


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 / 1900 Walbrook Avenue		

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

DATE: July 23, 2015

REQUEST

The Department of Planning has received Westley West's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as a church with accessory church offices. The Zoning Administrator has determined that this is a permitted use in a R-7 zoning district, and that variances of lot area and off-street parking requirements are needed for approval. We understand that this appeal is scheduled for hearing on July 28, 2015.

SITE

1900 Walbrook Avenue is located on the northwest corner of the intersection with Monroe Street. This property measures approximately 19'6" by 70' and is currently improved with a three-story building that covers nearly the entire lot. This site is zoned R-7.

ANALYSIS

Use: In this zoning district, religious institutions are a permitted use, and so are allowed (§4-1001). In this case, the property was last authorized for use as a grocery store, which is a nonconforming use in this R-7 General Residence District, and a single-family dwelling.

Insufficient Lot Area and Variance: In this zoning district, religious institutions require 10,000 square feet of lot area per dwelling unit (§4-1006). The lot only encloses 1,365 square feet, and so does not meet this requirement. 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 86%. The variance requested exceeds the discretionary range and so should not be allowed.

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, the number of seats is not specified in the application, and thus the amount of off-street parking spaces required is not known; no parking spaces can be provided on the lot.

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.

Mr. David Tanner, BMZA
Executive Director
Page 2
Re: 1900 Walbrook Avenue

TransForm Baltimore: This property would remain part of the R-8 District (Proposed Zoning Map Area 6-A) in which Places of Worship would be permitted uses (Table 9-301). The R-7 Districts would have off-street parking requirements for Places of Worship identical to those now in effect for religious institutions (Table 16-406A).

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the amount of lot area and parking variances required would exceed the Board's discretionary authority provided in the Zoning Code.

TJS/wya/mf

cc: Westley West, Appellant