


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 / 701 East Fort Avenue		

TO

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

DATE: March 7, 2014

REQUEST

The Department of Planning has received Michael Shott's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a tavern – including live entertainment. We understand that this appeal is scheduled for hearing on March 11, 2014.

SITE

701 East Fort Avenue is located on the southeast corner of the intersection with Webster Street. This property measures approximately 15' by 100' and is currently improved with a two-story end-of-row building covering the entire lot. This site is zoned B-2-2.

ANALYSIS

Conditional Use: In this zoning district, taverns – including live entertainment and dancing, are a conditional use, requiring approval by the Board (§6-308). The Board approved live entertainment in conjunction with a tavern in its decision of February 2, 2011 approving appeal no. 2010-382 subject to certain conditions. The applicant, who is acquiring the tavern from the applicant in the previous appeal, is seeking approval for modifications to those conditions. Proposed changes are:

- *Days and hours of operation:* Although the tavern will continue to be open during approved hours, live entertainment would be extended from the currently-approved ending time of 1:00 a.m. to 1:30 a.m.
- *Amplification and noise levels:* The currently-approved sound limitation is 80 decibels delivered by two speakers. This application proposes to raise the sound level limitation to 115 decibels.
- *Entertainment type:* Currently live entertainment is limited to karaoke. This application proposes to broaden the tavern's live entertainment by adding musical acts and a disc jockey. The application also refers to dancing, but the floor plan attached to the application does not show a dance floor.

The application does not propose any sound-proofing. As this is an attached building which is also across an alley from other attached housing, this Department is concerned that both the adjoining residence and some nearby residences may be affected by the increase of amplified sound which would be associated with higher sound levels of live performances. The applicant should demonstrate to the Board the need for an increased sound level or should be required to provide sound dampening and attenuating within the premises to maintain the sound level as measured outside the premises at its currently-approved level.

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RECOMMENDATION

The Department of Planning recommends that if the appeal is approved, the applicant be required to limit the sound level to less than 40 decibels measured on the other side of the party wall separating this property from 703 East Fort Avenue, and to 80 decibels or less measured elsewhere at a distance of 10 feet from the property line.

TJS/wya/mf

cc: Michael Shott, Appellant