

IN THE MATTER OF
BALTIMORE COUNTY, MARYLAND;
JOHN A. HATFIELD; ELIZABETH PROUTT; and
MARY LOUISE TRIMMINGHAM – Petitioners

E/S Falls Road, Opposite Hillside Road
2ND COUNCILMANIC DISTRICT

RE: ZONING MAP CORRECTION

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. M.C. 11-02

* * * * *

ORDER

The above entitled matter came on for hearing before this Board on May 26, 2011 on a Petition for Zoning Map Correction filed by Lawrence E. Schmidt, Esquire, on behalf of John A. Hatfield, Elizabeth S. Proutt, Mary Louise Trimmingham, Petitioners, and Baltimore County, Maryland, by Michael Field, County Attorney, and Nancy C. West, Assistant County Attorney, Petitioners.

A public hearing was held on May 26, 2011. Public Deliberation was held at the conclusion of the hearing.

Nancy C. West, Assistant County Attorney represented Baltimore County, Lawrence E. Schmidt, Esquire, represented John A. Hatfield, Elizabeth S. Proutt, and Mary Louise Trimmingham. Carole S. Demilio, Deputy People's Counsel for Baltimore County also participated.

The subject property is located E/S Falls Road, opposite Hillside Road in Baltimore County, Maryland in the Second Councilmanic District and is identified by Baltimore County Tax identification Number District 09 Account Number 0908003420. Such Parcel contains 6.66 acres of land.

The 2000 comprehensive zoning maps for CZMP Issue No. 4-034 as adopted by the County

Map Correction / Case No.: M.C. 11-02 /E/S Falls Road, opposite Hillside Road

Council rezoned .22 acres to BLR and left the remaining 6.44 acres of the property zoned DR 1.

The Petition represents that a technical drafting error was made by the Office of Planning in implementing the zoning change as adopted CZMP Issue No, 4-034. As a result, the County Council's duly enacted zoning classification of the .22 acres zoned BLR is not properly configured as reflected on the 2008 zoning maps.

The Petition represents that pursuant to § 32-3-231 of the *Baltimore County Code* the subject parcel should be reconfigured in accordance with the legislative intent of the County Council (part of Issue No. 4-034 / 2000 CZMP).

Petitioners have filed supporting documents with their Petition, including a Certification letter by the Baltimore County Office of Planning dated April 27, 2011.

The County also introduced maps showing the zoning change as previously configured and the proposed configuration to indicate the legislative intent.

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 Dianne Itter, of the Baltimore County Office of Planning.

The Board finds that the present configuration of the zoning designation of BLR for the .22 acres of land 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 configuration should be corrected and changed to reflect the dimensions to include the existing building outline with a proposed addition area to the centerline of Falls Road. Total area with the proposed addition included is 6,768 square feet, and an additional 2,491 square feet between the centerline

Map Correction / Case No.: M.C. 11-02 / E/S Falls Road, opposite Hillside Road

of Falls Road and the building. Total area of 9,260 square feet, as shown in Exhibit "A" attached hereto in accordance with the legislative intent of the County Council.

IT IS THEREFORE, this 3rd day of June, 2011 by the Board of Appeals of Baltimore County


ORDERED that the present configuration of the .22 acres of land with a zoning designation of the subject property which is currently zoned BLR be changed to in accordance with the legislative intent of the County Council; (part of Issue No. 4-034 / 2000 CZMP); and it is further

ORDERED that the Office of Planning make the necessary change and correction as set out herein, and in accordance with Exhibit "A" attached, 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


David L. Thurston

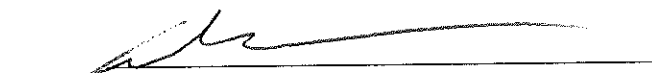

Andrew M. Belt

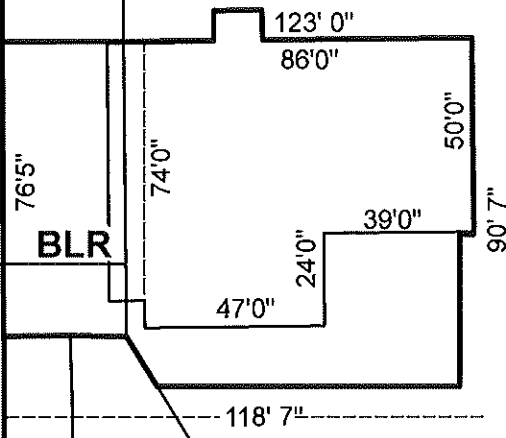
EXHIBIT A
CBA Order
M.C. 11-02

FALLS RD

RC 2

The Valley Inn

DR 1






BLR

HILLSIDE RD

RC 6

Legend

-  Proposed Zoning - 0.2 acres BLR
-  Building Footprint
-  Parcel Boundaries

