


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 / 1226 South Clinton Street		

TO

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

DATE: July 16, 2012

REQUEST

The Department of Planning has received Patrick McCarthy's Board of Municipal and Zoning Appeals (BMZA) application to add accessory outdoor table service to an existing tavern. We understand that this appeal is scheduled for hearing on July 24, 2012.

SITE

1226 South Clinton Street is located on the northwest corner of the intersection with Toone Street. This property measures approximately 30'6" by 60' and is currently improved with a combination three- and two-story end-of-row building covering the entire lot. This site is zoned R-8 and is located within the Canton National Register Historic District and Chesapeake Bay Critical Area.

ANALYSIS

Use: In this zoning district, taverns are not listed as a permitted or conditional use, and so are not allowed (§4-1101 to §4-1104). In this case, the property was last authorized for use as a tavern, which is a nonconforming use in this R-8 General Residence District, and a multiple-family dwelling, which is a permitted use.

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). However, the Zoning Code only provides the Board authority to approve accessory outdoor table service for restaurants. Because this property is located in a residential zoning district, where it is also a nonconforming use, the Board is constrained from considering approval of this application.

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the Zoning Code does not authorize the Board to approve accessory outdoor table service for taverns in Residence Districts.

TJS/wya/mf

cc: Patrick McCarthy, Appellant