

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR
	SUBJECT	BMZA / 526 North Arlington Avenue

CITY of
BALTIMORE
MEMO

**TO**

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

DATE: January 19, 2016

REQUEST

The Department of Planning has received Quandra Greene's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Kiddie Achievers LLC, to consolidate this property with the adjoining property known as 528 North Arlington Avenue and use the combined premises as a child care center (day care and learning center) for 25 children. The Zoning Administrator has determined that this is a conditional use in a R-8 zoning district. We understand that this appeal is scheduled for hearing on January 26, 2016.

SITE

526 North Arlington Avenue is located on the west side of the street, approximately 79'5" south of the intersection with Edmondson Avenue. This property measures approximately 18' by 111' and is currently improved with a two-story now-detached residential building measuring approximately 15' by 49'. 528 North Arlington Avenue is located on the west side of the street, approximately 61'5" south of the intersection with Edmondson Avenue. This property measures approximately 18' by 91'4" 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

Conditional Use: In this zoning district, day nurseries and nursery schools are a conditional use, requiring approval by the Board (§4-1103). In this case, the property was last authorized for use as a single-family attached dwelling, which is a permitted use in this R-8 General Residence District. In previous cases where a day care center seeks to locate in a residential neighborhood, Planning has supported modest initial capacities. Due to the potential impacts of serving 25 children on this site, a lower initial capacity would be appropriate if this block was still intensely developed. Given the fact that the premises (526 North Arlington Avenue) is now an isolated structure, Planning has no objection to its use as proposed.

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, principal conditional uses such as day care centers require 5,000 square feet of lot area (§4-1106.c.). The consolidated lot would only enclose 3,642 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: (1) 25% of the applicable regulation (§15-202). In this case, the proposed amount of variance would be 27%. The variance requested exceeds the discretionary range of the Board and so ordinarily should not be allowed.

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 two staff members, one parking space is required; none are or can be provided on-site due to absence of a rear alley for access to the rear of the property.

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 ordinarily may authorize. However, the historic development pattern of this area, including removal of rear alleys and back streets as part of the urban renewal process, has left the applicant with few opportunities to obtain off-street parking on nearby properties, creating a practical difficulty with compliance with this requirement.

Drop-off / Pick-up area: There is not a location suitable for the drop-off or pick-up of children on this site. If 25 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. The applicant should consult the Parking Authority of Baltimore City concerning establishment of a passenger loading zone in front of the consolidated properties.

TransForm Baltimore: This property would remain part of the R-8 District (Proposed Zoning Map Area 6-D) in which Day Care Centers: Adult or Child, would be conditional uses (Table 9-301).

RECOMMENDATION

The Department of Planning has no objection to approval of this appeal subject to the condition that the applicant request establishment of a passenger loading zone in front of the consolidated properties.

TJS/wya/mf

cc: Quandra Greene, Appellant