


<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 / 3050 Liberty Heights Avenue		

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

DATE: September 30, 2015

### REQUEST

The Department of Planning has received Gloria Young's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Mount Zion United Methodist Church, to use a portion of the property and premises as a day care center for 33 children. The Zoning Administrator has determined that this is a conditional use in a R-4 zoning district. We understand that this appeal is scheduled for hearing on October 6, 2015.

### SITE

3050 Liberty Heights Avenue is located on the northwest corner of the intersection with Wabash Avenue, and extends along the north side of the street to the intersection with Rosedale Street. This property measures approximately 240' by 151'5" and is currently improved with a two-story religious institutional building. This site is zoned R-4 and is located within the Greater Northwest Community Coalition Strategic Neighborhood Action Plan area and the Ashburton Historic District.

### ANALYSIS

**Conditional Use:** In this zoning district, day nurseries and nursery schools are a conditional use, requiring approval by the Board (§4-703). In this case, the property was last authorized for use as a church, which is a permitted use in this R-4 General Residence District.

In previous cases where a day care center seeks to locate in a residential neighborhood, especially one that includes attached or semi-detached structures on a narrow roadway like Rosedale Street, Planning has supported modest initial capacities. However, this property has frontage on two other, larger streets (Liberty Heights Avenue and Wabash Avenue) which may offer opportunities for location of a passenger loading zone for drop-off and pick-up of children during the operating hours 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 three staff members, two parking spaces are required; one may be provided using the driveway of the rectory on Rosedale Street.

**Drop-off / Pick-up area:** There is not a location suitable for the drop-off or pick-up of children on this site. If 33 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 day care center staff were present to assist parents stopping on any of the three streets bordering this property. The applicant should consult the Department of Transportation and the Parking Authority of Baltimore City concerning which street would be most advisable to use for this purpose, and whether a passenger loading zone should be established.

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**Historic District:** The subject property is located within the Ashburton District, a locally designated Baltimore City historic district. All exterior changes, including additions, demolitions, and alterations are subject to review and approval by the Commission for Historical and Architectural Preservation (CHAP). It is recommended that the applicant contact CHAP to determine the review process applicable to their project.

**TransForm Baltimore:** This property would become part of a R-3 District (Proposed Zoning Map Area 6-A) in which Day Care Centers: Adult or Child, would be conditional uses (Table 8-301).

### **RECOMMENDATION**

The Department of Planning recommends approval of this appeal subject to the conditions that (1) the applicant consult the Department of Transportation and Parking Authority of Baltimore City concerning establishing a passenger loading zone to serve the proposed use, and (2) that any alterations or modifications to the exterior of the existing structure on the property be completed according to a Notice To Proceed issued by the Commission for Historical and Architectural Preservation.

TJS/wya/mf

cc: Gloria Young, Appellant