


<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 / 2323-2327 Evergreen Street		

**TO**

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

DATE: May 7, 2010

**REQUEST**

The Department of Planning has received Imran Mohammed's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as a garage for repair and servicing of motor vehicles, including body repair, and for sales of motor vehicles. We understand that this appeal is scheduled for hearing on May 11, 2010.

**SITE**

2323-2327 Evergreen Avenue is located on the east side of the street, approximately 100' south of the intersection with Gwynns Falls Parkway. This property measures approximately 197' along Evergreen Avenue and contains approximately one acre, and is currently improved with 3 one-story commercial buildings with a combined street frontage of approximately 166'. There is a vehicle parking area behind two of the three buildings with driveway access along the north wall of 2327 Evergreen Street. This site is zoned M-1-1.

**ANALYSIS**

Use: In this zoning district, garages, other than accessory, for storage, repair, and servicing of motor vehicles not over 1.5 tons capacity – but not including body repair, repainting, or engine rebuilding, and motor vehicle sales are each not listed as a permitted or a conditional use, and so are not allowed (§7-206 to §7-209).

**RECOMMENDATION**

The Department of Planning recommends disapproval of the appeal, as both the principal and accessory uses applied for are not authorized in the M-1 Industrial District by the Zoning Code. However, if the Board approves limited sales of cars which have been repaired within the buildings on site as an accessory use to a principal use (a repair garage authorized as a continued non-conforming use) its approval should be conditioned upon the following:

- The maximum number of vehicles shown as for sale at any one time is eight (8);
- Vehicles shown as for sale may not be placed where there are curb cuts, nor on any access drive or sidewalk;
- No signage is erected on any structure on site, nor on any fence, stating that there are used cars available for sale on the premises;
- No free-standing sign (as defined in §11-101.d) is erected on the property, indicating used cars are available for sale;
- All sales notices to the public, such as "for sale" signs or placards, shall be placed inside motor vehicles offered for sale; and,
- 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.

TJS/wya/mf

Mr. David Tanner, BMZA  
Executive Director  
Page 2  
Re: 2323-2327 Evergreen Street

cc: Imran Mohammed, Appellant