


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 / 400 East Eager Street		

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

DATE: November 29, 2010

REQUEST

The Department of Planning has received Stanley Fine's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of The Roxbury Properties, Incorporated, to use a 4,250 square foot portion of the property for a non-accessory office. We understand that this appeal is scheduled for hearing on December 7, 2010.

SITE

400 East Eager Street is located on the northwest corner of the intersection with Warden Street. This property measures approximately 156' along Eager Street by approximately 430' between Eager and Chase Streets and contains approximately 1.287 acres, and is currently improved with an L-shaped two-story commercial building measuring approximately 120' along Eager Street by 240' deep. This site is zoned M-1-3 and is located within the Johnston Square Urban Renewal Plan area and the Old East Baltimore National Register Historic District.

ANALYSIS

Conditional Use: In this zoning district, offices: business and professional, other than accessory, are a conditional use, requiring approval by the Board (§7-207). In this case, the property was last authorized for use as a florist shop, which is a nonconforming use in this M-1 Industrial District. Approval of the proposed office use would reduce the amount, in square footage, and thereby the extent of nonconformity related to the existing florist shop business.

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 Johnston Square 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). The amount of off-street parking required for business, governmental or professional offices in a M-1-3 zone is one parking space per 2,000 square feet of office area in excess of 50,000 square feet (§10-405.17). The proposed floor area for the non-accessory office use, 4,250 square feet, is well below this threshold requirement, and thus no off-street parking need be provided. However, it is noted that there is already a 50-space parking lot on the property.

Historic District: The property is located in a designated historic district, and so may be eligible for historic tax credits for restoration and renovation. The appellant is encouraged to contact the Baltimore Commission for Historical and Architectural Preservation before proceeding with any improvements which may be authorized as a result of this appeal.

RECOMMENDATION

The Department of Planning recommends approval of the appeal.

TJS/wya/mf

cc: Stanley Fine, Appellant