



KEVIN KAMENETZ
County Executive

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

June 12, 2012

Michael S. Myers, Esquire
Scarlett & Croll, P.A.
201 North Charles Street
Suite 600
Baltimore, Maryland 21201

RE: Petition for Variance
Case No.: 2012-0267-XA
Property: 7303 Old Battle Grove Road

Dear Mr. Myers:

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 County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the name John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

**IN RE: PETITIONS FOR SPECIAL EXCEPTION *
AND VARIANCE**

S side of Old Battle Grove Road; 1100'
S of the c/l of St. Patricia Lane
15th Election District
7th Councilmanic District
(7303 Old Battle Grove Road)

Frank M. and Geraldine Rynarzewski,
and Frank M. Rynarzewski IV
Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR

BALTIMORE COUNTY

Case No. 2012-0267-XA

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 7303 Old Battle Grove Road. The Petition was filed by Frank M. and Geraldine Rynarzewski and Frank M. Rynarzewski IV, the legal owners of the subject property. The Special Exception Petition seeks relief from §1B01.1.C.8 of the Baltimore County Zoning Regulations ("B.C.Z.R.") for a fishing and shellfishing facility, shoreline Class I. Petitioners are also requesting Variance relief from §§ 400.1, 417.3 and 417.4 of the B.C.Z.R. to permit an existing detached accessory structure (shed) to have a rear yard setback of 6 inches in lieu of the required 2.5 feet, and to permit an open area width of 0 feet from a divisional property line for an existing pier in lieu of the required 10 feet.

The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 4.

Appearing at the hearing were Petitioners Frank M. and Geraldine Rynarzewski and Frank M. Rynarzewski IV and Michael S. Myers, Esquire attorney for the Petitioners. Many neighbors also attended the hearing to voice support for the Petitioners, and their names and addresses are

contained on the sign-in-sheet with the case file. The file reveals that the Petition was properly

ORDER RECEIVED FOR FILING

Date 6-12-12

By 195

advertised and the site was properly posted as required by the B.C.Z.R., and the file does not contain any letters of opposition or protest.

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 dated May 18, 2012, which state:

EPS 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. The proposed use qualifies as water-dependent and therefore is permitted within the buffer. There are also proposed variances to the side yard setback and the divisional property line. Lot coverage is limited to 31.25% of the property. 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 applicable LDA and BMA requirements, including the 15% afforestation requirement and lot coverage requirements. If these requirements are met the zoning petition will conserve fish, wildlife, and plant habitat.
3. The proposed use is permitted under the State-mandated Critical Area regulations provided that development associated with the use is in compliance with all Critical Area requirements. Compliance with the Critical Area requirements can allow the subject development to be consistent with established land use policy 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 and their grandson, Frank M. Rynarzewski IV, pursuant to a deed, dated March 15, 2012. See Exhibit 1. The property is improved with an existing single family

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Date 6-12-12

By PS

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 on which Petitioner Frank Rynarzewski IV stores his commercial fishing vessel, which is approximately 31' long. See Exhibit 2. There are also "slough trays" situated along the bulkhead of the property. See Exhibit 4. 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. See Exhibit 2.

SPECIAL EXCEPTION

As noted above, Petitioners seek special exception relief to operate a fishing and shellfishing facility on the subject property. Frank Rynarzewski IV became interested in crabbing at the age of 13, and became licensed by the State of Maryland after serving an apprenticeship/internship period. He is now 18 years old, and he resides at 7303 Battle Grove Road, which is the property on which the shellfish operation is conducted.

Such a shellfishing facility is permitted in the DR 5.5 zone by special exception. B.C.Z.R. § 1B01.1.C.8. Under Maryland law, special exception uses are presumptively valid and deemed compatible with the zoning classification. See, *People's Counsel v. Loyola College*, 406 Md. 54 (2008). The B.C.Z.R. sets forth a series of factors for consideration in a special exception case, and the testimony in this matter leads me to believe that this operation will in no way be detrimental to the neighborhood or create any dangers to the public health, safety and welfare. B.C.Z.R. § 502.1. As such and given the absence of any negative County agency comments or testimony to the contrary, the special exception petition will be granted.

