

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 / 5925 Fairwood Avenue		

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

DATE: January 6, 2015

REQUEST

The Department of Planning has received Vernice Smith's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as a day care center for 55 children. The Zoning Administrator has determined that this is a modification of an existing conditional use. We understand that this appeal is scheduled for hearing on January 13, 2015.

SITE

5925 Fairwood Avenue is located on the east side of the street, approximately 1,100' north of the intersection with White Avenue. This property measures approximately 72' by 100' and is currently improved with a two-story single-family detached residential building. This site is zoned R-5.

ANALYSIS

Conditional Use: In this zoning district, day nurseries and nursery schools are a conditional use, requiring approval by the Board (§4-803). In this case, the property was last authorized for use as a day care center for 20 children by the Board's approval of appeal no. 240-09 on July 23, 2009.

Change in Conditional Use: Any change to that use, including any expansion, relocation, or structural alteration, is subject to the procedures and requirements imposed by this article on conditional uses (§3-306.b.2). The applicant is proposing to increase the number of children from 20 to 55. Children would be transported to and from this facility by the applicant using passenger vans that are parked on the adjoining lot that is also owned by this applicant.

Off-Street Parking: The amount of off-street parking required for a day care center is one parking space per two staff members (§10-405.27.iii). In this case, for the near-tripling of capacity, there should be a corresponding increase in staffing. For up to six staff members, three parking spaces are required; the application states that these are to be provided on the adjoining property known as 5923 Fairwood Avenue.

Drop-off / Pick-up area: There is not a location suitable for the drop-off or pick-up of children on this site. If 55 parents were to all drive to this site attempting to drop off or pick up their children within the same short timeframe, it could not likely be done in a safe and orderly manner. As Fairwood Avenue is only 12' wide, there is no possibility of establishing a passenger loading zone on it. This application, to be approvable, must therefore be conditioned on continuation of transportation by the applicant of the children using this facility.

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TransForm Baltimore: This property would remain part of the R-5 District (Proposed Zoning Map Area 4-D) in which day care centers: adult or child, would be conditional uses (Table 9-301). Day care centers would be subject to off-street parking requirements of 1 space per 4 employees on maximum shift (Table 16-406A).

RECOMMENDATION

The Department of Planning recommends approval of this appeal conditional upon the applicant continuing to provide transportation of the children using this facility, and upon the applicant providing a written lease for parking of staff vehicles on the adjoining property known as 5923 Fairwood Avenue.

TJS/wya/mf

cc: Vernice Smith, Appellant