

<b>FROM</b>	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 / 228-234 North Montford Avenue		

**TO**

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

DATE: June 3, 2013

**REQUEST**

The Department of Planning has received Marcos Sandoval's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Iglesia Evangelica Vid Verdadera, to use the premises as a church. The Zoning Administrator has determined that a variance of off-street parking requirements of the Zoning Code would be required for approval of this application. We understand that this appeal is scheduled for hearing on June 11, 2013.

**SITE**

228-234 North Montford Avenue is located on the west side of the street, approximately 73'6" south of the intersection with Orleans Street. This property measures approximately 48' along Montford Avenue by 75'2" and contains approximately 4,108 square feet and is currently improved with a one-story commercial building covering the entire lot. This site is zoned B-3-2 and is located within the Middle East Urban Renewal Plan area and the East Monument National Register Historic District.

**ANALYSIS**

Use: In this zoning district, religious institutions are a permitted use, and so are allowed (§6-406). In this case, the property was last authorized for use as automotive accessories store, which is a permitted use in this B-3 Community Commercial District.

Urban Renewal Plan: This property is located in the Middle East 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 40 seats capacity, 10 off-street parking spaces are required; none are or can be provided. It is possible that nearby properties could provide some off-street parking in support of this proposed use, if the applicant could obtain lease agreements with their owners.

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 needs to identify off-street parking resources meeting Zoning Code requirements for this application to be approvable.

TransForm Baltimore: This property would become part of a C-1 District (Proposed Zoning Map Area 7-D) in which Places of Worship would be permitted uses (Table 10-301) required to provide a similar number of off-street parking spaces (1 for every 4 persons of rated capacity: Table 16-406A). Due to the presence of a “Chorus Area” in the floor plan of the proposed use, the rated capacity of the structure would include but be greater than the 40 persons capacity of the fixed wood benches shown. This would increase the amount of off-street parking needed to support this proposed use.

**RECOMMENDATION**

The Department of Planning recommends approval of this appeal if the applicant provides off-street parking sufficient to meet the requirements of the Zoning Code.

TJS/wya/mf

cc: Marcos Sandoval, Appellant