


TH

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 / 4115 Pennington Avenue		

TO

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

DATE: December 31, 2012

REQUEST

The Department of Planning has received Nathaniel Greene's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of William Sann, to continue to use the premises as a garage for service, repair, and maintenance of motor vehicles and add accessory automobile sales. We understand that this appeal is scheduled for hearing on January 8, 2013.

SITE

4115 Pennington Avenue is located on the northeast corner of the intersection with Olmstead Street. This property measures approximately 100' by 42'6" and is currently improved with a one-story L-shaped commercial building measuring approximately 50' by 30'. This site is zoned B-2-2 and is located within the Brooklyn and Curtis Bay Business Area Urban Renewal Plan area.

ANALYSIS

Conditional Use: In this zoning district, garages, other than accessory, for storage, repair, and servicing of motor vehicles not over 1½ tons capacity – but not including body repair, painting, or engine rebuilding, are a conditional use, requiring approval by the Board (§6-308). In this zoning district, motor vehicles sales are not listed as a permitted or conditional use, and so are not allowed (§6-306 to §6-309). As the property has only a 50' by 40' open area where vehicles can be parked, the number of motor vehicles to be displayed outdoors for sale should be limited to 6 (4 facing Pennington Avenue and 2 facing Olmstead Street) as a condition for approval of the proposed accessory use. This number may need to be reduced based upon a site plan showing where vehicles not for sale, but parked awaiting repairs or awaiting return to their owners after repairs, would be stationed and where arriving and departing vehicles would circulate on the property. Use of the property as a used car sales lot was disapproved by the Board in December 1981.

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 Brooklyn and Curtis Bay Business Area Urban Renewal Plan, which does not allow this use in this district (Land Use Plan, Permitted Uses, Community Business areas {B.2.a.(3)}). As the property had been approved as a service station for motor vehicles prior to approval of the Urban Renewal Plan on December 21, 1982, or prior to its most recent amendment on October 5, 2006, use of the property as a repair garage may continue as a nonconforming use.

RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if granted, be conditioned upon the applicant obtaining approval from the Site Plan Review Committee of a site plan for the property showing ingress and egress of motor vehicles, and parking spaces for all motor vehicles stationed on the property. The maximum number of 6 motor vehicles for sale, as an accessory use, on display outside the building on the property may need to be reduced according to the approved site plan.

TJS/wya/mf

cc: Nathaniel Greene, Appellant