

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR
	SUBJECT	BMZA / 521-529 North Mount Street

CITY of
BALTIMORE
MEMO



TO

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

DATE: November 12, 2015

REQUEST

The Department of Planning has received Ruth Brown's Board of Municipal and Zoning Appeals (BMZA) application to consolidate lots and construct a one-story 54' by 80' church structure. The Zoning Administrator has determined that variances of lot area and coverage, yard setback, and off-street parking requirements are needed for approval. We understand that this appeal is scheduled for hearing on November 17, 2015.

SITE

521-529 North Mount Street is located on the east side of the street, approximately 151'9" north of the intersection with Franklin Street. This property will measure approximately 65'6" by 90' after lot consolidation, and is currently unimproved. This site is zoned R-8 and is located within the Harlem Park II Urban Renewal Plan area and the Old West Baltimore National Register Historic District.

ANALYSIS

Use: In this zoning district, religious institutions are a permitted use, and so are allowed (§4-1101).

Urban Renewal Plan: This property is located in the Harlem Park II Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

Insufficient Lot Area: In this zoning district, religious institutions require 7,500 square feet of lot area (§4-1106.a.). The consolidated lot would only enclose 5,895 square feet, and so would 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 22%. The variance requested is within the discretionary range and so may be allowed.

Lot Coverage: A structure may not have a floor area greater than twice the lot area (FAR of 2.0) (§4-1106.a.). In this case, the proposed one-story structure would cover approximately 73% of the property, which would comply with this standard.

Required Yard: In this zoning district, a minimum interior side yard setback of 10' is required, and a minimum rear yard setback of 25' is required (§4-1107.a.). In this case, the proposed new religious institutional structure will project to within 5' of each interior side lot line, and within 5' of the rear lot line.

Yard Variance: The Board may grant a variance to authorize a yard or setback that is less than that otherwise required by the applicable regulation (§15-203).

Off-Street Parking: ... if the intensity in use of a structure or premises is increased through the addition of dwelling, efficiency, or rooming units, floor area, seating capacity, or other units of measurement, off-street parking facilities must be provided for that increased intensity, as required by this title (§10-202.a). 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 applicant is proposing to construct a 54' by 80' building on a consolidated lot that would measure 65'6" by 90', leaving no space available for parking. While there are several other vacant lots near the property that is the subject of this application, curb cuts would be required to make any of them possible locations for off-street parking; and if they were not also consolidated with the subject lots known as 521-529 North Mount Street, an ordinance authorizing their use as open-air off-street parking lots would be required as well.

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.

TransForm Baltimore: This property would remain part of the R-8 District (Proposed Zoning Map Area 6-D) in which Places of Worship would be permitted uses (Table 9-301). The off-street parking requirements now in force would be continued (Table 16-406A).

RECOMMENDATION

The Department of Planning recommends deferral of a complete hearing of this appeal, to allow the applicant time to prepare a floor plan showing the amount of seating proposed within the proposed church, and to identify off-street parking resources which could assist in meeting Zoning Code requirements for providing at least one parking space for each 4 seats for the congregation.

TJS/wya/mf

cc: Ruth Brown, Appellant