


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 / 13 East Randall Street		

TO

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

DATE: February 4, 2015

**REQUEST**

The Department of Planning has received Anna Leventis' Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Annaula Two Enterprises LLC, to use the first floor of the premises as a tavern with kitchen providing food. The Zoning Administrator has determined that this is a change in a Class III nonconforming use in a R-8 Zoning District. We understand that this appeal is scheduled for hearing on February 10, 2015.

**SITE**

13 East Randall Street is located on the southwest corner of the intersection with Harden Court. This property measures approximately 14' by 77' and is currently improved with a two-story end-of-row residential mixed-use building measuring approximately 14' by 75'. This site is zoned R-8 and is located within the Riverside National Register Historic District.

**ANALYSIS**

Use: In this zoning district, taverns are not listed as a permitted or conditional use, and so are not allowed (§4-1101 to §4-1104). In this case, the property was last authorized for use as (and continues to be used as) a tavern, which is a nonconforming use in this R-8 General Residence District, and a single-family attached dwelling.

Change in Nonconforming Use: In accordance with Subtitle 7 {"Modifications and Continuances by Board"} of this title, the Board may authorize a Class III nonconforming use in a Residence or Office-Residence District to be changed to a use permitted in a B-1 District (§13-405.b). Bakeries and delicatessens are listed as permitted uses in the B-1 District, and restaurants are listed as conditional uses in the B-1 District, so addition of a kitchen providing food to tavern patrons is eligible for consideration as a minor change in nonconforming use (§6-206). While the applicant would be creating physical conditions that could lead to eventual conversion of the tavern (with food service) to a restaurant with a liquor license, the applicant does not expect the predominant use of the first floor of the premises to change from a tavern to a restaurant at this time. The kitchen and food service would thus be accessory to the principal nonconforming use that would continue.

TransForm Baltimore: This property would remain part of the R-8 District (Proposed Zoning Map Area 11-A) in which Neighborhood Commercial Establishments would be conditional uses (Table 9-301). "Neighborhood commercial establishment" means "a commercial use that is within a residential neighborhood, but in a structure that is non-residential in its construction and original use" (§1-310 (I)).

**RECOMMENDATION**

The Department of Planning recommends approval of this appeal.

TJS/wya/mf

cc: Anna Leventis, Appellant

Downtown South