


TJK

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 / 3801-3807 Pall Mall Road		

TO

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

DATE: September 8, 2014

REQUEST

The Department of Planning has received Michael Wallace's Board of Municipal and Zoning Appeals (BMZA) application to construct a one-story side addition to an existing church, and use the premises as a 75-seat church with six off-street parking spaces. The Zoning Administrator has determined that a variance of Zoning Code lot area, lot coverage, and setback requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on September 9, 2014.

SITE

3801-3807 Pall Mall Road is located on the northeast corner of the intersection with Springhill Avenue. This property measures approximately 106'9" by 90' and is currently improved with a one-story detached converted commercial building used as a 50-seat church. This site is zoned R-6 and is located within the Park Heights Urban Renewal Plan area.

ANALYSIS

Use: In this zoning district, religious institutions are a permitted use, and so are allowed (§4-901). In this case, the property was last authorized for use as a single-family dwelling and as a grocery store, which is a nonconforming use in this R-6 General Residence District. The proposed use would extinguish the nonconforming use.

Urban Renewal Plan: This property is located in the Park 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 require 10,000 square feet of lot area (§4-906.a.). The lot only encloses 9,621 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 4%. The variance requested is within the discretionary range and so may be allowed.

Lot Coverage: The existing structure covers approximately 25% of the property. In this case, the proposed addition would result in the structure covering approximately 50% of the property, which would comply with the maximum of 1.0 for floor area ratio (§4-908.a.).

Required Yard: In this zoning district, a minimum front yard setback of 40' is required; a minimum streetcorner side yard setback of 30' is required; and a minimum rear yard setback of 40' is required (§4-907.a.). In this case, the proposed building addition will project to within 15' of the front lot line, 0' of the streetcorner side lot line (along Springhill Avenue), and 15' of the rear lot line.

Yard Variance: The Board may grant a variance to authorize a yard or setback that is less than that otherwise required by the applicable regulation (§15-203). The applicant met with staff of the Department of Planning prior to filing this application to discuss this proposed layout, and Planning staff consider the proposed addition acceptable.

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). 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 75 seats capacity, 19 off-street parking spaces are required; six are proposed to be provided on a parking lot accessible via a 15' wide alley on the east side of the property. The applicant has informally advised Planning staff that negotiations with the school across Springhill Avenue would allow additional parking resources to become available during religious services.

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 68%, which is within the variable amount the Board may authorize.

TransForm Baltimore: This property would remain part of the R-6 District (Proposed Zoning Map Area 2-C) in which Places of Worship would be permitted uses (Table 9-301). The off-street parking requirements would be equivalent to those now in place for religious institutions (Table 16-406A).

RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Michael Wallace, Appellant