ORDER RECEIVED FOR FILING

Date 6-12-12

By [Signature]

VARIANCES

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioners have met this test.

As seen on the site plan, the subject property is extremely long and narrow (204' x 50'), and this irregular shape creates certain constraints regarding the location of the existing shed. The property is also waterfront, and the shoreline has a very irregular shape which also creates the need for variance relief with respect to the existing pier and the adjoining boat slip.

As noted above, both of these are existing site conditions, and the Petitioners explained that the shed has been situated in its present location for approximately 12 years, while the pier was constructed at least 20 years ago. Thus, the variance relief will simply legitimize the existing structures, and Petitioners are not seeking to construct any additional improvements on the site.

The Petitioners' immediate neighbor, Irene DePazzo, testified that she enthusiastically supports the petitions, and she said that the shed (which is located 0.5 feet from her property line) and pier were not objectionable in any way. Petitioners submitted a petition on which 34 of their neighbors expressed similar support. *See* Exhibit 3. To deny relief in these circumstances would create an undue hardship for Petitioners, given they would need to relocate and/or reconstruct the shed and pier, which have been in place without incident for many years.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions, and after considering the testimony and evidence offered, I find that Petitioners' Special Exception and Variance requests should be granted.

ORDER RECEIVED FOR FILING

Date 6-12-12

By 192

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 12th day of June, 2012 that Petitioners' request for Special Exception relief under §1B01.1.C.8 of the Baltimore County Zoning Regulations ("B.C.Z.R.") for a fishing and shellfishing facility, shoreline Class I, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's requests for Variance relief from §§ 400.1, 417.3 and 417.4 of the B.C.Z.R. to permit an existing detached accessory structure (shed) to have a rear yard setback of 6 inches in lieu of the required 2.5 feet, and to permit an open area width of 0 feet from a divisional property line for an existing pier in lieu of the required 10 feet, be and are hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

JEB/dlw



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 6-12-12

By dlw



CBCK

PETITION FOR ZONING HEARING(S)

FLOOD PLAIN

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 D.H. Crave rd which is presently zoned DR 5.5Deed References: Libor 31826 Foto 26 10 Digit Tax Account # 1502000610Property Owner(s) Printed Name(s) Frank Aymazewski, Geraldine G. Aymazewski, and Frank M. Aymazewski, Jr.(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 Section 1B01.1.C.8 – for a fishing and shellfishing facility, shoreline Class I.

3. ☒ a **Variance** from Section(s)

Sections 400.1, 417.3 and 417.4 – to permit an existing detached accessory structure (shed) to have a rear yard setback of 6 inches in lieu of the required 2½ feet; and to permit an open area width of 0 feet from a divisional property line for a existing pier in lieu of the required 10 feet.

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)

see attached

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:

Legal Owners (Petitioners):

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

By Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name – Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2012-0267-XA Filing Date 4, 24, 12

Do Not Schedule Dates:

Reviewer R.D.

REV. 10/4/11

REQUEST FOR SPECIAL EXCEPTION
AND VARIANCE

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

The owners of the above-referenced property, Frank Rynarzewski, IV, Frank Rynarzewski, Jr. and Geraldine Rynarzewski, 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).

In 2011, the former owners of this property had previously filed for a Special Exemption. On January 4th, 2012, the Office of Administrative Hearing for Baltimore County denied the application stating:

"The Baltimore County zoning law requires that the holder of the crabbing licence 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....the Rynarzewski's have done little to remedy this problem."

Frank Rynarzewski IV is now an owner of the property. He lives at and occupies the property. By deed recorded March 16, 2012 at Liber 31826, Folio 00215, the property was transferred to Frank Rynarzewski, IV, Frank Rynarzewski, Jr. and Geraldine Rynarzewski. And Frank Rynarzewski, IV is also a named applicant on this Petition.

