


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 / 407 North Exeter Street		

TO

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

DATE: September 28, 2009

REQUEST

The Department of Planning has received Patrick Min's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as a used car lot. We understand that this appeal is scheduled for hearing on September 29, 2009.

SITE

407 North Exeter Street is located on the northeastern corner of the intersection with Orleans Street. This property measures approximately 38' by 160' and is currently improved with a one-story commercial building which completely covers the lot. This site is zoned M-2-3 and is located within the Oldtown Urban Renewal Plan area.

ANALYSIS

Use: In this zoning district, motor vehicles: rental and motor vehicles: sales are not listed as permitted or conditional uses, and so are not allowed (§7-206 to §7-306 and (§7-207 to §7-307). (Motor vehicles rental or sales would be permitted in the B-3 District lying across Colvin Street from the subject property.) In this case, the property was last authorized for use as a car wash, which is a permitted use in this M-2 Industrial District.

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. 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 Oldtown Urban Renewal Plan, which does not allow this use in the area designated Industrial on its Land Use Plan, which includes this premises.

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal.

TJS/ewt/mf

cc: Patrick Min, Appellant