


<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 / 4713 Harford Road (3001 Rosekemp Avenue)		

**TO**

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

DATE: January 30, 2015

**REQUEST**

The Department of Planning has received Javon Spence's Board of Municipal and Zoning Appeals (BMZA) application to use the portion of the premises known as 3001 Rosekemp Avenue as an automobile repair garage with accessory State inspection of motor vehicles. The Zoning Administrator has determined that this is a conditional use in a B-3 Community Commercial Zoning District. We understand that this appeal was originally scheduled for hearing on December 16, 2014, but has been rescheduled for hearing on February 10, 2015.

**SITE**

4713 Harford Road is located on the southeast corner of the intersection with Rosekemp Avenue. This property measures approximately 78'6" by 161'8" and is currently improved with a combination one- and two-story semi-detached commercial building measuring approximately 78' by 66' and a second, one-story semi-detached commercial building measuring approximately 54' by 40' to the rear of the first building. This site is zoned B-3-2 and is located within the Lauraville 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 – including body repair, painting, and engine rebuilding, are a conditional use, requiring approval by the Board (§6-408). In this case, the property was last authorized for use as a business office, which is a permitted use in this B-3 Community Commercial District.

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 Lauraville Business Area Urban Renewal Plan (approved October 28, 2003), which does not allow all of this proposed use in this district. The Plan prohibits "automobile accessory stores – including related repair or installation services" and "automobile glass and mirror shops" and "automobile painting shops" within the land area designated by it as "Commercial Center" as shown on The Land Use Plan map contained in Exhibit 1 of the Plan. This property is within that designated area. Thus, the portion of this application pertaining to "body repair and engine rebuilding" would be allowable according to the Plan, while any painting, automobile accessory installation, automobile glass or mirror repair or installation would not be allowable. The Plan also requires screening (Plan, D.1.b.(19)) at least 6 feet in height at the property line between residential and commercial uses, a requirement that would apply to the rear property line of this property where it adjoins the residentially-zoned dwelling at 3003 Rosekemp Avenue.

**Comprehensive Planning:** As this property is within the Lauraville Business Area, the Urban Renewal Plan requires that, if this application is approved, any permits applied for relating to the Board's decision are referred to the Lauraville Community Review Panel for consideration in advance of other official action. The applicant is encouraged to work with this group in the course of filing those permit applications.

**TransForm Baltimore:** This property would become part of the C-1 District (Proposed Zoning Map Area 4-C) in which motor vehicle service and repair, major, and motor vehicle service and repair, minor, would be prohibited uses (Table 10-301).

### **RECOMMENDATION**

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

- Repair and servicing of motor vehicles will be limited to body repair and engine rebuilding, and there will be no automobile painting, automobile accessory sales, repair, or installation, automobile glass and mirror sales and service, or similar commercial activity on the property;
- 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, and the rear of the property, will be adequately screened by an opaque fence or wall meeting the requirements of the Lauraville Business Area Urban Renewal Plan; and,
- 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: Javon Spence, Appellant