


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR <i>Shale / for T.J.S.</i>	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 5426 Harford Road		

TO

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

DATE: June 14, 2010

**REQUEST**

The Department of Planning has received 5426 Harford Road Holding Company's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as a performing arts theatre with 80 seats. We understand that this appeal is scheduled for hearing on June 22, 2010.

**SITE**

5426 Harford Road is located on the west side of the street, approximately 126' south of the intersection with Hamilton Avenue. This property measures approximately 25' by 151' and is currently improved with a one-story plus mezzanine commercial building measuring approximately 25' by 110'. This site is zoned B-2-2 and is located within the Hamilton Business Urban Renewal Plan area.

**ANALYSIS**

Conditional Use: In this zoning district, theaters are a conditional use, requiring approval by the Board (§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 Hamilton Business Urban Renewal Plan, which does allow this use in this district.

Off-Street Parking: 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).

Off-Street Parking: The amount of off-street parking required for a theater is one parking space per 10 persons of rated capacity (§10-405.22.i). In this case, for 80 seats capacity, 8 off-street parking spaces are required; 2 can be provided at the rear of the property.

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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 75%, which is within the variable amount the Board may authorize.

**RECOMMENDATION**

The Department of Planning recommends approval of the appeal.

TJS/wya/mf

cc: 5426 Harford Road Holding Company, Appellant