2010-435

FROM		
NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE **MEMO**
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8TH FLOOR	
SUBJECT	BMZA / 1634 Aliceanna Street	

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

DATE: November 15, 2010

REQUEST
The Department of Planning has received Joey Belcher's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a restaurant and tavern including live entertainment and dancing. We understand that this appeal is scheduled for hearing on November 23, 2010.

SITE
1634 Aliceanna Street is located on the north side of the street, approximately 54' east of the intersection with Broadway. This property measures approximately 27'6" by 80' and is currently improved with a three-story 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 and taverns – including live entertainment and dancing, are a conditional use, requiring approval by the Board (§6-308).

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 applicant proposes to limit the live entertainment to a "karaoke night" on Tuesdays from 10:30 p.m. to closing (2 a.m.), with sound levels not to exceed 80 decibels measured 10' from the structure. There are no party walls to the existing building.

Historic District: The subject property is located within the Fells Point District, a locally 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 if any new or revised signage is expected if this appeal is approved.

RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if granted, be subject to these conditions:

- 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: Joey Belcher, Appellant