


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 / 101 East 33 rd Street		

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

DATE: May 7, 2010

REQUEST

The Department of Planning has received Ann Kim's Board of Municipal and Zoning Appeals (BMZA) application to use a portion of the premises, namely the basement and first floor, as a church with 20 seats. We understand that this appeal is scheduled for hearing on May 11, 2010.

SITE

101 East 33rd Street is located on the southeast corner of the intersection with Hargrove Street. This property measures approximately 23' by 82' and is currently improved with a three-story porch-front end-of-row building measuring approximately 23' by 36'. A parking area for three motor vehicles is at the rear of the premises. This site is zoned R-8 and is located within the Charles Village – Abell National Register Historic District.

ANALYSIS

Use: In this zoning district, churches are listed as a permitted use, and so are allowed (§4-1101).

Insufficient Lot Area: In this zoning district, churches require 7,500 square feet of lot area per other principal use (§4-1106.a). In this case, 7,500 square feet of lot area is required. The lot only encloses 1,898 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 approximately 75%. 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). 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).

Off-Street Parking Reduction: Accessory off-street parking facilities that existed on April 20, 1971, and still serve a structure or use may not be reduced below – or if already below, may not be further reduced below – the minimum requirements of this title for a similar new structure or use (§10-204).

Off-Street Parking for Church: 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 20 seats capacity, 5 off-street parking spaces are required; 3 are provided in support of the existing multi-family residential use of the building.

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 amount of lot area variance required for the proposed use exceeds the Board's discretionary authority under the Zoning Code, and because the site can not provide additional off-street parking spaces which would be needed for the proposed church.

TJS/wya/mf

cc: Ann Kim, Appellant