

IN THE MATTER OF
BALTIMORE COUNTY, MARYLAND;
- Petitioner
YOO KWAN AND SANG HWA JUN;
- Legal Owners

W/S Harford Road (8902 Harford Road)
6th COUNCILMANIC DISTRICT

RE: ZONING MAP CORRECTION

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* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. M.C. 12-02

ORDER

The above entitled matter came on for hearing before this Board on November 22, 2011 on a Petition for Zoning Map Correction filed by Michael E. Field, County Attorney, and Nancy C. West, Assistant County Attorney, Petitioners, on behalf of Baltimore County, Maryland.

A public hearing was held on November 22, 2011. Public Deliberation was held at the conclusion of the hearing.

Nancy C. West, Assistant County Attorney represented Baltimore County. Gary R. Maslan, Esquire, represented the Legal Owners, namely, Yoo Kwan and Sang Hwa Jun. Carole S. Demilio, Deputy People's Counsel for Baltimore County also participated.

The subject property is located W/S Harford Road and known as 8902 Harford Road in Baltimore County, Maryland in the Sixth Councilmanic District and is identified by Baltimore County Tax identification Number District 09 Account Number 19-14-652871. Such Parcel contains 0.448 acres of land.

The 2000 comprehensive zoning maps as adopted by the County Council rezoned the property known as 8902 Harford Road, to an RO zone from a BL zone.

Mr. Donnell Ziegler, the County Planner for the sixth District, testified that upon notification from the property owners that the property in question was improperly zoned R.O., he

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conducted an investigation. He determined that no issue was raised during the 2000 Comprehensive Zoning Map Process (CZMP) to reclassify the property from B.L. to R.O., nor was such an issue raised during the 2004 or 2008 CZMP process.

Since the Department of Planning found no basis for the zoning change from B.L to R.O. the Department notified the property owner that it would seek reclassification of the property before the Board of Appeals. The County Council was also notified of the request for reclassification.

The Petition represents that a technical drafting error was made by the Department of Planning in implementing the zoning change as adopted. As a result, the County Council's duly enacted zoning classification of the .0.448 acres of land zoned RO is not proper 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 rezoned in accordance with the legislative intent of the County Council.

Petitioner has filed supporting documents with their Petition, including a Certification letter by the Baltimore County Department of Planning dated October 5, 2011.

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 Donnell Ziegler, of the Baltimore County Department of Planning.

The Board finds that the present zoning designation of RO (Residential, Office) for the .448 acres of land known as 8902 Harford Road is incorrect, and in error. The Petitioner is entitled to the relief requested since the error is a "technical drafting error" made by the Department 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 zoning of the subject property should be corrected and changed to reflect the proper zoning of B.L.

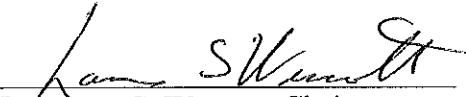
IT IS THEREFORE, this 23rd day of November, 2011 by the Board of Appeals of
Baltimore County


ORDERED that the present zoning of the .0.448 acres of land on the west side of Harford Road known as 8902 Harford Road, with a zoning designation of RO (Residential, Office) be changed to BL (Business, Local) in accordance with the legislative intent of the County Council; and it is further

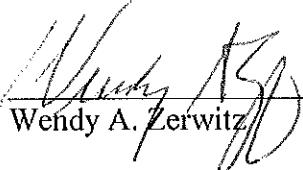
ORDERED that the Department of Planning make the necessary change and correction as set out herein, on the latest Comprehensive Zoning Map for Baltimore County with regard to the subject property.

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


David L. Thurston


Wendy A. Zerwitz