


FROM	NAME & TITLE	for <i>Thes Nyanang</i> 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 / 4107 East Lombard Street		

TO

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

DATE:

June 27, 2014

**REQUEST**

The Department of Planning has received Antonio Corona's Board of Municipal and Zoning Appeals (BMZA) application to use a portion of the premises for automobile sales, in conjunction with an existing garage for storage, servicing and repair of motor vehicles – including body repair. The Zoning Administrator has determined that this is a nonconforming use being added to a permitted use in a M-3 Zoning District. We understand that this appeal is scheduled for hearing on July 1, 2014.

**SITE**

4107 East Lombard Street is located on the south side of the street, approximately 55'6" east of the intersection with Haven Street. This property measures approximately 19'6" by 91'6" and is currently improved with a one-story attached commercial building covering the entire lot. This site is zoned M-3.

**ANALYSIS**

Use: In this zoning district, motor vehicles sales is not listed as a permitted or conditional use, and so is not allowed (§7-406 to §7-409). In this case, the property was last authorized for use as a garage for storage, repair and servicing of motor vehicles, which is a permitted use in this M-3 Industrial District.

Industrial Areas: Industrial areas are designed and intended: "(1) to promote growth and stability of industrial and related development; (2) to strengthen the economic base of the City; (3) to provide the flexibility needed to meet the changing technological conditions that affect industry, its plants, and products; (4) to encourage the upgrading of industrial operations by the application of good housekeeping standards; (5) to protect the character of the district and its suitability for particular uses; and (6) to preserve and expand the City's tax base and employment potential." (§7-102) New residential development and other uses of land are excluded from these districts, both to protect industrial development from the intrusion of non-industrial uses and to ensure the reservation of adequate areas for industrial development (§7-103). The proposed use, automobile sales, would occur entirely within an existing structure on the property, as there is no available outdoor area for display of vehicles for sale. The applicant is actually a tenant on this property, and both this property and the vacant lot adjoining it to its west are under common ownership. Given this situation, any approval of motor vehicle sales as accessory to this property should be conditioned upon no use of the adjoining property (Block 6280, Lot 1/3, known as 4101 East Lombard Street) for purposes of display of motor vehicles for sale by the applicant.

TransForm Baltimore: This property would become part of the I-2 District (Proposed Zoning Map Area 8-C) in which motor vehicle service and repair and motor vehicle dealerships would be prohibited uses (Table 11-301).

### **RECOMMENDATION**

The Department of Planning recommends disapproval of this appeal, because motor vehicles sales is not authorized as a use in the M-3 Zoning District, where this property is located. Should the Board determine that limited sales of vehicles that have been repaired or reconditioned by the applicant would be approvable as an accessory use, the Department recommends that these conditions be considered by the Board as requirements for accessory use:

- There will be no display of motor vehicles for sale outside of the existing structure on this property and no display of motor vehicles for sale on the adjoining property known as 4101 East Lombard Street;
- 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

cc: Antonio Corona Gonzales, Appellant