

IN RE: PETITION FOR SPECIAL EXCEPTION

S side of Old Battle Grove Road, 1,056
feet SE of Saint Patricia Lane
15th Election District
7th Councilmanic District
(7303 Old Battle Grove Road)

Frank and Geraldine Rynarzewski
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* CASE NO. 2012-0100-SPHX

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Special Exception¹ filed by Frank and Geraldine Rynarzewski, the legal property owners. Petitioners request Special Exception relief to use said property for a fishing and shell fishing facility pursuant to Baltimore County Zoning Regulations ("B.C.Z.R.") Section 1B01.1(C)(8). The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Frank and Geraldine Rynarzewski, Frank Rynarzewski III, Frank Rynarzewski IV, Irene DePazzo, Louis and Theresa Kellner, and Michael S. Myers, Esquire attorney for the Petitioners. Also attending as Protestants were Richard Young, Lee Carrion and Earl Westerfeld.

It should be noted that this matter came before me as a result of a complaint registered with the Code Enforcement Division of the Department of Permits, Approvals and Inspections². A Code Inspections and Enforcement Citation was issued to Petitioner September 21, 2011, for failure to cease all business operations. Hence, Petitioner filed the instant special exception request.

¹ The subject case file number was assigned the "SPHX" designation which is for combination Special Hearing and Special Exception Petitions. The "SPHX" designation was assigned by an intake officer in the Zoning Review Office. However, Petitioners are seeking only Special Exception relief which should only have the case designation "X."

² Case No: CO-0101445

ORDER RECEIVED FOR FILING

Date

1-4-12

pm

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Sustainability (DEPS) dated November 2, 2011. DEPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, they offer the following comments:

1. This lot is located within a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA). The proposed use qualifies as water-dependent and therefore is permitted within the buffer. The CBCA lot coverage limits will minimize adverse impacts on water quality that result from development activities.
2. Any development resulting from the proposed use must comply with all LDA and BMA requirements, including the 15% afforestation requirement and CBCA lot coverage requirements, prior to building permit approval. Therefore the subject zoning petition will conserve fish, wildlife, and plant habitat.
3. Any development associated with the use will be required to meet all LDA and BMA requirements and therefore will be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

Testimony and evidence offered at the hearing revealed that the subject property is zoned DR 5.5 and is located in the Dundalk area of Baltimore County. The property is owned by Frank and Geraldine Rynarzewski. The property is improved with an existing single family dwelling, an accessory detached garage and two parking areas located adjacent to Old Battle Grove Road. Also shown on the site plan is an area for crab pot storage large enough to accommodate up to 300 crab pots. The property also contains a pier where three boats are stored, one of which is a 32' crabbing vessel which is used to conduct the crabbing business on this property. There are also slough tanks situated along the bulkhead of the property.

A site plan was submitted into evidence as Petitioners' Exhibit 1 which depicts the improvements on the subject property. The plan was hand drawn by the Petitioners themselves.

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Date 1-4-12

2

By pm

However, it should be noted that the zoning planner who assisted the Applicants in filing this Petition, Mr. John Lewis, indicated in the file that the site plan was defective in that the Applicants failed to have the plan prepared by a professional engineer or property line surveyor. The Applicants signed an acknowledgement indicating that they are proceeding at their own risk with a site plan that was drawn by themselves and not under a professional's seal.

The testimony and evidence presented at the hearing demonstrated that the grandson of the owners of the property, Frank Rynarzewski IV, holds a commercial crabbing license issued by the State of Maryland permitting him to keep and maintain up to 300 crab pots in furtherance of his commercial business. It should be noted that Frank Rynarzewski IV, the holder of this crabbing license, is not an owner of the property at 7303 Old Battle Grove Road, which is the subject of this Special Exception Petition. In addition, Frank Rynarzewski IV is not a party or applicant on the Petition for Special Exception filed in this case.

As stated previously, the filing of the Petition in this case was as a result of a Code violation case filed by Baltimore County Code Enforcement against the operator of Grumpy's Crabs. That Code violation case, civil citation no. 94901, came on for a hearing before Administrative Law Judge John Beverungen on September 21, 2011. Judge Beverungen's decision is attached to this Order as Exhibit 1. While Judge Beverungen dismissed the citation in that case in that it was filed for the wrong property address, he went on further to warn the operator of Grumpy's Crabs, Mr. Frank Rynarzewski IV, that the "County zoning regulations require, among other things, that the business be located on a lot which is also occupied by the primary residence of its operator, who must possess the requisite licensure set forth in the Natural Resources Article of the Annotated Code of Maryland. Based on the testimony in the above matter, it is unclear whether the

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Date 1-4-12 3
By PM

Respondent could satisfy this requirement although that determination will be made in a different proceeding.” (See page 2 of Judge Beverungen’s Order attached hereto).

