


<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 2907 (2903-2909) O'Donnell Street		

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

DATE: April 15, 2014

### REQUEST

The Department of Planning has received Stanley Fine's Board of Municipal and Zoning Appeals (BMZA) conditional use application, on behalf of Canton Enterprises LLC, to add accessory outdoor table service, in the form of two tables for eight persons, to an existing restaurant. The Zoning Administrator has determined that this is a conditional use in a B-2 District. We understand that this appeal is scheduled for hearing on April 22, 2014.

### SITE

2907 (2903-2909) O'Donnell Street is located on the south side of the street, approximately 18'6" east of the intersection with Linwood Avenue. This property measures approximately 53' by 75' and is currently improved with a one-story attached commercial building covering the entire lot. This site is zoned B-2-2 and is located within the Canton National Register Historic District.

### ANALYSIS

Conditional Use: In this zoning district, restaurants – including accessory outdoor table service, are a conditional use, requiring approval by the Board (§6-308). In this case, the property was last authorized for use as a tavern, which is a permitted use in this B-2 Community Business 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 applicant would need to demonstrate that use of the property has been changed from a tavern to a restaurant for this application to be approvable.

TransForm Baltimore: This property would become part of a C-1 District (Proposed Zoning Map Area 8-C) in which restaurants and outdoor dining would be permitted uses (Table 10-301).

### 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 two tables and 8 patrons;
- The tables will be limited to those that can seat four patrons, and are to be kept against the front 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  
Southeast

cc: Stanley Fine, Appellant