

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
<b>(1145 Concordia Dr.)</b>		
9 <sup>th</sup> Election District	*	OFFICE OF
3 <sup>rd</sup> Council District		
Baltimore Lutheran High School	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
<b>Petitioner</b>	*	<b>Case No. 2019-0235-SPH</b>

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**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Hearing filed on behalf of Baltimore Lutheran High School (“School”), legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to amend the Order in Case No. 2007-0202-SPH by incorporating a 2010 Settlement Agreement reached in connection with a lawsuit filed in the Circuit Court for Baltimore County. The 2010 Settlement Agreement clarifies certain terms in a letter agreement dated May 10, 2007 which was attached and incorporated into the final order in Case No. 2007-0202-SPH.

Brent Johnson, Gloria Murphy and Andrew Croll, Esq., appeared in support of the petition. Jennifer R. Busse, Esquire represented Petitioner. Several neighbors attended the hearing to obtain additional information regarding the request. The Petition was advertised and posted as required by the BCZR.

**SPECIAL HEARING**

No testimony was presented in this case; Petitioner requests only that the undersigned issue an order incorporating therein a settlement agreement reached in a circuit court litigation brought by several neighbors against the School. That litigation, and several other zoning and

code enforcement cases dating back to 2007, concerned the use of certain athletic fields at the School. Most recently, the Baltimore County Board of Appeals (“CBA”) issued an Order in Case No. CBA-19-003 (which was an appeal of a code enforcement proceeding) and held it could not rely upon the terms of the 2010 Settlement Agreement since it was not incorporated into a final order issued by the Administrative Law Judge (“ALJ”).

THEREFORE, IT IS ORDERED this 19<sup>th</sup> day of **April, 2019** by this Administrative Law Judge, that the Petition for Special Hearing to amend the Order and letter agreement dated May 10, 2007 in Case No. 2007-0202-SPH by expressly incorporating herein the 2010 Settlement Agreement, a copy of which is attached hereto, be and is hereby GRANTED.

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

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Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:sln