


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 / 1928 Fleet Street		

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

DATE: March 31, 2015

REQUEST

The Department of Planning has received Stephen Fogleman's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Bad Decisions, Inc. and Anastasia Demetriades, to continue to use the premises as a restaurant and tavern with live entertainment, and to add accessory outdoor table service. The Zoning Administrator has determined that this is a conditional use in a B-1 Zoning District. We understand that this appeal is scheduled for hearing on April 7, 2015.

SITE

1928 Fleet Street is located on the northwest corner of the intersection with Washington Street. This property measures approximately 20' by 60' and is currently improved with a three-story semi-detached building covering the entire 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). In this case, the property was last authorized for use as a tavern – including live entertainment and dancing, which is a nonconforming use in this B-1 Neighborhood Business District. For this application to be considered by the Board, the applicant should demonstrate that the use of the premises would be a restaurant.

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). The application included a sidewalk site plan showing that the outdoor seating area would be on the side (Washington Street wall side) of the existing structure, with approximately 8' of the sidewalk width used for seating area, and a 5' – 6' wide unobstructed area along the curb remaining for passage by pedestrians. This plan is acceptable to the Planning Department.

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.

TransForm Baltimore: This property would become part of the C-1 District (Proposed Zoning Map Area 7-D) in which restaurants and outdoor dining would be permitted uses (Table 10-301).

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RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if granted, be subject to these conditions in addition to any conditions which the Board may establish:

- A minimum of six feet of the sidewalk must remain clear and unobstructed for pedestrian use;
- The capacity of the outdoor seating area will not be more than six tables and 24 patrons;
- The tables will be limited to those that can seat four 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.

TJS/wya/mf

cc: Stephen Fogleman, Appellant