


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 / 1035 South Charles Street		

TO

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

DATE: September 18, 2014

REQUEST

The Department of Planning has received Raymond Zhao's Board of Municipal and Zoning Appeals (BMZA) application to continue to use the premises as a restaurant and carry-out food shop, and add use as a tavern with live entertainment. The Zoning Administrator has determined that this is a conditional use in a B-2 Zoning District. We understand that this appeal is scheduled for hearing on September 23, 2014.

SITE

1035 South Charles Street is located on the east side of the street, approximately 166'6" north of the intersection with Cross Street. This property measures approximately 25'4" by 69' and is currently improved with a two-story-plus-attic attached building measuring approximately 25'4" by 68'. This site is zoned B-2-3 and is located within the South Baltimore Business Area Urban Renewal Plan area.

ANALYSIS

Conditional Use: In this zoning district, taverns – including live entertainment and dancing, are a conditional use, requiring approval by the Board (§6-309). The applicant is proposing to add karaoke only, on Mondays, Wednesdays, and Thursdays only, between 5:00 and 10:00 p.m. on those nights.

Urban Renewal Plan: This property is located in the South Baltimore Business Area Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

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 indicates that the capacity of the establishment is 50 persons, and that sound levels would be up to 40 decibels measured at 10' distant from the building. The application does not include a parking plan or security plan, as the applicant states that karaoke would "be for normal patrons of the restaurant", indicating that he does not anticipate an increase in patronage as a result of adding karaoke.

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:

- 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: Raymond Zhao, Appellant