

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE *
(2829 Lodge Farm Road) *
Associated Catholic Charities, Inc. *
Legal Owner/Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2013-0103-SPHXA

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is the Protestants’ Motion for Reconsideration, which was timely filed in the above case. I have carefully reviewed the motion, and believe that the arguments contained therein were the same ones advanced by Protestants at the January 31, 2013 public hearing. As such, I will deny the motion.

A Motion for Reconsideration allows an agency to “reconsider an action previously taken and come to a different conclusion upon a showing that . . . some new or different factual situation exists that justifies the different conclusion.” Calvert County v. Howlin Realty, Inc., 364 Md. 301, 325 (2001). I do not believe the Protestants have presented in the motion any “new or different factual situation.”

I understand the concerns raised by the community, and they were articulated in an honest and open fashion at the hearing. But reasonable people can reach different conclusions on the same set of facts. An appeal to the County’s Board of Appeals (rather than a Motion for Reconsideration) is the proper mechanism to seek de novo review of the February 15, 2013 Order in this case.

THEREFORE, IT IS ORDERED this 25th day of March, 2013, by this Administrative Law Judge, that the Motion for Reconsideration be and is DENIED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JEB/sln

Signed _____
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County