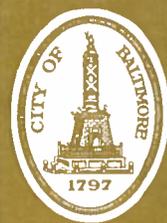


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|------|-----------------------|--|---|---|
| FROM | NAME & TITLE | THOMAS J. STOSUR, DIRECTOR <i>Shale/for T. J.S.</i> | CITY OF BALTIMORE MEMO |  |
| | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR | | |
| | SUBJECT | BMZA / 4908 Hamilton Avenue | | |

TO

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

DATE: February 13, 2012

REQUEST

The Department of Planning has received Nkenge Yasin's Board of Municipal and Zoning Appeals (BMZA) application to continue to use the premises for a child care or day care center and to increase the number of children from the currently-authorized level of 12 to a proposed level of 40 children. We understand that this appeal is scheduled for hearing on February 21, 2012.

SITE

4908 Hamilton Avenue is located on the north side of the street, approximately 75' east of the intersection with Bucknell Road. This property measures approximately 147' along Hamilton Avenue and is currently improved with a two-story-plus-attic detached building measuring approximately 34' by 45'. This site is zoned R-5.

ANALYSIS

Conditional Use: In this zoning district, day nurseries and nursery schools are a conditional use, requiring approval by the Board (§4-803). In this case, the property was last authorized for use as a single-family dwelling and a day care center for 12 children by the Board's decision of January 8, 2008 in appeal no. 887-07.

Change in Conditional Use: Any change to that use, including any expansion, relocation, or structural alteration, is subject to the procedures and requirements imposed by this article on conditional uses (§3-306.b.2). This application would increase the number of children in the day care center from 12 to 40. The application does not provide information concerning how many additional staff persons would be required to support this proposed use.

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 40 children, and that a lower capacity would be appropriate. Additionally, since this is a residential area comprised of single-family residences and garden apartments, eighteen hour operations would likely be detrimental to the adjoining residential property. For this reason, Planning is recommending a lower capacity of 30 children, and reduced hours of 6:00 a.m. to 10:00 p.m.

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, the number of additional staff members, and therefore the number of parking spaces required, is unknown. There is an existing driveway beside the northeast side of the house that could provide one parking space.

Drop-off / Pick-up area: There is not a location suitable for the drop-off or pick-up of children on this site. If 40 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. Although Hamilton Avenue is a 40' wide roadway in front of this property, it is also relatively well-travelled, and thus for safety of children and parents there should be both warning signs and a designated passenger loading zone in front of this property, to allow safe drop-off and pick-up of children.

RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if granted, be conditional upon the applicant obtaining designation of a passenger loading zone for a drop-off and pick-up area for children in front of the premises, and upon the applicant providing off-street parking for the additional staff of the enlarged day care center.

TJS/wya/mf

cc: Nkenge Yasin, Appellant