


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 / 6212 Belair Road		

TO

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

DATE:

May 30, 2014

REQUEST

The Department of Planning has received Bahram Bagheri's Board of Municipal and Zoning Appeals (BMZA) conditional use application to construct a rear building on the property for use as a garage for painting motor vehicles. 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 June 3, 2014.

SITE

6212 Belair Road is located on the northwest side of the street, approximately 210' northeast of the intersection with Raspe Avenue. This property measures approximately 120' by 138' and is currently improved with a one-story detached commercial building measuring approximately 56' by 68' and a one-story detached commercial building measuring approximately 38' by 22'. 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). The property is currently authorized for use for motor vehicle sales, a permitted use, and automobile parts sales and automobile repairs by the Board's approval of appeal no. 558-08. The applicant is proposing to replace the existing rear building with a new structure designed for use of water-based paint (a positive contribution to reduction of hydrocarbon and volatile solvents emissions).

Land Use and Urban Design: The rear lot line of this property is contiguous with a border between a Business District (B-3) and a Residential District (R-4). The Zoning Code requires Planning Commission approval of multiple principal detached structures on a business lot that is adjacent to a residential lot (§3-301). However, the proposed automobile painting building would be an accessory structure on this property, and thus the proposed use would not be subject to Planning Commission approval. The rear property line abuts a 10' wide alley separating the business district from a residential district, and it would be appropriate for the rear of the property to be solidly fenced or walled off from the alley as a buffer for the rear yards of the residences across the alley. It would also be appropriate for any venting of the proposed structure to be placed on the portion of it furthest from the alley, to direct any paint fumes away from the rear yards of the residences fronting on Brook Avenue.

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 rear of the new detached automobile painting structure will be integrated with or be inside a solid masonry wall at least 5' high along the rear lot line of the property, abutting the 10' wide alley at the rear of the property;
- Venting of the new structure will be located distant from the rear alley in order to direct fumes away from the residential area on the opposite side of the alley;
- 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: Bahram Bagheri, Appellant