2011-545

TJS

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 / 3106 Hawkins Point Road	

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

DATE: December 12, 2011

REQUEST
The Department of Planning has received AB Associates' Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Curtis Bay Energy, to use the premises for the storage of trailers containing medical waste products, in conjunction with the medical waste incineration facility located at 3200 Hawkins Point Road. We understand that this appeal is scheduled for hearing on December 20, 2011.

SITE
3106 Hawkins Point Road is located on the north side of the street, approximately opposite the intersection with Fort Smallwood Road. This property measures approximately 276'10" by 230'7" and is currently unimproved. This site is zoned M-3.

ANALYSIS
Use: In this zoning district, warehousing and storage is a permitted use, and so is allowed; parking, open off-street areas, other than accessory, for the parking of 4 or more motor vehicles, is also a permitted use (§7-406). In this case, the property was last authorized for use as a vacant lot. The applicant is proposing to have closed truck trailers containing medical waste awaiting incineration parked on this property for up to 10 days as limited by State law, until the waste is processed at the medical incinerator (per letter of December 11, 2011 from Alfred W. Barry III of AB Associates). The proposed use would functionally be accessory to the use located on the separate property known as 3200 Hawkins Point Road.

Conditional Use: In this zoning district, hazardous material (as defined in §7-101 of the State Environment Article): handling and storage; and incinerators: commercial or municipal; are each a conditional use, requiring approval by ordinance of the Mayor and City Council (§7-408). Use of 3200 Hawkins Point Road (not a subject of this application) as a medical waste incineration facility has been approved by ordinance (originally granted for 3206-3214 Hawkins Point Road in 1989, and used for the consolidated lots now known as 3200 Hawkins Point Road since 1991). The question before the Board is whether it has authority to approve a use which could be otherwise permitted but for its functioning as part of a use which requires approval by ordinance. This Department would defer to an opinion of the City Solicitor concerning this issue.

RECOMMENDATION
The Department of Planning recommends deferral of a decision on this appeal.

TJS/wya/mf

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cc: AB Associates, Appellant