
Executive Director
Page 2
Re: 3320-3322 Eastern Avenue

TransForm Baltimore: This property would become part of the C-1 District (Proposed Zoning Map Area 8-C) in which restaurants would be permitted uses and carry-outs would be conditional uses (Table 10-301). The C-1 Districts would have off-street parking requirements of 1 space per 1,000 square feet of gross floor area for carry-outs and 1 space per 100 square feet of indoor public seating area for restaurants (Table 16-406A).

RECOMMENDATION

The Department of Planning recommends approval of this appeal.

TJS/wya/mf

cc: James Park, Appellant