


<b>FROM</b>	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 / 2224 EASTERN AVENUE		

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

DATE: June 3, 2009

### REQUEST

The Department of Planning has received Gregory Gomez's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as an office. We understand this appeal is scheduled for hearing on June 23, 2009.

### SITE

2224 Eastern Avenue is located on the north side of the street, approximately 14' west of the intersection with South Madeira Street. This property measures approximately 13'6" by 65' and is currently improved with a two-story attached building. This site is zoned R-8 and is located within the Chesapeake Bay Critical Area.

### ANALYSIS

Use: In this zoning district, offices are not listed as a permitted or conditional use, and so are not allowed (§4-1101 to §4-1104). In this case, the property was last authorized for use as a commercial school, which is a nonconforming use in this R-8 General Residence District.

Change in Nonconforming Use: In accordance with Subtitle 7 {"Modifications and Continuances by Board"} of this title, the Board may authorize a Class III nonconforming use in a Residence or Office-Residence District to be changed to a use permitted in a B-1 District (§13-405.b). Offices are listed as a permitted use in the B-1 District, and so are eligible for a change in nonconforming use (§6-206).

### RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/ewt

cc: Mr. Gregory Gomez, Appellant