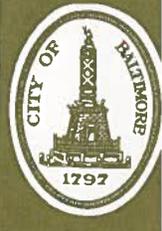


<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 2001 East North Avenue		

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

DATE: February 21, 2014

### REQUEST

The Department of Planning has received Terry Booker's Board of Municipal and Zoning Appeals (BMZA) conditional use application to use the first floor of the premises as a day care center for up to 15 children. The Zoning Administrator has determined that this is a conditional use in a R-7 District. We understand that this appeal is scheduled for hearing on February 25, 2014.

### SITE

2001 East North Avenue is located on the southeast corner of the intersection with Washington Street. This property measures approximately 16' by 80' and is currently improved with a two-story semi-detached residential mixed-use building measuring approximately 16' by 68'. This site is zoned R-7 and is located within the Broadway East Urban Renewal Plan area and the Baltimore East/ South Clifton Park 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 (§4-1003). In this case, the property was last authorized for use as a single-family attached dwelling, a permitted use, and a beauty shop, which is a nonconforming use in this R-7 General Residence District. In previous cases where a day care center seeks to locate in a residential neighborhood, especially one that is comprised of attached structures, Planning has supported modest initial capacities. Approval of this application would have the effect of allowing a conditional use to replace a nonconforming use of the property, and the modest initial capacity should have little impact on the area.

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

**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 one staff member, one parking space is required; one can be provided, accessible from the 15' wide alley beside the property.

**Drop-off / Pick-up area:** There is not a location suitable for the drop-off or pick-up of children on this site, which is on the southeast corner of a busy intersection. However, if 15 parents were to all drive to this site attempting to drop off or pick up their children within the same short time-frame, it could be done in a safe and orderly manner with assistance from the day care center staff. The applicant should contact the Parking Authority of Baltimore City

Mr. David Tanner, BMZA  
Executive Director  
Page 2  
Re: 2001 East North Avenue

and the Department of Transportation concerning a possible passenger loading zone designation on the Washington Street side of the property.

TransForm Baltimore: This property would become part of the R-8 District (Proposed Zoning Map Area 7-B) in which day-care centers would be conditional uses (Table 9-301). Day-care centers would have performance requirements, including required on-site drop-off zones (§14-309).

**RECOMMENDATION**

The Department of Planning recommends approval of this appeal, conditional upon the applicant obtaining a determination from the Parking Authority of Baltimore City and the Department of Transportation concerning a passenger loading zone for the property (on its Washington Street side).

TJS/wya/mf

cc: Terry Booker, Appellant