


<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 / 2311 Belair Road		

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

DATE: April 21, 2010

### REQUEST

The Department of Planning has received Mohammad Rehasaniafshar's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as a used car lot with an automobile repair garage. We understand that this appeal is scheduled for hearing on April 27, 2010.

### SITE

2311 Belair Road is located on the east side of the street, approximately 100' northeast of the intersection with Elmley Avenue. This nearly triangular property measures approximately 151' along Belair Road by approximately 122' parallel to Elmley Avenue, and is currently improved with a one-story commercial building of pentagonal shape at the rear of the property. This site is zoned B-2-1.

### ANALYSIS

Use: In this zoning district, motor vehicle sales are not listed as a permitted or a 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.

Comprehensive Planning: Opening a used car lot on this site is not recommended. However, because the property is currently separated from the public sidewalk along Belair Road by a security fence, it would be acceptable for the operator of the repair garage to display "for sale" signs or placards inside a limited number of vehicles which had been returned to operable condition on this premises. To guarantee continuing access to the repair garage from Belair Road, these vehicles could not be displayed where there are curb cuts in the sidewalk. Should the volume of repaired cars offered for sale as used cars exceed the limit, it would be incumbent upon the business owner to relocate to a more appropriately zoned B-3 property.

### RECOMMENDATION

The Department of Planning recommends disapproval of the appeal. However, if the Board approves limited sales of cars which have been repaired on site as an accessory use to the principal use (the existing repair garage) its approval should be conditioned upon the following:

- The maximum number of vehicles shown as for sale at any one time is eight (8);
- No signage is erected on any structure on site stating that there are used cars available for sale on the premises;
- No signage is erected on the fence, and no free-standing sign (as defined in §11-101.d) is erected on the property, indicating used cars are available for sale; and
- All sales notices to the public shall be placed inside motor vehicles offered for sale.

TJS/ewt/mf

cc: Mohammad Rehasaniafshar, Appellant

Northeast