

IN RE: <b>PETITIONS FOR SPECIAL HEARING</b> *	BEFORE THE
<b>AND VARIANCE</b>	
(8649 Oakleigh Road) *	OFFICE OF
9 <sup>th</sup> Election District *	ADMINISTRATIVE HEARINGS
5th Council District *	
Oakleigh Road, LLC *	FOR BALTIMORE COUNTY
<i>Legal Owner</i> *	
<b>Petitioner</b> *	<b>Case No. 2021-0040-SPHA</b>
* * * * *	

**ORDER ON MOTION FOR RECONSIDERATION**

Now pending is a Motion for Reconsideration of the May 10, 2021 Order issued in the above case. Specifically, the Petition, filed by Oakleigh Road, LLC, Property Owner and Petitioner, sought certain approvals to use the rear yard of the Property at 8649 Oakleigh Road for overflow commercial parking for the business located at 8651 Oakleigh Road.

On May 28, 2021, a timely Motion for Reconsideration was filed by Lawrence E. Schmidt, Esquire and Smith, Gildea and Schmidt, LLC who represented the Petitioner. In the Motion, Mr. Schmidt indicates that while Petitioner does not oppose the purpose or intent and Condition No. 2 in the Opinion and Order, Petitioner notes that Towson Mechanical is neither the Petitioner in these proceedings nor the Property owner of the 8651 Oakleigh Road property.

THEREFORE, IT IS ORDERED this 1<sup>st</sup> day of **June, 2021**, by this Administrative Law Judge that the Motion for Reconsideration is hereby GRANTED in that Condition No. 2 will be AMENDED and REPLACED with the following Condition No.2 and the remaining Conditions shall remain the same:

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is

reversed, Petitioner would be required to return the subject property to its original condition.

2. The 8649 Parking Lot shall only be used by Oakleigh Road, LLC for its business as conducted at 8651 Oakleigh Rd., for passenger vehicles only (excluding buses), and shall be limited to Monday – Friday from 6:00 am to 6:00 pm (no Saturdays, Sundays or official calendar holidays). There shall be no loading, unloading, service or other use other than parking as set forth herein. The 8649 Parking Lot shall not be used by any church or other group or any other person for any reason. Because the 8649 Parking Lot is dependent upon the existing parking facility on the 8651 Oakleigh Road Property, upon termination or closure of the business located at 8651 Oakleigh Road, the 8649 Parking Lot shall be removed and the rear yard of the Property restored to the pre-Petition condition.

3. There shall be no lighting erected or used at the 8649 Parking Lot.

4. Petitioner shall be responsible, at its sole cost and expense, for maintenance of the 8649 Parking Lot including mowing of grass.

5. Petitioner shall only install a durable, dustless and permeable parking surface in order that all water drains shall be below the parking surface and/or into the grass area of the rear yard.

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

Signed \_\_\_\_\_  
MAUREEN E. MURPHY  
Administrative Law Judge  
for Baltimore County

MEM/dlw