

Map Correction / Case No.: M.C. 11-01 /Johnnycake Road, W. of Fairbrook Road

accordance with the legislative intent of the County Council; (part of Issue No. 1-031 / 2008 CZMP).

Petitioners have filed supporting documents with their Petition, including a Certification letter by the Baltimore County Office of Planning dated March 24, 2010.

The County introduced the Final log of issues, which indicates that the property in question was originally zoned DR 3.5, RC 3 and RC 6 and the Final County Council Decision rezoned the property to BM-IM and DR 10.5. (Issue No. 1-031 / 2008 CZMP)

The County also introduced maps showing previous zoning and the zoning as proposed in the Petition.

The Board has given due consideration to the Petition, the Certification, exhibits presented at the time of the hearing, as well as the testimony presented in this case by Jeffrey Mayhew, Chief of the Baltimore County Community Planning Division.

The Board finds that the present zoning designation on the subject parcel of land is incorrect, and in error. The Petitioner is entitled to the relief requested since the error is a "technical drafting error" made by the Office of Planning in transferring the County Council's enacted zoning classification to the Comprehensive Zoning Map, as set out in § 32-3-231(b)(1) of the *Baltimore County Code*. The subject parcel's present split-zoned DR 10.5, BM-IM, RC 6, RC 3, DR 5.5, and DR 3.5 (Density Residential) should be corrected and changed to BM-IM and DR 10.5 in accordance with the legislative intent of the County Council.

IT IS THEREFORE, this 26th day of May, 2011 by the Board of Appeals of
Baltimore County

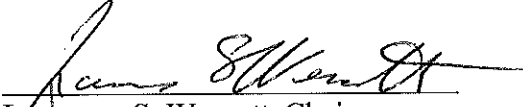
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ORDERED that the present zoning designation of the subject property which is currently split-zoned DR 10.5, BM-IM, RC 6, RC 3, DR 5.5, and DR 3.5 (Density Residential) be changed to BM-IM and DR 10.5 in accordance with the legislative intent of the County Council; (part of Issue No. 1-031 / 2008 CZMP); and it is further

ORDERED that the Office of Planning make the necessary change and correction as set out herein on the latest Comprehensive Zoning Map for Baltimore County with regard to the subject property.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.


**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence S. Wescott, Chairman



Wendy A. Zerwitz



Andrew M. Belt