


FROM	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 / 2112 North Charles Street		

TO

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

DATE: October 10, 2013

**REQUEST**

The Department of Planning has received John Etoh's Board of Municipal and Zoning Appeals (BMZA) conditional use application, on behalf of Tower Holding Associates LLC, to use a portion of the premises at the rear of the building as an automobile repair garage. The Zoning Administrator has determined that this is a conditional use in a B-2 District. We understand that this appeal is scheduled for hearing on October 15, 2013.

**SITE**

2112 North Charles Street is located on the west side of the street, approximately 130' north of the intersection with 21<sup>st</sup> Street. This property measures approximately 28' by 150' and is currently improved with a three-story attached office-commercial building and attached rear garage covering the lot. This site is zoned B-2-3 and is located within the Charles North Revitalization Area Urban Renewal Plan area and the Old Goucher College National Register Historic District.

**ANALYSIS**

Conditional Use: In this zoning district, garages, other than accessory, for storage, repair, and servicing of motor vehicles not over 1½ tons capacity – but not including body repair, painting, or engine rebuilding, are a conditional use, requiring approval by the Board (§6-308). This property was last authorized for use as offices and a beauty salon.

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 Charles North Revitalization Area Urban Renewal Plan, which does not allow this use in this district. The Plan, in its Land Use Plan section, states in part:

“In the area designated “Community Business” in the Land Use Plan, conditional uses are limited to those authorized by the Zoning Code of Baltimore City as conditional uses in a B-2 District. However, the following uses that are conditional uses in the City's B-2 Zoning Districts are prohibited uses in this Plan:

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...  
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....”

( -- Charles North Urban Renewal Plan, B.2.a.(1)(b))

**TransForm Baltimore:** This property would become part of a C-1 District (Proposed Zoning Map Area 7-A) in which motor vehicle service and repair would be a prohibited use (Table 10-301).

### **RECOMMENDATION**

The Department of Planning recommends disapproval of this appeal, because the proposed use is prohibited at this location by the Charles North Revitalization Area Urban Renewal Plan.

**Conflicting Provisions:** *Most restrictive provision governs.* If any condition or requirement imposed by a provision of this article is either more or less restrictive than a comparable condition or requirement imposed by any other provision of this article or of any other law, rule, or regulation of any kind, including an applicable urban renewal plan, the condition or requirement that is the more restrictive governs (§1-206.b).

TJS/wya/mf

cc: John Etoh, Appellant