Frank Rynarzewski, IV owns and operated a crabbing business called Grumpy's Crabs and he owns a commercial crabbing license. Grumpy Crabs ceased operations on or about March 23, 2012. Prior to ceasing all operations, Grumpy's Crabs used to dock its boat, unload its crab harvest and performed maintenance of crab pots at 7303 Old Battle Grove Road. Grumpy's Crabs also used to utilize several slough boxes at this property for the preparation of approximately 40-50 soft crabs.

Prior to ceasing all operations, all crabs that were harvested by Grumpy's Crabs from the Chesapeake Bay were taken to 7303 Old Battle Grove Road where the crabs were offloaded onto a pick-up 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 occurred at Jimmy's Crab House. Grumpy's Crabs also had a posting on Facebook for the sale of softcrabs to friends and family but the Facebook page has been removed. Grumpy's Crabs has no website. No retail sale of softcrabs were made to the public at large. Grumpy's Crabs is compliant with all Department of Natural Resources Regulations.

Presently, there is no exterior evidence that any business is being conducted on the said property. No customers come to the property and there is no signage on the property to indicate that any business is taking place. Upon granting the relief requested, Grumpy Crabs would resume crabbing operations as described above.

Further, the property owner requests two (2) variances. First, a variance to permit a building setback of .5 feet to a side lot line for an existing accessory structure (shed) in lieu of the required 2.5 feet per B.C.Z.R Section 4001. And second, a variance to permit an open area width of 0 feet from a divisional property line for an existing pier in lieu of the required 10-foot width per B.C.Z.R. sections 417.3, 417.4 and appendix J.

FROM THE OFFICE OF

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.

CONSULTING ENGINEERS • LAND PLANNERS • LAND SURVEYORS
2205-C COMMERCE ROAD, FOREST HILL, MARYLAND 21050

April 6, 2012

**Description to Accompany Petition for Special Exception and Variances
7303 Old Battle Grove Road**

Beginning at a point on the southerly right-of-way of Old Battle Grove Road which is 30 feet in width, said point being North 62 degrees 33 minutes 9 seconds East 378.96 feet more or less, from a point formed by the intersection of the centerlines of said Old Battle Grove Road and the portion of Old Battle Grove Road which extends to the south with a 20 foot wide right-of-way, thence leaving said point of beginning, along the following 4 courses:

1. Running thence binding on said southerly right-of-way of Old Battle Grove Road along a curve to the right with a length of 19.1 feet and a radius of 370.8 feet, thence
2. South 86 degrees 25 minutes 17 seconds East 50.90 feet, thence leaving said right-of-way of Old Battle Grove Road,
3. South 20 degrees 14 minutes 54 seconds East 204.0 feet, thence
4. North 74 degrees 33 minutes 52 seconds West 55.1 feet, thence
5. North 4 degrees 23 minutes 49 seconds West 95 feet to the point of beginning.

Being Lot #2 of Battle Grove as recorded in Baltimore County Plat Book Liber No. 5, Folio 75, containing 0.255 Acres of land more or less. Also known as 7303 Old Battle Grove Road and located in Election District #15.

7th Councilmanic District

Note: The above description is for zoning purposes only and is not to be used for contracts, conveyances or agreements.

410-297-2340 • FAX 410-297-2345
www.gwstephens.com



Item #0267

FROM THE OFFICE OF

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.

CONSULTING ENGINEERS • LAND PLANNERS • LAND SURVEYORS
2205-C COMMERCE ROAD, FOREST HILL, MARYLAND 21050

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7th Councilmanic District

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410-297-2340 • FAX 410-297-2345
www.gwstephens.com



Item #0267

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2012 - 0267 - XA

Petitioner: FRANK M. RYNARZEWSKI IV

Address or Location: 7303 OLD BATTLE GROVE ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: FRANK M. RYNARZEWSKI III

Address: 7305 OLD BATTLE GROVE ROAD

DUNDALK, MARYLAND 21222

Telephone Number: 410-925-0744

ALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **82040**

Date **4/24/12**

PAID RECEIPT

BUSINESS ACTUAL TIME 16W
 4/26/2012 4/24/2012 12:01:38 5

REC M503 WALKIN BRGS LRB
 RECEIPT # 586753 4/24/2012 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
01	806	0000		6150					\$835.00

