


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 / 4127 Reisterstown Road		

TO

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

DATE: June 18, 2012

REQUEST

The Department of Planning has received Martino Ferguson's Board of Municipal and Zoning Appeals (BMZA) application to continue to use the premises as a car wash, and to use a portion of the premises for sales of used motor vehicles. We understand that this appeal is scheduled for hearing on June 26, 2012.

SITE

4127 Reisterstown Road is located on the southeast corner of the intersection with Quantico Avenue. This property measures approximately 42'6" by 201' and is currently improved with a one-story detached commercial building measuring approximately 32' by 12' facing Quantico Avenue, and a carport near to Reisterstown Road. This site is zoned R-6 and is located within the Park Heights Urban Renewal Plan area.

ANALYSIS

Use: In this zoning district, motor vehicle sales are not listed as a permitted or conditional use, and so are not allowed (§4-901 to §4-904). In this case, the property was last authorized for use as a car wash, which is a nonconforming use in this R-6 General Residence District. However, this property was previously in a B-3 Community Commercial District until a few years ago. It is now a Class III nonconforming use.

Change in Nonconforming Use: In accordance with Subtitle 7 {"Modifications and Continuances by Board"} of this title, the Board may authorize a Class III nonconforming use in a Residence or Office-Residence District to be changed to a use permitted in a B-1 District (§13-405.b). Motor vehicle sales is not listed as a permitted use in the B-1 District, and so is not eligible for a change in nonconforming use (§6-206).

Urban Renewal Plan: This property is located in the Park Heights Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, as the proposed new nonconforming use of the property is not permitted in a B-1 District, and thus the Board is not authorized by the Zoning Code to approve it in the existing Residential District.

TJS/wya/mf

cc: Martino Ferguson, Appellant