

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 / 3510 8 th Avenue		

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

DATE: August 6, 2010

REQUEST

The Department of Planning has received Nathaniel Greene's Board of Municipal and Zoning Appeals (BMZA) application to construct a modular office trailer and 8' high chain link fence, and use the entire premises for automobile dismantling. We understand that this appeal is scheduled for hearing on August 17, 2010.

SITE

3510 8th Avenue is located on the northwest corner of the intersection with Asphalt Street. This property measures approximately 100' by 104' and is currently unimproved. This site is zoned M-3 and is located within the Fairfield Urban Renewal Plan area.

ANALYSIS

Conditional Use: In this zoning district, automobile dismantling or scrapping is a conditional use, requiring approval by the Board (§7-407).

Renewal Plans: Ordinance #01-0165 was approved May 14, 2001 for the purpose of, among other things, clarifying the relationship between conditions or requirements imposed by an Urban Renewal Plan or Conservation Plan, such that the condition or requirement that is more restrictive will govern. Additionally, the ordinance prohibits the approval of a conditional use or a variance if that conditional use or variance is precluded by an applicable renewal plan or master plan.

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 Fairfield Urban Renewal Plan, which does not allow this use in this district, according to its section C, Land Use Plan, subsection 1. Permitted Land Uses, b. Heavy Industrial, Prohibited Uses, which specifically lists "automobile dismantling or scrapping" as a prohibited use.

Height Variance: The Board may grant a variance to authorize a height that is more or less than that otherwise allowed by the applicable regulation (§15-204.a). In this case, the proposed fence height is 8' which exceeds the permitted height of 6' by 33%.

Required Yard: In this zoning district, a minimum front and street corner side yard setback of 10' is required (§7-412). In this case, the proposed office trailer must not project to within 10' of the front and street-corner side lot lines.

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal, because the proposed use is prohibited within the Fairfield Urban Renewal Area, in which the property is located.

TJS/wya/mf

cc: Nathaniel Greene, Appellant