

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 / 1019 South Charles Street		

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

DATE: June 3, 2010

### REQUEST

The Department of Planning has received 1019 South Charles Street, LLC's Board of Municipal and Zoning Appeals (BMZA) application to continue to use the first floor for a restaurant and to include outdoor seating accessory to the existing restaurant. We understand that this appeal is scheduled for hearing on June 8, 2010.

### SITE

1019 South Charles Street is located on the east side of the street, approximately 100' south of the intersection with Hamburg Street. This property measures approximately 39' by 71' and is currently improved with a three-story attached building measuring approximately 39' by 62'. This site is zoned B-2-3 and is located within the South Baltimore Business Urban Renewal Plan area.

### 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).

Renewal Plans: Ordinance #01-0165 was approved May 14, 2001 for the purpose of, among other things, clarifying the relationship between conditions or requirements imposed by an Urban Renewal Plan or Conservation Plan, such that the condition or requirement that is more restrictive will govern. Additionally, the ordinance prohibits the approval of a conditional use or a variance if that conditional use or variance is precluded by an applicable renewal plan or master plan.

Required Findings: The Board may not approve a conditional use unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that: ... (2) the use is not in any way precluded by any other law, including an applicable urban renewal plan; (§14-204). For this reason, the Board must consider the requirements of the South Baltimore Business Area Urban Renewal Plan, which does allow this use in this district.

### RECOMMENDATION

The Department of Planning recommends approval of the appeal, if granted, be 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 3 tables and 6 patrons;
- The tables will be limited to those that can seat 2 patrons, and are to be kept against the wall of the building;

Mr. David Tanner, BMZA  
Executive Director  
Page 2  
Re: 1019 South Charles Street

- 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: 1019 South Charles Street, LLC, Appellant