2011-523

TJS

FROM		
NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE **MEMO**
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8TH FLOOR	
SUBJECT	BMZA / 3305 East Fayette Street/ 3306 Esther Place	DATE: December 1, 2011

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

REQUEST
The Department of Planning has received Javier Smelkinous' Board of Municipal and Zoning Appeals (BMZA) application to use the portion of the premises known as 3306 Esther Place for sales of new and used tires and for auto repairs. We understand that this appeal is scheduled for hearing on December 20, 2011.

SITE
3305 East Fayette Street is located on the south side of the street, approximately 114'7" west of the intersection with Highland Avenue. This property measures approximately 153'6" by 170'4" and extends through to Esther Place, which parallels Fayette Street. The rear portion known as 3306 Esther Place is currently improved with a 13-bay one-story commercial garage building measuring approximately 40' by 153'. This site is zoned B-3-2.

ANALYSIS
Conditional Use: In this zoning district, garages, other than accessory, for storage, repair, and servicing of motor vehicles not over 1½ tons capacity – including body repair, painting, and engine rebuilding, are a conditional use, requiring approval by the Board (§6-408). This premises was previously conditionally approved for tire sales and tire repair in conjunction with auto repairs by the Board's decision in appeal no. 283-07X.

Change in Conditional Use: Any change to that use, including any expansion, relocation, or structural alteration, is subject to the procedures and requirements imposed by this article on conditional uses (§3-306.b.2). The applicant did not indicate any significant proposed changes to the previously approved conditional use.

RECOMMENDATION
The Department of Planning recommends that approval of this appeal, if granted, be subject to these conditions:

- 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; 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

Southeast

cc: Javier Smelkinous, Appellant