

TFA

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 / 4300-4304 Belair Road		

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

DATE: May 21, 2012

REQUEST

The Department of Planning has received Joseph Woolman III's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Hidden Treasure Sweepstakes, LLC, to use a portion of the premises for an amusement arcade. We understand that this appeal is scheduled for hearing on May 29, 2012.

SITE

4300-4304 Belair Road is located on the northwest corner of the intersection with Harris Avenue. This property measures approximately 175'3" by 199'11" and is currently improved with a one-story commercial shopping center building measuring approximately 175' by 100'. This site is zoned B-3-2 and is located within the Arcadia/ Beverly Hills National Register Historic District.

ANALYSIS

Conditional Use: In this zoning district, amusement arcades are a conditional use, requiring approval by the Board (§6-408). The proposed arcade would occupy one (or more) of the store bays in the existing building, but the application does not specify which one(s). The bays are of differing size, in terms of floor area. The applicant should disclose which portion of the premises would be used for an amusement arcade. The applicant should also indicate whether the proposed amusement arcade would be associated with or operated in connection with any other business use of the property. The Zoning Code further stipulates that this conditional use is subject to the Board's suspension for not less than 30 days nor more than 90 days if an owner, operator, or employee of the arcade is convicted of violating City Code Article 19, § 34-6 {"Minors — Daytime and Nighttime Curfews: Prohibited conduct of establishments"}:

§ 34-6. Prohibited conduct of establishments.

(a) *Nighttime curfew.*

No operator of an establishment or his agents or employees may knowingly permit any minor to remain on the premises of that establishment:

- (1) between the hours of 12:00:01 a.m. Saturday and 6 a.m. Saturday;
- (2) between the hours of 12:00:01 a.m. Sunday and 6 a.m. Sunday; or
- (3) between the hours of 11 p.m. and 6 a.m. of the following day, on any other day of the week.

(b) Daytime curfew.

No operator of an establishment or his agents or employees may knowingly permit any minor under the age of 16 to remain on the premises of that establishment between the hours of 9 a.m. and 2:30 p.m. on any school day, unless:

- (1) the minor has written proof from school authorities excusing his or her attendance at that particular time; or
- (2) the minor is accompanied by the minor's parent or by a person 21 years old or older.

Land Use and Urban Design: The applicant has published advertisements indicating that other locations operated by it are available for parties and similar banquet hall uses, and provide food and "drinks". A banquet hall is only approvable by ordinance in this B-3 Community Commercial District.

RECOMMENDATION

The Department of Planning has no objection to this appeal, provided that the applicant is limited to a reasonable number of amusement device users on the premises at any given time as determined by the Board, and that the applicant or operator adheres to the curfew requirements of City Code Article 19; and provided that the property is not used as a banquet hall at any time unless first authorized for that purpose by ordinance.

TJS/wya/mf

cc: Joseph Woolman, III, Appellant