


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 / 5711-5721 O'Donnell Street		

TO

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

DATE: February 4, 2016

REQUEST

The Department of Planning has received Michael Orfanos' Board of Municipal and Zoning Appeals (BMZA) application, on behalf of U Got Car LLC, to use the front building on the property for retail used vehicle sales and as an automobile repair garage with accessory sales of automobile parts and a State vehicle inspection station with licensed Maryland tag and title service. The Zoning Administrator has determined that this is a prohibited use in a M-1 zoning district. We understand that this appeal is scheduled for hearing on February 9, 2016.

SITE

5711-5721 O'Donnell Street is located on the southwest corner of the intersection with Anglesea Street. This property measures approximately 171' by 150' and is currently improved with two one-story commercial buildings measuring approximately 50' by 44' and 152' by 38'. This latter building is the subject of this appeal. This site is zoned M-1 and is located within the Southeast Neighborhoods Development (SEND) Strategic Neighborhood Action Plan area.

ANALYSIS

Use: In this zoning district, neither motor vehicle sales nor garages, other than accessory, for storage, repair, and servicing of motor vehicles, is listed as a permitted or conditional use, and so the proposed use is not allowed (§7-206 to §7-209). In this case, the rear portion of this property was just authorized for use as a garage for storage, repair, and servicing of motor vehicles, with accessory sales of auto parts and State vehicle inspections, by the Board's approval of appeal no. 2015-376 on October 26, 2015. The applicant now proposes to create a new non-conforming use, which is not authorized by the Zoning Code, on this same property.

TransForm Baltimore: This property would become part of an I-1 District (Proposed Zoning Map Area 8-D) in which Motor Vehicle Dealerships would be prohibited, while Motor Vehicle Service and Repair – Major, or Minor, would be permitted uses (Table 11-301). "Motor Vehicle Service and Repair – Major, or Minor" would be subject to specific requirements and standards (§14-326).

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the Zoning Code does not authorize creation of new nonconforming uses, which the proposed use (used car sales) would be in a M-1 zoning district.

TJS/wya/mf

cc: Michael Orfanos, Appellant

Northeast