Dept 5 520 ZONING VERIFICATION

NO. 82040

Recpt Tot \$835.00
 \$835.00 OK \$1.00 CA
 Baltimore County, Maryland

Total: **\$835.00**

ec
 om:

or: **Zoning hearing - case # 2012-0267-XA**

CONTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

2012-0267-XA

RE: Case No.: _____

Petitioner/Developer: _____

Frank Rynarzewski, IV, Geraldine Rynarzewski & Frank Rynarzewski

June 12, 2012

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 Rd

May 23, 2012

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

Sincerely,

May 23, 2012

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

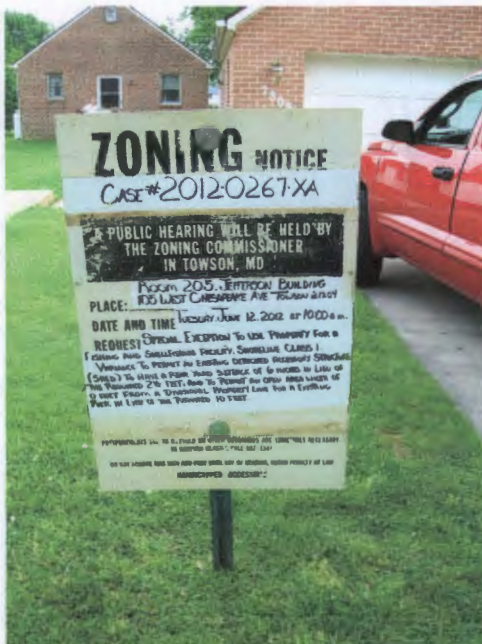
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2012-0267-XA

7303 Old Battle Grove Road

S/s Old Battle Grove Road, 1100 ft. +/- S/e of centerline of St. Patricia Lane

15th Election District — 7th Councilmanic District

Legal Owner(s): Frank Rynarzewski, IV, Geraldine Rynarzewski & Frank Rynarzewski

Special Exception to use property for a fishing and shellfishing facility, shoreline Class 1. **Variance:** to permit an existing detached accessory structure (shed) to have a rear yard setback of 6 inches in lieu of the required 2 1/2 feet; and to permit an open area width of 0 feet from a divisional property line for a existing pier in lieu of the required of 10 feet.

Hearing: Tuesday, June 12, 2012 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 05/745 May 22 303456

CERTIFICATE OF PUBLICATION

5/24/ 2012

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 5/22/ 2012.

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

J. Wilkins

LEGAL ADVERTISING

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
AND VARIANCE *
7303 Old Battle Grove Rd ; S/S Old Battle Grove* OF ADMINISTRATIVE
Road, 1100' S&E c/line St Patricia Lane
15th Election & 7th Councilmanic District * HEARINGS FOR
Legal Owner(s): Frank & Geraldine Rynarzewski *
Petitioner(s) * BALTIMORE COUNTY
* 2012-267-XA

* * * * *

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

MAY 04 2012

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 4th day of May, 2012, a copy of the foregoing Entry of Appearance was mailed to Michael Myers, Esquire, 201 N. Charles Street, Suite 600, Baltimore, MD 21201, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 11, 2012

NOTICE OF ZONING HEARING

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CASE NUMBER: 2012-0267-XA

7303 Old Battle Grove Road

S/s Old Battle Grove Road, 1100 ft. +/- S/e of centerline of St. Patricia Lane

15th Election District – 7th Councilmanic District

Legal Owners: Frank Rynarzewski, IV, Geraldine Rynarzewski & Frank Rynarzewski

Special Exception to use property for a fishing and shellfishing facility, shoreline Class I.

Variance to permit an existing detached accessory structure (shed) to have a rear yard setback of 6 inches in lieu of the required 2 ½ feet; and to permit an open area width of 0 feet from a divisional property line for a existing pier in lieu of the required 10 feet.

