


<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 / 911-913 West 36 <sup>th</sup> Street		

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

DATE: April 30, 2014

### REQUEST

The Department of Planning has received Christopher Spann and Tara Linn's Board of Municipal and Zoning Appeals (BMZA) conditional use application to use a portion of the first floor of the premises known as 911 West 36<sup>th</sup> Street as a restaurant with accessory outdoor table service. 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 May 6, 2014.

### SITE

911-913 West 36<sup>th</sup> Street is located on the south side of the street, approximately 100' west of the intersection with Elm Avenue. This property measures approximately 56'6" by 125' and is currently improved with a two-story attached commercial building covering the entire lot. This site is zoned B-2-2 and is located within the Hampden Business Area Urban Renewal Plan area and the Hampden 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). The property is presently authorized for use as a restaurant.

**Urban Renewal Plan:** This property is located in the Hampden Business Area Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district. The Plan authorizes outdoor display of merchandise for retail sale, and this proposed accessory use would be compatible with the Plan's intent to activate "the Avenue" of Hampden.

**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 sidewalk in front of this property is approximately 12' wide, with approximately 8' of width available after allowing for tree pits and signage. This would limit outdoor tables to 2-tops, and the frontage of the property, after leaving space for access to the front entrances, would allow up to five such combinations of a table and seats. The application included a sidewalk site plan for three 2-top tables to be placed on the 911 West 36<sup>th</sup> Street side of the structure.

**TransForm Baltimore:** This property would become part of the C-1 District (Proposed Zoning Map Area 2-D) in which restaurants and outdoor dining would be permitted uses (Table 10-301).

**RECOMMENDATION**

The Department of Planning recommends approval of this appeal, 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 5 tables and 10 patrons;
- The tables will be limited to those that can seat two 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: Christopher Spann and Tara Linn, Appellants