


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 / Rear of North side of Newgate Avenue a.k.a Block 6607K, Lot 14		

TO

DATE:

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

September 24, 2010

REQUEST

The Department of Planning has received Jay Fraley's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as a recycling collection and transfer station. We understand that this appeal is scheduled for hearing on September 28, 2010.

SITE

This property is located on the south side of the Leland Avenue right-of-way, underneath the Keith Avenue causeway south of the Baltimore Harbor Tunnel eastern approach and north of the coal-yards, over 1,000' north of the north side of Newgate Avenue. This property measures approximately 430' by 100' and is currently unimproved. This site is zoned M-3 and is located within the Canton Industrial Area Urban Renewal Plan area.

ANALYSIS

Conditional Use: In this zoning district, recycling collection stations are a conditional use, requiring approval by the Board (§7-407).

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.

RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Jay Fraley, Appellant