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FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 6411 Fort Smallwood Road		

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

DATE: December 14, 2010

### REQUEST

The Department of Planning has received Stanley Fine's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Two Farms, Inc., to continue to use the property for a contractor's office and storage yard, and construct a gasoline service station with accessory convenience store. We understand that this appeal is scheduled for hearing on December 21, 2010.

### SITE

6411 Fort Smallwood Road is located on the east side of the street, approximately 100' north of the intersection with Fort Armistead Road. This property contains approximately 7.663 acres and is currently improved with a small one-story office building. This site is zoned M-3.

### ANALYSIS

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

Conditional Use – 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:

- the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals;
- the use is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
- the authorization is not otherwise in any way contrary to the public interest; and
- the authorization is in harmony with the purpose and intent of this article (§14-204).

Land Use and Urban Design: The Site Plan Review Committee reviewed the proposed structures, site layout, and impacts of the proposed use on the area and on traffic flow in the vicinity, and approved the site plan for this property on December 10, 2010.

### RECOMMENDATION

The Department of Planning recommends approval of the appeal, subject to the applicant's constructing the gasoline service station and accessory structures in accordance with the plans approved by the Site Plan Review Committee.

TJS/wya/mf

cc:

Stanley Fine, Appellant