IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(122 First Avenue)		
4th Election District	*	OF ADMINISTRATIVE
3rd Councilman District		
John & Kelly Schuit	*	HEARINGS FOR
Legal Owners		
Petitioners	*	BALTIMORE COUNTY
	*	**CASE NO. 2014-0044-A**

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ORDER ON MOTION FOR RECONSIDERATION

Now pending is the Petitioners' Motion for Reconsideration, filed on or about December 4, 2013. The Motion contends that the Order dated November 7, 2013 in the above matter is erroneous, specifically with regard to the determination of the area of Lots 44 & 45.

The Order indicated that the lot size was determined by reference to the State tax records for the property, which are presumptively accurate and reliable. Md. Cts. & Jud. Proc. Code Ann. §10-204. Those records show that Lots 44 & 45 have a "land area" of 8,660 SF. The Petitioners argue there is a "discrepancy" in the tax record, but other than this allegation there is no evidence to indicate the record is inaccurate in any way. Indeed, I would imagine that this land area figure has remained unchanged in the tax records for many years (no evidence to the contrary was presented), and the taxes which have been paid on the lots are based on 8,660 square feet of land.

The Petitioners also contend that the plan submitted at the hearing (Exhibit 1) represents (at note 2) the lot area as 10,380 SF, which is in excess of the 10,000 square feet minimum lot size requirement for the DR 3.5 zone. But the plan was not signed and sealed, and cannot as a matter of law rebut the presumptive accuracy of the state records. Bus. Occup. & Prof. Code Ann. §15-502(b). According to Petitioners, the lot is nearly 25% larger than the figure used in the state records. This is a rather large "discrepancy," and without any satisfactory explanation or evidence

addressing the point, I do not believe the Motion can be granted.

THEREFORE, IT IS ORDERED, this 9th day of December, 2013, by the Administrative Law Judge for Baltimore County, that Petitioners' Motion for Reconsideration be and is hereby DENIED.

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

_____Signed_____
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln