


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 / 3500 Boston Street		

TO

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

DATE: May 21, 2012

REQUEST

The Department of Planning has received Brian Laug's Board of Municipal and Zoning Appeals (BMZA) application to continue to use a portion of the first floor of the premises for a restaurant and include accessory outdoor table service with 5 tables and 10 chairs. We understand that this appeal is scheduled for hearing on May 29, 2012.

SITE

3500 Boston Street is located on the northeast corner of the intersection with Baylis Street and extends along the north side of Boston Street to Conkling Street. This property measures approximately 204' by 335' and contains approximately 1.503 acre, and is currently improved with a combination three- and four-story commercial building. This site is zoned B-2-3 and is located within the Canton Industrial Area Urban Renewal 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). The property was last authorized for use as a photographic printing shop (printing establishments are a permitted use in B-2 Districts (§6-306)).

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 applicant is proposing to use a portion of the area between the front façade of the building and the parking area between the building and Boston Street as a seating area with five tables and ten seats. This area is slightly elevated in relation to the parking lot in front of the building.

Urban Renewal Plan: This property is located in the Canton Industrial Area Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district provided that it complies with the Boston Street Corridor Controls contained in Appendix A of the Plan. The outdoor seating area must not intrude upon or diminish any landscaping area already established for this property.

RECOMMENDATION

The Department of Planning recommends approval of the appeal, subject to these conditions:

- 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 5 tables and 10 patrons;

Mr. David Ianner, BMZA
Executive Director
Page 2
Re: 3500 Boston Street

- The tables will be limited to those that can seat two patrons, and are to be kept within the area approved by the Department of Planning as consistent with the Boston Street Corridor Controls contained in the Canton Industrial Area Urban Renewal Plan;
- 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: Brian Laug, Appellant