


<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 6001 Moravia Park Drive		

**TO**

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

DATE: November 25, 2015

**REQUEST**

The Department of Planning has received Caroline Hecker's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of McDonald's USA LLC, to modify the existing drive-through restaurant by expanding the drive-thru window booth, adding an additional queuing lane, and modifying the parking lot. The Zoning Administrator has determined that this is a modification of a nonconforming use in a B-2 zoning district. We understand that this appeal is scheduled for hearing on December 1, 2015.

**SITE**

6001 Moravia Park Drive is located on the southwest corner of the intersection with Moravia Road. This property measures approximately 90' along Moravia Park Drive by 355'8" along Moravia Road and contains approximately 1.231 acre, and is currently improved with a one-story detached commercial building containing approximately 3,200 square feet of floor area. This site is zoned B-2-1.

**ANALYSIS**

Use: In this zoning district, restaurants – drive-in, are not listed as a permitted or conditional use, and so are not allowed (§6-306 to §6-309). In this case, the property was last authorized for use as a restaurant, which is a permitted use in this B-2 Community Business District, with a nonconforming drive-through window, by the Board's approval of appeal no. 248-78X. The applicant is requesting approval to modify this nonconformance by enlarging the queuing lane capacity by adding a second drive-in lane next to the existing lane, and by adding a second drive-through window to expedite handling and delivery of take-away food orders.

Extension or moving of Class I, II, or III Nonconforming Use: The Board may authorize an extension of a Class I, Class II, or Class III nonconforming use, as limited and stated in §§ 13-206, 13-306, and 13-406 {"Expansions of use"} and §§ 13-208, 13-308, and 13-408 {"Relocations"} of this title, if the Board finds that: (1) the extension or moving will not cause a greater volume of traffic than that generated before the extension or move; (2) the extension or moving will not violate in any manner the bulk regulations of the district in which the property is located; (3) the effect of the extended or moved use on the health, safety, or general welfare of the community will be no worse than the existing or last use; (4) for the extension of a Class II or Class III nonconforming use, the extension will not result in an increase of the floor area of more than 25% beyond that which had been occupied or used when it became nonconforming; and (5) for an extension in the Critical Area: (i) there is no environmentally acceptable alternative outside the Critical Area; and (ii) the use is needed to correct an existing water quality or wastewater management problem (§13-714). The proposed modifications would not expand the nonconforming use more than 25%.

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Land Use and Urban Design: The applicant has worked with Planning staff to refine the site plan accompanying this application. As the vehicular circulation pattern would be acceptable and the amount of on-site parking will continue to meet Zoning Code requirements, approval is recommended.

TransForm Baltimore: This property would become part of the C-4 District (Proposed Zoning Map Area 8-B) in which restaurants and drive-through facilities would be permitted uses (Table 10-301).

**RECOMMENDATION**

The Department of Planning recommends approval of this appeal.

TJS/wya/mf

cc: Caroline Hecker, Appellant