


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 / 3510 Royston Avenue		

TO

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

DATE: September 9, 2009

REQUEST

The Department of Planning has received Natasha Brown-Wainwright's Board of Municipal and Zoning Appeals (BMZA) application to use the entire premises for a day-care facility increasing from 12 to 30 children, ages 6 weeks to 12 years, with 6 teachers. We understand that this appeal is scheduled for hearing on September 15, 2009.

SITE

3510 Royston Avenue is located on the northwest corner of the intersection with Moyer Avenue. This property measures approximately 81' by 125' and is currently improved with a one-and-one-half-story building measuring approximately 27' by 36'. This site is zoned R-3.

ANALYSIS

Conditional Use: In this zoning district, day nurseries and nursery schools are a conditional use, requiring approval by the Board (§4-203 and 4-603).

Change in Conditional Use: Any change to that use, including and expansion, relocation, or structural alteration, is subject to the procedures and requirements imposed by this article on conditional uses (§3-306.b.2).

In previous cases where a family day care center is seeking to expand, Planning has supported a modest increase in capacity. However, Planning does not feel that this site will be able to adequately serve 30 children, principally due to concerns about drop-off and pick-up of children in front of the house, and that a lower capacity would be appropriate. Additionally, since this is a residential area, eighteen hour operations would likely be detrimental to nearby residential property. For this reason, Planning recommends a lower capacity of 15 children, and reduced hours of 6 a.m. to 9 p.m. instead of 6 a.m. to midnight as proposed.

Off-Street Parking: ... if the intensity in use of a structure or premises is increased through the addition of dwelling, efficiency, or rooming units, floor area, seating capacity, or other units of measurement, off-street parking facilities must be provided for that increased intensity, as required by this title (§10-202.a). 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 six staff members, three parking spaces are required; none are provided.

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 may authorize.

However, if the recommendation to reduce the number of children permitted is accepted, there may be a commensurate reduction in the number of staff required for operation of the day-care facility, which in turn could reduce the required number of parking spaces to a level which the Board could approve.

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal.

TJS/ewt/mf

cc: Natasha Brown-Wainwright, Appellant