


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR <i>Shale/for T.S.</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR		
	SUBJECT	BMZA / 3242 FOSTER AVENUE		

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

DATE: April 7, 2009

REQUEST

The Department of Planning has received Sherry Rosenstein's Board of Municipal and Zoning Appeals (BMZA) application to use a portion of the premises for accessory outdoor table service and use the second floor for a private party room. We understand this appeal is scheduled for hearing on April 14, 2009.

SITE

3242 Foster Avenue is located on the northwest corner of the intersection with South Clinton Street. This property measures approximately 30' by 140'4" and is currently improved with a two-story end-of-row attached building, and a rear one-story building. This site is zoned R-8.

ANALYSIS

Use: In this zoning district, outdoor table service accessory to a restaurant is not listed as a permitted or conditional use, and so is not allowed (§4-1101 to §4-1104). In this case, the property was last authorized for use as a tavern without live entertainment, which is a nonconforming use in this R-8 General Residence District.

Change in Nonconforming Use: In accordance with Subtitle 7 {"Modifications and Continuances by Board"} of this title, the Board may authorize a Class III nonconforming use in a Residence or Office-Residence District to be changed to a use permitted in a B-1 District (§13-405.b). Outdoor table service accessory to a restaurant is listed as a conditional use in the B-1 District, and so is not eligible for a change in nonconforming use (§6-206).

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal.

TJS/ewt

cc: Ms. Sherry Rosenstein, Appellant