The testimony and evidence offered at the hearing before me showed that the commercial crabbing license is issued in the name of Frank Rynarzewski IV. The property which is the subject of this special exception for a fishing and shell fishing facility is owned by Frank and Geraldine Rynarzewski, the license holder’s grandparents. The Baltimore County zoning law requires that the holder of the crabbing license also maintain a primary residence on the property whereupon the business is being operated. Frank Rynarzewski IV does not own the property located at 7303 Old Battle Grove Road, nor is he a named applicant on the Petition for Special Exception filed herein. Judge Beverungen, in his Order issued in September, 2011 warned the operator of Grumpy’s Crabs about this defect; however, the Rynarzewskis have done little to remedy this problem. As the Petitioners have failed to satisfy this specific requirement to allow a fishing and shell fishing facility to be located on the property at 7303 Old Battle Grove Road, the Petitioners’ special exception request must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered, I find that Petitioners’ Special Exception request should be denied.

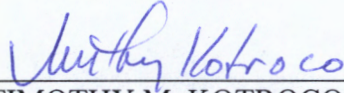
THEREFORE, IT IS ORDERED this 4th day of January, 2012 by this Administrative Law Judge, that Petitioners’ request for Special Exception relief to use said property for a fishing and shell fishing facility pursuant to Baltimore County Zoning Regulations (“B.C.Z.R.”) Section 1B01.1(C)(8), be and is hereby DENIED.

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Date 1-4-12

By [Signature]

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


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

NOTE: Administrative Law Judge John E. Beverungen's decision in the Code Enforcement Civil Citation Case No. 94901 is attached hereto.

ORDER RECEIVED FOR FILING

Date 1-4-12

By pm

Office of Administrative Hearings of Baltimore County
105 West Chesapeake Avenue Ste. 103
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of:

Civil Citation No.94901

Frank Rynarzewski
7305 Old Battle Grove Rd.
Dundalk, MD 21222

7305 Old Battle Grove Rd

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on September 21, 2011 for a Hearing on a citation for violations under the Baltimore County Code (BCC). The Respondent was charged with violating BCC § 1B01.1, failure to cease all business operations on residential property zoned DR 5.5 located at 7305 Old Battle Grove Road.

On August 29, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Dan O' Neill issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,500.00 (One thousand five hundred)

The following persons appeared for the Hearing and testified: Frank Rynarzewski (owner and Respondent), represented by Michael Myers, Esq., Lee Carrion, Wayne Miller, Richard Young, and Dan O'Neill, Baltimore County Code Enforcement Officer.

Mr. O'Neill presented Baltimore County's case, and indicated the Respondent was operating a commercial shellfishing business in a DR zone without the proper approvals. Ms. Carrion, who along with Messrs. Young and Miller operate a competing shellfishing establishment in the area, testified that the Respondent advertised his business—known as Grumpy's Crabs—on Facebook and the Dundalk Patch. None of the witnesses saw crabs being sold, but they all testified that the Respondent had

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Date 1-4-12

By pm

docked near his property a commercial fishing boat, crab pots and other apparatus that was indicative of a commercial crabbing business.

The Respondent (and his son, who actually owns the boat and runs the business) did not deny they were operating a commercial shellfishing business. Rather, their primary defense was that the operation was being conducted on the pier and premises of 7303 Old Battle Grove Road, owned by Respondent's parents, not 7305 as charged in the Citation. None of the County's witnesses could refute Respondent's testimony that the pier was in fact located in front of 7303 Old Battle Grove Rd., and Inspector O'Neill indicated a GIS map he obtained appeared to show the pier in front of 7303.

