

<b>FROM</b>	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 / 2914 O'Donnell Street		

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

DATE:

July 7, 2010

**REQUEST**

The Department of Planning has received Stanley Fine's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of DVML, Inc., to use the premises as an expansion of the existing restaurant located at 2916-2918 O'Donnell Street, and to provide accessory outdoor table service at this address under an awning in a rear courtyard with a 12' high wall. We understand that this appeal is scheduled for hearing on July 20, 2010.

**SITE**

2914 O'Donnell Street is located on the north side of the street, approximately 32' west of the intersection with Curley Street. This property measures approximately 16'6" by 75' and is currently improved with a three-story attached building measuring approximately 16'6" by 32'. 2916-2918 O'Donnell Street adjoins this premises and is located on the northwest corner of the intersection with Curley Street. This property measures approximately 32'3" by 75' and is currently improved with a three-story building covering the entirety of two lots. This site is zoned B-2-2 and is located within the Canton National Register Historic District.

**ANALYSIS**

Use: In this zoning district, restaurants – but not including live entertainment and dancing, and not including accessory outdoor table service, are listed as a permitted use, and so are allowed (§6-306).

Conditional Use: In this zoning district, restaurants – including accessory outdoor table service, are a conditional use, requiring approval by the Board (§6-308).

Projections and Obstructions into Required Yards: (a) *In general.* Except for the specified projections and obstructions listed in this section, every part of a required yard or of any other required open space must be open and unobstructed from the ground to the sky (§3-209). In this case, the proposed 35' awning extending from the rear wall of the building is not listed among the permitted projections and obstructions into required yards. The awning is needed to provide a cover over the accessory outdoor table seating area in the courtyard.

Height Variance: The Board may grant a variance to authorize a height that is more or less than that otherwise allowed by the applicable regulation (§15-204.a). In this case, the proposed rear wall height is 12' which exceeds the permitted height of 6' (§3-209.c) by 100%.

**RECOMMENDATION**

The Department of Planning has no objection to this appeal.

TJS/wya/mf

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cc: Stanley Fine, Appellant