


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 / 3050 Liberty Heights Avenue		

TO

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

DATE:

August 21, 2014

REQUEST

The Department of Planning has received Latania Chisholm's Board of Municipal and Zoning Appeals (BMZA) application to use a portion of the first floor of the church as a day care center for 40 children. The Zoning Administrator has determined that this is a conditional use in a R-4 Residential Zoning District and that a variance of Zoning Code off-street parking requirements may be needed for approval of this application. We understand that this appeal is scheduled for hearing on September 9, 2014.

SITE

3050 Liberty Heights Avenue is located on the northwest corner of the intersection with Wabash Avenue and extends along the north side of Liberty Heights Avenue to its intersection with Rosedale Avenue. This property measures approximately 240' by 151' and is currently improved with a two-story L-shaped religious institutional building measuring approximately 116' by 92' adjacent to a two-story parsonage measuring approximately 32' by 47'. This site is zoned R-4 and is located within the Greater Northwest Community Coalition Strategic Neighborhood Action Plan area.

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 is comprised of detached or semi-detached structures on a narrow roadway, Planning has supported modest initial capacities. This property is located at the intersection of two major routes, Liberty Heights Avenue and Wabash Avenue, at the south edge of a residential neighborhood, and so the day care center would have minimal impact upon that neighborhood.

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 currently provided accessible from Rosedale Avenue.

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 50%, which is within 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 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 without assistance from day care center staff. The applicant should provide a plan for timing and support of safe drop-off and pick-up of children using Wabash Avenue, Rosedale Avenue, or both. The applicant should also request establishment of a passenger loading zone on either of these two streets if one does not already exist to serve the church.

TransForm Baltimore: This property would become part of the R-3 District (Proposed Zoning Map Area 5-B) in which day care centers: adult or child, would be conditional uses (Table 8-301). Day care centers would have off-street parking requirements of 1 space per 4 employees on maximum shift (Table 16-406A).

RECOMMENDATION

The Department of Planning recommends approval of this appeal, subject to the applicant providing or obtaining a safe location for drop-off and pick-up of children.

TJS/wya/mf

cc: Latania Chisholm, Appellant