


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 / 801 East Fort 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 Matthew and Jeffrey Cahill's Board of Municipal and Zoning Appeals (BMZA) conditional use application to use the first floor of the premises 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 June 3, 2014.

**SITE**

801 East Fort Avenue is located on the southeast corner of the intersection with Boyle Street. This property measures approximately 12'6" by 65' and is currently improved with a two-story end-of-row building covering the entire lot. This site is zoned B-2-2 and is located within the Riverside 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 application indicates that the premises will be used for a tavern and restaurant. The applicant should demonstrate to the Board that the use is a restaurant in order for accessory outdoor table service to be approvable.

Land Use and Urban Design: The sketched sidewalk site plan for the proposed outdoor seating area shows the sidewalk alongside the building, on Boyle Street, as 8' wide (96" wide) and tables extending 40" outward from the building wall, leaving only 56" or less than 5' of sidewalk for unimpeded pedestrian passage beside the building. (Seats are not shown.) This amount of remaining width is not acceptable according to Baltimore City standards, which suggest 6' of sidewalk width remain for unimpeded pedestrian use. As these may be 4-top tables on the sketch plan, the applicant should substitute 2-top tables in the outdoor seating area.

TransForm Baltimore: This property would become part of the R-8 District (Proposed Zoning Map Area 11-A) in which Neighborhood Commercial Establishments would be conditional uses but Outdoor Dining would be prohibited (Table 9-301).

**RECOMMENDATION**

The Department of Planning recommends that if the Board determines that this appeal is approvable, these conditions be established 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 four tables and eight 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: Matthew and Jeffrey Cahill, Appellants