

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 / 5716 York Road		

TO

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

DATE:

May 15, 2014

REQUEST

The Department of Planning has received Cuneyt Ozturk's Board of Municipal and Zoning Appeals (BMZA) conditional use application to add accessory outdoor table service to an existing restaurant. 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 May 20, 2014.

SITE

5716 York Road is located on the west side of the street, approximately 239' north of the intersection with Lyman Avenue. This property measures approximately 68'6" along York Road by 244'10" and is currently improved with a two-story detached commercial building measuring approximately 50' by 110'. This site is zoned B-2-2 and is located within the York Road Community Strategic Neighborhood Action Plan area.

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 and a carry-out food shop, which are permitted uses in this B-2 Community Business 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). This application included a sidewalk site plan showing designation of an outdoor seating area measuring approximately 6' in depth and 12' in length in front of the restaurant. The sidewalk at this location is approximately 14' wide and the structure on this property is set back approximately 2' from the front lot line, giving a total span of 16' wide sidewalk in front of the building. The plan shows that a minimum of 6' of the sidewalk would remain, after allowing for street trees, lamp-posts and sign-posts, as unimpeded pedestrian passage past the front of the restaurant building. The designated space would accommodate two round four-top tables and their associated seating.

Community Planning: This application is consistent with the York Road Corridor Strategic Neighborhood Action Plan goal of encouraging and enhancing day and night uses such as restaurants, as a means of enlivening the commercial corridor.

TransForm Baltimore: This property would become part of the C-2 District (Proposed Zoning Map Area 3-A) 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 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 eight patrons;
- The tables will be limited to those that can seat four 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: Cuneyt Ozturk, Appellant