


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 / 12 – 18 East Cross Street		

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

DATE: January 27, 2014

REQUEST

The Department of Planning has received Ian Sokoloski's Board of Municipal and Zoning Appeals (BMZA) conditional use application, on behalf of Federal Hill Partners II LLC, to consolidate lots, change the use of 16 East Cross Street and 18 East Cross Street to a tavern, and construct a two-story structure with an open courtyard. The Zoning Administrator has determined that a variance of Zoning Code yard setback and parking requirements is needed for approval of this application. We understand that this appeal was scheduled for hearing on October 15, 2013, but has been postponed to January 28, 2014.

SITE

12 / 14 East Cross Street is located on the northeast corner of the intersection with Patapsco Street. This property measures approximately 29' by 73' and is currently improved with a three-story semi-detached residential building covering the entire lot. 16 East Cross Street is located on the north side of the street, approximately 29' east of the intersection with Patapsco Street. This property measures approximately 14'6" by 73' and is currently improved with a three-story attached residential building covering nearly all of the lot. 18 East Cross Street is located on the north side of the street, approximately 43'6" east of the intersection with Patapsco Street. This property measures approximately 14'6" by 73' and is currently improved with a three-story attached residential building covering nearly all of the lot. This site is zoned B-2-3 and is located within the South Baltimore Business Area Urban Renewal Plan area and the Federal Hill National Register Historic District.

ANALYSIS

Use: In this zoning district, taverns – not including live entertainment and dancing, are a permitted use, and so are allowed (§6-306). In this case, the property was last authorized for use as dwellings and offices, which are permitted uses in this B-2 Community Business District.

Urban Renewal Plan: This property is located in the South Baltimore Business Area Urban Renewal Area, where the Urban Renewal Plan ("Plan") does not prohibit or further restrict the proposed use in this district. However, the Plan does require that outdoor seating be evaluated according to a plan and elevation showing layout and design of seating area, and that all tables and chairs must be at sidewalk level, with sight lines to adjoining properties preserved (South Baltimore Business Area Urban Renewal Plan, Techniques Used to Achieve Plan Objectives, C.1.h.). The applicant should submit the required outdoor seating area layout and design to the Planning Department for review. The Plan also requires all exterior alterations (including additions or demolition) to be reviewed and approved for consistency with Plan objectives and standards.

Off-Street Parking: ... whenever the existing use of a structure is changed to a new use, off-street parking facilities must be provided, as required by this title, for that new use (§10-203.a). If the structure was lawfully erected before April 20, 1971, additional off-street parking facilities are mandatory only in the amount by which the requirements for the new use exceed those for the existing use (§10-203.b). The new use, a tavern, does not have a requirement to provide off-street parking (§10-405).

Required Yard: In this zoning district, a minimum rear yard setback of 30' is required (§6-312.e.). In this case, the proposed replacement structure will project to within 0' of the rear lot line. However, this would be using the footprint of the existing structures on these lots, and would not constitute a reduction of the existing setback.

Historic District: The property is located in a designated historic district, and so may be eligible for historic tax credits for restoration and renovation. The appellant is encouraged to contact the Baltimore Commission for Historical and Architectural Preservation before proceeding with any improvements which may be authorized as a result of this appeal.

TransForm Baltimore: This property would become part of a C-1 District (Proposed Zoning Map Area 11-A) in which taverns would be conditional uses (Table 10-301).

RECOMMENDATION

The Department of Planning has no objection to this appeal. If the Board should approve this application, approval should be conditional upon approval by the Department of the plans, elevations, layout and design of the outdoor seating area proposed in connection with the proposed use, and approval by the Department of all exterior changes to the existing structures, or replacement structures.

TJS/wya/mf

cc: Ian Sokoloski, Appellant