


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 / 6521 Belair Road		

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

DATE: November 14, 2011

REQUEST

The Department of Planning has received Mohammed Mufti's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Anwar Rana Mohammad, to add a service bay 20' wide by 33'6" that would encroach upon the rear setback. We understand that this appeal is scheduled for hearing on December 6, 2011.

SITE

6521 Belair Road is located on the southeast corner of the intersection with Kenwood Avenue. This property measures approximately 87'7" along Belair Road by 107'8" along Kenwood Avenue and is currently improved with a one-story detached commercial building measuring approximately 32' by 33'. This site is zoned B-3-1.

ANALYSIS

Use: In this zoning district, motor vehicle sales are a permitted use, and so are allowed (§6-406). In this zoning district, garages, other than accessory, for storage, repair, and servicing of motor vehicles not over 1½ tons capacity – including body repair, painting, and engine rebuilding, are a conditional use, requiring approval by the Board (§6-408). In this case, the property was last authorized for use for motor vehicle sales and a repair garage. This authorization was made by the Board in its decision on appeal no. 2010-185, heard on June 22, 2010. This application would increase the size of the conditional use of the property.

Required Yard: In this zoning district, a minimum side yard setback of 10' is required if a side yard is provided (§6-412.c.). In this case, the proposed building addition will project to within 0' of the side lot line. In this zoning district, a minimum rear yard setback of 30' is required (§6-412.e.). In this case, the proposed building addition will project to within 11' of the rear lot line.

Yard Variance: The Board may grant a variance to authorize a yard or setback that is less than that otherwise required by the applicable regulation (§15-203). The proposed addition would be approximately 50' distant from the rear of the residential structure on the adjoining property on Kenwood Avenue.

Comprehensive Planning: This is an application for an increase in the size of the conditional use of this property. In its decision in appeal no. 2010-185, the Board imposed certain conditions that the applicant would be required to meet prior to, or as a condition of receiving, a use and occupancy permit for the property to provide a garage for storage, repair, and servicing of motor vehicles, etc. The conditions were:

- That 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;
- An opaque fence or a wall at least 5' in height will be constructed and maintained along the eastern boundary of the property from Kenwood Avenue to the southern corner of the property near to the 10' alley running parallel to Kenwood and Kolb Avenues; and,
- That the applicant receive Site Plan Review Committee approval for this use at this site.

To date, the applicant has not complied with all of these conditions, most importantly by not seeking or receiving Site Plan Review Committee approval for this use at this site. There are other possible concerns, such as the exact placement of the fence that was erected and the applicant's improper automobile-service-related use of the residentially-zoned property adjoining this site, which suggest some disregard for the requirements of the Board and the Zoning Code.

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the applicant has not demonstrated compliance with requirements previously established by the Board in its decision in appeal no. 2010-185 for the same use and property.

TJS/wya/mf

cc: Mohammed Mufti, Appellant