


FROM	NAME & TITLE	for <i>Thelo Ngongang</i> 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 / 1439 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 27, 2014

**REQUEST**

The Department of Planning has received Mel Kodenski's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Catherine's Pub LLC, to use the premises as a tavern – including live entertainment and dancing. The Zoning Administrator has determined that this is a nonconforming use in a R-8 Zoning District. We understand that this appeal is scheduled for hearing on July 1, 2014.

**SITE**

1439 South Charles Street is located on the northeast corner of the intersection with Fort Avenue. This property measures approximately 24' by 95' and is currently improved with a three-story semi-detached commercial building covering the entire lot. This property is zoned R-8 and is located within the Riverside National Register Historic District.

**ANALYSIS**

Use: In this zoning district, taverns are not listed as a permitted or conditional use, and so are not allowed (§4-1101 to §4-1104). In this case, the property was last authorized for use as a tavern, which is a nonconforming use in this R-8 General Residence District. The Zoning Code does not authorize taverns – including live entertainment and dancing, to be approved in R-8 Zoning Districts. This application is therefore unapprovable.

TransForm Baltimore: This property would remain part of the R-8 District (Proposed Zoning Map Area 11-A) in which taverns and live entertainment secondary to a tavern would be prohibited uses (Table 9-301).

**RECOMMENDATION**

The Department of Planning recommends disapproval of this appeal, because the Zoning Code does not authorize taverns – including live entertainment and dancing, in R-8 Zoning Districts, and this property is located in a R-8 Zoning District.

TJS/wya/mf

cc: Mel Kodenski, Appellant