


<b>FROM</b>	<b>NAME &amp; TITLE</b>	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	<b>AGENCY NAME &amp; ADDRESS</b>	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	<b>SUBJECT</b>	BMZA / 1935 Frederick Avenue *		

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

**DATE:** November 1, 2010

### REQUEST

The Department of Planning has received Musuwara Ali Shabazz's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Masjid Bait Allah, to use the premises as a religious institution (masjid) for 40 people. We understand that this appeal is scheduled for hearing on November 9, 2010.

### SITE

1935 Frederick Avenue \* is located on the east side of the intersection with Lombard and Payson Streets. This nearly triangular property measures approximately 181' along the south side of Frederick Avenue by 73' along Goldsmith Street (its eastern boundary) and contains approximately 0.164 acre, and is currently improved with a one-story building covering the eastern and central portions of the consolidated lot. This site is zoned B-3-2 and is located within the Operation Reach Out Southwest (OROSW) Plan area.

\* The address used for this appeal for a religious institution is not an official address, according to the Baltimore City plat map for Block 226, Lot 25. This site is also known as 1945 Frederick Avenue and 1931 Frederick Avenue; 1930 West Lombard Street is the address of this same property used for appeal 2010-216 which is currently pending before the Board to use a portion of the premises as a private club with 180 members operating between 2 p.m. and 5 a.m.

### ANALYSIS

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

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 40 seats capacity, 10 off-street parking spaces are required. The number which could be provided on this property for this proposed use can not be readily determined without an off-street parking site plan; this is a matter which must also be coordinated with resolution of the off-street parking requirements related to appeal 2010-216, for which a hearing has been postponed on July 20, 2010 and again on August 31, 2010, to allow that applicant to prepare an off-street parking site plan.

Land Use and Urban Design: Because there are two separate zoning appeals pending for the same premises (Block 226, Lot 25, regardless of the street address designation used), the applicant in this case and the applicant in appeal 2010-216 should be required to prepare a

single set of building floor plans and site plans which clearly establish which portions of the property would be used for which of the two proposed uses (this one, a masjid, and the other, a private club) and how each of the proposed uses would satisfy the off-street parking requirements of the Zoning Code.

**RECOMMENDATION**

The Department of Planning recommends deferral of a complete hearing of this appeal, to allow the applicant time to prepare dimensioned drawings of the floor plan of the building on this property, showing which portions of the building would be used by each of the two proposed uses, and of the site showing the off-street parking to be provided for worshippers, and to reduce to writing an agreement with the property owner concerning which of the uses of the property known as Block 226, Lot 25 would have exclusive use of the on-site parking at what times of which days. The site plans (including floor plans) should be reviewed and approved by the Site Plan Review Committee prior to resumption of the Board's hearing of this appeal.

TJS/wya/mf

cc: Musuwara Ali Shabazz, Appellant