


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 / 3539 Clipper Mill Road		

TO

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

DATE: July 19, 2013

REQUEST

The Department of Planning has received Joseph Woolman's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Ariel Properties LLC and Trigger Agency, to use the premises as an office with an accessory warehouse, and to construct either a roof sign containing 300 square feet or a business identification sign containing 155 square feet, with either version of the sign to advertise ticket sales for events to be held elsewhere. The Zoning Administrator has determined this type of signage is a nonconforming use in a M-2 District, and that a variance of sign area Zoning Code requirements is needed for approval of part of this application. We understand that this appeal is scheduled for hearing on July 23, 2013.

SITE

3539 Clipper Mill Road is located on the east side of the street, approximately 63'9" south of the intersection with 36th Street. This property measures approximately 53' by 84'3" and is currently improved with a two-story detached commercial building measuring approximately 52' by 44'. This site is zoned M-2-1 and is located within the Hampden National Register Historic District.

ANALYSIS

Use: In this zoning district, offices: business and professional, other than accessory, are listed as a conditional use (§7-307). In this case, the property was last authorized for use as a machine shop, which is a permitted use in this M-2 Industrial District. The proposed occupant of the building is the Trigger Agency, a business which sells tickets to entertainment and similar public events directly to the public.

Conditional Use – 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:

1. the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals;
2. the use is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
3. the authorization is not otherwise in any way contrary to the public interest; and
4. the authorization is in harmony with the purpose and intent of this article (§14-204).

The location of this property and the proposed placement of the signs for which the Board's approval is being requested are of concern, because this property is in clear view of a major traffic artery known as the Jones Falls Expressway (JFX). The intended placement of either the roof sign or the wall-mounted sign is directed toward drivers of vehicles passing at a high rate of speed on the JFX, for whom the sign's changing copy may prove a distraction.

Additionally, the type of signage proposed is changeable copy, as specified in the application: "In each option the copy on the signage will be changeable and include the identification of the ticket office on the premises ... as well as information about the events for which the tickets are to be sold."

As the events will not be occurring at the location where the proposed sign would be erected, this application is specifying a request to approve a general advertising sign as an accessory use to a conditional use. "General advertising sign" means any billboard, posterboard, or other sign that directs attention to a business, commodity, service, event, or other activity that is: (i) sold, offered, or conducted somewhere other than on the premises on which the sign is located or to which it is affixed; (§11-101 (e)(1)). As this signage would involve advertising events or activities conducted somewhere other than on the premises, the proposed sign (or at least its changeable copy component) meets the definition of a general advertising sign.

Use: In this zoning district, general advertising signs are not an authorized (permitted or conditional) use (§7-306 to §7-309). "Except as otherwise specifically authorized in this article: (1) the "erection, placement, or construction of new general advertising signs is prohibited; and (2) the City may not issue permits for these signs" (§11-206). As there is no specific authorization for general advertising signs in M-2 Districts, the changeable copy portion of the signage proposed by the applicant is prohibited.

TransForm Baltimore: This property would become part of a I-2 District (Proposed Zoning Map Area 2-D) in which offices would be permitted uses only when secondary to principal industrial uses (Table 11-301). As the proposed use as an office for ticket sales would not be secondary to a principal industrial use on site, the office would become nonconforming. The proposed changeable copy sign would be considered a billboard. "Billboard" means "any sign that directs attention to a business, commodity, service, event, or other activity that is (1) sold, offered, or conducted somewhere other than on the property on which the sign is located ... §(1-303 (G)). Billboards would be generally prohibited (§17-603).

RECOMMENDATION

The Department of Planning recommends disapproval of the portion of this appeal relating to the proposed changeable copy signage, because approval of the changeable copy specified in this application would constitute approval of a new nonconforming use, i.e., a general advertising sign, which the Zoning Code does not provide the Board discretion to authorize. The Department has no objection to the conditional use application for use of the premises as a business office.

TJS/wya/mf

cc: Joseph Woolman, Appellant