Based on the fact that the Citation in the above case listed 7305 Old Battle Grove Rd. as the property address on which the violation existed, I am obliged to find in favor of the Respondent. As indicated at the hearing however, this could well be a pyrrhic victory in that County officials may now decide to institute code violation proceedings against the owners of 7303 Old Battle Grove Rd. Respondent's counsel indicated that he was filing on behalf of his clients petitions for zoning relief seeking a special exception to operate a shellfishing facility in a DR zone, and if such relief is granted it would render moot any code enforcement proceedings pending at the time. County zoning regulations require, among other things, that the business be located on "a lot also occupied by the primary residence of its operator," who must possess the requisite licensure set forth in the Natural Resources Article of the Annotated Code of Maryland. Based on the testimony in the above matter it is unclear whether Respondent could satisfy this requirement, although that determination will be made in a different proceeding.

THEREFORE:

IT IS ORDERED that the Citation in the above matter BE, and HEREBY IS, DISMISSED.

ORDERED this _____ day of September 2011

Signed: _____

15
John E. Beverungen
Administrative Law Judge

NOTICE TO RESPONDENT: The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a

ORDER RECEIVED FOR FILING

Date _____

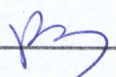
1-4-12
pm

petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security in the amount of the penalty assessed.

JEB/jaf

ORDER RECEIVED FOR FILING

Date 1-4-18

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

January 4, 2012

MICHAEL S. MYERS, ESQUIRE
SCARLETT & CROLL PA
201 NORTH CHARLES STREET
SUITE 600
BALTIMORE MD 21201

Re: Petition for Special Hearing and Special Exception*
Case No. 2012-0100-SPHX
Property: 7303 Old Battle Grove Road

Dear Mr. Myers:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz
Enclosure

c: Frank Rynarzewski IV, 7305 Old Battle Grove Road, Dundalk MD 21222
Louis and Theresa Kellner, 7416 Old Battle Grove Road, Dundalk MD 21222
Richard Young and Lee Carrion, 7556 Old Battle Grove Road, Dundalk MD 21222
Earl Westerfeld, 7703 Old Battle Grove Road, Dundalk MD 21222

* The subject case file number was assigned the "SPHX" designation which is for combination Special Hearing and Special Exception Petitions. The "SPHX" designation was assigned by an intake officer in the Zoning Review Office. However, Petitioners are seeking only Special Exception relief which should only have the case designation "X."



ORIGINAL KEEP IN FILE
FLOOD PLAN, CBCR AND
VIOLATION

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

address 7303 Old Battle Grove Road which is presently zoned DR 5.5

Deed Reference Liber 8303 Folio 550 10 Digit Tax Account # 1502000610

Property Owner(s) Printed Name(s) Frank M. Rynarzewski & Geraldine G. Rynarzewski

CASE NUMBER 2012 0100 CA Filing Date 10/07/2011 Estimated Posting Date 11/1 Reviewer JL

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ☒ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

SEE ATTACHMENT

3. ☐ a Variance from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Michael S. Myers, Esquire

Name- Type or Print

Signature Scarlett & Croll, P.A.

201 N. Charles St, Ste. 600, Balto, MD

Mailing Address City State

21201 / 410-468-3100 / mmyers@scarlettcroll.com

Zip Code Telephone # Email Address

Legal Owners:

Frank Rynarzewski / Geraldine Rynarzewski

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

7303 Old Battle Grove Rd., Baltimore, Maryland

Mailing Address City State

21222 / 410-388-9049 / NA

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

REQUEST FOR SPECIAL EXCEPTION

IN RE: 7303 Old Battle Grove Rd.
Baltimore, MD 21222

The owners of the above-referenced property situate in Baltimore County hereby petition for a Special Exemption under the zoning regulations of Baltimore County to use said property for a Fishing and Shellfishing Facility pursuant to Baltimore County Zoning Regulation 1B01.1(C)(8).

The owners of the property are Frank Rynarzewski, Jr. and Geraldine Rynarzewski. The owners are the grandparents of Frank Rynarzewski, IV. Although a 17-year-old minor, the owners' grandson owns and operates a crabbing business called Grumpy's Crabs. Grumpy's Crabs operates a 32' crabbing vessel and utilizes a commercial crabbing licence currently allowing the use of up to 300 crab pots. The crabbing vessel was purchased by Frank Rynarzewski, IV through proceeds from the crabbing operation.

Grumpy's Crabs docks its boat, unloads its crab harvest and performances maintenance of crab pots at 7303 Old Battle Grove Road. Grumpy's Crabs also utilizes several slough boxes at this premises for the preparation of approximately 40-50 soft crabs.

