

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 / 4411 Park Heights Avenue		

TO

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

DATE: November 7, 2013

REQUEST

The Department of Planning has received Salih Omar's Board of Municipal and Zoning Appeals (BMZA) conditional use application to use the property 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 November 12, 2013.

SITE

4411 Park Heights Avenue is located on the east side of the street, approximately 74' south of the intersection with Oakford Avenue. This property measures approximately 13' by 119'4" and is currently unimproved. This site is zoned B-2-2 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 1½ tons capacity – but not including body repair, painting, or engine rebuilding, are a conditional use, requiring approval by the Board (§6-308). In this case, the property was last authorized for use as an open-air parking lot, which is a nonconforming use in this B-2 Community Business District. The proposed use, if approved, would extinguish this nonconforming use.

Urban Renewal Plan: This property is located in the Park Heights Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

Land Use and Urban Design: Narrowness of this property and volume of traffic on Park Heights Avenue require that the front of this property be designed and used for driving-in only, and that vehicles, once serviced in the garage, exit using the 15' wide alley at the rear of the property. There is no room for maneuvering vehicles once they have been driven onto the front of the property, so vehicles accepted for repair must be immediately taken into the garage in order not to have them remain outside on the property or on the street. For these reasons a site plan should be presented for review by Department of Planning staff.

TransForm Baltimore: This property would become part of a C-2 District (Proposed Zoning Map Area 1-D) in which motor vehicle service and repair, minor – in a fully enclosed structure, would be a permitted use, and motor vehicle service and repair, minor – with outdoor storage of vehicles, would be a conditional use (Table 10-301). "Motor vehicle service and repair: Minor" includes brake adjustments, relining, and repairs, and wheel alignment, balancing, and servicing (§1-310 (F)(1)).

RECOMMENDATION

The Department of Planning has no objection to this appeal. If this application is approved, the Department recommends that approval be subject to these conditions in addition to any conditions which the Board may establish:

- The garage, open spaces, and driveways on the lot must be constructed in accordance with a site plan approved by the Department of Planning;
- 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;
- All materials, parts and equipment related to this use will be stored indoors;
- The area used for temporary storing of vehicles will be adequately screened by an opaque fence or wall; and,
- If a dumpster is used to collect waste and trash related to this use, the dumpster will be placed either inside the existing building or within a masonry enclosure having a solid lockable wooden gate.

TJS/wya/mf

cc: Salih Omar, Appellant