


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 / 5009 Liberty Heights Avenue		

TO

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

DATE: February 5, 2016

REQUEST

The Department of Planning has received Leonard Wiley's Board of Municipal and Zoning Appeals (BMZA) application to use the premises for motor vehicle sales. The Zoning Administrator has determined that this is a prohibited use in a B-2 zoning district. We understand that this appeal is scheduled for hearing on February 9, 2016.

SITE

5009 Liberty Heights Avenue is located on the southeast corner of the intersection with Milford Avenue. This property measures approximately 110' by 100' and is currently improved with a one-story detached building. This site is zoned B-2-1 and is located within the Greater Northwest Community Coalition Strategic Neighborhood Action Plan area.

ANALYSIS

Use: In this zoning district, motor vehicle sales 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 garage for storage, repair, and servicing of motor vehicles, which is a conditional use in this B-2 Community Business District. The application indicates that used cars would be sold on this property, and included a site sketch plan showing up to 8 spaces along Liberty Heights Avenue for display of vehicles being offered for sale to the public. The application did not state whether the existing use would be continued. Planning staff discussed this with the applicant, who stated that he would prefer to continue the repair garage operation and have approval for accessory automobile sales on this site.

TransForm Baltimore: This property would become part of a R-4 District with D-MU (Detached Dwelling Mixed-Use Overlay) (Proposed Zoning Map Area 1-C) in which "Non-residential uses are restricted to only those uses that are compatible with residential uses" (§12-209).

RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if granted, be subject to these conditions in addition to conditions which the Board may establish:

- A maximum of six vehicles offered for sale may be displayed at any one time;
- There will be no parking, staging, or storing of vehicles on public rights-of-way;
- There will be no parking or storage of unlicensed vehicles on the property;
- All work must be performed indoors;
- All materials, parts and equipment related to this use will be stored indoors;
- The area used for temporary storing of vehicles will be adequately screened by an opaque fence or wall; and,

Mr. David Tanner, BMZA
Executive Director
Page 2
Re: 5009 Liberty Heights Avenue

- If a dumpster is used to collect waste and trash related to this use, the dumpster will be placed either inside the existing building or within a masonry enclosure having a solid lockable wooden gate.

TJS/wya/mf

cc: Leonard Wiley, Appellant