


*Thio Nguyen for*

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 4915 Holder Avenue		

TO

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

DATE: August 12, 2013

**REQUEST**

The Department of Planning has received Douglas Kennedy's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Zion Baptist Church, Inc., to construct an accessory structure of 10,200 square feet to be used as a classroom and gymnasium. The Zoning Administrator has determined that a variance of Zoning Code accessory uses and structures requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on August 20, 2013.

**SITE**

4915 Holder Avenue is located on the southeast side of the street, opposite the intersection with Ailsa Avenue, and extends through to the northwest side of Walther Avenue. This property measures approximately 252'5" along Holder Avenue and 261' along Walther Avenue by 293' and contains approximately 1.38 acre, and is currently improved with a three-story parochial school building measuring approximately 37' by 100'. This site is zoned R-4.

**ANALYSIS**

Use: In this zoning district, educational and cultural institutions are permitted uses, and so are allowed (§4-701). In this case, the property was last authorized for use as a foster home, which is an accessory use in this R-4 General Residence District, and a school for 25 students in grades 6-7-8 with 5 full-time and 2 part-time staff. The applicant is requesting approval of a new second structure on the property, with the use of the new structure being accessory to principal use of the property as a school. Because the footprint of the new structure, 10,200 square feet, would exceed the footprint of the existing structure containing the principal use (approximately 3,700 square feet), the Zoning Administrator has determined that the proposed structure does not meet the definition of an accessory structure.

Accessory use or structure: "Accessory use" or "accessory structure" means a use or structure, respectively, that: (1) serves and customarily is incidental and subordinate to the principal use or structure; (2) is subordinate in area, extent, or purpose to the principal use or structure; (3) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use or structure served; and (4) except in a planned unit development, is located on the same lot as the principal use or structure served (§1-102). The proposed structure meets the provisions of this definition by:

- (1) Being incidental and subordinate to the principal use and structure, a school, by providing an indoor recreation and exercise facility for students attending the school;
- (2) Being subordinate in purpose to the principal use as described in (1) above, and having a single floor area of 10,200 square feet which is less than the total square footage of the existing school, at 12,200 square feet;

- (3) Being able to contribute to both comfort and necessity of occupants, in this case the students attending the school, by providing an indoor recreation and exercise facility that can accommodate physical education requirements; and,
- (4) Being on the same lot as the existing school.

Land Use and Urban Design: This property is in a Residential District, and thus final approval of this proposed new structure as presently designed will require Planning Commission approval of multiple structures on a residential lot. The applicant's project team has been working with Planning staff to develop a site plan and building elevations that would be approvable by the Planning Commission.

TransForm Baltimore: This property would become part of a R-3 District (Proposed Zoning Map Area 4-C) in which educational facilities: primary and secondary, would be conditional uses (Table 8-301). "Educational facility: primary and secondary" includes public, private, or parochial schools (§1-305 (X)). The definitions of "accessory structure" and "accessory use" would be similar to those now in the Zoning Code (§1-302 (B) and (C)).

#### **RECOMMENDATION**

The Department of Planning recommends that approval of this appeal, if granted, be conditional upon the applicant's final design and site plan for the proposed accessory structure receiving approval from the Department of Planning. The present form of the site plan, which would create multiple structures on a Residential lot, would require Planning Commission approval separately from the Board's approval, if granted.

TJS/wya/mf

cc: Douglas Kennedy, Appellant