


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 / 5711-5721 O'Donnell Street		

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

DATE: October 14, 2015

REQUEST

The Department of Planning has received Michael Orfanos' Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Xtreme Automotive Service Center LLC, to use the rear building on the property as an automobile repair garage with accessory sales of automobile parts and a State vehicle inspection station. The Zoning Administrator has determined that this is a prohibited use in a M-1 zoning district. We understand that this appeal is scheduled for hearing on October 20, 2015.

SITE

5711-5721 O'Donnell Street is located on the southwest corner of the intersection with Anglesea Street. This property measures approximately 171' by 150' and is currently improved with two one-story commercial buildings measuring approximately 50' by 44' and 152' by 38'. This latter building is the subject of this appeal. This site is zoned M-1 and is located within the Southeast Neighborhoods Development (SEND) Strategic Neighborhood Action Plan area.

ANALYSIS

Use: In this zoning district, garages, other than accessory, for storage, repair, and servicing of motor vehicles, are not listed as a permitted or conditional use, and so are not allowed (§7-206 to §7-209). In this case, the property was last authorized for use as a recreation building (indoor recreation facility), which is a conditional use in this M-1 Industrial District, by the Board's approval of appeal no. 525-08. (The proposed use would be a permitted use in the M-3 zoning district adjacent to this property). The applicant proposes to create a new non-conforming use, which is not authorized by the Zoning Code.

TransForm Baltimore: This property would become part of an I-1 District (Proposed Zoning Map Area 8-D) in which Motor Vehicle Service and Repair – Major or Minor, would be permitted uses (Table 11-301). "Motor Vehicle Service and Repair – Major or Minor" would be subject to specific requirements and standards (§14-326).

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the Zoning Code does not authorize creation of new nonconforming uses, which the proposed use would be in a M-1 zoning district.

TJS/wya/mf

cc: Michael Orfanos, Appellant

Northeast