


FROM	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 / 4128 Hayward Avenue		

TO

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

DATE: March 25, 2010

**REQUEST**

The Department of Planning has received Shannon Starke's Board of Municipal and Zoning Appeals (BMZA) application to use a portion of the premises known as 4128-G for auto repairs, detailing, and sales. We understand that this appeal was originally scheduled for hearing on March 16, 2010, but was postponed at the applicant's request to March 30, 2010.

**SITE**

4128 Hayward Avenue is located on the northwest corner of the intersection with Eleanora Avenue. This property measures approximately 260' by 280' and is currently improved with a one-story commercial building measuring approximately 230' by 250'. This site is zoned M-2-1 and is located within the Park Heights Urban Renewal Plan area.

**ANALYSIS**

Use: In this zoning district, automobile sales are not listed as a permitted or conditional use, and so are not allowed (§7-206 to §7-308). In this case, the property was last authorized for use as a car wash and mechanical shop with storage, which is a permitted use in this M-2 Industrial District. Motor vehicle sales are a permitted use in a B-3 Community Commercial District, which can be found as close as a block away along Reisterstown Road.

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. The Park Heights Urban Renewal Plan, section C, General Land Use Plan,, Permitted Uses, confirms that uses permitted shall be limited to those permitted by the Zoning Ordinance (now Zoning Code) of Baltimore City, for the zoning districts in which the uses are located.

**RECOMMENDATION**

The Department of Planning recommends disapproval of the appeal.

TJS/ewt/mf

cc: Shannon Starke, Appellant