


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 6607 Pine Avenue		

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

DATE: November 23, 2010

### REQUEST

The Department of Planning has received Donna Sekora's Board of Municipal and Zoning Appeals (BMZA) application to erect a gazebo with electricity included over a previously approved outdoor seating area. We understand that this appeal is scheduled for hearing on December 7, 2010.

### SITE

6607 Pine Avenue is located on the south side of the street, approximately 30'5" east of the intersection with Oak Avenue. This property measures approximately 125' by 160' and is currently improved with a one- and two-story detached commercial building. Adjoining this property and owned and used in common with it is a vacant lot at the southeast corner of the intersection of Pine and Oak Avenues, measuring 30'5" by 160'. This site is zoned R-4 and is located within the Southeast Neighborhoods Development (SEND) Strategic Neighborhood Action Plan area.

### ANALYSIS

Projections and Obstructions into Required Yards: (a) *In general.* Except for the specified projections and obstructions listed in this section, every part of a required yard or of any other required open space must be open and unobstructed from the ground to the sky (§3-209). In this case, the proposed 20' by 30' gazebo is not listed among the permitted projections and obstructions into required yards. The proposed location of the gazebo is currently an open patio approximately 20' by 30'. There is no structure other than the existing Donna's Tavern near to the proposed gazebo location. The remaining approximately 15,000 square feet of the property, as well as the 4,800 square feet of the adjoining vacant lot, would remain open and unobstructed from the ground to the sky.

### RECOMMENDATION

The Department of Planning has no objection to this appeal, provided that no outdoor bar is operated in connection with it and that amplified sound, if used, is limited in volume to 40 decibels measured at the lot line of the property.

TJS/wya/mf

cc: Donna Sekora, Appellant