

BOARD OF APPEALS CASE NO. 016

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BEFORE THE

APPLICANT: Harford County/
CSP Associates

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ZONING HEARING EXAMINER

REQUEST: Rezone 1.414 and 1.923
acres from CI to GI;
810 Pulaski Highway

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 11/7/85 & 11/14/85

HEARING DATE: December 16, 1985

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Record: 11/6/85 & 11/13/85

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ZONING HEARING EXAMINER'S DECISION

Harford County, Maryland, has filed an application to rezone property known as 810 Pulaski Highway. The property is presently owned by the Baltimore Gas and Electric Company, subject to the perpetual use of James Stamper. The County contends that it mistakenly zoned the property CI, Commercial Industrial during the 1982 Comprehensive Rezoning, and that the property should have properly have been classified GI, General Industrial. The effect of the County's mistake was to downzone the subject property. The County seeks by this application to correct this mistake and to have the property properly zoned General Industrial.

Section 25-3.6(b) provides that the Zoning Administrator may initiate an application for rezoning.

Section 3.3 of the Staff Report provides as follows:

"During the development of the 1982 Comprehensive Zoning Maps, the Department overlooked the existing ready-mix use and recommended that the M-1 classification of the property be changed to CI. This was an error on the part of the Department. The Department did not intend to make the valid existing use non-conforming.

Section 25-3.6(b)(4) establishes specific criteria for granting a reclassification. This petition falls into both (a) and (b):

- (a) Harford County did not take notice during the Comprehensive Rezoning of the existence of a legal use on the property prior to recommending a zoning classification which would limit the existing use or uses on the property. In such event, the Board of Appeals may grant a reclassification of the property so as to restore the property to a zoning classification most consistent with the use or uses prior to the Comprehensive Rezoning change;
- (b) Harford County failed to notify the property owner where a use legally in existence, or a permitted use, on the property was limited as a result of the Comprehensive Rezoning. In such event, the Board of Appeals may grant a reclassification of the property so as to restore the property to a zoning classification most consistent with the prior legal use or a prior permitted use."

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No protestants appeared at the hearing.

The Hearing Examiner adopts the Staff Report and the acknowledgement of the County with regard to the existence of the mistake in zoning classification.

Accordingly, the Hearing Examiner recommends that Parcels 864 and 842, known as 810 Pulaski Highway, located 1200 feet west of MD Route 152 and 800 feet north of U.S. Route 40, be rezoned from CI, Commercial/Industrial, to GI, General Industrial.

Date December 18, 1985

Gregory A. Rapisarda
Gregory A. Rapisarda
Zoning Hearing Examiner