

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 / 518 West Fayette Street		

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

DATE: June 1, 2010

REQUEST

The Department of Planning has received Michael Hamilton's Board of Municipal and Zoning Appeals (BMZA) application to install 3 panel antennas and 3 microwave dish antennas on the rooftop of the existing building. We understand that this appeal is scheduled for hearing on June 8, 2010.

SITE

518 West Fayette Street is located on the north side of the street, approximately 100' east of the intersection with Greene Street. This property measures approximately 47' in frontage on Fayette Street by 196' and contains approximately 0.44 acre, and is currently improved with 3 restored row-houses on Fayette Street and a fifteen-story student dormitory apartment building located behind the row-houses. This site is zoned B-4-2 and is located within the Market Center Urban Renewal Plan area and the Market Center National Register Historic District.

ANALYSIS

Conditional Use: In this zoning district, antenna towers, microwave relay towers, and similar installations for communications transmission or receiving are a conditional use, requiring approval by the Board (§6-508, from 6-208 and 6-308).

Renewal Plans: Ordinance #01-0165 was approved May 14, 2001 for the purpose of, among other things, clarifying the relationship between conditions or requirements imposed by an Urban Renewal Plan or Conservation Plan, such that the condition or requirement that is more restrictive will govern. Additionally, the ordinance prohibits the approval of a conditional use or a variance if that conditional use or variance is precluded by an applicable renewal plan or master plan.

Required Findings: The Board may not approve a conditional use unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that: ... (2) the use is not in any way precluded by any other law, including an applicable urban renewal plan; (§14-204). For this reason, the Board must consider the requirements of the Market Center Urban Renewal Plan, which does allow this use in this district.

Neighborhood Impact: There should be minimal impact, if any, on the surrounding area or community, due to the height of the existing building on the subject property, the size of the antennas, and the height at which they will be placed.

Co-location: In order to minimize the number of antenna towers and monopoles constructed throughout the City of Baltimore, the Department of Planning has adopted a policy of co-location. When our Department receives applications for antenna towers or monopoles, staff encourages the applicant to design a structure that can accommodate several other wireless technology providers. This co-location of antennas minimizes the number of antenna towers or monopoles needed throughout Baltimore City.

Historical and Architectural Preservation: The Historical and Architectural Preservation Division of the Department of Planning has reviewed the application and determined that the proposed location is:

- A recently-constructed non-contributing property within a district listed on the Maryland Inventory of Historic Properties
- A recently-constructed non-contributing property within a district listed on the National Register of Historic Places.

Due to the fact that the property is across the street from a Designated Baltimore City Landmark, Westminster Presbyterian Church and Hall, the proposed installation must be reviewed and approved by Historical and Architectural Preservation Division staff.

RECOMMENDATION

The Department of Planning recommends approval of the appeal, subject to these conditions:

- The antennas and related equipment must be painted to match the building, to ensure they are visually unobtrusive; and
- The panel antennas and related equipment will remain mounted as illustrated in the plans and elevations submitted to Planning; and
- The applicant will adequately mitigate any adverse effect as specified in the report of the Historical and Architectural Preservation Division of the Department of Planning in accordance with that report's recommendations.

TJS/wya/mf

cc: Michael Hamilton, Appellant