


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 / 1626 – 1628 Thames Street		

TO

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

DATE: July 16, 2012

REQUEST

The Department of Planning has received Joel Plitt's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Alogos Investments LLC and The Horse You Came In On Tavern, to consolidate 1626 Thames Street and 1628 Thames Street, make four openings in the party wall between the two existing structures, add live entertainment in the enlarged tavern, and construct a one-story addition at the rear of what is now 1628 Thames Street. We understand that this appeal is scheduled for hearing on July 24, 2012.

SITE

1626 Thames Street is located on the north side of the street, approximately 200' southwest of the intersection with Broadway. This property measures approximately 30' along Thames Street by over 100' deep and contains approximately 0.059 acre, and is currently improved with a three-story attached residential mixed-use building covering all but the rearmost 10' of the lot. 1628 Thames Street which adjoins it is located on the north side of the street, approximately 170' southwest of the intersection with Broadway. This property measures approximately 31' along Thames Street by over 90' deep, and is currently improved with a three-story attached commercial-use building covering all but the rearmost 50' of the lot. This site is zoned B-3-2 and is located within the Fells Point Historic District and the Chesapeake Bay Critical Area.

ANALYSIS

Use: In this zoning district, taverns – including live entertainment and dancing, are a permitted use, and so are allowed (§6-406). In this case, the property at 1628 Thames Street was last authorized for use as an art gallery and a wearing apparel shop, which are also permitted uses in this B-3 Community Commercial District. The applicant would expand the existing tavern now confined to 1626 Thames Street by using the space formerly occupied by these other two uses.

Definition – Live Entertainment:

(a) *In general.* "Live entertainment" means and one or more of any of the following, performed live by one or more persons, whether or not done for compensation and whether or not admission is charged:

- (1) musical act (including karaoke);
- (2) theatrical act (including stand-up comedy);
- (3) play;
- (4) revue;
- (5) dance;
- (6) magic act;
- (7) disc jockey; or
- (8) similar activity. (§1-153.2).

The applicant is proposing to continue the live entertainment already authorized at the existing tavern.

Required Yard: In this zoning district, a minimum rear yard setback of 30' is required (§6-412.e.). In this case, the proposed one story rear addition at what is now 1628 Thames Street will project to within 16' of the rear lot line.

Yard Variance: The Board may grant a variance to authorize a yard or setback that is less than that otherwise required by the applicable regulation (§15-203).

Land Use and Urban Design: The proposed rear addition is to be "slab on grade", i.e. at ground level. Due to the low-lying nature of the Fells Point waterfront, of which these properties are a part, and the recent history of flooding associated with storms in this area, the applicant is advised to construct the addition with its floor level at least 1' above ground level, and if feasible at a higher elevation than that.

Sustainability: These properties are within the Chesapeake Bay Critical Area. All plans require approval from the Critical Area Commission prior to issue of building permits.

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 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.

RECOMMENDATION

The Department of Planning recommends approval of the appeal, subject to approval by the Commission for Historical and Architectural Preservation and by the Chesapeake Bay Critical Area Commission of all additions and alterations; subject to consolidation of the lots known as 1626 Thames Street and 1628 Thames Street prior to opening of the party wall between the two existing structures; and subject to the applicant continuing to provide live entertainment in accordance with previously established requirements, including noise level limitations.

TJS/wya/mf

cc: Joel Plitt, Appellant