


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR <i>Shale / for T.J.S.</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR		
	SUBJECT	BMZA / 900 South Kenwood Avenue		

TO

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

DATE:

May 4, 2012

REQUEST

The Department of Planning has received Alex van Breukelen's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Semper Fidelis LLC, to use a portion of the premises as a restaurant in conjunction with an existing tavern and add accessory outdoor table service. We understand that this appeal is scheduled for hearing on May 15, 2012.

SITE

900 South Kenwood Avenue is located on the southwest corner of the intersection with Hudson Street. This property measures approximately 40' by 62' and is currently improved with a two-story end-of-row building covering the lot. This site is zoned R-8 and is located within the Canton National Register Historic District.

ANALYSIS

Use: In this zoning district, taverns or 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 current use as a tavern is not authorized to have accessory outdoor table service.

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal, because a tavern is not authorized to have accessory outdoor table service by the Zoning Code, unless the applicant demonstrates to the Board that the nonconforming use has been changed to a restaurant.

TJS/wya/mf

cc: Alex van Breukelen, Appellant