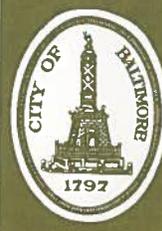


<b>FROM</b>	NAME & TITLE	THOMAS V. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 4801 Erdman Avenue		

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

DATE: June 10, 2015

**REQUEST**

The Department of Planning has received Snip Zamora's Board of Municipal and Zoning Appeals (BMZA) application to add a used car dealership to the existing use of the property as an automobile repair garage. The Zoning Administrator has determined that this is a prohibited use in a M-3 zoning district. We understand that this appeal is scheduled for hearing on June 16, 2015.

**SITE**

4801 Erdman Avenue is located on the southwest side of the street, opposite the intersection with Wright Avenue. This property measures approximately 150' along Erdman Avenue and contains approximately 0.538 acre, and is currently improved with a one-story detached commercial building. This site is zoned M-3.

**ANALYSIS**

Use: In this zoning district, motor vehicles: sales, is not listed as a permitted or conditional use, and so is not allowed (§7-406 to §7-409); motor vehicle rental establishments and trucks and truck trailers: sales and rental, are permitted uses. In this case, the property was last authorized for use as a garage, other than accessory, for servicing and repair of motor vehicles not over 1½ ton capacity, including body repair, painting, and engine rebuilding, which is a permitted use in this M-3 Industrial District.

The application requests approval to add a prohibited or nonconforming use to an established permitted use. The Zoning Code does not authorize creation of new nonconforming uses, which the proposed used car dealership or motor vehicles sales establishment would be. The Board is thus constrained from approving this application unless motor vehicle sales are strictly accessory to the principal permitted use of the property. In considering similar past appeals, the Department of Planning has had no objection to allowing display of no more than six motor vehicles offered for sale at any one time on the premises, as an accessory use.

TransForm Baltimore: This property would become part of a I-2 District (Proposed Zoning Map Area 8-A) in which motor vehicle service and repair, and motor vehicle dealerships – with outdoor display, would be prohibited uses (Table 11-301).

**RECOMMENDATION**

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

Mr. David Tanner, BMZA  
Executive Director  
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Re: 4801 Erdman Avenue

- No more than six motor vehicles offered for sale may be displayed outdoors at any time;
- 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 awaiting repair 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: Snip Zamora, Appellant