


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 / 426 South Newkirk Street		

TO

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

DATE: June 8, 2012

**REQUEST**

The Department of Planning has received Emmanuel Karel's Board of Municipal and Zoning Appeals (BMZA) application to add accessory outdoor table service to an existing coffee shop. We understand that this appeal is scheduled for hearing on June 12, 2012.

**SITE**

426 South Newkirk Street is located on the west side of the street, approximately 110' north of the intersection with Eastern Avenue. This property measures approximately 15' by 70' and is currently improved with a two-story end-of-row building measuring approximately 15' by 60'. This site is zoned R-8 and is located within the Greentown neighborhood.

**ANALYSIS**

Use: In this zoning district, restaurants, coffee shops, and delicatessens are not listed as permitted or conditional uses, and so are not allowed (§4-1101 to §4-1104). In this case, the property was last authorized for use as a restaurant, 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 applicant is proposing to have two tables and seating for an unspecified number of patrons on the sidewalk in front of the premises. As the building is only 15' wide but the sidewalk is approximately 12'6" wide, it would be possible to place one table on the sidewalk without impeding access to the entrance to the restaurant or pedestrian use of the sidewalk.

**RECOMMENDATION**

The Department of Planning recommends that, if this appeal is approved, it be subject to these conditions:

- 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 patrons;
- Tables will be limited to one that can seat 4 patrons, and is to be kept against the wall of the building on its eastern side (Newkirk 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: Emmanuel Karel's, Appellant  
Outer Southeast

