


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 / 1609 Laurens Street		

TO

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

DATE:

March 26, 2010

REQUEST

The Department of Planning has received Kimberly Hill's Board of Municipal and Zoning Appeals (BMZA) application to continue to use the first floor as a tavern and use the second floor as an Internet café. We understand that this appeal is scheduled for hearing on March 30, 2010.

SITE

1609 Laurens Street is located on the southeast corner of the intersection with Vincent Street. This property measures approximately 15' by 100' and is currently improved with a two-story building measuring approximately 15' by 55'. This site is zoned R-8 and is located within the Sandtown-Winchester Urban Renewal Plan area.

ANALYSIS

Use: Any use that is not expressly allowed in a district is prohibited (§3-106). In this zoning district, Internet cafés are not listed as a permitted or conditional use, and so are not allowed (§4-1101 to §4-1104). In this case, the property was last authorized for use as a tavern – not including live entertainment, which is a nonconforming use in this R-8 General Residence District.

Conditional Use: In this zoning district, multi-purpose neighborhood centers are a conditional use, requiring approval by the Board (§4-1103). However, in this R-8 General Residence District, 5,000 square feet of lot area would be required for a multi-purpose neighborhood center, but this property's lot area is only approximately 1,500 square feet, an amount insufficient for approval of this conditional use.

Comprehensive Planning: Because there is no exact definition of what constitutes an Internet café, Planning staff have considered what are the elements of other self-styled Internet cafés. The "Internet" component often is a series of desks, tables, or other forms of work-stations, at which can be obtained either wireless Internet connection, or use of a desk-top computer connected to the Internet. The "café" component can be as simple as a coffee bar, or as complex as a sandwich shop or delicatessen with a seating area for on-premises consumption of food and beverages. The intent of such uses is to offer patrons a single place at which to eat, drink non-alcoholic beverages, and utilize the Internet for business or pleasure, often by way of a patron-provided lap-top computer which is then connected wirelessly to the Internet. The wireless connection is a service provided by the operator of the Internet café.

The Department is uncertain whether the proposed use should be categorized as a multi-purpose neighborhood center for purposes of Board review of the application. The Department therefore suggests that the applicant develop a detailed description of how the proposed use would operate, including its hours and expected number of patrons, and a detailed floor plan of the Internet café, and that the applicant meet with the Sandtown-Winchester Improvement Association to review the proposal for consistency with the objectives of the Sandtown-Winchester Urban Renewal Plan.

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal as presented, and suggests deferral of the hearing in order to give the applicant opportunity to demonstrate that the proposed use could be one which is both within the Board's authority to approve, and supportive of the objectives of the Sandtown-Winchester Urban Renewal Plan.

TJS/ewt/mf

cc: Kimberly Hill, Appellant