


FROM	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 / 415 South Central Avenue		

TO

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

DATE:

May 30, 2014

**REQUEST**

The Department of Planning has received Michael Burton's Board of Municipal and Zoning Appeals (BMZA) conditional use application, on behalf of Fallsway Spring LLC, to continue to use a portion of the premises as a restaurant and add 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 June 3, 2014.

**SITE**

415 South Central Avenue is located on the northeast corner of the intersection with Eastern Avenue. This property measures approximately 256'10" along Central Avenue by 80' along Eastern Avenue and contains approximately 0.472 acre, and is currently improved with a new multi-story hotel building covering the entire lot (pursuant to the Board's approval of appeal no. 2010-444). This site is zoned B-2-2 and is located within the South Central Avenue 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).

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 provided a sidewalk site plan with this application showing that there would be two outdoor seating areas, one along Central Avenue with four 4-top tables and 16 seats, the other along Eastern Avenue with three 4-top tables and 12 seats. An unimpeded pedestrian way of at least 6' wide would be provided for persons passing the seating areas.

TransForm Baltimore: This property would become part of the C-2 District (Proposed Zoning Map Area 7-C) 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, in accordance with the plan provided in the application;
- The capacity of the outdoor seating area will not be more than 7 tables and 28 patrons;
- The tables will be limited to those that can seat four 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

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- All patrons must be seated for dining, and served by wait staff.

TJS/wya/mf

cc: Michael Burton, Appellant