


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 / 737 South Bond Street		

TO

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

DATE: February 28, 2013

REQUEST

The Department of Planning has received Alex Dominguez's Board of Municipal and Zoning Appeals (BMZA) conditional use application to use the first floor of the premises as a café or restaurant. The Zoning Administrator has determined that this is a conditional use in a B-1 District. We understand that this appeal is scheduled for hearing on March 5, 2013.

SITE

737 South Bond Street is located on the northeast corner of the intersection with Lancaster Street. This property measures approximately 16' by 72' and is currently improved with a three-story end-of-row residential mixed-use building measuring approximately 16' by 57' and a one-story garage covering the remainder of the lot. This site is zoned B-1-2 and is located within the Fells Point Historic District.

ANALYSIS

Conditional Use: In this zoning district, restaurants – including live entertainment and dancing, and including accessory outdoor table service, are a conditional use, requiring approval by the Board (§6-208). The applicant has not submitted any indication that either accessory outdoor table service or live entertainment is being requested.

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). ... 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 application requests approval to re-open a closed coffee shop as a café / restaurant, but does not indicate how long the previous commercial use of the property has been discontinued. The principal structure on the property is over 100 years old. The applicant should be required to provide floor plans showing the floor area of the former restaurant use and the floor area of the proposed use, to enable a determination of whether additional off-street parking would be required for approval of this application.

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). Because the property is located in a

designated historic district, it may be eligible for historic tax credits for restoration and renovation. It is recommended that the applicant contact CHAP to determine the review process applicable to their project if it involves any additions, demolition or alterations, including new signage.

TransForm Baltimore: This property would be part of a Rowhouse Mixed Use Overlay District with underlying R-8 zoning (Proposed Zoning Map Area 7-D). Personal services establishments and restaurants would be permitted uses in this overlay district (§12-1003.A) with outdoor dining a conditional use (§12-1003.B).

RECOMMENDATION

The Department of Planning recommends approval of this appeal, subject to the applicant obtaining a Notice To Proceed from the Commission for Historical and Architectural Preservation for any additions, demolition or alterations, including new signage.

TJS/wya/mf

cc: Alex Dominguez, Appellant