



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

September 25, 2023

Adam M. Rosenblatt, Esq. – amrosenblatt@venable.com
Christopher Mudd, Esq. – cdmudd@venable.com

Michael McCann, Esq. – michael@mmccannlaw.net

RE: **MOTION FOR RECONSIDERATION**
Project: GREENSPRING MANOR
Address: 2122 W. Joppa Road
PAI Case Nos: HOH 08-0922 & 2021-0250-SPH

Dear Counsel:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink that reads "Maureen E. Murphy". The signature is written in a cursive style.

Maureen E. Murphy
Administrative Law Judge
for Baltimore County

MEM/dlm
Attachment

c: See Email Addresses Next Page

GREENSPRING MANOR

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| IN RE: DEVELOPMENT PLAN HEARING & PETITION FOR SPECIAL HEARING | * | BEFORE THE OFFICE OF |
| 8th Election District | * | ADMINISTRATIVE HEARINGS |
| 2 nd Council District | * | FOR |
| (2310 W. Joppa Road) | * | BALTIMORE COUNTY |
| GREENSPRING MANOR | * | |
| GREENSPRING JOPPA FALLS, LLC | * | CASE NOS. 08-0922 and |
| <i>Owner/Applicant</i> | * | 2021-0250-ASA |

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ORDER ON MOTION FOR RECONSIDERATION

This matter comes before the Office of Administrative Hearings (“OAH”) as a Motion for Reconsideration filed by Christopher Mudd, Esquire, Adam Rosenblatt Esquire and Venable, LLP on behalf of Greenspring Joppa Falls, LLC, Owner/Applicant, and Atapco Properties, Inc., Developer, and Protestants’ Response to Motion for Reconsideration filed by Michael McCann, Esquire on behalf of Valley’s Planning Council, Inc., Falls Road Community Association, Inc., Heatherfield Community Association, Seminary Ridge Owners Association, Boxwood Homeowners Association, The Meadows of Greenspring HOA, and Tally Ho Community Association, and People’s Counsel’s Response to on the Motion for Reconsideration filed by Peter M. Zimmerman.

Owner/Developer cited *Frederick Classical Charter Sch. Frederick Cty. Bd. of Educ.*, 454 Md. 330, 406 (2017), in support of their belief that ‘precedent’ exists, and/or that one must be followed by OAH, in hearing evidentiary issues in a case, such that OAH is required to provide notice to a party of the type of evidence is sufficient to meet the burden of proof, is inapposite. The *Frederick Classical School* case concerned the State Board of Education’s interpretation of a statute. The Supreme Court of Maryland reversed the State Board of Education’s statutory


interpretation holding that it was not only contrary to its previous interpretation, but was also contrary to the “statutory purpose and legislative history of the statute.” (*Id.* at 342-343). Thus, the *Frederick Classical School* case has nothing to do with the above captioned case. Indeed, it would be improper for OAH to have such a precedent as the production of evidence is particular to each case.

In reviewing other cases decided by OAH on the issue of convening a supplementary hearing to take additional testimony after Motions for Reconsideration were filed namely, *In Re: PUD, 101 York Rd.*, Case No. 09-0843 and *In Re: Development Plan Hearing, 2609-2615 Caves Rd.*, Case No. HOH-03-0499, in both cases ALJ John Beverungen held supplementary hearings and took additional testimony on specific issues raised in the Motions for Reconsideration. In allowing additional hearing and evidence to be submitted, ALJ Beverungen found that it was “a reasonable request, and is one that will allow for this matter to be resolved in a sensible and economical fashion, without the need for multiple appeals and a procedural morass.” After careful consideration of the Motion and Responses in this case, I agree that, in the interests of judicial economy, and pursuant to the OAH’s discretion as authorized in Rule 4K, this approach makes practical sense here and the Motion for Reconsideration will be granted.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 25th day of **September, 2023**, that the Motion for Reconsideration filed by the Owner/Developer, be, and it is hereby **GRANTED**; and

IT IS FURTHER ORDERED, that a hearing will be conducted to consider testimony and/or documents from DPWT representative(s) in regard to the sewer path from this Property; and

IT IS FURTHER ORDERED, the Owner/Developer is permitted, at the hearing, to offer a revised version of the Development Plan (to be marked as a separately numbered exhibit) that would eliminate the Emergency Access Gate, but no additional testimony or evidence will be provided in regard to that issue.



MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM/dlm/dlw