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| FROM | NAME & TITLE | THOMAS J. STOSUR, DIRECTOR | CITY of BALTIMORE MEMO |  |
| | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR | | |
| | SUBJECT | BMZA / 5675 Belair Road | | |

TO

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

DATE: May 13, 2013

REQUEST

The Department of Planning has received Charles Brown's Board of Municipal and Zoning Appeals (BMZA) conditional use application to use a portion of the premises for auto repairs and detailing in association with an existing auto sales business. The Zoning Administrator has determined that this is a conditional use in a B-3 District. We understand that this appeal is scheduled for hearing on May 14, 2013.

SITE

5675 Belair Road is located on the southeast side of the street, approximately 79'11" south of the intersection with Hamilton Avenue. This property measures approximately 98'3" by 148'8" and is currently improved with a one-story detached commercial building measuring approximately 28' by 72'. This property also has additional partial coverage by another detached one-story commercial structure measuring approximately 44' by 12' that spans the adjoining lot (Block 6005, Lot 10A) which is only 27' wide and extends in the opposite direction to Block 6005, Lot 11/12. This site is zoned B-3-1.

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 for motor vehicle sales and a check cashing agency, which are permitted uses in this B-3 Community Commercial District. The appearance of this property and the two lots immediately to its northeast, extending to the southeast corner intersection with Hamilton Avenue, is of a large paved surface being used as a single commercial operation for automobile sales, with an office trailer spanning three unconsolidated lots under separate ownership. There is no wall, fence, or other screening on any portion of the three lots being used in common.

Land Use and Urban Design: Approval of this use should be conditional upon the applicant providing an opaque fence or wall around the portions of the property that would be used for temporary storing of vehicles that are not being actively offered for sale. In addition, the applicant should be required to provide a landscaped buffer along both Belair Road and Hamilton Avenue, and to provide a plan showing the various uses of the combined properties. For these reasons, this application should include a site plan reviewed and approved by the Department of Planning.

TransForm Baltimore: This property would become part of a C-3 General Commercial District (Proposed Zoning Map Area 4-D) in which motor vehicle dealerships – with outdoor display, would be conditional uses, while motor vehicle service and repair, minor – with outdoor storage of vehicles, would be a permitted use (Table 10-301) provided that the lot

area was at least 10,000 square feet in area (§14-326.A). This lot has an area of approximately 14,600 square feet, and would meet that requirement.

RECOMMENDATION

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

- The applicant obtain Department of Planning approval for a site plan for this property and the two lots adjoining it to its north (Block 6006, Lot 10A, and Block 6006, Lot 11/12) that are being used in common as an automobile dealership and an automobile repair garage; this site plan must include adequate landscaping along Belair Road and Hamilton Avenue and an opaque fence or wall along the northwest side of the alley behind this property and along the interior side lot line of this 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 will be adequately screened by an opaque fence or wall; 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: Charles Brown, Appellant