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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 / 3500 Boston Street		

TO

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

DATE:

December 15, 2010

REQUEST

The Department of Planning has received Brad Hoag's Board of Municipal and Zoning Appeals (BMZA) application to use a portion of the premises as an accessory outdoor seating area for an existing restaurant. We understand that this appeal is scheduled for hearing on December 21, 2010.

SITE

3500 Boston Street is located on the northwest corner of the intersection with Conkling Street and occupies the north side of Boston Street to its intersection with Baylis Street. This property measures approximately 200' along Boston Street and contains approximately 1.5 acre, and is currently improved with a four-story former industrial building covering much of the lot. This site is zoned B-2-3 and is located within the Canton Industrial Area Urban Renewal Plan area.

ANALYSIS

Conditional Use: In this zoning district, accessory outdoor table service is a conditional use, requiring approval by the Board (§6-308).

Renewal Plans: Ordinance #01-0165 was approved May 14, 2001 for the purpose of, among other things, clarifying the relationship between conditions or requirements imposed by an Urban Renewal Plan or Conservation Plan, such that the condition or requirement that is more restrictive will govern. Additionally, the ordinance prohibits the approval of a conditional use or a variance if that conditional use or variance is precluded by an applicable renewal plan or master plan.

Required Findings: The Board may not approve a conditional use unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that: ... (2) the use is not in any way precluded by any other law, including an applicable urban renewal plan; (§14-204). For this reason, the Board must consider the requirements of the Canton Industrial Area Urban Renewal Plan, which does allow this 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 area proposed for outdoor seating accessory to the existing restaurant is between the south wall of the former broom factory and the off-street parking area between it and Boston Street, entirely within private property and separated from the Boston Street sidewalk by the parking lot.

RECOMMENDATION

The Department of Planning recommends approval of the appeal subject to these conditions:

- A minimum of six feet of accessible walkway along the south wall of the existing building must remain clear and unobstructed for pedestrian use;
- 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: Brad Hoag, Appellant