


TJS

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 / 809 South Broadway		

TO

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

DATE: August 29, 2012

REQUEST

The Department of Planning has received Ryan Perlberg's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Christopher Dyer, to use the premises as a restaurant – not including live entertainment, but including accessory outdoor table service. We understand that this appeal is scheduled for hearing on September 4, 2012.

SITE

809 South Broadway is located on the east side of the street, approximately 63'2" south of the intersection with Lancaster Street. This property measures approximately 13'1" by 120' and is currently improved with a three-story semi-detached building measuring approximately 13' by 65'. This site is zoned B-3-2 and is located within the Fells Point Historic District.

ANALYSIS

Conditional Use: In this zoning district, restaurants – including accessory outdoor table service, are a conditional use, requiring approval by the Board (§6-408). In this case, the property was last authorized for use as a carry-out food shop, which is a permitted use in this B-3 Community Commercial District.

Definition: "Carry-out food shop" means a business establishment whose principal business is the sale of ready-to-consume food and beverages for off-premises consumption (§1-123.1). This definition is separate from that of a restaurant, and off-premises consumption of carry-out food was not intended to occur on the sidewalk in front of the shop.

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). As this property is used for a carry-out food shop rather than a restaurant, it is not eligible for accessory outdoor table service.

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the premises is not used as a restaurant, which is a prerequisite for approval of accessory outdoor table service.

TJS/wya/mf

cc: Ryan Perlberg, Appellant