

<b>IN RE: DEVELOPMENT PLAN HEARING &amp; PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE OFFICE OF
(12170 Falls Road)	*	ADMINISTRATIVE HEARINGS
8 <sup>th</sup> Election District		
2 <sup>nd</sup> Council District	*	FOR
<b>(BECKER PROPERTY – 1<sup>st</sup> Material Amendment to 2<sup>nd</sup> Refined Plan)</b>	*	BALTIMORE COUNTY
Arthur H. Becker, Jr. (Trustee) & Nancy D. Miller (Trustee), <i>Owners</i>	*	<b>HOH Case No. 08-0791 &amp; Zoning Case No. 2016-0091-SPH</b>
Gaylord Brooks, <i>Developer</i>		

\* \* \* \* \*

**ORDER ON DEVELOPER’S MOTION FOR RECONSIDERATION**

On August 11, 2016, Developer filed a motion for reconsideration and request for hearing in the above case. The Protestants on August 19, 2016, filed a response to the motion. Having reviewed both papers, I believe the motion must be denied.

The Developer’s motion suggests the Administrative Law Judge (ALJ) should convene a public hearing to take “additional testimony, including the presentation of a revised plan involving a reduction of lots and access via a private use-in-common drive.” Protestants argue granting such a request would be unfair, and they contend nothing in the Code authorizes the ALJ to grant such a request. I concur.

Whether or not granting the request would be unfair, I agree with Protestants that nothing in the development regulations authorizes or contemplates such a procedure. To the extent Developer seeks approval of a plan other than the one presented at the hearing, such a plan must first be reviewed and commented upon by County agencies. The ALJ is not authorized to approve a development plan that has not been reviewed by County staff.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 23<sup>rd</sup> day of **August, 2016**, that the Motion for Reconsideration, be and is hereby DENIED.

Any appeal of this Order shall be taken in accordance with Baltimore County Code,  
§ 32-4-281.

Signed \_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB/sln