


TJA

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 / 1713-1715 Eastern Avenue		

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 Kassim Ahmed's Board of Municipal and Zoning Appeals (BMZA) application to continue to use the first floor of the premises as a bar and restaurant and include live entertainment. We understand that this appeal is scheduled for hearing on July 24, 2012.

SITE

1713-1715 Eastern Avenue is located on the southwest corner of the intersection with Regester Street. This property measures approximately 28'6" by 75' and is currently improved with a three-story residential mixed-use building covering the entire lot. This site is zoned B-2-2 and is located within the Fells Point Historic District.

ANALYSIS

Conditional Use: In this zoning district, restaurants or taverns – including live entertainment and dancing, are a conditional use, requiring approval by the Board (§6-308). This property was previously approved by the Board for use as a tavern and two dwelling units in its approval of appeal no. 712-09 heard January 19, 2010. The same applicant now proposes to add live entertainment, including a DJ and/or karaoke, to that tavern.

Required Findings - Live Entertainment or Dancing: For a restaurant or tavern operating with live entertainment or dancing as an accessory use, the Board must consider imposing conditions, as appropriate, concerning:

- (1) days and hours of operation;
- (2) use of amplification, noise levels, and need for noise proofing;
- (3) limits on the size of the establishment or on the size, location, or configuration of the entertainment or dancing venue within the establishment;
- (4) number of live entertainers;
- (5) number of seats proposed for outdoor table service;
- (6) exterior lighting;
- (7) whether to limit the accessory use to live entertainment only or dancing only; and
- (8) the establishment and maintenance of:
 - (i) a traffic and parking management plan; and
 - (ii) an indoor and outdoor security plan. (§14-309)

The application does not specify a traffic and parking management plan; it states "people park wherever they can find parking." This is not an adequate response to this requirement.

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, particularly for any new entrances or exits, new or replacement signs, or other exterior alterations or additions (including exterior lighting to be added as part of the security plan for live entertainment).

RECOMMENDATION

The Department of Planning recommends deferral of a complete hearing of the appeal, to allow the applicant time to prepare an approvable traffic and parking management plan. Should the applicant provide an approvable application for live entertainment, the Department recommends that approval be subject to these conditions, in addition to conditions which the Board may also provide:

- A copy of the use and occupancy permit for the premises must be kept on the premises and available for inspection by representatives of Baltimore City at all times;
- A copy of the written approval by the Board of Municipal and Zoning Appeals of the live entertainment provided on the premises, including details of any restrictions or limitations on the live entertainment provided, must be kept on the premises and available for inspection by representatives of Baltimore City at all times;
- A copy of all other permits and licenses required pursuant to the written approval of the Board of Municipal and Zoning Appeals must be kept on the premises and available for inspection by representatives of Baltimore City at all times.

TJS/wya/mf

cc: Kassim Ahmed, Appellant