


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR <i>John / T.J.S.</i>	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 2211 Vine Street		

TO

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

DATE: April 2, 2012

**REQUEST**

The Department of Planning has received Christopher Emanuel's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as 16 mini-storage and private garages to include auto repair and storage. We understand that this appeal is scheduled for hearing on April 3, 2012.

**SITE**

2211 Vine Street is located on the south side of the street, approximately 80' east of the intersection with Bentalou Street. This property measures approximately 170' by 70' and is currently improved with two one-story nonresidential buildings, one measuring approximately 20' by 70' and the other approximately 80' by 70'. This site is zoned R-8.

**ANALYSIS**

Use: In this zoning district, parking, off-street garages, other than accessory, for the parking of 4 or more motor vehicles; and garages, other than accessory, for storage, repair, and servicing of motor vehicles not over 1 ½ tons capacity – but not including body repair, painting, or engine rebuilding, are not listed as either permitted or conditional uses, and so are not allowed (§4-1101 to §4-1104). In this case, the property was last authorized for use as a garage for private automobile storage, which is a nonconforming use in this R-8 General Residence District.

Changes in Nonconforming Use: *In Residence and Office-Residence Districts.* In accordance with subtitle 7 {"Modifications and Continuances by Board"} of this title, the Board may authorize a Class II nonconforming use in a Residence or Office-Residence District to be changed as follows: (1) to a use permitted in an M-1 District, if the nonconforming use is located in a structure all or substantially all of which is designed and erected for an industrial use; or (2) to a use permitted in a B-1 District, if the nonconforming use is located in a structure all or substantially all of which is designed and erected for a business or other nonconforming use (§13-305.b). Parking, off-street garages, other than accessory, for the parking of 4 or more motor vehicles; and garages, other than accessory, for storage, repair, and servicing of motor vehicles not over 1 ½ tons capacity – but not including body repair, painting, or engine rebuilding, are each uses listed as permitted or conditional within a B-2 District, but are not authorized in a B-1 District. Thus, the Board is not authorized to approve this application.

Land Use and Urban Design: This property is located across 10' wide alleys from established residential structures on three of its sides and is only accessible for purposes of its current use by way of a 20' wide street (Vine Street). It would thus be inconsistent with the predominant residential character of this block to authorize either mini-storage or automobile repair garages on this property.

**RECOMMENDATION**

The Department of Planning recommends disapproval of this appeal, because the Board is not authorized to approve a change of a Class II nonconforming use in a Residential District to a use that is otherwise permitted in a B-2 District.

TJS/wya/mf

cc: Christopher Emanuel, Appellant