


TJA

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 / 5517 HARFORD ROAD		

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

DATE: April 15, 2009

REQUEST

The Department of Planning has received Thomas Keegan's Board of Municipal and Zoning Appeals (BMZA) application to use the entire premises as a tavern and restaurant with live entertainment and accessory outdoor table service. We believe that this appeal is not yet scheduled for hearing.

SITE

5517 Harford Road is located on the eastern corner of the intersection with Wisteria Avenue. This property measures approximately 25'1" by 62'4" and is currently improved with a two-story end-of-row attaché building. This site is zoned B-2-2 and is located within the Hamilton Commercial Area.

ANALYSIS

Use: In this zoning district, restaurants and taverns with live entertainment are not listed as a permitted or conditional use, and so are not allowed (§6-306 to §6309). In this case, the property was last authorized for use as a tavern without live entertainment, which is a permitted use in this B-2-2 Community Business District. Restaurants without live entertainment and dancing are listed as a permitted use in this District (§6-306.71).

Conditional Use: In this zoning district, outdoor table service accessory to a restaurant is a conditional use, requiring approval by the Board (§6-308).

RECOMMENDATION

The Department of Planning recommends disapproval of the live entertainment portion of the appeal, but would not object to the outdoor table service, subject to the following conditions:

- A minimum of four feet of unobstructed sidewalk must remain clear for pedestrian use on the Wisteria Avenue side of the building;
- The layout of the outdoor seating area will be submitted to the Department of Planning for approval;
- 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/ewt

cc: Mr. Thomas Keegan, Appellant