




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 / 4018 Strathmore Avenue		

TO

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

DATE:

June 2, 2014

REQUEST

The Department of Planning has received Dennis Lance's Board of Municipal and Zoning Appeals (BMZA) conditional use application to use the rear building on the property as a garage for storage, repair, and servicing of motor vehicles not exceeding 1½ tons capacity. 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

4018 Strathmore Avenue is located on the northwest side of the street, approximately 115' northeast of the intersection with Reisterstown Road. This L-shaped property measures approximately 19'8" along Strathmore Avenue by 170' and contains approximately 0.093 acre, and is currently improved with a one-story semi-detached commercial building measuring approximately 19' by 70' and a one-story detached commercial building at the rear of the property measuring approximately 43' by 20'. This site is zoned B-3-1 and is located within the Reisterstown Plaza Transit Station Urban Renewal Plan area and the Northwest Community Planning Forum Strategic Neighborhood Action Plan area.

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 as a barber shop, a permitted use.

Renewal Plans: Ordinance #01-0165 was approved May 14, 2001 for the purpose of, among other things, clarifying the relationship between conditions or requirements imposed by an Urban Renewal Plan or Conservation Plan, such that the condition or requirement that is more restrictive will govern. Additionally, the ordinance prohibits the approval of a conditional use or a variance if that conditional use or variance is precluded by an applicable renewal plan or master plan.

Required Findings: The Board may not approve a conditional use unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that: ... (2) the use is not in any way precluded by any other law, including an applicable urban renewal plan; (§14-204). For this reason, the Board must consider the requirements of the Reisterstown Plaza Transit Station Urban Renewal Plan, which does not allow this use in this district. The Land Use Plan map (Exhibit 1 of the Urban Renewal Plan) designates the area where this property is located as part of a Community Commercial "A" area. The Land Use Plan, B.l.g., states that "Garages, other than accessory, for storage, repair, and servicing of motor vehicles not over 1½ tons capacity – including body repair, painting and engine rebuilding", and "Garages, other than accessory, for storage, repair, and servicing of motor

vehicles over 1 ½ tons capacity – not including body repair, painting, and engine rebuilding”, are not permitted in that area. The only use that could be allowed would be a garage for storage, repair, and servicing of motor vehicles that did not include body repair, painting, or engine rebuilding. The application does not detail the extent of the proposed use in this regard.

Land Use and Urban Design: The existing front building occupies almost the entire width of this lot, requiring vehicular access to the rear building to be either through the front building on a drive-through basis, or through the adjacent property known as 4016 Strathmore Avenue. The applicant should provide details of this access, including if appropriate a copy of any easement agreement with the owner of the adjacent property.

TransForm Baltimore: This property would become part of a R-1 District (Proposed Zoning Map Area 1-A) in which motor vehicle service and repair, major or minor would be a prohibited use (Table 8-301). If the proposed use was approved by the Board and established, it would become nonconforming.

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:

- There will be no body repair, painting, or engine rebuilding of motor vehicles;
- 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: Dennis Lance, Appellant