


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 / 3701-03 East Lombard Street		

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

DATE: March 24, 2010

REQUEST

The Department of Planning has received Kenneth Savage's Board of Municipal and Zoning Appeals (BMZA) application to use the premises for a 75-seat church. (Part of the same application states that the church will be for 25 – 35 persons.) We understand that this appeal is scheduled for hearing on March 30, 2010.

SITE

3701-03 East Lombard Street is located on the southeast corner of the intersection with Dean Street. This property measures approximately 28' by 70' and is currently improved with a two-story building covering the entire lot. This site is zoned R-8 and is located within the Patterson Park-Highlandtown National Register Historic District.

ANALYSIS

Insufficient Lot Area: In this zoning district, religious institutions require 7,500 square feet of lot area (§4-1106.a). The lot only encloses 1,960 square feet, and so does not meet this requirement.

Lot Area Variance: The Board may grant a variance to reduce the applicable minimum lot area requirements by no more than: ... (2) for churches, temples, and synagogues in R-6 through R-10 Districts, 50% of the applicable regulation (§15-202). In this case, the proposed amount of variance would be over 70%. The variance requested exceeds the discretionary range and so should not be allowed.

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).

Off-Street Parking: 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 25 seats capacity, 6 off-street parking spaces are required; for 35 seats capacity, 9 off-street parking spaces are required; for 75 seats capacity, 19 off-street parking spaces are required; none are or can be provided on the premises.

Off-Street Parking: *Location of facilities – nearby facilities under common control.* Off-street parking facilities may be located off-site of the lot on which the structure or use being served is located if: (1) the facilities are located in a district where this parking is permitted or has been granted as a conditional use; (2) the land on which the off-site parking facilities are located is within 300 feet of the lot line of the use or structure served; ... (§10-304.a).

Off-Street Parking: Required control of off-site facilities. ... (i) The off-site parking facilities must be on a lot possessed by the record title holder of the lot occupied by the structure or use to be served by the parking facilities. (ii) Possession of the facilities for purposes of this section may be: (A) by deed; or (B) by long-term lease, the term of which must be equal to or greater than the useful economic and physical life of the structure served (§10-304.b).

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 100%, which is greater than the variable amount the Board may authorize.

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal, because the lot area is insufficient, even after application of the Board's discretion, and because there is no off-street parking provided.

TJS/ewt/mf

cc: Kenneth Savage, Appellant