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| 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 / 2226 Eastern Avenue | |

DATE:

TO

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

June 30, 2010

REQUEST

The Department of Planning has received Kelvin Battle's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as a 100-seat church and a day care center.

We understand that this appeal is scheduled for hearing on July 6, 2010.

SITE

2226 Eastern Avenue is located on the northwest corner of the intersection with Madeira Street. This property measures approximately 14' by 65' and is currently improved with a two-story retail-and-residential building covering the entire lot. This site is zoned B-3-3.

ANALYSIS

Use: Religious institutions and day care facilities are each permitted in a B-3 zoning district (§6-406).

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). 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 100 seats capacity, 25 off-street parking spaces are required; none are or can be provided on site. The amount of off-street parking required for a day care center is one parking space per two staff members (§10-405.27.iii). In this case, for one staff member, one parking space is required; none are or can be provided on site.

Drop-off / Pick-up area: There is not a location suitable for the drop-off or pick-up of children on this site. If nine parents were to all drive to this site attempting to drop off or pick up their children within the same short timeframe, it could not likely be done in a safe and orderly manner on Eastern Avenue, which carries significant rush-hour traffic loads, nor on Madeira Street, which is a back street only two lanes wide.

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.

Distance to Off-Street Parking: The Board may grant a variance to increase by no more than 50% the maximum distance between required off-street parking facilities and the use that they serve (§15-208.a). In this case, the proposed parking facilities will be located beyond a 450' radius of the property (in fact, approximately 600' distant) and so are not eligible to serve as off-site parking facilities for this proposed use.

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). The application includes a letter referencing parking being made available at a Burger King restaurant located at 2033 Eastern Avenue, but this letter does not specify how much remaining parking is reserved for the use of patrons of the restaurant, as would be required to support the restaurant use during the hours of church services, nor does it substitute for a lease if the restaurant can provide off-street parking for the church members without compromising its own off-street parking requirements.

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal as presented, and deferral of the hearing on the appeal until the applicant has provided adequate documentation of how his off-street parking requirements can be met without diminishing the parking required of another use with which the off-street parking facility would be shared.

TJS/wya/mf

cc: Kelvin Battle, Appellant