


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR <i>TJS</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR		
	SUBJECT	BMZA / 1325 Key Highway		

TO

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

DATE: November 12, 2015

REQUEST

The Department of Planning has received Mark Gentile's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Havana Management, to expand the floor area of the existing restaurant and use the premises as a restaurant – including live entertainment and dancing. The Zoning Administrator has determined that this is a conditional use in a M-3 zoning district. We understand that this appeal is scheduled for hearing on November 17, 2015.

SITE

1325 Key Highway is located on the northeast corner of the intersection with Webster Street. This parallelogram-shaped property measures approximately 96'7" along Key Highway by 184'5" along its northern property line and 259'4" along Webster Street, and is currently improved with a one-story detached commercial building measuring approximately 70' by 200'. This site is zoned M-3 and is located within the Key Highway East Urban Renewal Plan area.

ANALYSIS

Conditional Use: In this zoning district, restaurants – including live entertainment and dancing – but only if located at least 500 feet from a residence district, are a conditional use, requiring approval by the Board (§7-407). (Taverns including live entertainment and dancing are likewise restricted.) In this case, the property was last authorized for use as a restaurant, which is a permitted use in this M-3 Industrial District.

This property is on the opposite side of Key Highway from a residential area that has been zoned R-8 since 1971. The distance across Key Highway is approximately 100 feet; the distance between the front wall of the premises and the façades of the row-houses opposite is approximately 125 feet. This property and premises is thus not eligible for consideration for the proposed addition of live entertainment and dancing.

TransForm Baltimore: This property would become part of the C-2 District with W-1 (Waterfront Overlay) District (Proposed Zoning Map Area 11-A) in which live entertainment – secondary to a restaurant or tavern, would be a conditional use (Table 10-301). The Waterfront Overlay Districts would have design and access requirements (§12-901 through 12-906).

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the property is located less than 500 feet from a residence district, as required by the Zoning Code.

TJS/wya/mf

cc: Mark Gentile, Appellant
South