

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 / 3723 Gwynn Oak Avenue		

TO

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

DATE: September 25, 2009

REQUEST

The Department of Planning has received Rod Shakiba's Board of Municipal and Zoning Appeals (BMZA) application to construct a three-story mosque with 15 off-street parking spaces. We understand that this appeal is scheduled for hearing on September 29, 2009.

SITE

3723 Gwynn Oak Avenue is located on the southeast corner of the intersection with Belle Avenue. This property measures approximately 110' by 170' and was formerly improved with a three-story building measuring approximately 57' by 107' (recently razed). This site is zoned R-4 and is located within the Greater Northwest Community Coalition Master Plan area.

ANALYSIS

Floor Area: There is no existing structure on the property. A structure in a R-4 District may not have a Floor Area Ratio (FAR) of more than 0.4 (§4-706(a), 4-708(a), and 4-208(a)). In this case, the proposed new three-story building would result in the structure having an approximate FAR of 1.0, which would exceed this standard.

Floor Area Ratio Variance: The Board may grant a variance to increase a basic floor area ratio factor by no more than 75% of the applicable regulation (§15-204.b). In this case, the proposed floor area ratio is 1.0 which exceeds the permitted ratio of 0.4 by 150%. As the request exceeds the variable range the Board may apply, the appeal should be disapproved.

Required Yards: In this zoning district, a minimum front yard setback of 40' is required; in this case, the proposed new building will project to within 30' of the front lot line. In this zoning district, a minimum rear yard setback of 40' is required. In this case, the proposed new building will project to within 37' of the rear lot line (§4-707(a)).

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).

Projections and Obstructions into Required Yards: (a) *In general.* Except for the specified projections and obstructions listed in this section, every part of a required yard or of any other required open space must be open and unobstructed from the ground to the sky (§3-209). In this case, the proposed open off-street parking spaces are not listed among the permitted projections and obstructions into required front and other yards adjoining streets (§3-209(c)). The portion of the proposed off-street parking to be provided in the two yards (front, and street-corner side) adjoining Gwynn Oak Avenue and Belle Avenue should therefore be disapproved.

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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, there is no information provided in the application concerning the rated capacity of the proposed building. The Department of Planning respectfully requests that the Board make no final decision to approve this appeal, particularly in view of the FAR variance issue, until such information has been provided by the applicant and analyzed by the Department of Planning.

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal.

TJS/ewt/mf

cc: Rod Shakiba, Appellant