


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 / 5107 Eastern Avenue		

TO

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

DATE: November 24, 2009

REQUEST

The Department of Planning has received Constantine Fotinos' Board of Municipal and Zoning Appeals (BMZA) application to use the entire premises as a day care center for up to twenty children, Monday through Friday, 7 am to 6 pm. We understand this appeal is scheduled for hearing on November 24, 2009.

SITE

5107 Eastern Avenue is located on the south side of the street, approximately 52'6" east of the intersection with Rappallo Street. This property measures approximately 16' by 85' and is currently improved with a two-story attached dwelling. This site is zoned R-8.

ANALYSIS

Conditional Use: In this zoning district, day care centers are a conditional use, requiring approval by the Board (§4-1103). In this case, the appellant would like to have a capacity of twenty children at one time.

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). The appellant will need to state the maximum number of staff members that will be on the premises at any one given time in order to calculate the number of required parking spaces. No parking is available on the premises.

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).

Drop-off / Pick-up area: There is not a location suitable for the drop-off or pick-up of children on this site. If twenty 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. In previous cases where a family day care center seeks to locate in a residential neighborhood, especially one that is comprised of attached dwellings on a narrow roadway, Planning has supported modest initial capacities. Due to the potential impacts of serving twenty children on this site, a lower initial capacity would be appropriate. For this reason, a lower capacity of twelve children is recommended.

Mr. David Tanner, BMZA
Executive Director
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RECOMMENDATION

The Department of Planning recommends approval of the appeal with a capacity of not more than twelve children at one time.

TJS/ewt

cc: Constantine Fotinos, Appellant