All the crabs that are harvested by Grumpy's Crabs from the Chesapeake Bay are taken to 7303 Old Battle Grove Road where the crabs are offloaded onto a truck and driven to Captain Jimmy's Crab House located at 7214 North Point Road, Sparrow's Point, MD 21219. All wholesale commercial financial transactions occur at Jimmy's Crab House. Grumpy's Crabs also has a posting on Facebook for the sale of softcrabs to friends and family. Grumpy's Crabs has no website. No retail sail of softcrabs are made to the public at large. Grumpy's Crabs is compliant with all Department of Natural Resources Regulations.

Zoning Description

0100

ZONING PROPERTY DESCRIPTION FOR 7303 Old Battle Grove Road 21222

Beginning at a point on the South side of Old Battle Grove Road which is 30 feet wide at the distance of 1056 feet south east of the centerline of the nearest improved intersecting street St. Patricia which is 30 feet wide.

^
LA.

Being Lot # 2, in the sub division of Battle Grove as recorded in Baltimore County Plat Book # 5, Folio # 75, containing 12,000 Square Feet. Also known as 7303 Old Battle Grove Road and located in the 15th Election District.

Case No.:

2012 - 0100 SPHX

DW 2/8/12

Exhibit Sheet

1/4/12
PJ

Petitioner/Developer

Protestant

No. 1	Site Plan of the Property	
No. 2	Aerial view of the property	
No. 3	Petition in Support of Request	
No. 4	Zoning order for other Crabbing business	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PDM # 150056

Pt. Bk./Folio # 022142

Lot # B Pt. Bk. 22, Folio 142

1507562090

DR 10.5

1508800381

2200029156 Lot # 1

Flood Zone X

19542930

OLD BATTLE GROVE RD

Lot # 2
2200029157

19980301

7 CD

15 ED

PDM # 150017

7307

7305

1506571040

1502000611

19980301

19900346

Lot # 4

Lot # 3

Lot # 2
1502000610

1503771080
Pt. Bk. 5, Folio 75

Lot # 1

2200029158

Flood Zone AE

Lot # 5
1504202360

Lot # 6

DR 5.5

Pt. Bk./Folio # 005075

104A2
SE 3-G

SNEDEGAR, CONRAD C. PROPERTY (PDM File/Project #)

Pt. Bk. 5, Folio 36
PDM # 150623

PETITIONER' S

EXHIBIT NO. 2

Pt. Bk./Folio # 007124

Lot # 105
1501131080

Pt. Bk. 1, Folio 124

0100

PETITION FOR SPECIAL EXEMPTION TO USE PROPERTY KNOWN AS 7303 OLD BATTLE GROVE ROAD AS A FISHING AND SHELLFISHING FACILITY

The owners of the property known as 7303 Old Battle Grove Road are Frank and Geraldine Rynarzewski, the grandparents of the owner of Grumpy's Crabs. Grumpy's Crabs unloads its crab harvest and performs maintenance of crab pots at this location. The owner of Grumpy's Crabs, Frank Rynarzewski, IV, is 18 years old and has been growing his business since approximately 2007.

The undersigned are hereby in support of the Special Exemption to use property known as 7303 Old Battle Grove Road as a Fishing and Shellfishing facility. Dated December 2011.

Name (Printed)	Address	Signature	Telephone #
IRENE DE PIZZO	7301 OLD BATTLE GROVE RD	Irene De Pizzo	410-477-2687
EDNA SCHULER	7315 OLD BATTLE GROVE RD.	Edna L. Schuler	410-477-3111
Robert Ketchum Jr.	7537 OLD battle grove rd	Robert Ketchum Jr.	410-477-3858
LOUIS KELLNER	7466 OLD Battle grove Rd.	Louis Kellner	410 477-2374
THERESA KELLNER	7414 OLD BATTLE GROVE RD.	Theresa Kellner	410-477-2374
ALLEN FISCHER	7493 OLD BATTLE GROVE RD	Allen Fischer	410 477-5314
STEVEN SHONT	7418 OLD Battle Grove Rd	Steven Shont	410 477-6976
Michelle Kirkner	7422 OLD Battle Grove Rd	Michelle Kirkner	410 477-4628

PETITION FOR SPECIAL EXEMPTION TO USE PROPERTY KNOWN AS 7303 OLD BATTLE GROVE ROAD AS A FISHING AND SHELLFISHING FACILITY

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The undersigned are hereby in support of the Special Exemption to use property known as 7303 Old Battle Grove Road as a Fishing and Shellfishing facility. Dated December 2011.