Hearing: Tuesday, June 12, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Michael S. Myers, 201 N. Charles St., Ste. 600, Baltimore 21201
Rynarzewski, 7305 Old Battle Grove Road, Dundalk 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 23, 2012.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 22, 2012 Issue - Jeffersonian

Please forward billing to:

Frank Rynarzewski
7305 Old Battle Grove Road
Dundalk, MD 21222

410-925-0744

NOTICE OF ZONING HEARING

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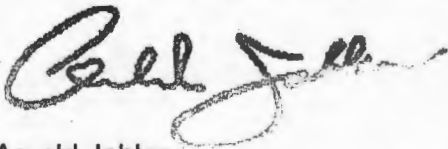
15th Election District – 7th Councilmanic District

Legal Owners: Frank Rynarzewski, IV, Geraldine Rynarzewski & Frank Rynarzewski

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Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

MEMORANDUM

DATE: July 20, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0267-XA - Appeal Period Expired

The appeal period for the above-referenced case expired on July 12, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

CASE NAME Rynarzewski
CASE NUMBER 2012-267-XA
DATE 6-12-12

PETITIONER'S SIGN-IN SHEET

[illegible]

ATK
12-6-11

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

CHECKLISTSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment5-7DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)nc

DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

5-18PLANNING
(if not received, date e-mail sent _____)comments5-2

STATE HIGHWAY ADMINISTRATION

nc

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. 90-346-A & 2012-0100-SPHX)

NEWSPAPER ADVERTISEMENT

Date: 5-22

SIGN POSTING

Date: 5-23by Black

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAY 18 2012

OFFICE OF ADMINISTRATIVE HEARINGS

Lawrence M. Stahl, Managing Administrative Law Judge
Office of Administrative Hearings

David Lykens, Department of Environmental Protection and Sustainability
EPS) - Development Coordination

18, 2012

S Comment for Zoning Item
Address

2012-0267-XA
7303 Old Battle Grove Road
(Rynarzewski Property)

Committee Meeting of April 30, 2012.

Subject zoning petition for compliance with the goals of the State-
in the Baltimore County Zoning Regulations, Section 50
Following comments:

(LDA) and Buffer Manag
ed use qualifies a
proposed

6/12 10AM
005

Debra Wiley - ZAC Comments - Distribution Mtg. of April 30th

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 5/7/2012 11:30 AM
Subject: ZAC Comments - Distribution Mtg. of April 30th

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0258-XA - 8710 Liberty Road
No hearing date assigned in data base as of 5/2

2012-0262-SPHA - 200 E. Burke Avenue
No hearing date assigned in data base as of 5/2

2012-0263-SPHA - 601 Tampa Road
No hearing date assigned in data base as of 5/2

2012-0264-SPH - 10815 Pulaski Highway
No hearing date assigned in data base as of 5/2

2012-0265-SPH - 10240 Liberty Road
No hearing date assigned in data base as of 5/2

2012-0267-XA - 7303 Old Battle Grove Road
No hearing date assigned in data base as of 5/2

Critical / Floodplain

2012-0268-A - 7815 Denton Avenue
Administrative Variance - Closing Date: 5/21/12

2012-0269-A - 6808 North Point Road
No hearing date assigned in data base as of 5/2

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

June 5, 2012

Frank M. & Geraldine Rynarzewski
7303 Old Battle Grove Road
Baltimore, MD 21222

RE: Case Number: 2012-0267-XA, Address: 7303 Old Battle Grove Road

Dear Mr. & Ms. Rynarzewski:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 11, 2012. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Michael S. Myers, Esquire, 201 N. Charles Street, Ste. 600, Baltimore, MD 21201

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 5-2-12

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No 2012-0267-XA
Special Exception Variance
Frank M. & Geraldine Rynarzowski
7303 Old Battle Grove Road

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2012-0267-XA

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/raz

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: May 7, 2012

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For May 14, 2012
Item Nos. 2012-0258, 0262, 0263, 0264, 0265, 0267
And 0269

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-05142012-NO COMMENTS.doc

JB 6/12
10AM

Case No.: 2012-0267-XA

Exhibit Sheet

7/20/12
B3

JB 6-12-12
DW

Petitioner/Developer

Protestant

No. 1	Deed, March 15, 2012	
No. 2	DNR Fishing Licenses	
No. 3	Neighborhood Petition	
No. 4	Site Plan	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Property Address: 7303 Old Battle Grove Road, Baltimore, Maryland 21222
Real Estate Tax ID Number: 1502000610
Election District: 15

DEED

THIS DEED, made this 15th day of March, 2012, by and between **FRANK M. RYNARZEWSKI II** and **GERALDINE G. RYNARZEWSKI**, party of the first part "Grantors", and **FRANK M. RYNARZEWSKI II**, **GERALDINE G. RYNARZEWSKI** and **FRANK M. RYNARZEWSKI IV**, party of the second part "Grantees".

