


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 / 2650 West Patapsco Avenue		

TO

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

DATE: December 10, 2012

REQUEST

The Department of Planning has received Nathaniel Greene's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Saleem Enterprises, LLC, to construct a one-story 30' by 35' rear addition to an existing automobile repair garage. We understand that this appeal is scheduled for hearing on December 11, 2012.

SITE

2650 West Patapsco Avenue is located on the northwest corner of the intersection with Lorena Avenue. This property measures approximately 182'9" by 147' and contains approximately 0.591 acre, and is currently improved with two one-story commercial buildings and a canopy over four bays of gasoline pumps. This site is zoned M-1-1 and is located at the southwest corner of the Westport – Mount Winans – Lakeland Area Master Plan area.

ANALYSIS

Conditional Use: In this zoning district, garages, other than accessory, for storage, repair, and servicing of motor vehicles, are not listed as a permitted or conditional use, and so are not allowed (§7-206 to §7-209). In this case, the property has been authorized for use as an oil express oil change facility in conjunction with an existing gasoline service station, a car wash, a convenience store, and a carry-out food shop, by the Board's approval of appeal no. 199-07. This same applicant was approved for use of a portion of the premises as a laundramat by the Board's decision in appeal no. 2011-388, heard on September 27, 2011; and for use of a portion of the premises as an office by the Board's decision in appeal no. 2012-33, heard on March 6, 2012. This appeal would expand the nonconforming use of a portion of the property for a gasoline service station by adding an accessory use, the garage for storage, repair, and servicing of motor vehicles.

Extension or moving of Class I, II, or III Nonconforming Use: The Board may authorize an extension of a Class I, Class II, or Class III nonconforming use, as limited and stated in §§ 13-206, 13-306, and 13-406 {"Expansions of use"} and §§ 13-208, 13-308, and 13-408 {"Relocations"} of this title, if the Board finds that: (1) the extension or moving will not cause a greater volume of traffic than that generated before the extension or move; (2) the extension or moving will not violate in any manner the bulk regulations of the district in which the property is located; (3) the effect of the extended or moved use on the health, safety, or general welfare of the community will be no worse than the existing or last use; (4) for the extension of a Class II or Class III nonconforming use, the extension will not result in an increase of the floor area of more than 25% beyond that which had been occupied or used when it became nonconforming; and (5) for an extension in the Critical Area: (i) there is no environmentally acceptable alternative outside the Critical Area; and (ii) the use is needed to correct an existing water quality or wastewater management problem (§13-714).

The applicant has included a preliminary site plan with the application now before the Board. However, this plan does not show where a dumpster and its enclosure, now located at the northwest corner of the property, would be relocated, nor whether the proposed one-story addition would have its own entrance doorway on its eastern wall; and reduces the amount of on-site parking by one space. Given the past approvals of different uses for this property, this Department considers it necessary for the applicant to indicate how reduction of on-site parking could be accommodated without creating a demand for on-street parking in the area.

The applicant should be required to obtain Site Plan Review Committee approval for the new layout of the property before the proposed addition is considered by the Board. The applicant should also provide floor plans to substantiate the amount of the proposed increase in the floor area of the nonconforming gasoline service station use.

RECOMMENDATION

The Department of Planning recommends deferral of a complete hearing of this appeal to allow the applicant time to prepare a site plan for approval by the Site Plan Review Committee.

TJS/wya/mf

cc: Nathaniel Greene, Appellant