


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 / 3501 Brehms Lane		

TO

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

DATE: August 21, 2014

**REQUEST**

The Department of Planning has received Michelle Duberry's Board of Municipal and Zoning Appeals (BMZA) application to use a portion of the premises as a day care center for 37 children. The Zoning Administrator has determined that this is a conditional use in a M-1 Industrial Zoning District. We understand that this appeal is scheduled for hearing on September 9, 2014.

**SITE**

3501 Brehms Lane is located on the southwest corner of the intersection with Brendan Avenue. This property measures approximately 384'9" by 181' and contains approximately 1.860 acre, and is currently improved with a one-story L-shaped detached commercial building measuring approximately 250' by 200'. This site is zoned M-1-2.

**ANALYSIS**

Conditional Use: In this zoning district, day nurseries and nursery schools are a conditional use, requiring approval by the Board (§7-207). In this case, the property was last authorized for use for wood products manufacturing, which is a permitted use in this M-1 Industrial District. The application states that the property is currently used as a church, which is a nonconforming (or prohibited) use. In previous cases where a day care center seeks to locate in a residential neighborhood, especially one that is comprised of attached structures, some on a narrow roadway, Planning has supported modest initial capacities. This property is located one block east of the intersection of two major routes, Erdman Avenue and Mannasota Avenue, and is a non-residential property surrounded by a residential neighborhood. Given the lay-out of this property and its accessibility by roadway, the day care center would have minimal impact upon that neighborhood.

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 four staff members, two parking spaces are required; over 25 are currently provided on a paved parking lot accessible from Brehms Lane. This parking lot is also large enough to serve the purpose of providing a place for safe drop-off and pick-up of children.

TransForm Baltimore: This property would become part of the OIC (Office-Industrial Campus) District (Proposed Zoning Map Area 8-A) in which day care centers: adult or child, would be permitted uses (Table 11-301). Day care centers would have 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.

TJS/wya/mf

cc: Michelle Duberry, Appellant

Northeast