IN RE: ZONING MAP CORRECTION **2 GERMAN HILL ROAD**	*	**BEFORE THE**
	*	**BOARD OF APPEALS**
BALTIMORE COUNTY, MARYLAND **a body corporate and politic**	*	**OF**
	*	**BALTIMORE COUNTY**
and		
HEUNG JU HWANG	*	
		Case No.: M.C. 22-01
Petitioners		

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PETITION FOR ZONING MAP CORRECTION

Petitioners, Baltimore County, Maryland, a body corporate and politic, by James R. Benjamin, Jr., County Attorney, and Nancy C. West, Assistant County Attorney, and Heung Ju Hwang, by Timothy M. Kotroco, Esquire, Matthew Kotroco, Esq., and Kotroco & Associates, LLC file this Petition for Zoning Map Correction pursuant to Section 32-3-231 *et seq* of the Baltimore County Code and state as follows:

1. Heung Ju Hwang is the fee simple owner of a 1.19 acre parcel of land (Map 0103, Parcel 0574) at 2 German Hill Road situated on the west side of North Point Road in the Dundalk area of Baltimore County, Maryland, 21222 ("the Property"). It is improved with the Poor Boys commercial garden center and a car wash.

2. The deed for the Property is recorded in the Land Records of Baltimore County at Book 40739, Page 445. A copy of the deed is attached as **Exhibit A**.

3. On February 23, 1967, the Zoning Commissioner approved a petition to rezone the Property from R-6 to Business, Local (B-L) [B.L.] (Case No. R 1967-169). A copy of the Order is attached as **Exhibit B**.

4. The Property is currently and erroneously zoned Density Residential 5.5 (D.R. 5.5). A map depicting the current D.R. 5.5 zoning is attached as **Exhibit C**.

5. On February 12, 2021, Timothy M. Kotroco, Esq., sent a letter to Stephen W. Lafferty ("Lafferty"), Director of the Department of Planning ("Planning"), requesting that Planning investigate the zoning error, and if verified, rezone the Property to Business, Local (B.L.). A copy of the letter is attached as **Exhibit D**.

6. Since the Comprehensive Zoning Map Process ("CZMP") began in 1971, no CZMP issues[1] have been filed for the subject Property during any of the quadrennial CZMP cycles.

7. In 1996, the Property was correctly zoned B.L. as depicted in the attached **Exhibit E**.

8. Although no rezoning issues were filed for the subject property, it was erroneously zoned D.R. 5.5 in 2000 as depicted in the attached **Exhibit F**.

9. During the CZMP 1996, Issue 7-019 intended to rezone properties on the north side of North Point Road from Density Residential 16 (D.R. 16) to D.R. 5.5, as depicted in the attached **Exhibit G**.

10. Between CZMP 1996 and CZMP 2000, Baltimore County's maps were converted from paper maps to digital maps in the County's Geographic Information System[2] ("GIS"). Because the initial 1996 paper maps were digitized at a 1,000-scale (1" represents 1,000'), rather than the current 200-scale standard (1" represents 200'), the 1996 map data did not correctly align with the County's GIS parcel base map.

11. Due to the differences in map accuracy, CZMP Issue 7-019 overlapped a portion

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[1] Pursuant to Baltimore County Code, Section 32-3-211, "Issue" means a tract of land proposed for a change in zone or district classification under the Comprehensive Zoning Map Process.

[2] A Geographic Information System (GIS) is a system designed to capture, store, manipulate, analyze, manage, and present spatial or geographic data.

of the subject Property. The issue overlap resulted in the Property being erroneously rezoned to D.R. 5.5 once the digital conversion process completed.

12. On January 27, 2022, Lafferty wrote to the Honorable Todd K. Crandell of the 7th Council District, and to Timothy M. Kotroco, Esq. He verified the technical zoning error on the Property and advised that Planning would file a petition to correct it. Copies of the above referenced letters are attached as **Exhibits H and I.**

13. A map depicting the correct zoning for the Property as B.L. is attached as **Exhibit J**.

14. **Exhibits A through J** as noted hereinabove are incorporated by reference to this Petition as if fully set forth herein.

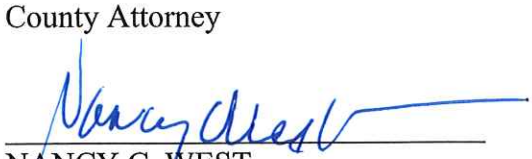
WHEREFORE, Petitioners respectfully pray that the County Board of Appeals enter an Order:

a. Reclassifying the zoning on the Property known as 2 German Hill Road located in the Dundalk area of Baltimore County, Maryland, 21222 from Density Residential 5.5 (D.R. 5.5) to B.L..

b. Directing the Department of Planning to make the requisite zoning changes on the official Baltimore County Zoning Maps.

c. And for such other and further relief as the County Board of Appeals may deem just and appropriate.

JAMES R. BENJAMIN, JR.
County Attorney



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