2010-238

TJS

FROM	
NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8TH FLOOR
SUBJECT	BMZA / 2007 Fleet Street

CITY of BALTIMORE

MEMO

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

DATE: July 27, 2010

REQUEST
The Department of Planning has received Garry Rhue's Board of Municipal and Zoning Appeals (BMZA) application to use a portion of the first floor of the premises as a kitchen for a catering business. We understand that this appeal is scheduled for hearing on August 3, 2010.

SITE
2007 Fleet Street is located on the south side of the street, approximately 51' east of the intersection with Washington Street. This property measures approximately 12'6" by 53' and is currently improved with a three-story attached building measuring approximately 12'6" by 46'. This site is zoned B-1-2 and is located within the Fells Point Historic District.

ANALYSIS
Conditional Use: In this zoning district, restaurants are a conditional use, requiring approval by the Board (§6-208). In this zoning district, prepared food delivery services, including any operated as an accessory use by a restaurant, are not a permitted or conditional use (§6-206 to §6-209); prepared food delivery services are a conditional use in a B-2 zoning district (§6-308).

Land Use and Urban Design: This property has no alley alongside it or to its rear, and the existing building covers all but the rear 7' of the lot. A catering business generally requires vehicles, provided by the business or a third party, to pick up prepared food from its site for delivery to clients, and adequate unloading space for deliveries of supplies. This property does not offer opportunities for accommodating either requirement, and there are no vacant lots adjoining the premises which could meet this business requirement. A catering business would need a loading zone on Fleet Street, something that the currently-permitted art gallery does not require due to the intermittent nature of deliveries of art works.

Off-Street Parking: In this zoning district, restaurants require one off-street parking space per 400 square feet of floor area (§10-405.21.i). The ground floor of this premises contains approximately 500 square feet, hence requiring one parking space for the restaurant use.

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 is 100%, which is greater than the variable amount the Board may authorize.

RECOMMENDATION
The Department of Planning recommends disapproval of the appeal, because there is not an adequate area to accommodate a loading zone for a catering establishment.

Northern

TJS/wya/mf

cc: Garry Rhue, Appellant