2011-492

FROM		
NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE **MEMO**
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8TH FLOOR	
SUBJECT	BMZA / 507 – 515 West Cold Spring Lane	

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

DATE: December 7, 2011

REQUEST
The Department of Planning has received Stanley Fine's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Classic Coldspring West LLC, to expand an existing restaurant known as "Miss Shirley's" located at 507 – 513 West Cold Spring Lane and including accessory outdoor table service, to include 515 West Cold Spring Lane with accessory outdoor table service. We understand that this appeal is scheduled for hearing on December 20, 2011.

SITE
515 West Cold Spring Lane is located on the south side of the street, approximately opposite the intersection with Maynadier Lane. This property measures approximately 25' along Cold Spring Lane by 150' and contains approximately 1,939 square feet, and is currently improved with a one-story semi-detached commercial building measuring approximately 25' by 100'. 507 – 513 West Cold Spring Lane is located on the south side of the street, extending from the east wall of 515 West Cold Spring Lane to a point approximately 60' west of the intersection with Kittery Lane. This property is currently improved with a one-story attached commercial building measuring approximately 50' by 70' known as 509/513 West Cold Spring Lane, and an adjoining two-story semi-detached commercial condominium building measuring approximately 75' by 70'. The applicant uses in common Unit 507 of this building, known as 507 West Cold Spring Lane, as part of "Miss Shirley's Café ". This site is zoned B-1-1 and is located within the Roland Park 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 (§6-208). In this case, the property known as 515 West Cold Spring Lane was last authorized for use as a music school, which is a permitted use in this B-1 Neighborhood Business District. The property known as 507-513 West Cold Spring Lane is currently authorized for use as a restaurant, bakery, and delicatessen. The applicant is proposing to expand the conditional use of a restaurant with accessory outdoor table service from its current 3,840 square feet to 5,540 square feet. The use requirements for restaurants in B-1 Districts limit restaurants to a maximum gross floor area of 4,000 square feet each (§6-205.c.3).

Gross floor area in B-1 District: In a B-1 District, a variance may increase by no more than 10% the maximum gross floor area of any use so limited (§15-206). Approval of this application would require a floor area maximum variance of approximately 38.5%, which exceeds the Board's discretionary authority provided in the Zoning Code.

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 sidewalk in front of the buildings being used and proposed to be used as a restaurant is approximately 11' wide between its "tree pits" and the front walls of the buildings. In order to leave a minimum of 6' of sidewalk width clear and unobstructed for passage of pedestrians, the accessory outdoor seating area must be limited to a 5' wide strip adjoining the front building walls. The seating plan provided with the application shows groups of "four-top" square tables with a seat on each side; these and their associated seats would intrude upon the required 6' unobstructed portion of the sidewalk between them and Cold Spring Lane. The seating plan also shows some of the tables and seats obstructing access to the front doors of the restaurant. This plan must be revised to reduce the number of tables and seats, and substitute the type of rectangular "four-top" tables shown in the floor plan of the "loft seating" area of the restaurant, in order to retain the necessary 6' unobstructed sidewalk clearance and necessary access to the front doors.

Off-Street Parking: … whenever the existing use of a structure is changed to a new use, off-street parking facilities must be provided, as required by this title, for that new use (§10-203.a). If the structure was lawfully erected before April 20, 1971, additional off-street parking facilities are mandatory only in the amount by which the requirements for the new use exceed those for the existing use (§10-203.b). In this zoning district, restaurants require one off-street parking space per 200 square feet of floor area (§10-405.21.i). The additional floor area proposed for the restaurant by the applicant is approximately 1,700 square feet, which generates a requirement for 9 additional off-street parking spaces. As the existing restaurant is required to provide 19 spaces, the total requirement for the proposed use is 28 spaces. 23 spaces are currently provided on a parking lot at the rear of these properties (there are additional spaces on the lot immediately behind the building known as the Keswick Cold-spring Condominium, but these are for use by occupants of the remainder of that building).

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 approximately 18%, which is within the variable amount the Board may authorize.

RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if granted, be subject to these conditions in addition to any conditions which 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 5 tables and 20 patrons;
- The tables will be limited to those that can seat 4 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: Stanley Fine, Appellant