

<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 / 5405 Todd Avenue		

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

DATE: August 6, 2010

### REQUEST

The Department of Planning has received Nadine Allen's Board of Municipal and Zoning Appeals (BMZA) application to use a portion of the premises as a day care center, increasing the number of children from 20 to 35; and to construct a one-story rear addition to the building. We understand that this appeal is scheduled for hearing on August 17, 2010.

### SITE

5405 Todd Avenue is located on the east side of the street, approximately 200' north of the intersection with Radecke Avenue. This property measures approximately 53' by 120' and is currently improved with a two-story detached building measuring approximately 30' by 39'. 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 (§4-603). 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 35 children, and that a lower capacity would be appropriate. For this reason, unless the applicant can demonstrate that neighborhood or site conditions have changed since the applicant's previous request for a day care center for 30 children (BMZA appeal no. 507-08X, heard two years ago), Planning is continuing to recommend a lower capacity of 20 children, as was stated in this Department's memorandum dated July 21, 2008 concerning this property. The Board approved this property for a 20-child day care center in its decision on appeal no. 507-08X.

Drop-off / Pick-up area: There is not a location suitable for the drop-off or pick-up of children on this site. If 35 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 without supervision by day care center staff.

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 four staff members, two parking spaces are required; one is provided.

Lot Coverage: The existing structure covers approximately 18.4% of the property. A structure in a R-3 zoning district may not cover more than 30% of the lot area (§4-606). In this case, the proposed rear addition would result in the structure covering approximately 24.8% of the property, which would comply with this standard.

**RECOMMENDATION**

The Department of Planning recommends disapproval of the appeal to increase the day care center capacity, because there is not an adequate drop-off/ pick-up location suitable for 35 children at this location. The Department has no objection to the appeal to construct a one-story rear addition to the existing building.

TJS/wya/mf

cc: Nadine Allen, Appellant