


FROM	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 / 3358-3360 Chestnut Avenue		

TO

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

DATE: March 6, 2013

### REQUEST

The Department of Planning has received Jennifer Lester's Board of Municipal and Zoning Appeals (BMZA) conditional use application, on behalf of Then She Did LLC, to expand the existing conditional use of the property as a restaurant to include the second floor of the premises. The Zoning Administrator has determined that this is an expansion of a conditional use in a B-1-2 District, and that a variance of off-street parking requirements of the Zoning Code would be required for approval of this application. We understand that this appeal is scheduled for hearing on March 19, 2013.

### SITE

3358-3360 Chestnut Avenue is located on the southwest corner of the intersection with 34<sup>th</sup> Street. This property measures approximately 38' by 137' and is currently improved with a two-story end-of-row residential mixed-use building covering the entire lot. This site is zoned B-1-2 and is located within the Hampden 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 (§6-208). The Board previously approved this use by its decision in appeal no. 318-07. The applicant is seeking to increase the floor area of the restaurant by using the second floor front portion of the premises as part of the restaurant.

Off-Street Parking: ... if the intensity in use of a structure or premises is increased through the addition of dwelling, efficiency, or rooming units, floor area, seating capacity, or other units of measurement, off-street parking facilities must be provided for that increased intensity, as required by this title (§10-202.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 applicant is proposing to increase the floor area of the restaurant by approximately 500 square feet, according to the drawing provided with the application. In this zoning district, restaurants require one off-street parking space per 400 square feet of floor area (§10-405.21.i). The applicant thus would need to provide an additional parking space to support this expansion of the restaurant, or must seek a variance of this requirement.

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 75%, which is within the variable amount the Board may authorize. A variance is needed because there is no available area on the property where additional off-street parking could be placed, thus there is practical difficulty in providing it.

Mr. David Lanner, BMZA

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TransForm Baltimore: This property would be part of a C-1 Neighborhood Business District (Proposed Zoning Map Area 2-D), in which restaurants would be a permitted use (Table 10-301). The proposed use (including its expansion) would thus be consistent with the proposed zoning of the property.

**RECOMMENDATION**

The Department of Planning recommends approval of this appeal.

TJS/wya/mf

cc: Jennifer Lester, Appellant