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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 / 3201-3203 Elliott Street		

TO

DATE:

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

November 1, 2010

**REQUEST**

The Department of Planning has received Joshua Williams' Board of Municipal and Zoning Appeals (BMZA) application, on behalf of the Greater Ruach Hakodesh Hebrew Congregation, to use the premises for worship by approximately twenty people. We understand that this appeal is scheduled for hearing on November 9, 2010.

**SITE**

3201-03 Elliott Street is located on the southeast corner of the intersection with East Avenue. This property measures approximately 20' by 75' and is currently improved with a two-story commercial building covering the entire lot. This site is zoned R-8 and is located within the Canton National Register Historic District.

**ANALYSIS**

Use: In this zoning district, religious institutions are listed as a permitted use, and so are allowed (§4-1101). In this case, the property was last authorized for use as offices: business and professional, which is a nonconforming use in this R-8 General Residence District.

Insufficient Lot Area: In this zoning district, religious institutions require 7,500 square feet of lot area (§4-1106.a). The lot only encloses 1,500 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 80%. The variance requested exceeds the discretionary range and so should not be allowed.

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, for twenty seats capacity, five off-street parking spaces are required; none 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.

#### RECOMMENDATION

The Department of Planning recommends disapproval of the appeal, because the amount of lot area variance which would be required exceeds the Board's discretionary authority under the Zoning Code, and because there is no off-street parking proposed to be provided.

TJS/wya/mf

cc: Joshua Williams, Appellant