


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 / 5313 Reisterstown Road		

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

DATE: April 16, 2015

REQUEST

The Department of Planning has received James Ferguson's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of 2 Park Center Court LLC, to use the premises as a garage, other than accessory, for storage, repair and servicing of motor vehicles not over 1½ ton capacity – including body work, painting, and engine rebuilding, and for automobile sales and a State inspection station. The Zoning Administrator has determined that this is a conditional use in a B-3 Community Commercial Zoning District. We understand that this appeal is scheduled for hearing on April 21, 2015.

SITE

The property known as 5313 Reisterstown Road is actually located on the south side of Tippett Avenue (which parallels Reisterstown Road at this point) and behind another property known as 5323 Reisterstown Road, approximately 225' north of the intersection of Reisterstown Road with Hayward Avenue. This property measures approximately 127'3" along Tippett Avenue by an average depth of 125' and contains approximately 0.491 acre, and is currently improved with a one-story detached U-shaped commercial building. This site is zoned B-3-2 and is located within the Park Heights Urban Renewal Plan area.

ANALYSIS

Conditional Use: In this zoning district, garages, other than accessory, for storage, repair and servicing of motor vehicles not over 1½ ton capacity – including body work, painting, and engine rebuilding, are a conditional use, requiring approval by the Board (§6-408). In this case, the property was last authorized for use as warehousing and machinery sales and rental, which are permitted uses in this B-3 Community Commercial District, and a garage, other than accessory, for storage, repair and servicing of motor vehicles, a conditional use.

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 is proposing to add body repair and painting, and automobile sales, to the existing conditional use. The State vehicle inspection station is a use accessory to the principal use.

Required Findings: 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 Park Heights Urban Renewal Plan (approved December 11, 2008, and last amended October 1, 2014), which does not allow all of this proposed use in this district. The Plan prohibits "automobile painting shops" within the land area designated by it as "Community

Commercial” as shown on The Land Use Plan map contained in Exhibit 1 of the Plan. This property is within that designated area. Thus, the portion of this application pertaining to “body repair and engine rebuilding” would be allowable according to the Plan, while any painting would not be allowable (but body repair and engine rebuilding could be allowed).

TransForm Baltimore: This property would become part of the C-2 District (Proposed Zoning Map Area 1-D) in which motor vehicle service and repair, major, would be a prohibited use, and motor vehicle service and repair, minor, with outdoor storage of vehicles, would be a conditional use (Table 10-301).

RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if granted, be subject to these conditions in addition to any conditions that the Board may establish:

- Repair and servicing of motor vehicles will be limited to body repair and engine rebuilding, and there will be no automobile painting or similar commercial activity on 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 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.

TJS/wya/mf

cc: James Ferguson, Appellant