


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 / 4904 Liberty Heights Avenue		

TO

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

DATE: March 20, 2015

REQUEST

The Department of Planning has received Nathan Adams, Jr.'s Board of Municipal and Zoning Appeals (BMZA) application to use a portion of the premises for sales of cars and light trucks in conjunction with the existing automobile repair garage. The Zoning Administrator has determined that this is a prohibited use in a B-2 Zoning District. We understand that this appeal is scheduled for hearing on March 24, 2015.

SITE

4904 Liberty Heights Avenue is located on the north side of the street, approximately 100' west of the intersection with Howard Park Avenue. This property measures approximately 100' by 175' and is currently improved with a one-story detached commercial building measuring approximately 66' by 28'. This site is zoned B-2-1 and is located within the Greater Northwest Community Coalition Strategic Neighborhood Action Plan area.

ANALYSIS

Use: In this zoning district, motor vehicles: sales is not listed as a permitted or conditional use, and so is not allowed (§6-306 to §6-309). In this case, the property was last authorized for use as a garage, other than accessory, for storage, repair, and servicing of motor vehicles, which is a conditional use in this B-2 Community Business District. The Zoning Code does not authorize creation of new nonconforming uses. There is no record that this property has an authorized nonconforming use at present. Therefore, the decision of the Zoning Administrator should be affirmed.

Comprehensive Planning: This property is immediately west of the Howard Park Business Area Urban Renewal Area, where efforts are underway to improve the appearance of many properties. The applicant is encouraged to provide appropriate landscaping along the front of the property, and to adhere to the recommended conditions for automobile repair garages cited below. If the Board should permit display of a limited number of vehicles for sale as an accessory use on this property, the applicant should be required to improve the appearance and use of the front of the property in particular.

TransForm Baltimore: This property would become part of a C-2 District (Proposed Zoning Map Area 1-C) in which motor vehicle dealerships [in a] fully enclosed structure would be permitted uses, and motor vehicle service and repair, minor – with outdoor storage of vehicles, would be a conditional use (Table 10-301). Motor vehicle dealerships with outdoor display would be prohibited.

RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if it is modified by the applicant to limit the number of vehicles displayed for sale, be subject to these conditions in addition to conditions which the Board may establish:

- There will be landscaping approved by the Planning Department installed along the front of the property;
- 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 awaiting repairs will be adequately screened by an opaque fence or wall; 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.

If the applicant is unwilling to modify this appeal to limit the number of vehicles displayed for sale to six or less, the Department recommends disapproval of this appeal.

TJS/wya/mf

cc: Nathan Adams, Jr., Appellant