


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 / 4024 West Belvedere Avenue		

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

DATE: November 4, 2010

REQUEST

The Department of Planning has received 4020-4024 West Belvedere LLC's Board of Municipal and Zoning Appeals (BMZA) application to continue to use the premises for a one-story, three-bay automobile detailing garage (carwash) in conjunction with used car sales, and add automobile repairs to the existing business. We understand that this appeal is scheduled for hearing on November 9, 2010.

SITE

4024 West Belvedere Avenue is located on the northwest corner of the intersection with Linden Heights Avenue. This property measures approximately 150' by 105' and is currently improved with a one-story commercial building. This site is zoned B-3-2 and is located within the Park Heights Urban Renewal Plan area.

ANALYSIS

Conditional Use: In this zoning district, garages, other than accessory, for storage, repair, and servicing of motor vehicles not over 1-1/2 tons capacity – including body repair, painting and engine rebuilding, are a conditional use, requiring approval by the Board (§6-408).

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 Park Heights Urban Renewal Plan, which does allow this use in this district.

RECOMMENDATION

The Department of Planning recommends that approval of the appeal, if granted, be subject to these conditions:

- 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; and
- All materials, parts and equipment related to this use will be stored indoors.

TJS/wya/mf

cc: 4020-4024 West Belvedere LLC, Appellant