


TJA

FROM	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 / 118-120 West 25 <sup>th</sup> Street		

TO

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

DATE: November 5, 2013

### REQUEST

The Department of Planning has received Steve McMurray's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as a restaurant and tavern with live entertainment and to use a portion of the front sidewalk for accessory outdoor table service. The Zoning Administrator has determined that this is a conditional use in a B-3 District. We understand that this appeal is scheduled for hearing on November 12, 2013.

### SITE

118-120 West 25<sup>th</sup> Street is located on the northwest corner of the intersection with Mace Street. This property measures approximately 27' by 80' and is currently improved with a two-story attached building measuring approximately 27' by 75'. This site is zoned B-3-3 and is located within the Charles/ 25<sup>th</sup> Urban Renewal Plan area.

### ANALYSIS

**Conditional Use:** In this zoning district, restaurants – including live entertainment and dancing, and including accessory outdoor table service, are a conditional use, requiring approval by the Board (§6-408). Live entertainment at this location was approved by the Board in its decision concerning appeal no. 2010-220 on July 20, 2010. At that time the same applicant requested approval of accessory outdoor table service with 3 tables and 12 seats, which was approved also. The applicant now proposes to increase the outdoor capacity to 8 tables and 32 seats on the same sidewalk in front of the premises. This would be a modification of a previously-approved conditional use.

**Urban Renewal Plan:** This property is located in the Charles/ 25<sup>th</sup> Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this 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 eight tables, each with seating for 4 patrons, on the 25<sup>th</sup> Street sidewalk in front of the building. The sidewalk in this area is approximately 18' wide, and so can accommodate the proposed outdoor seating area. The applicant is proposing an area 16' wide by 9' deep centered in front of the building, thus allowing 5' or more of access width to the doors to the interior of the restaurant and tavern.

**TransForm Baltimore:** This property would become part of a C-1 District (Proposed Zoning Map Area 7-A) 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 and drinks" (§1-310 (Q)).

**RECOMMENDATION**

The Department of Planning recommends approval of the 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 8 tables and 32 patrons;
- The tables will be limited to those that can seat 4 patrons, and are to be kept close to the front 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: Steve McMurray, Appellant