

IN THE MATTER OF
BALTIMORE COUNTY, MARYLAND;
SECURITY BOULEVARD VENTURES, LLC; and
THOMAS AND BARBARA PALACOROLLA –
Petitioners
N/S Johnnycake Rd, W of Fairbrook Road
1ST COUNCILMANIC DISTRICT
RE: ZONING MAP CORRECTION

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. M.C. 11-01

* * * * *

ORDER

The above entitled matter came on for hearing before this Board on May 10, 2011 on a Petition for Zoning Map Correction filed by Christopher D. Mudd, Esquire, on behalf of Security Boulevard Ventures, LLC; Petitioners, J. Neil Lanzi, Esquire, on behalf of Thomas and Barbara Palacorolla, Petitioners, and Baltimore County, Maryland, by Michael Field, County Attorney, and Nancy C. West, Assistant County Attorney.

A public hearing was held on May 10, 2011. Public Deliberation was held at the conclusion of the hearing.

Nancy C. West, Assistant County Attorney represented Baltimore County, Christopher D. Mudd, Esquire, represented Security Boulevard Ventures, LLC. and J. Neil Lanzi, Esquire, represented Mr. and Mrs. Palacorolla at the hearing. Peter Max Zimmerman, People's Counsel for Baltimore County, also participated.

The subject property is located N/S Johnnycake Rd, W of Fairbrook Road in Baltimore County, Maryland in the First Councilmanic District.

The Petition represents that the present zoning designation for the subject 121.8 acre parcel of land is in error and should be corrected pursuant to § 32-3-231 of the *Baltimore County Code*. The subject parcel is presently split-zoned DR 10.5, BM-IM, RC 6, RC 3, DR 5.5, and DR 3.5 (Density Residential) and the request is that the zoning be changed to to BM-IM and 10.5 in

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 10.5 in accordance with the legislative intent of the County Council.

IT IS THEREFORE, this 18th day of May, 2011 by the Board of Appeals of
Baltimore County

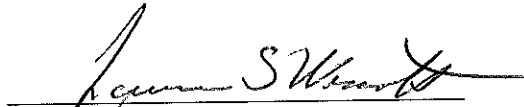
Map Correction / Case No.: M.C. 11-01 / Johnnycake Road, W. of Fairbrook Road

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 to BM-IM and 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 Permits, Approvals and Inspections (PAI), formerly known as the Department of Permits and Development Management (PDM) 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