


<b>FROM</b>	<b>NAME &amp; TITLE</b>	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE  <b>MEMO</b> 
	<b>AGENCY NAME &amp; ADDRESS</b>	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR	
	<b>SUBJECT</b>	BMZA / 5500 York Road	

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

DATE: June 30, 2010

### REQUEST

The Department of Planning has received Ryan Potter's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of the Roman Catholic Archbishop of Baltimore, to consolidate 5500 York Road and 401 Markland Avenue and subdivide the resulting lot, retaining the existing school and the existing St. Mary's Church. We understand that this appeal is scheduled for hearing on July 6, 2010.

### SITE

5500 York Road is located on the southwest corner of the intersection with Markland Avenue. This property measures approximately 299' by 343' and contains approximately 2.284 acres, and is currently improved with a church, a parish house, and a two-story school building. 401 Markland Avenue is located on the south side of Markland Avenue approximately 343' west of the intersection with York Road, and forms a triangle of land at the rear of 5500 York Road. This site is zoned B-2-2 and R-5.

### ANALYSIS

Property Divided By Zoning District Line: Where a lot is divided into 2 or more parts by a zoning district line: (1) for all purposes except density, each part must comply with all of the regulations applicable to its zoning classification; and (2) for density purposes, the lot area computation of each part may be totaled and then distributed throughout the lot, without regard to the zoning lines (§3-307).

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 500 seats capacity, 125 off-street parking spaces are required; 67 are provided. The amount of off-street parking required for a school is one parking space per 2 teachers and employees, and one space per 12 seats of assembly hall capacity (§10-405.27.i - iii). In this case, 35 off-street parking spaces are required; 67 are provided.

Off-Street Parking: 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). In this application, it is proposed that both the religious institutional use and the school use will remain as before, with the exception that the school will become separated from the existing church, and their lots will be legally separate as a result of subdivision of the consolidated lot. Parking spaces for 2 or more separate uses may be provided collectively if: ... (3) no parking space serves as a required parking space for more than one use, unless otherwise authorized by the Board in accordance with §15-208 {"Off-street parking – in general"} of this article (§10-403). In this

case, the applicant proposes to have the available parking on site shared by the existing church and the existing school pursuant to an easement between the parish and the new school.

Land Use and Urban Design: The subdivision of the consolidated property (5500 York Road and 401 Markland Avenue) was approved by the Planning Commission of Baltimore City at its regular meeting on May 27, 2010 following a public hearing.

**RECOMMENDATION**

The Department of Planning recommends approval of the appeal.

TJS/wya/mf

cc: Ryan Potter, Appellant