


<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 / 1005 East Cold Spring Lane		

**TO**

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

DATE: April 17, 2015

**REQUEST**

The Department of Planning has received James Ray's Board of Municipal and Zoning Appeals (BMZA) application to use a portion of the premises to park and store up to 3 boats and boat trailers in the side yard of 1005 East Cold Spring Lane and the front yard of the adjoining property known as 4420 Kenilworth Avenue. The Zoning Administrator has determined that this is a conditional use in a R-5 Zoning District. We understand that this appeal is scheduled for hearing on April 21, 2015.

**SITE**

1005 East Cold Spring Lane is located on the southwest corner of the intersection with Kenilworth Avenue. This property measures approximately 113'2" by 41'3" and is currently improved with a one- and two-story split-level single-family detached residential building measuring approximately 40' by 22'. The property referred to as 4420 Kenilworth Avenue is located on the west side of the street, approximately 41'3" south of the intersection with Cold Spring Lane, abutting the aforementioned property at 1005 East Cold Spring Lane. This property measures approximately 100' by 113' and is currently unimproved. This site is zoned R-5 and is located within the York Road Community Strategic Neighborhood Action Plan area.

**ANALYSIS**

Conditional Use: In this zoning district, boats and boat trailers: parking or storage, are a conditional use, requiring approval by the Board (§4-803). Approval of use of the property known as 4420 Kenilworth Avenue should be conditioned upon either consolidation of these two properties by their owner, the applicant, or upon recordation of a covenant running with the land at 4420 Kenilworth Avenue giving the owner of 1005 East Cold Spring Lane the right to use 4420 Kenilworth Avenue for storage of boats and boat trailers for a minimum period of 20 years.

**Boats, trailers, etc.: parking or storage:**

(a) Required findings and conditions. For parking or storage of boats, boat trailers, travel trailers, recreational vehicles, or similar camping equipment, the Board must find, and require as conditions of approval, that:

- (1) at no time will this equipment be used for living or housekeeping purposes;
- (2) the equipment will not have fixed connections to electricity, water, gas, or sanitary sewer facilities;
- (3) except only as specified in subsection (b) of this section, if the equipment is parked or stored outside of a garage, it will be parked or stored to the rear of the front building line of the lot and located at least 3 feet from the side or rear lot lines;

Mr. David Tanner, BMZA

Executive Director

Page 2

Re: 1005 East Cold Spring Lane

- (4) the equipment will be kept in good repair and carry a current year's license and registration; and
  - (5) the parking or storage is not of an unoccupied mobile home, being a movable or portable dwelling, constructed to be towed on its own chassis and connected to utilities and designed without a permanent foundation for year-round living, which is specifically prohibited.
- (b) Exception for loading and unloading. Notwithstanding subsection (a)(3) of this section, the equipment may be parked anywhere on the premises, for a period of not more than 48 hours, for loading or unloading purposes (§14-306).

Land Use and Urban Design: Kenilworth Avenue is an unpaved or unimproved public right-of-way. The applicant should not place any boat trailer, with or without a boat aboard it, on that right-of-way, as aerial photographs of the vicinity suggest has been occurring, unless he first obtains a minor privilege permit from the City of Baltimore for that purpose.

TransForm Baltimore: This property would remain part of a R-5 District (Proposed Zoning Map Area 3-C) in which boats and boat trailers are not explicitly mentioned; they would be permitted as accessory uses to principal uses such as residential uses if the Zoning Administrator so determined.

#### **RECOMMENDATION**

The Department of Planning recommends approval of this appeal be subject to the conditions that the applicant complies with all provisions of Zoning Code §14-306, above, and that the applicant not use any part of Kenilworth Avenue for parking or storage of boats and boat trailers unless a minor privilege permit has been issued to him for that purpose.

TJS/wya/mf

cc: James Ray, Appellant