


FROM	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 / 4415 Park Heights Avenue		

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

DATE: August 21, 2015

### REQUEST

The Department of Planning has received Delroy Lewis' Board of Municipal and Zoning Appeals (BMZA) application to remove (raze) the existing structure and build a new garage 30' by 55' and continue to use the premises as an automobile repair garage. The Zoning Administrator has determined that variances of setback requirements are needed for approval. We understand that this appeal is scheduled for hearing on August 25, 2015.

### SITE

4415 Park Heights Avenue is located on the east side of the street, approximately 139'4" south of the intersection with Wylie Avenue. This property measures approximately 60' by 120' and is currently improved with a one-story detached commercial building measuring approximately 20' by 80'. This site is zoned B-2-2 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 not over 1½ tons capacity — but not including body repair, painting, or engine rebuilding, are a conditional use, requiring approval by the Board (§6-308). In this case, the property was last authorized for use as a garage, other than accessory, for storage, repair, and servicing of motor vehicles over 1½ tons capacity—including body repair, painting, or engine rebuilding, which is a nonconforming use in this B-2 Community Business District.

Urban Renewal Plan: This property is located in the Park Heights Urban Renewal Area, where the Urban Renewal Plan does not prohibit the proposed use in this district. However, the Urban Renewal Plan prohibits automobile accessory stores – including related repair or installation services, and automobile painting shops. Continuation of the existing automobile repair garage must be limited to storage, repair, and servicing of motor vehicles not over 1½ tons, but not including body repair, painting, or engine rebuilding, as a conditional use; or to storage, repair, and servicing of motor vehicles over 1½ tons, including body repair and engine rebuilding, but not including painting or repair or installation of automobile accessories, as a restricted nonconforming use in the new structure. Additionally, the new structure and lot layout must meet standards contained in the Urban Renewal Plan's design guidelines.

Required Yard: In this zoning district, a minimum rear yard setback of 30' is required (§6-312.e.). In this case, the proposed new repair garage will project to within 5' of the rear lot line.

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).

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TransForm Baltimore: This property would become part of the C-2 District (Proposed Zoning Map Area 1-D) in which motor vehicle service and repair, minor – with outdoor storage of vehicles, would be a conditional use (Table 10-301). Motor vehicle service and repair: major or minor, would be subject to requirements relating to lot size, outdoor storage, curb cut location, and enclosure of operations (§14-326).

### **RECOMMENDATION**

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

- There will be no painting of motor vehicles, or repair or sales and installation of automobile accessories, on the premises;
- 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;
- The replacement structure and its surrounding lot area will be designed and constructed according to plans that meet the standards of the Park Heights Urban Renewal Plan; 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: Delroy Lewis, Appellant