


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 / 400 WEST 23 <sup>RD</sup> STREET		

TO

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

DATE: February 24, 2016

**REQUEST**

The Department of Planning has received Brittany Harlan's Board of Municipal and Zoning Appeals (BMZA) application to continue to use the premises as a tavern, adding a restaurant with accessory outdoor table service. The Zoning Administrator has determined that this is a prohibited use in the R-8 residential district. We understand that this appeal is scheduled for hearing on March 8, 2016.

**SITE**

400 West 23<sup>rd</sup> Street is located on the northwest corner of the intersection with Hampden Avenue. This property measures approximately 14' by 70' and is currently improved with a two-story end-of-row building that covers the entire lot. This site is zoned R-8.

**ANALYSIS**

Use: In this zoning district, taverns and restaurants with outdoor table service 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 a tavern, which is a nonconforming use in this R-8 General Residence District.

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). Restaurants with accessory outdoor table service is listed as a conditional use, not a permitted use, in the B-1 District (§6-208.15).

TransForm Baltimore: This property is proposed to be zoned C-1, where restaurants with outdoor table service would be permitted, and taverns would be a conditional use.

**RECOMMENDATION**

The Department of Planning recommends disapproval of this appeal, unless the applicant amends the appeal to discontinue the tavern use, and convert to a restaurant use with accessory outdoor table service only.

TJS/wya

cc: Brittany Harlan, appellant