


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 / 1603 Plum Street	

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

DATE: July 12, 2010

REQUEST

The Department of Planning has received Nathaniel Greene's Board of Municipal and Zoning Appeals (BMZA) application to continue to use the premises as a garage for the repair, servicing, and storage of automobiles – including body repair and painting. We understand that this appeal is scheduled for hearing on July 20, 2010.

SITE

1603 Plum Street is located on the southwest corner of the intersection with Morrison Court. This property measures approximately 56' by 100' and is currently improved with a one-story commercial building measuring approximately 72' by 64'. A portion of the building is encroaching on a 16' wide public right-of-way, an alley originally separating this property from the nearby gasoline service station at 401 Pennington Avenue. This site is zoned B-2-2.

ANALYSIS

Use: In this zoning district, garages, other than accessory, for storage, repair, and servicing of motor vehicles not over 1-1/2 tons capacity – but not including body repair, painting, or engine rebuilding, are listed as a conditional use, and so may be allowed (§6-308). In this case, the property was last authorized for use as a garage for storage, repair, and servicing of motor vehicles over 1-1/2 tons – including painting and engine rebuilding, which is a nonconforming use in this B-2 Community Business District, and as an office, which is a permitted use in the same district (§6-306).

Land Use and Urban Design: The building on this site appears to have encroached, as has the use, upon the public right-of-way. City records show that this alley has not been formally closed, nor has the right-of-way been conveyed by the City of Baltimore to any private owner(s). Approval of continuation of the nonconforming use, if granted, cannot apply to the strip of land measuring approximately 16' by 100' lying between 1603 Plum Street [Block 7229, Lot 64] and 401 Pennington Avenue [Block 7229, Lot 62/63].

RECOMMENDATION

The Department of Planning recommends that hearing of this appeal be postponed until the matter of the right-of-way encroachment has been resolved.

TJS/wya/mf

cc: Nathaniel Greene, Appellant