

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR
	SUBJECT	BMZA / 4301 Old York Road

CITY of
BALTIMORE
MEMO



TO

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

DATE: November 25, 2015

REQUEST

The Department of Planning has received Wilbert Smith's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of the Refuge Way of the Cross Church of Christ, Inc., to construct a rear addition to the existing structure that will increase seating capacity, and to provide 76 on-site parking spaces. The Zoning Administrator has determined that variances of street-corner side yard setback requirements are needed for approval. We understand that this appeal is scheduled for hearing on December 1, 2015.

SITE

4301 Old York Road is located on the northeast corner of the intersection with 43rd Street. This property measures approximately 367' along Old York Road (following consolidation of lots) by 329' along 43rd Street (following consolidation of lots) and contains approximately one acre (following consolidation of lots), and is currently improved with a two-story detached religious institutional building with a one-story rear addition connecting it to a two-story-plus-attic dwelling structure. The applicant proposes to remove the one-story rear addition and the dwelling structure and replace them with the proposed new rear addition that would expand the seating capacity of the church. This site is zoned R-6 and is located within the York Road Community Strategic Neighborhood Action Plan area.

ANALYSIS

Use: In this zoning district, religious institutions are a permitted use, and so are allowed (§4-901). In this case, the property was last authorized for use as a church and accessory day care.

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). 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 up to 800 seats capacity, 200 off-street parking spaces are required; 76 are proposed to be provided according to the application.

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 75%, which is within the variable amount the Board may authorize. However, the parking lot plan included with the application has not been approved by the Site Plan Review Committee, which reviewed a parking lot plan in 2013 and made numerous recommendations for revisions. If the Board should agree to grant a variance of off-street parking requirements, that approval should be conditional subject to

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final approval by the Site Plan Review Committee of a final parking lot plan, and construction of the parking lot in accordance with the SPRC-approved plan.

TransForm Baltimore: This property would remain part of the R-6 District (Proposed Zoning Map Area 3-C) in which Places of Worship would be permitted uses (Table 9-301). The off-street parking requirements would remain equal to those in the current Zoning Code (Table 16-406A).

RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if granted, be subject to the condition that construction of the off-street parking required by the Board to serve the expanded seating capacity of the church be in accordance with the site plan for the property approved by the Site Plan Review Committee.

TJS/wya/mf

cc: Wilbert Smith, Appellant