


TJA

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 / 811 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 Ridgepoint Development LLC, 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

811 South Broadway is located on the east side of the street, approximately 103' south of the intersection with Lancaster Street. This property measures approximately 22'1" by 120' and is currently improved with a three-story semi-detached building measuring approximately 22' by 75'. 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 restaurant, a catering establishment, and a dwelling, which are permitted uses in this B-3 Community Commercial 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 has provided a hand-drawn sketch plan for the sidewalk in front of the property showing use of the curbside portion of the sidewalk for two six-top tables. Normally this placement is inappropriate because use of the curbside portion of a sidewalk for tables and seats obstructs individuals entering or exiting parked vehicles. However, there is no on-street parking on this side of Broadway in this block, and a series of planter-boxes have been placed at curbside of this relatively wide 16' sidewalk. As a result, filling in a few spaces between these 6' deep planter-boxes with seating would not obstruct pedestrian use of the sidewalk, and in warmer weather could deter pedestrians from mid-block crossing of Broadway. The proposed use of a length of sidewalk exceeding the street frontage of the premises is not approvable, and for this reason the number of tables should be reduced to a single four-top, or possibly a single six-top, provided a fully dimensioned sidewalk site plan is made to demonstrate that this would be feasible without intruding upon the remaining sidewalk's minimum 6' pedestrian thoroughfare.

RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if granted, be subject to these conditions in addition to any conditions that the Board may impose:

- 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 one table and six patrons;
- The table will be limited to the one that can seat four or six patrons, which is to be kept or placed in front of the building between the planter boxes that line this side of Broadway;
- 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: Ryan Perlberg, Appellant