


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 / 229 South Broadway		

TO

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

DATE:

July 19, 2013

REQUEST

The Department of Planning has received Raid Fraij's Board of Municipal and Zoning Appeals (BMZA) conditional use application to use a portion of the premises as a restaurant with accessory outdoor table service. The Zoning Administrator has determined that this is a conditional use in a B-2 District. We understand that this appeal is scheduled for hearing on July 23, 2013.

SITE

229 South Broadway is located on the east side of the street, approximately 270' south of the intersection with Pratt Street. This property measures approximately 52' by a maximum of 255'6" and contains approximately 0.251 acre, and is currently improved with a combination two- and three-story building measuring approximately 52' by 98'. This site is zoned B-2-2 and is located within the Fells Point Historic District.

ANALYSIS

Conditional Use: In this zoning district, restaurants – including accessory outdoor table service, are a conditional use, requiring approval by the Board (§6-308). In this case, the property was last authorized for use as a sporting goods store and a multiple-family attached dwelling, which are permitted uses in this B-2 Community Business District.

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 place 4 four-top tables and 16 seats on the sidewalk in front of this property. The sidewalk is approximately 18' wide, including tree pits and impediments such as signposts and lamp-posts, and can provide adequate paved area for pedestrian passage in front of the seating area.

Historic District: The subject property is located within the Fells Point District, a locally and nationally designated Baltimore City historic district. All exterior changes, including additions, demolitions, and alterations (including new or replacement signage and awnings) are subject to review and approval by the Commission for Historical and Architectural Preservation (CHAP). It is recommended that the applicant contact CHAP to determine the review process applicable to their project if any changes are planned for the exterior of this property.

TransForm Baltimore: This property would become part of a C-1 District (Proposed Zoning Map Area 7-D) in which outdoor dining would be a permitted use (Table 10-301). "Outdoor dining" means an outdoor seating area that adjoins a restaurant or carry-out food shop and is used by patrons to consume food or drinks (§1-310 (Q)).

RECOMMENDATION

The Department of Planning recommends approval of this 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 4 tables and 16 patrons;
- The tables will be limited to those that can seat 4 patrons, and are to be kept against the wall of the building;
- 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: Raid Fraij, Appellant