


<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 / 148 South East Avenue		

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

DATE: August 14, 2015

### REQUEST

The Department of Planning has received Corey LaPrade's Board of Municipal and Zoning Appeals (BMZA) application to add accessory outdoor table service to an existing restaurant and bar. The Zoning Administrator has determined that this is a prohibited use in a R-8 zoning district. We understand that this appeal is scheduled for hearing on August 25, 2015.

### SITE

148 South East Avenue is located on the northwest corner of the intersection with Pratt Street. This property measures approximately 15' by 75' and is currently improved with a two-story end-of-row building covering the entire lot. This site is zoned R-8 and is located within the Patterson Park – Highlandtown National Register Historic District.

### ANALYSIS

Use: In this zoning district, restaurants and bars (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.

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 would need to demonstrate to the Board that use of the property is a restaurant, not a tavern (bar) as stated in the application, in order for this application to be approvable.

Land Use and Urban Design: The sidewalks around this property are approximately 11' wide, which would allow placement of some tables and seats near the walls of the premises. The applicant proposes to place one table and seats in front of the premises, on the East Avenue sidewalk, and two tables and seats beside the premises, on the Pratt Street sidewalk. This would be acceptable provided that at least six feet of unimpeded pedestrian passage could be maintained in front of and beside the premises.

TransForm Baltimore: This property would remain part of the R-8 District (Proposed Zoning Map Area 8-C) in which Neighborhood Commercial Establishments would be conditional uses (Table 9-301). "Neighborhood commercial establishment" means "a commercial use that is within a residential neighborhood, but in a structure that is non-residential in its construction and original use" (§1-310 (I)).

### RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if granted be subject to these conditions in addition to other conditions which the Board may establish:

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- 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 three tables and twelve patrons;
- The tables will be limited to those that can seat four patrons, and are to be kept against the wall of the building, with one table and four seats in front of the premises, on the East Avenue sidewalk, and two tables and eight seats beside the premises, on the Pratt Street sidewalk;
- 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: Corey LaPrade, Appellant