


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 / 3601 Chestnut Avenue		

TO

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

DATE: April 17, 2015

**REQUEST**

The Department of Planning has received Dylan Salmon's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a restaurant with accessory outdoor table service. The Zoning Administrator has determined that this is a conditional use in a B-1 Zoning District. We understand that this appeal is scheduled for hearing on April 21, 2015.

**SITE**

3601 Chestnut Avenue is located on the northeast corner of the intersection with 36<sup>th</sup> Street. This property measures approximately 32' by 76' and is currently improved with a combination two- and three-story semi-detached residential mixed-use building covering the entire lot. This site is zoned B-1-2 and is located within the Hampden Business Area Urban Renewal Plan area and the Hampden National Register Historic District.

**ANALYSIS**

Conditional Use: In this zoning district, restaurants – including live entertainment and dancing, and including accessory outdoor table service, are a conditional use, requiring approval by the Board (§6-208). In this case, the property was last authorized for use as a florist shop, which is a permitted use in this B-1 Neighborhood Business District, and a multiple-family attached dwelling (also a permitted use).

Urban Renewal Plan: This property is located in the Hampden Business Area 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 sidewalk site plan as part of a floor plan for the premises, showing that three 4-top tables and 12 seats would be accommodated in an outdoor area on the Chestnut Avenue side of the building, with an adequate width of sidewalk left for unimpeded passage by pedestrians approaching or leaving the intersection with 36<sup>th</sup> Street. The sidewalk site plan does not include an area for the fourth table and additional four seats mentioned in the application.

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 400 square feet of floor area (§10-405.21.i). The proposed use would include approximately 2,000 square feet, requiring five parking spaces.

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 100%, which is greater than the variable amount the Board ordinarily may authorize. However, the development pattern of Hampden and the fact that this premises occupies its entire lot presents the applicant with a practical difficulty in meeting this requirement.

TransForm Baltimore: This property would become part of the C-1 District (Proposed Zoning Map Area 2-D) 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 in addition to any conditions which the Board may establish:

- A minimum of eight feet of the sidewalk must remain clear and unobstructed for pedestrian use;
- The capacity of the outdoor seating area will not be more than 3 tables and 12 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: Dylan Salmon, Appellant