

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(110 Greenwood Avenue)	*	OFFICE OF
14 th Election District		
6 th Council District	*	ADMINISTRATIVE HEARINGS
Bryan and Caulina Merrick		
<i>Owners</i>	*	FOR BALTIMORE COUNTY
Petitioners		
	*	Case No. 2016-0271-SPHA

* * * * *

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration filed by Bernard Helinski, who lives in the community where the proposed church would be constructed. Mr. Helinski’s motion identifies several points which he contends should result in the denial of the variance.

While I understand and appreciate the concerns identified in the motion, they are issues on which Mr. Helinski provided testimony at the June 23, 2016 hearing. I considered and addressed each of these issues in the Order dated June 27, 2016. While in practice motions for reconsideration are filed with some regularity in zoning cases, the reality is that the function of such a motion is quite limited. In Calvert County v. Howlin Realty, Inc., 364 Md. 301 (2001), the court held that an agency (like the OAH) “may 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.” In this case, I do not believe the movant has identified “some new or different factual situation.” Id. at 325. As such, the motion will be denied.

THEREFORE, IT IS ORDERED this 3rd day of August, 2016, by this Administrative Law Judge, that the 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.

JEB/sln

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County