


<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: October 10, 2013

**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 30; and to provide child care for children ages 2 to 12 from 6: a.m. to 12:00 midnight every day. We understand that this appeal is scheduled for hearing on October 15, 2013.

**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 30 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 over four 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, and affirmed that number (20 children) in its decision on appeal no. 2010-287.

Drop-off / Pick-up area: There is not a location suitable for the drop-off or pick-up of children on this site. If 30 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 three staff members, two parking spaces are required; one is provided.

TransForm Baltimore: This property would remain part of the R-3 District (Proposed Zoning Map Area 4-D) in which day care centers would be conditional uses (Table 8-301).

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**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 30 children at this location. The Department has no objection to the appeal to increase use of the existing building, or to the requested hours of operation daily.

TJS/wya/mf

cc: Nadine Allen, Appellant