


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 / 5312 Ethelbert Avenue		

TO

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

DATE: January 7, 2013

REQUEST

The Department of Planning has received Charles McNeil's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of the Mount Washington Congregation of Jehovah's Witnesses, to construct a one-story 160 seat church structure with an accessory parking lot. This was preceded by consolidation of the lots known as 5308 through 5316½ Ethelbert Avenue, approved December 18, 2009, but this consolidation has not been drawn on the official plat map for this block. We understand that this appeal is scheduled for hearing on January 8, 2013.

SITE

5312 Ethelbert Avenue is located on the west side of the street, approximately 153'4" south of the intersection with Avondale Avenue. This property measures approximately 200' by 100' and contains approximately 0.459 acre, and is currently unimproved. This site is zoned R-5 and is located within the Park Heights Urban Renewal Plan area.

ANALYSIS

Use: In this zoning district, religious institutions are a permitted use, and so are allowed (§4-801).

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.

Required Yard: In this zoning district, a minimum front yard setback of 40' is required; a minimum side yard setback of 15' is required; and a minimum rear yard setback of 40' is required (§4-807.a). In this case, the proposed religious building will project to within 10' of the front lot line, 10' of the side lot line, and 5' 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 standard front yard setback for the residences on this block of Ethelbert Avenue is 25', and the standard rear yard setback for residences is over 40'. The proposed structure would thus be conspicuously closer to both Ethelbert Avenue and to the rear alley than any other structure existing in the immediate vicinity, with the exception of the detached house immediately across the street.

Off-Street Parking: ... if the intensity in use of a structure or premises is increased through the addition of dwelling, efficiency, or rooming units, floor area, seating capacity, or other units of measurement, off-street parking facilities must be provided for that increased intensity, as required by this title (§10-202.a). The amount of off-street parking required for a religious institution is one parking space per four seats of rated capacity (§10-405.25.i). In this case,

for 160 seats capacity, 40 off-street parking spaces are required; 36 are provided (including 2 spaces for handicapped persons) in the "Zoning Plat" accompanying the application.

Off-Street Parking Variance: ... the Board may grant a variance to reduce by no more than 75% the number of off-street parking spaces otherwise required by the applicable regulation (§15-208.b). In this case the reduction proposed is 10%, which is within the variable amount the Board may authorize.

Land Use and Urban Design: The parking lot proposed on the property requires approval by the Site Plan Review Committee, as it does not currently indicate placement of any landscaping or buffering between the parking spaces and the residences in this residential area, and involves disturbance of an area large enough to trigger Storm Water Management (SWM) mitigation.

RECOMMENDATION

The Department of Planning recommends deferral of a complete hearing of this appeal, to provide the applicant time to demonstrate compliance with current Storm Water Management (SWM) regulations and requirements, and to obtain consequent Site Plan Review Committee approval of the site development plan for this property.

TJS/wya/mf

cc: Charles McNeil, Appellant