

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 / 511 South Caroline Street		

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

DATE: June 26, 2015

REQUEST

The Department of Planning has received Joseph Woolman's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of 511 Caroline Street LLC, to use the premises as a restaurant – including live entertainment and accessory outdoor table service, and as offices. The Zoning Administrator has determined that the afore-mentioned use is a conditional use in a B-1 zoning district, and that a variance of off-street parking requirements is needed for approval. (Not included in this application is an intended co-use of the premises as a bicycle repair and service shop, because bicycles: sales, rental, and repair – but not including any mechanical painting on the premises, is a permitted use.)

The application available to Planning staff did not include the required description of the live entertainment proposed. On June 26, 2015 the applicant advised the Board's staff that the portion of the application relating to live entertainment was withdrawn.

We understand that this appeal is scheduled for hearing on June 30, 2015.

SITE

511 South Caroline Street is located on the east side of the street, approximately 72'2" south of the intersection with Eastern Avenue. This property measures approximately 50'6" by 70' and contains approximately 0.089 acre, and is currently improved with a two-story formerly fully-attached commercial building covering the entire lot. This site is zoned B-1-2 and is located within the Fells Point Historic District.

ANALYSIS

Conditional Use: In this zoning district, restaurants – including live entertainment and dancing, and including accessory outdoor table service, are a conditional use, requiring approval by the Board (§6-208); offices are a permitted use. In this case, the property was last authorized for use as warehousing, which is a nonconforming use in this B-1 Neighborhood 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 floor plans filed with this application included a first floor plan showing an outdoor seating area to be established on the sidewalk in front of the existing structure, but did not indicate the width of sidewalk that would remain for unimpeded pedestrian passage in front of the building. The applicant has informed Planning staff that the sidewalk is approximately 15' wide, and that the outdoor seating area would use approximately 8' of that width, leaving at least 6' of width for pedestrian passage, which would be acceptable.

Off-Street Parking: ... whenever the existing use of a structure is changed to a new use, off-street parking facilities must be provided, as required by this title, for that new use (§10-203.a). If the structure was lawfully erected before April 20, 1971, additional off-street

parking facilities are mandatory only in the amount by which the requirements for the new use exceed those for the existing use (§10-203.b). In this zoning district, restaurants require one off-street parking space per 400 square feet of floor area (§10-405.21.i). The floor area of the portion of the interior of the existing structure that would be used for the restaurant is approximately 3,500 square feet, creating a requirement of 9 off-street vehicular parking spaces.

Off-Street Parking Variance: ... the Board may grant a variance to reduce by no more than 75% the number of off-street parking spaces otherwise required by the applicable regulation (§15-208.b). In this case the reduction proposed could be as much as 100%, which is greater than the variable amount the Board ordinarily may authorize. Granting a 75% variance would leave the applicant required to provide two vehicular spaces. The applicant has advised Planning staff of an intention to request a substitution or offset, provided in §10-406.b., of 8 bicycle parking spaces for each required vehicle parking space. Previous warehouse use of the property could provide a credit of 1 space per 3 employees (§10-405.30) if the applicant provides the Board information concerning the number of warehouse employees who once worked there. The historic development pattern of the area where this property is located omitted back alleys, so there exists a practical difficulty in providing on-site parking spaces or spaces on any adjoining properties.

Historic District: The subject property is located within the Fells Point District, a locally and nationally designated Baltimore City historic district. All exterior changes, including additions, demolitions, and alterations are subject to review and approval by the Commission for Historical and Architectural Preservation (CHAP). It is recommended that the applicant construct all exterior improvements in accordance with the CHAP Notice To Proceed for this property.

TransForm Baltimore: This property would become part of a I-MU (Industrial Mixed-Use) District (Proposed Zoning Map Area 7-D) in which restaurants, Personal Services Establishments, and Retail Goods Establishments – No Alcohol Sales, would be permitted uses (Table 11-301).

RECOMMENDATION

The Department of Planning recommends approval of this appeal subject to completion of all exterior improvements in accordance with the Notice To Proceed issued by the Commission for Historical and Architectural Preservation, and subject to these conditions for the accessory outdoor table service:

- 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 7 tables and 14 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: Joseph Woolman, Appellant