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| 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 / 2929 O'Donnell Street | | |

TO

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

DATE:

March 6, 2014

REQUEST

The Department of Planning has received Henri Gjoni's Board of Municipal and Zoning Appeals (BMZA) conditional use application, on behalf of H & N Industries LLC, to use a portion of the premises as a café with accessory outdoor table service. The Zoning Administrator has determined that this is a conditional use in a B-2 District. We understand that this appeal is scheduled for hearing on March 11, 2014.

SITE

2929 O'Donnell Street is located on the south side of the street, approximately 78' east of the intersection with Curley Street. This property measures approximately 14' by 75' and is currently improved with a three-story attached residential mixed-use building measuring approximately 14' by 58'. This site is zoned B-2-2 and is located within the Canton Waterfront Urban Renewal Plan area and the Canton 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 restaurant, which is a permitted use in this B-2 Community Business District.

Urban Renewal Plan: This property is located in the Canton Waterfront Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this 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 application includes a dimensioned sidewalk site plan showing a 10' wide sidewalk, with a 4' deep by 6' wide seating area in front of the existing structure. This plan is acceptable as it preserves a 6' wide passage past the front of the structure for unimpeded pedestrian access, and does not block access to the front door of the premises.

TransForm Baltimore: This property would become part of the C-1 District (Proposed Zoning Map Area 8-C) 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:

- 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 two tables and four patrons;
- If two tables are used, the tables will be limited to those that can seat two patrons, and if one table is used, the table will be limited to accommodating four patrons, and are/ is 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: Henri Gjoni, Appellant