


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 / 1712 Thames Street		

TO

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

DATE: March 18, 2013

REQUEST

The Department of Planning has received Jude Darrien's Board of Municipal and Zoning Appeals (BMZA) conditional use application to add outdoor table service to continuing use of the premises for retail sales of tobacco products, sodas, and prepackaged goods (not liquor). The Zoning Administrator has determined that this is a conditional use in a B-3-2 District. We understand that this appeal is scheduled for hearing on March 19, 2013.

SITE

1712 Thames Street is located on the north side of the street, approximately 181' east of the intersection with Broadway. This property measures approximately 20' by 100' and is currently improved with a three-story attached commercial building measuring approximately 20' by 72'. This site is zoned B-3-2 and is located within the Fells Point Historic District.

ANALYSIS

Conditional Use: In this zoning district, restaurants – including accessory outdoor table service, are a conditional use, requiring approval by the Board (§6-408). The applicant has indicated that the current use of the premises is a cigar shop; the property is currently authorized for use for retail sales.

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). Unless the use was converted to or included a restaurant, the proposed accessory outdoor table service could not be authorized by the Board under the terms of the Zoning Code.

The applicant has proposed that a small portion of the total number of tables and chairs be placed on the sidewalk in front of the building, specifically 2 tables with 2 umbrellas and 4 chairs. The applicant should provide the Board with a dimensioned sidewalk site plan for this if the Board determines that a restaurant is actually in operation on the premises. The plan should indicate the proposed placement of the tables and chairs, and demonstrate that at least 6' of the sidewalk in front of the building would remain clear and unobstructed for pedestrians passing in front of the building, and that the entrance to the building would remain clear and unobstructed for access purposes.

Historic District: The subject property is located within the Fells Point District, a locally and nationally designated Baltimore City historic district. All exterior changes, including additions, demolitions, and alterations are subject to review and approval by the Commission for Historical and Architectural Preservation (CHAP). It is recommended that the applicant contact CHAP to determine the review process applicable to their project.

RECOMMENDATION

The Department of Planning recommends disapproval of this application, because the application states that the current use of the property is not a restaurant. The Department further requests that, if the applicant demonstrates that there is use of the property for a restaurant, approval of a modified appeal for accessory outdoor table service in front of the building be subject to these conditions:

- A minimum of six feet of the sidewalk must remain clear and unobstructed for pedestrian use;
- The capacity of the outdoor seating area in front of the property will not be more than two tables and four patrons;
- These tables will be limited to those that can seat two 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.

As there is a residential area on the opposite side of the rear lot line of this property, and no alley to separate the rear of this property from residential properties behind it, the Department recommends disapproval of accessory outdoor table service in the rear yard.

TJS/wya/mf

cc: Jude Darrien, Appellant