


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 / 3600 Elm Avenue		

TO

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

DATE: August 21, 2014

REQUEST

The Department of Planning has received William Bauer's Board of Municipal and Zoning Appeals (BMZA) application to add accessory outdoor table service to an existing bakery and restaurant. The Zoning Administrator has determined that this is a conditional use in a B-2 Zoning District. We understand that this appeal is scheduled for hearing on September 9, 2014.

SITE

3600 Elm Avenue is located on the northwest corner of the intersection with 36th Street. This property measures approximately 18' by 100' and is currently improved with a three-story semi-detached residential mixed-use building measuring approximately 18' by 62' and a two-story detached commercial building measuring approximately 18' by 18'. This site is zoned B-2-2 and is located within the Hampden Business Area Urban Renewal Plan area and the Hampden National Register Historic District.

ANALYSIS

Conditional Use: In this zoning district, restaurants – including accessory outdoor table service, are a conditional use, requiring approval by the Board (§6-308). In this case, the property was last authorized for use as a bakery, restaurant, carry-out food shop, and multiple-family dwelling, which is are permitted uses in this B-2 Community Business District.

Urban Renewal Plan: This property is located in the Hampden Business Area Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district. (The Plan actually allows unenclosed display of merchandise for sale on the public sidewalks, subject to minor privilege permits.)

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 dimensioned sidewalk site plan showing potential placement of four 4-top tables with 16 seats, along the 36th Street side of the restaurant. The plan would leave 7' of sidewalk beside the property unimpeded for pedestrian use. Department of Planning staff consider this plan acceptable, except that 20' of seating area length will not accommodate the proposed amount of tables and seating. Planning staff recommend a lower number of tables (two or three) and seats (8 or 12) depending upon factors such as actual location of the bay window on the side of the building, fire escape access required for the dwellings, and basement entrance clearance required. Because the sidewalk site plan did not include these specific physical considerations the applicant should provide a revised plan for the Board's consideration if the applicant desires to place more than two tables and eight seats on the sidewalk.

TransForm Baltimore: This property would become part of the C-1 District (Proposed Zoning Map Area 2-D) in which restaurants and outdoor dining would be permitted uses (Table 10-301).

RECOMMENDATION

The Department of Planning recommends approval of this appeal, subject to these conditions in addition to other conditions which the Board may establish:

- A minimum of seven feet of the sidewalk must remain clear and unobstructed for pedestrian use;
- The capacity of the outdoor seating area will not be more than two tables and eight patrons;
- The tables will be limited to those that can seat four 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: William Bauer, Appellant