


Thob Ngonyang for

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 / 2410 Hollins Street		

TO

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

DATE: August 14, 2013

REQUEST

The Department of Planning has received Sajid Mehmood's Board of Municipal and Zoning Appeals (BMZA) application to use a portion of the premises for sale of used motor vehicles and continue to use the premises as an automobile repair garage. The Zoning Administrator has determined that this additional use is a nonconforming use in a M-2 District. We understand that this appeal is scheduled for hearing on August 20, 2013.

SITE

2410 Hollins Street is located near the northwest corner of the intersection with Warwick Avenue. This property measures approximately 164'9" along Hollins Street and approximately 137'10" along Warwick Avenue and contains approximately 0.530 acre, and is currently improved with a one-story nine-bay detached commercial building measuring approximately 152' by 50'. This site is zoned M-2-2 and is located within the Operation Reach Out Southwest (OROSW) Area Master Plan area.

ANALYSIS

Use: In this zoning district, motor vehicles sales is not listed as a permitted or conditional use, and so is not allowed (§7-306 to §7-309). In this case, the property was last authorized for use as a garage for storage, repair, and servicing of motor vehicles, which is a permitted use in this M-2 Industrial District. The applicant is requesting approval for adding a nonconforming use on the property. Because motor vehicle sales is a nonconforming use in this zone, as a second principal use it may not be approved because approval would constitute creation of a new nonconforming use, which is not authorized in the Zoning Code. The application therefore must be amended to specify that motor vehicle sales would be accessory to the principal use of the property as an automobile repair garage, or must be disapproved.

TransForm Baltimore: This property would become part of the I-1 District (Proposed Zoning Map Area 3-C) in which motor vehicle dealerships with or without outdoor display would be prohibited uses, and motor vehicle service and repair would be a permitted use (Table 11-301). This property's proposed additional use would thus continue to be nonconforming.

RECOMMENDATION

The Department of Planning recommends that approval of an amended appeal stating that motor vehicle sales would be accessory to the principal use of this property as a repair garage for motor vehicles, if granted, be conditional upon the applicant complying with these conditions:

- A maximum of six (6) motor vehicles being offered for sale may be displayed on the property at any one 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 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.

If the application is not amended as suggested above, the Department recommends disapproval of this appeal, as the Zoning Code does not provide the Board discretionary authority to approve creation of new nonconforming uses, which motor vehicle sales would be in a M-2 District.

TJS/wya/mf

cc: Sajid Mehmood, Appellant