

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 / 2834 Loch Raven Road		

TO

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

DATE: March 15, 2013

REQUEST

The Department of Planning has received AB Associates' Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Gill-Simpson, Inc., to use the property for a church with 200 seats and 20 parking spaces. The Zoning Administrator has determined that this is a change of nonconforming use in a M-1 District. We understand that this appeal is scheduled for hearing on March 19, 2013.

SITE

2834 Loch Raven Road is located on the southwest corner of the intersection with East 30th Street. This property measures approximately 120' by 186' and contains approximately 0.512 acre, and is currently improved with a one-story detached commercial building measuring approximately 80' by 175'. This site is zoned M-1-2.

ANALYSIS

Use: In this zoning district, religious institutions 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 for warehousing, which is a permitted use in this M-1 Industrial District. Approval of this application would require the Board to have discretionary authority to approve creation of a new nonconforming use.

Off-Street Parking: ... whenever the existing use of a structure is changed to a new use, off-street parking facilities must be provided, as required by this title, for that new use (§10-203.a). If the structure was lawfully erected before April 20, 1971, additional off-street parking facilities are mandatory only in the amount by which the requirements for the new use exceed those for the existing use (§10-203.b). 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 200 seats capacity, 50 off-street parking spaces are required; 20 are proposed to be provided. However, the application did not include a site plan showing provision of these spaces, and the parking plan should be reviewed first by the Site Plan Review Committee.

TransForm Baltimore: This property is located in an area to be designated as I-1 Light Industrial (Proposed Zoning Map Area 7-A), in which Places of Worship would not be permitted (Table 11-301). The proposed use is thus inconsistent with both the current and the proposed zoning of the property.

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the Zoning Code does not provide the Board discretionary authority to approve creation of new non-conforming uses, which a church would be in the M-1 District where the property is located.

TJS/wya/mf

cc: AB Associates, Appellant
Northeast