


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR		
	SUBJECT	BMZA / 3928 Eastern Avenue		

TO

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

DATE: June 4, 2012

REQUEST

The Department of Planning has received Lazaros Giannos' Board of Municipal and Zoning Appeals (BMZA) application to add accessory outdoor table service and seating to an existing restaurant and carry-out food shop. We understand that this appeal is scheduled for hearing on June 12, 2012.

SITE

3928 Eastern Avenue is located on the northwest corner of the intersection with Grundy Street. This property measures approximately 16' by 77' and is currently improved with a two-story commercial building covering the entire lot. This site is zoned B-2-3 and is located within the Highlandtown Business Area Urban Renewal Plan area.

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 applicant has provided a sidewalk site plan showing use of the sidewalk along Eastern Avenue for a seating area for outdoor table services for 8 patrons, and along Grundy Street for a seating area for outdoor table service for 8 patrons.

Urban Renewal Plan: This property is located in the Highlandtown Business Area Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this 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).

Land Use and Urban Design: The sidewalk along Grundy Street, on the east side of the building, is approximately 11' wide and can accommodate the proposed outdoor seating area reconfigured to a width of 5 feet. The applicant is proposing to place 2 four-top tables in this area. The sidewalk along Eastern Avenue, on the south side of the building, is approximately 12' wide and can provide a seating area approximately 13' feet in length; however, a part of this possible area is narrowed by presence of an impediment near the curb. This area would not be large enough to accommodate the proposed 2 four-top tables shown on the applicant's sidewalk site plan. Planning staff thus recommend that this area in front of the building be limited to a single four-top table.

RECOMMENDATION

The Department of Planning recommends approval of this appeal, subject to these conditions:

- A minimum of six feet of the sidewalks on Eastern Avenue and Grundy Street must remain clear and unobstructed for pedestrian use;
- The capacity of the outdoor seating area will not be more than 3 tables and 12 patrons, with one table and seating for 4 patrons on the south (Eastern Avenue) side of the building, and two tables and seating for 8 patrons on the east (Grundy Street) side of the building;
- The tables will be limited to those that can seat 4 patrons, and are to be kept against the wall of the building on both sides (Eastern Avenue side and Grundy Street side);
- 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: Edwin Mejia, Appellant