


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 / 1901 Gough Street		

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

DATE: April 15, 2014

REQUEST

The Department of Planning has received Stefan Popescu's Board of Municipal and Zoning Appeals (BMZA) application to add accessory outdoor table service to an existing restaurant. The Zoning Administrator has determined that this is a conditional use in a R-8 District. We understand that this appeal is scheduled for hearing on April 22, 2014.

SITE

1901 Gough Street is located on the southeast corner of the intersection with Wolfe Street. This property measures approximately 18' by 80' and is currently improved with a three-story semi-detached residential mixed-use building covering the entire lot. This site is zoned R-8 and is located within the Fells Point National Register Historic District.

ANALYSIS

Use: In this zoning district, taverns and restaurants 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, which is a nonconforming use in this R-8 General Residence District.

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 property is presently used for a tavern, and thus the proposed accessory outdoor table service would not be approvable unless the use was first changed to a restaurant.

Land Use and Urban Design: The application included a sidewalk site plan around the premises, showing the dimensions of the areas proposed to be used for tables and seating. The plan presented would be approvable, as it provided proper unimpeded pedestrian passage in front of and alongside the building.

TransForm Baltimore: This property would remain part of a R-8 District (Proposed Zoning Map Area 7-D) in which Neighborhood Commercial Establishments would be conditional uses (Table 9-301). "Neighborhood commercial establishment" includes restaurants without live entertainment and dancing (§14-328). Outdoor dining would be a separate use, and would not be permitted in Residential Districts.

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the Board is not authorized to approve accessory outdoor table service for taverns. If the applicant demonstrates to the Board that the present use of the premises is a restaurant and not a tavern, then the Department recommends that approval, if granted, be subject to these conditions in addition to any conditions which the Board may establish:

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- A minimum of six feet of the sidewalk along Wolfe Street, and a minimum of eight feet of the sidewalk along Gough Street, must remain clear and unobstructed for pedestrian use;
- The capacity of the outdoor seating area will not be more than six tables and 18 patrons;
- The tables will be limited to those that can seat three 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: Stefan Popescu, Appellant