


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 / 2453 Maryland Avenue		

TO

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

DATE:

August 21, 2014

REQUEST

The Department of Planning has received Matthew Day's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a commercial driving school. The Zoning Administrator has determined that this is a conditional use in a B-2 Zoning District. We understand that this appeal is scheduled for hearing on September 9, 2014.

SITE

2453 Maryland Avenue is located on the east side of the street, approximately 40' south of the intersection with 25th Street. This property measures approximately 20' by 108' and is currently improved with a three-story attached building measuring approximately 20' by 58'. This site is zoned B-2-3 and is located within the Charles/ 25th Urban Renewal Plan area and the Old Goucher College National Register Historic District.

ANALYSIS

Conditional Use: In this zoning district, schools: commercial, are a conditional use, requiring approval by the Board (§6-308). In this case, the property was last authorized for use as offices, which is a permitted use in this B-2 Community Business District.

Urban Renewal Plan: This property is located in the Charles/ 25th 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). Commercial schools require one parking space per 2 teachers and employees, plus one space per 12 students (based on the greatest number of students on the premises at any one time (§10-405.27.ii). The application did not include any information on the number of teachers, employees, and students, so the number of required spaces could not be determined. This property has limited access at best, via a 9' wide alley which dead-ends at its southern neighbor's rear lot line, to Morton Street. For this reason, there is a practical difficulty with requiring any on-site parking. The applicant should be required to provide parking spaces on a nearby property in order to comply with Zoning Code requirements.

TransForm Baltimore: This property would become part of a C-1 District (Proposed Zoning Map Area 7-A) in which educational facilities: commercial/ vocational, would be prohibited uses (Table 10-301). “Educational facility: Commercial-vocational” includes “a school conducted as a commercial enterprise, such as a driving school” (§1-305 (V)).

RECOMMENDATION

The Department of Planning recommends deferral of a complete hearing of this appeal to allow the applicant time to provide information concerning numbers of staff and students of the proposed driving school, and concerning off-street parking spaces that would serve the needs of the proposed use.

TJS/wya/mf

cc: Matthew Day, Appellant