


<b>FROM</b>	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 / 3635 Woodland Avenue		

**TO**

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

DATE: February 5, 2016

**REQUEST**

The Department of Planning has received Jimoh Yusuf's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as a garage for storage, repair, and servicing of motor vehicles, including body repairs and painting. The Zoning Administrator has determined that this is a prohibited use in a R-6 zoning district. We understand that this appeal is scheduled for hearing on February 9, 2016.

**SITE**

3635 Woodland Avenue is located on the northeast corner of the intersection with Doll Avenue. This property measures approximately 57'7" by 107'5" and is currently improved with a one-story semi-detached commercial building measuring approximately 57'7" by 100'. This site is zoned R-6 and is located within the Park Heights Urban Renewal Plan area.

**ANALYSIS**

Use: In this zoning district, garages, other than accessory, for storage, repair and servicing of motor vehicles – including body repair, painting, and engine rebuilding, are not listed as a permitted or conditional use, and so are not allowed (§4-901 to §4-904). In this case, the property was last authorized for use as a recording studio, which is a nonconforming use in this R-6 General Residence District.

Change in Nonconforming Use: In accordance with Subtitle 7 {"Modifications and Continuances by Board"} of this title, the Board may authorize a Class III nonconforming use in a Residence or Office-Residence District to be changed to a use permitted in a B-1 District (§13-405.b). A garage for storage, repair, and servicing of motor vehicles is not listed as a permitted use in the B-1 District, and so is not eligible for a change in nonconforming use (§6-206).

Urban Renewal Plan: This property is located in the Park Heights Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict use as a continuing nonconforming use, provided that it complies with requirements of the Zoning Code.

TransForm Baltimore: This property would remain part of the R-6 District (Proposed Zoning Map Area 1-D) in which Neighborhood Commercial Establishments would be conditional uses (Table 9-301). "Neighborhood commercial establishment" means "a commercial use that is within a residential neighborhood, but in a structure that is non-residential in its construction and original use" (§1-310 (I)).

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**RECOMMENDATION**

The Department of Planning recommends disapproval of this appeal, because the Zoning Code does not provide the Board discretionary authority to approve a change of nonconforming use to a new nonconforming use that is not listed under the B-1 District as a permitted use.

TJS/wya/mf

cc: Jimoh Yusuf, Appellant