

<b>IN RE: PETITIONS FOR SPECIAL HEARING,</b>	*	BEFORE THE
<b>SPECIAL EXCEPTION &amp; VARIANCE</b>		
corner NW Side of Washington Blvd.	*	OFFICE OF
and SW side of South Street		
13 <sup>th</sup> Election District	*	ADMINISTRATIVE HEARINGS
1 <sup>st</sup> Councilmanic District		
<b>(5230 Washington Boulevard)</b>	*	FOR BALTIMORE COUNTY
Joann Garrity, <i>Legal Owner</i>		
Martin Schwartz, <i>Contract Purchaser</i>	*	<b>CASE NO. 2011-0258-SPHXA</b>
Petitioners		

\* \* \* \* \*

**ORDER ON MOTION FOR RECONSIDERATION**

This matter came before the Office of Administrative Hearings for Baltimore County pursuant to Petitions for Special Hearing, Special Exception and Variance filed by Joann Garrity, legal owner of the property, and Martin Schwartz, the lessee of the site. The original zoning relief involved property located at 5230 Washington Boulevard in the Halethorpe area of Baltimore County. The matter came before me on two separate occasions, the first of which was on April 4, 2011 at 10:00 AM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland. Thereafter, a second hearing was held on June 13, 2011 at the same location where many residents of the surrounding community appeared and participated in the hearing. A decision was rendered on the matter, dated July 15, 2011, where the Applicant's request for Special Hearing, Special Exception and Variance were denied.

Thereafter, on or about August 15, 2011, Lawrence E. Schmidt, counsel for the Petitioner, filed a Motion for Reconsideration with this Office of Administrative Hearings. Among other things, the Motion for Reconsideration requested that the Petitioner, Martin Schwartz, have an opportunity to meet with his neighbors in order to work out a resolution of the issues raised at the hearing before me. Normally, these Motions are ruled upon within thirty

(30) days of their submittal. However, I deemed it appropriate to extend that time limitation in order to afford the Applicant an opportunity to meet with his neighbors.

Several emails and letters followed the filing of the Motion of Reconsideration. For example three days after the filing of the Motion for Reconsideration, People's Counsel for Baltimore County submitted an email, dated August 18, 2011, objecting to the Motion for Reconsideration alleging that the Motion was not timely filed. The arguments of People's Counsel were contained within a two-page, single spaced email that was sent to my attention and copied to Mr. Schmidt as attorney for the Applicant as well as members of the surrounding community. The next day on August 19, 2011, another email was sent to this Office from the People's Counsel for Baltimore County indicating that his original objection to the timeliness of the filing was withdrawn after discussions with Lawrence E. Schmidt, Esq. concerning the law applicable to the filing of Motions for Reconsideration.

As stated previously, this Office afforded the Petitioner and the Protestants an opportunity to meet and discuss any solutions they may have regarding the use of the property occurring at 5230 Washington Boulevard. A few emails have gone back and forth between the parties, none of which have generated any meaningful attempts at resolving the issues relating to the activity occurring on this property. It does not even appear that the parties have scheduled a meeting to discuss the matter. In my judgment, enough time has passed in order to give the parties an opportunity to bring this matter to a resolution or at least set a meeting to discuss same. It has been 45 days since the filing of the Motion of Reconsideration, and I believe it is now appropriate to rule on this Motion as to whether my original decision, dated July 15, 2011, should be modified.

In my judgment, there have been no meaningful discussions between the parties and no progress made toward a resolution of the differences between the parties. Accordingly, I shall deny the Motion for Reconsideration.

THEREFORE, IT IS THIS 29<sup>th</sup> day of September, 2011 by this Administrative Law Judge for Baltimore County, ORDERED that the Motion for Reconsideration filed August 15, 2011, requesting a hearing and/or reconsideration of my previous Order, dated July 15, 2011, be and is hereby DENIED.

IT IS FURTHER ORDERED that any appeal of this case, which had been stayed by the filing of this Motion for Reconsideration, shall run from the date of this Order.

Any appeal of this case must be filed within thirty (30) days from the date of this Order on Motion for Reconsideration.

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Signed  
TIMOTHY M. KOTROCO  
Administrative Law Judge  
for Baltimore County

TMK:dlw

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