Name (Printed)	Address	Signature	Telephone #
^{Helen} Helen Anderson	7428 Old Battle Gr	Helen Anderson	410 477-3170
^{LORI Talley} K. Talley	1428 Old Battle Gr Rd	[Signature]	443-540-0128
Dorothy Pedrick	7426 OLD BATTLE GROVE RD	Dorothy Pedrick	410-388-1641
Merdo Castello	7426 Old Battle Grove Rd.	Merdo Castello	410-388-1641
Tom Coffin	7604 Old Battle Grove	Thomas Coffin	410-477-9018
STEVE GALICHI	#9 OYSTER CT	Steve Galichi	410-937-7982
ED SKOLODA	7640 OLD BATTLE GR. RD.	E.W. Skoloda	410-477-3330
Jim DURKIN JR	7317 OLD BATTLE GROVE ROAD.	Jim Durkin Jr.	410-388-0014

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The undersigned are hereby in support of the Special Exemption to use property known as 7303 Old Battle Grove Road as a Fishing and Shellfishing facility. Dated December 2011.

Name (Printed)	Address	Signature	Telephone #
Phyllis A. Durkin	7317 Old Battle Grove Rd.	Phyllis A. Durkin	410-388-0014
JAMES W. DURKIN III	7317 OLD BATTLE GROVE ROAD	James W. Durkin III	410-804-8190
HELEN B. DURKIN	7638 OLD BATTLE GR. Rd	Helen B. Durkin	410-477-2411
DAVID DICKEN	7404 OLD BATTLE GROVE RD.	David Dicken	410-477-2342
Chris Behner	7412 Old Battle Grove Rd	Chris Behner	410-388-9102
Paul Miskin	7307 Old Battle Grove Rd	Paul Miskin	410-477-1852
Lester Miskin	7307 Old Battle Grove Rd	Lester Miskin	410-288-3778
DAVID SCHOPPERT	7655 OLD BATTLE GROVE ROAD	David Schoppert	443-250-4559

PETITION FOR SPECIAL EXEMPTION TO USE PROPERTY KNOWN AS 7303 OLD BATTLE GROVE ROAD AS A FISHING AND SHELLFISHING FACILITY

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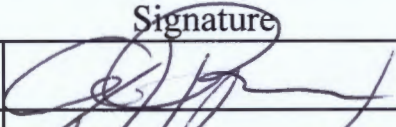
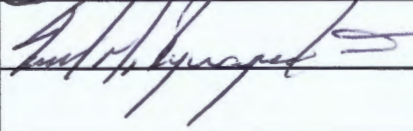
The undersigned are hereby in support of the Special Exemption to use property known as 7303 Old Battle Grove Road as a Fishing and Shellfishing facility. Dated December 2011.

Name (Printed)	Address	Signature	Telephone #
DENNIS KOTVA	7657 Old Battle Grove Rd.	Dennis Kotva	410-477-9074
NANCY Hughes	7659 Old Battle Grove Rd.	Nancy Hughes	410-477-9725
Joseph Morgan	7660 Old Battle Grove.	Joe Morgan	443-338-2998
RICHARD W. GRANNAS	7418 ST PATRICK CT	Richard W. Grannas	410-477-4105
MICHAEL McLOY	7491 OLD BATTLE GROVE RD	Michael W. McLoey	410-477-5685
Kathy Wilson	7661 Old Battle Grove Rd.	Kathy Wilson	410-388-0426
Randy B. Sloanon	7663 Old Battle Gr. Rd.	Randy B. Sloanon	443-244-0162
Shirley C Hopcraft	7709 Old Battle Gr Rd	Shirley Hopcraft	410-477-6815

PETITION FOR SPECIAL EXEMPTION TO USE PROPERTY KNOWN AS 7303 OLD BATTLE GROVE ROAD AS A FISHING AND SHELLFISHING FACILITY

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The undersigned are hereby in support of the Special Exemption to use property known as 7303 Old Battle Grove Road as a Fishing and Shellfishing facility. Dated December 2011.

