


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 / 2901 O'Donnell Street		

TO

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

DATE: December 27, 2011

REQUEST

The Department of Planning has received Stanley Fine's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Blaze, Inc., to continue to use the property as a restaurant with accessory outdoor table service, and increase the accessory outdoor table service area by adding a second outdoor seating area on a proposed balcony over the sidewalk adjoining the Linwood Avenue side of the building. We understand that this appeal is scheduled for hearing on January 10, 2012.

SITE

2901 O'Donnell Street is located on the southeast corner of the intersection with Linwood Avenue. This property measures approximately 18'6" by 75' and is currently improved with a two-story end-of-row building covering the entire lot. This site is zoned B-2-2 and is located within the Canton Waterfront Urban Renewal Plan area and the Canton National Register Historic District.

ANALYSIS

Conditional Use: In this zoning district, restaurants – including accessory outdoor table service, are a conditional use, requiring approval by the Board (§6-308).

Definition: "Outdoor table service", as an accessory to a restaurant, means an outdoor service area at which patrons are seated at tables for service of food and drinks (§1-168.1). The applicant is proposing two accessory outdoor seating areas, one on the sidewalk on the west side of the building, the other directly above the first on a proposed balcony that would be accessible through a doorway to be opened in the upper side wall of the building.

Land Use and Urban Design: The proposed balcony would be 9' wide by 32' long and supported in part by posts placed in the sidewalk below at a distance 7' from the side wall of the building. As the sidewalk is approximately 12' wide this would not leave a minimum 6' of clear and unobstructed pedestrian passage on the sidewalk, a requirement regularly imposed upon use of sidewalks for accessory outdoor table service areas. The applicant must reposition the support posts for the proposed balcony so that they leave a minimum of 6' of clear and unobstructed walkway on the sidewalk below the balcony. Exact placement of, and number of tables and seats for, outdoor sidewalk seating would be determined after the Department of Public Works has approved proper location of the posts at least 6' away from the curb of Linwood Avenue. The number of tables and seats allowed on the proposed balcony would be regulated by fire and safety code requirements for maximum number and type of tables and seats and maximum load on the balcony.

Construction permits for the proposed balcony may be contingent upon the applicant first concluding a franchise agreement with the Mayor and City Council of Baltimore. The balcony, like the upper floor of the restaurant, should be fully accessible to persons with disabilities.

RECOMMENDATION

The Department of Planning recommends that approval of the appeal, if granted, be subject to these conditions in addition to any conditions which the Board may determine:

- A minimum of six feet of the sidewalk along Linwood Avenue must remain clear and unobstructed for pedestrian use;
- The capacity of the outdoor seating areas will not be more than 4 tables and 14 patrons on the sidewalk, and an additional number of tables and patrons as determined and limited by the rated load-bearing capacity of the approved balcony, which should also be fully accessible to persons with disabilities;
- The tables will be limited to those that can seat 4 patrons, and are to be kept against the wall of the building;
- There will be no outdoor bar;
- There will be no outdoor music, a jukebox, or other form of entertainment; and
- All patrons must be seated for dining, and served by wait staff.

TJS/wya/mf

cc: Stanley Fine, Appellant