


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 / 3718-20 Gwynn Oak Avenue		

TO

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

DATE: September 28, 2009

**REQUEST**

The Department of Planning has received Rod Shakiba's Board of Municipal and Zoning Appeals (BMZA) application to consolidate properties and use the premises for an open off-street parking area in conjunction with a proposed mosque at 3723 Gwynn Oak Avenue. We understand that this appeal is scheduled for hearing on September 29, 2009.

**SITE**

3718-20 Gwynn Oak Avenue is located on the southwest corner of the intersection with Belle Avenue. The combined property measures approximately 121' by 172' and is improved at 3718 Gwynn Oak Avenue with a two-story building measuring approximately 25' by 30'. This site is zoned R-4 and is located within the Greater Northwest Community Coalition Master Plan area. It is directly across Gwynn Oak Avenue from 3723 Gwynn Oak Avenue, the site of a mosque proposed by a companion application designated as Appeal no. 545-09X.

**ANALYSIS**

Required Yards: In this zoning district, a minimum street-corner side yard setback of 20' is required; in this case, the proposed off-street parking area will come to within approximately 10' of the existing house. In this zoning district, a minimum rear yard setback of 25' is required. In this case, the proposed off-street parking area will come to within approximately 25' 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 yards (front, and street-corner side) adjoining Gwynn Oak Avenue and Belle Avenue should therefore be disapproved if the lot consolidation is approved.

Off-Street Parking: The off-street parking shown on the plan attached to the application is dependent on parking spaces having dimensions 9'x18', with a drive aisle measuring 22' wide. In order to make a parking lot plan approvable, the applicant must revise the parking plan to show parking spaces with dimensions 10'x18' to meet the requirements of §10-305 of the Zoning Code.

The portion of the off-street parking to be provided on 3720 Gwynn Oak Avenue is intended by the applicant to serve off-street parking requirements related to the proposed use of 3723 Gwynn Oak Avenue, directly across the street. As such, this parking would be classifiable as "parking, open off-street areas, other than accessory" which under §4-204 and §4-703 of the Zoning Code are conditional uses for which an ordinance is required.

### **RECOMMENDATION**

The Department of Planning recommends disapproval of the portion of this appeal related to off-street parking on 3720 Gwynn Oak Avenue, for the reason that an off-street non-accessory parking area in an R-4 District must be approved by ordinance.

TJS/ewt/mf

cc: Rod Shakiba, Appellant