Name (Printed)	Address	Signature	Telephone #
Athena Rynarzewski	7305 Old Battle Grove Rd		410-388-1164
Frank M. Rynarzewski	7305 Old Battle Grove Rd.		410 388 1164

CASE NAME _____
CASE NUMBER 2012-0100-SPHX
DATE _____

[illegible]

CERTIFICATE OF POSTING

Hearing
12/6/11
TK

2012-0100-X

RE: Case No.: _____

Petitioner/Developer: _____

Frank & Geraldine Rynarzewski

December 6, 2011

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

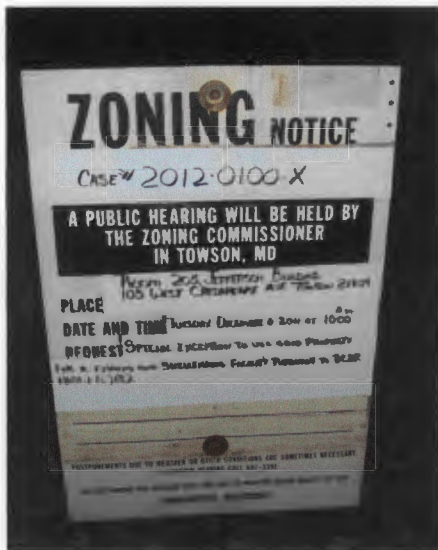
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

7303 Old Battle Grove Road

November 21, 2011

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

November 21, 2011

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

12/6 10am
205

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

NOV 02 2011



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: November 2, 2011

SUBJECT: DEPS Comment for Zoning Item # 2012-0100-SPHX
Address 7303 Old Battle Grove Road
(Rynarzewski Property)

Zoning Advisory Committee Meeting of October 17, 2011.

DEPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. This lot is located within a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA). The proposed use qualifies as water-dependent and therefore is permitted within the buffer. The CBCA lot coverage limits will minimize adverse impacts on water quality that result from development activities.
2. Any development resulting from the proposed use must comply with all LDA and BMA requirements, including the 15% afforestation requirement and CBCA lot coverage requirements, prior to building permit approval. Therefore the subject zoning petition will conserve fish, wildlife, and plant habitat.
3. Any development associated with the use will be required to meet all LDA and BMA requirements and therefore will be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

Reviewer: Regina Esslinger

Date: October 31, 2011

**NOTICE OF ZONING
HEARING**

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2012-0100-X
7303 Old Battle Grove Road
S/s Old Battle Grove Road,
1,056 feet s/east of Saint
Patricia Lane
15th Election District
7th Councilmanic District
Legal Owner(s): Frank &
Geraldine Rynarzewski
Special Exception: to use
said property for a Fishing
and Shellfishing Facility pur-
suant to BCZR 1B01.1(c)(8).
**Hearing: Tuesday, Decem-
ber 6, 2011 at 10:00 a.m.**
in Room 205, Jefferson
Building, 105 West Chesa-
peake Avenue, Towson
21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Administrative Hearings Of-
fice at (410) 887-3868.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

JT/11/678 Nov 22 291408

CERTIFICATE OF PUBLICATION

11/23/ 2011

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 11/22/ 2011.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND SPECIAL EXCEPTION		
7303 Old Battle Grove Road, S/S Old Battle	*	OF ADMINISTRATIVE
Grove Road, 1,056' SE of Saint Patricia Lane		
15 th Election & 7 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Frank & Geraldine Rynarzewski		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2012-100-SPHX

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

OCT 14 2011

HL

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of October, 2011, a copy of the foregoing Entry of Appearance was mailed to Michael Myers, Esquire, Scarlett & Croll, P.A., 201 North Charles Street, Suite 600, Baltimore, MD 21201, Attorney for Petitioner(s).

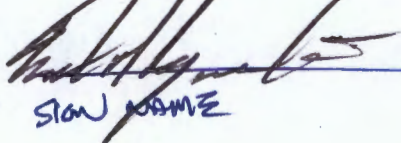
Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: A L J, NOTE TO FILE 2012-0100-SPX
FROM INTAKE PLANNER JOHN LEWIS
10/07/11

THE APP. WISHES TO FILE PLAN & PETITIONS WITHOUT SEALS
DUE TO FINANCIAL DIFFICULTY. THE SITE IS UNDER VIOLATION
AT THIS TIME.

I UNDERSTAND THAT I AM FILING THIS PETITION WITHOUT THE
ABOVE REFERENCED SEALS AT MY OWN RISK


SIGN NAME

Frank M. Rynarzewski
PRINT NAME

10/7/11
DATE

