


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 / 1800 Druid Hill Avenue		

TO

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

DATE:

May 4, 2012

REQUEST

The Department of Planning has received Naomi Haskins' Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a church, the second floor as a dining area, and the third floor as classrooms. We understand that this appeal is scheduled for hearing on May 15, 2012.

SITE

1800 Druid Hill Avenue is located on the northwest corner of the intersection with Laurens Street. This property measures approximately 14'8" by 69' and is currently improved with a three-story end-of-row residential building covering the entire lot. This site is zoned R-8 and is located within the Druid Heights Urban Renewal Plan area and the Old West Baltimore National Register Historic District.

ANALYSIS

Use: In this zoning district, churches, day care facilities (school-age child care centers located in public or private schools), and educational and cultural institutions, are permitted uses, and so are allowed (§4-1101). In this case, the property was last authorized for use as a single-family attached dwelling, which is also a permitted use in this R-8 General Residence District. The applicant is proposing to use the first floor of the premises as a church with 5 or 7 seats, the second floor as a dining area where meals would be served to children attending church-sponsored educational activities, and the third floor as classrooms.

Urban Renewal Plan: This property is located in the Druid Heights Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

Insufficient Lot Area: In this zoning district, religious institutions and other principal non-residential permitted uses require 7,500 square feet of lot area (§4-1106.a.). The lot only encloses approximately 1,012.25 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 86.5%. 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

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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). 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 the proposed 5 - 7 seats capacity, two off-street parking spaces are required; none are or can be provided.

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 50%, which is within the variable amount the Board may authorize, giving credit for the one space that the existing dwelling would have had to provide.

Historic District: The property is located in a designated historic district, and so may be eligible for historic tax credits for restoration and renovation. The appellant is encouraged to contact the Baltimore Commission for Historical and Architectural Preservation before proceeding with any improvements which may be authorized as a result of this appeal.

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the amount of lot area variance that would be required for approval would exceed the Board's discretionary authority provided in the Zoning Code.

TJS/wya/mf

cc: Naomi Haskins, Appellant