2011-500

FROM		
NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE **MEMO**
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8TH FLOOR	
SUBJECT	BMZA / 5217 Reisterstown Road	

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

DATE: December 8, 2011

REQUEST
The Department of Planning has received Sadie Roane's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as a 50-seat church. We understand that this appeal is scheduled for hearing on December 20, 2011.

SITE
5217 Reisterstown Road is located on the east side of the street, approximately 212'6" northwest of the intersection with Belvedere Avenue. This property measures approximately 27'6" by 115' and is currently improved with a combination one-and-two-story commercial building covering the entire lot. This site is zoned B-3-2 and is located within the Park Heights Urban Renewal Plan area.

ANALYSIS
Use: In this zoning district, religious institutions, including churches, are a permitted use, and so are allowed (§6-406). In this case, the property was last authorized for use as a business and professional office and an animal hospital, which are permitted uses in this B-3 Community Commercial District.

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.

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 50 seats capacity, 13 off-street parking spaces are required; none are or can be provided on site.

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 100%, which is greater than the variable amount the Board may authorize. The applicant did not identify any nearby off-street parking resources that could be leased to satisfy the requirements of the Zoning Code in this regard.

Off-Street Parking: *Location of facilities – nearby facilities under common control.* Off-street parking facilities may be located off-site of the lot on which the structure or use being served is located if: (1) the facilities are located in a district where this parking is permitted or has been granted as a conditional use; (2) the land on which the off-site parking facilities are located is within 300 feet of the lot line of the use or structure served; … (§10-304.a). The applicant should consider obtaining an agreement, in accordance with the requirements of the Zoning Code, for use of a specific number of parking spaces that may be available on the other side of Reisterstown Road.

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal unless the applicant provides documentation of a lease agreement for off-street parking spaces sufficient to serve the needs of worshippers at the proposed church.

TJS/wya/mf

cc: Sadie Roane, Appellant