


<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 / 523 EAST 22 <sup>ND</sup> STREET		

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

DATE: May 29, 2009

### REQUEST

The Department of Planning has received Chanta Brown Ivery's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as a day care center for 39 children or less Monday through Friday from 6:00 am to 7:00 pm. We understand that this appeal has not yet been scheduled for hearing.

### SITE

523 East 22nd Street is located on the south side of the street, approximately 30' west of the intersection with Boone Street. This property measures approximately 15' by 90' and is currently improved with a three-story attached dwelling. This site is zoned R-8 and is located within the East Baltimore-Midway Urban Renewal Plan area.

### ANALYSIS

Conditional Use: In this zoning district, day care centers are a conditional use, requiring approval by the Board (§4-1103). In previous cases where a family day care center seeks to locate in a residential neighborhood, especially one that is comprised of attached structures on a narrow roadway, Planning has supported modest initial capacities. Due to the potential impacts of serving 39 children on this site, a lower initial capacity would be appropriate. For this reason, a lower capacity of no more than fifteen children is recommended.

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 specify the maximum number of staff members that will be on-site at any one given time in order to calculate the number of required parking spaces. No parking spaces appear to be 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.

Drop-off / Pick-up area: There is not a location suitable for the drop-off or pick-up of children on or near this site. If 39 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.

Mr. David Tanner, BMZA  
Executive Director  
Page 2  
Re: 523 East 22nd Street

**RECOMMENDATION**

The Department of Planning recommends disapproval of the appeal.

TJS/ewt

cc: Ms. Chanta Brown Ivery, Appellant