


FROM	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 / 823 West Lanvale Street		

TO

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

DATE: May 13, 2013

### REQUEST

The Department of Planning has received Michael Wilson's Board of Municipal and Zoning Appeals (BMZA) conditional use application to use the portion of the premises known as the Fellowship Hall as a day care center for 50 children (on the Board's docket for May 14, 2013 this appears as 60 children). The Zoning Administrator has determined that this is a conditional use in a R-8 District. We understand that this appeal is scheduled for hearing on May 14, 2013.

### SITE

823 West Lanvale Street is located on the southeast corner of the intersection with Fremont Avenue. This property measures approximately 118'6" along Lanvale Street by 120' along Fremont Avenue and is currently improved with a religious institutional building measuring approximately 62' by 135'. This site is zoned R-8 and is located within 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 previous cases where a family day care center seeks to locate in a residential neighborhood, especially one that is comprised of attached structures on a well-trafficked roadway, Planning has supported modest initial capacities. Due to the potential impacts of serving 50 or more children on this site, a lower initial capacity would be appropriate unless a drop-off and pick-up area was in place (see below).

Drop-off / Pick-up area: There is not a location suitable for the drop-off or pick-up of children on this site. If 50 or more 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 unless a pull-out area for parents to stop their vehicles temporarily was designated on either Lanvale Street or Fremont Avenue. For this reason, use of this property as a day care center for children should be conditional upon its obtaining designation of a passenger loading zone for the days and hours of operation of the day care center.

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 staff members, there are no parking spaces provided on the property, and to create any would require Department of Transportation approval of curb cuts on Fremont Avenue. The applicant should determine if any off-street parking could be obtained through commercial leasing on one or more properties within 300' of this location.

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**TransForm Baltimore:** This property would remain part of a R-8 District (Proposed Zoning Map Area 6-D) in which day care centers would be conditional uses (Table 9-301). The zoning status of the property would thus remain the same.

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**RECOMMENDATION**

The Department of Planning recommends approval of this appeal, subject to the condition that the applicant obtain designation of a passenger loading zone for the days and hours of operation of the day care center, and subject to the condition that the applicant provide or cause to be provided off-street parking spaces sufficient to meet Zoning Code requirements. If the applicant is unable to satisfy these conditions, a lower number of children would be more appropriate until these conditions are met.

TJS/wya/mf

cc: Michael Wilson, Appellant