

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 / 5278-5284 Reisterstown Road		

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

DATE: July 7, 2010

REQUEST

The Department of Planning has received Nathaniel Greene's Board of Municipal and Zoning Appeals (BMZA) application to erect a prefabricated addition to be used as a garage for servicing, maintenance, and repair of motor vehicles in conjunction with the existing motor vehicle sales use. We understand that this appeal is scheduled for hearing on July 20, 2010.

SITE

5278-5284 Reisterstown Road is located on the southwest corner of the intersection with Hayward Avenue. This property measures approximately 131' along Reisterstown Road by 85' and contains approximately 0.291 acre, and is currently improved with a one-story commercial building measuring approximately 25' by 16'. This site is zoned B-3-2 and is located within the Park Heights Urban Renewal Plan area.

ANALYSIS

Conditional Use: In this zoning district, garages, other than accessory, for storage, repair, and servicing of motor vehicles – including / not including body repair, painting, and engine rebuilding, are a conditional use, requiring approval by the Board (§6-408).

Required Yard: In this zoning district, a minimum rear yard setback of 30' is required (§6-412.e). In this case, the proposed prefabricated building addition will project to within 8' of the rear lot line, in line with the rear wall of the existing building on this site.

Yard Variance: The Board may grant a variance to authorize a yard or setback that is less than that otherwise required by the applicable regulation (§15-203).

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 Park Heights Urban Renewal Plan, which does allow this use in this district.

RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if granted, be conditional upon the applicant's compliance with these conditions:

- That 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; and
- All materials, parts and equipment related to this use will be stored indoors.

TJS/wya/mf

cc:

Nathaniel Greene