

IN THE MATTER OF
CLOSING A PORTION OF
BENGIES ROAD
CONTAINING 0.006 ACRE
(260 SQ. FT.)

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. CBA-12-036

* * * * *

ORDER OF REMAND

This case comes to the Board on appeal of the Amended Order of the Administrative Officer Designee for the Department of Public Works dated January 4, 2012, which ordered that the portion of Bengies Road containing 0.006 acre (260 sq. ft) shall be closed and a gate shall be erected to restrict motor vehicles traveling from either direction.

A timely appeal of that decision was filed on January 31, 2012 by Protestants Sharon L. Harvey and Winifred L. Robinson.

The Board convened for a hearing in the above captioned matter on May 3, 2012. Appellants, Sharon L. Harvey and Winifred L. Robinson appeared *pro se*. Nancy West, Assistant County Attorney represented Baltimore County.

The Board determined that the appeal from the agency below would be conducted as an "on the record" appeal. Therefore new evidence would be accepted only for the limited purpose of potentially clarifying evidence placed on the record.

After reviewing the Order of the Administrative Agency the Board has determined that said Order does not contain sufficient information as to the factual and legal basis to allow the Board to pass upon it. Accordingly the case is remanded to Donald E. Brand, the author of the Administrative Decision below for clarification of his Order.

ORDER

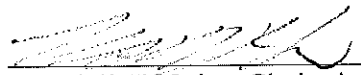
THEREFORE, IT IS THIS 10th day of May, 2012 by the Board of Appeals of Baltimore County,

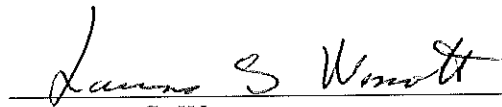
ORDERED that the matter in Case No.: CBA-12-036 is hereby **REMANDED** to the Designee, Donald Brand, Department of Public Works, for further clarification of his decision as follows:

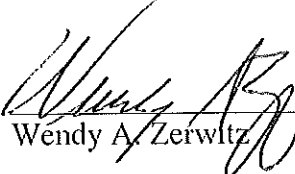
1. To set forth specific Findings of Fact and Conclusions of Law under which he found that the portion of Bengies Road containing 0.006 acre (260 sq. ft) shall be closed and a gate shall be erected to restrict motor vehicles traveling from either direction; and
2. That an Amended Order or other written document be issued by Mr. Brand, so as to allow the Board to conduct and adequate review of the record.

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**


Wendell H. Grier, Chairman


Lawrence S. Wescott


Wendy A. Zerwitz