


<b>FROM</b>	NAME & TITLE	THOMAS J. 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 / 330 EAST PATAPSCO AVENUE		

**TO**

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

DATE: July 2, 2009

**REQUEST**

The Department of Planning has received AB Associates' Board of Municipal and Zoning Appeals (BMZA) application to consolidate lots known as 322 and 330 East Patapsco Avenue and 3554 4<sup>th</sup> Street and continue to use them as a garage/auto repair, used car sales, auto rental, and outdoor car storage with offices. Construct a new showroom, replacing the existing trailer and to close the alley. We understand this appeal is scheduled for hearing on July 7, 2009.

**SITE**

330 East Patapsco Avenue is located on the northwest corner of the intersection with 4<sup>th</sup> Street. This property measures approximately 118'6" by 100' and is currently improved with a one-story building. This site is zoned B-2-2 and is located within the Brooklyn Business Area. 3554 4<sup>th</sup> Street is located on the west side of the street, separated from 330 East Patapsco Avenue by a 13' alley, and is currently zoned R-7.

**ANALYSIS**

Use: For 3554 4th Street, in the R-7 zoning district, auto repair garages and outdoor storage of vehicles are not listed as permitted or conditional uses, and so are not allowed (§4-1001 to §4-1004). From the case history we have been able to review, this parcel was considered a Class I nonconforming use at the time of the 1971 City-wide comprehensive rezoning process. The use should have been terminated three years later, through the amortization process, unless otherwise approved to continue by the BMZA. From what we understand, the use should have terminated. The appellant will have to demonstrate that this land use was in some way authorized for continuation. Otherwise, approval of this appeal would re-create the nonconforming use on this residentially zoned parcel. For this reason, Planning recommends disapproval of the appeal.

Alley Closure: Alley closure requests will need to be referred to the Planning Commission for review. The Planning Commission needs to make a determination that the alley is no longer needed for public purpose before a City Council bill can be approved.

**RECOMMENDATION**

The Department of Planning recommends disapproval of the appeal.

TJS/ewt

cc: AB Associates, Appellant