WITNESSETH that for **NO CONSIDERATION**, the said Grantors do grant and convey to **FRANK M. RYNARZEWSKI II** and **GERALDINE G. RYNARZEWSKI**, as tenants by the entirety, ninety-nine percent (99%) of the property described below along with right for **FRANK M. RYNARZEWSKI II** and **GERALDINE G. RYNARZEWSKI** to live in and at the property as long as they wish or upon both of their deaths, and to **FRANK M. RYNARZEWSKI IV**, as a tenant in common with **FRANK M. RYNARZEWSKI II** and **GERALDINE G. RYNARZEWSKI**, one percent (1%) life estate in the property described below and upon the **FRANK M. RYNARZEWSKI IV** death, to **FRANK M. RYNARZEWSKI II** and **GERALDINE G. RYNARZEWSKI**, their heirs, personal representatives and assigns, as tenant by the entirety, all that lot of ground situate in Baltimore County, State of Maryland and described as follows, that is to say:

BEING known and designated as Lot #2 & #3 on the Plat of Battle Grove (the property of Miller-Nelson, Inc.) which said Plat is recorded among the Plat Records of Baltimore County in Plat Book W.P.C. No. 5, Folio 75. The improvements thereon being known as 7303 Old Battle Grove Road;

BEING the same lot of ground which by Deed dated January 10, 1956 and recorded among the Land Records of Baltimore County in Liber GLB No. 2856, Folio 158 was granted and conveyed by Robert F. Warner and Mary J. Warner, his wife, unto Charles J. Barer and Eileen P. Bauer, his wife. The said Eileen P. Bauer having departed this life on the 25th day of October thereby vesting absolute fee simple title in the said Charles J. Bauer.

AND see Deed dated December 29, 1955 and recorded among the aforesaid Land Records in Liber GLB No. 2850, Folio 53 was granted and conveyed by Robert F. Warner and Mary J. Warner, his wife, unto Charles John Bauer and Eileen P. Bauer.

BEING the same property as described in that certain Deed dated November 16, 1989 and recorded among the Land Records of Baltimore County, Maryland, on November 27, 1989 in Liber 8333 at Folio 550, was granted and conveyed by and between Charles J. Bauer unto Frank M. Rynarzewski and Geraldine G. Rynarzewski, his wife, and having a street or property address of 7303 Old Battle Grove Road, Baltimore, Maryland 21222.

TOGETHER with the buildings thereupon erected, made or being, and all rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises above to the said Grantees, as described above their heirs, personal representatives and assigns, forever in fee simple, but reserving unto the Grantors a life estate in the property for their own lives, upon the first instance of survival over the other, without liability for waste, and reserving unto the Grantor the full power and authority during their lifetime to sell, convey and dispose of the property (but not to devise the property) in fee simple, and to retain absolutely as their own all of the proceeds thereof, thereby divesting the remainder granted by this deed. The Grantors also reserve the right to mortgage the entire fee simple estate in the property, including the remainder granted herein, and to retain absolutely as their own all of the proceeds thereof.

AND the said Grantors hereby covenants that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hand(s) and seal(s) of the said Grantor the day and year first above written.

WITNESS:

Dawn Kight

Dawn Kight

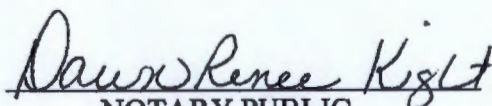
Frank M. Rynarzewski (SEAL)
Frank M. Rynarzewski

Geraldine G. Rynarzewski (SEAL)
Geraldine G. Rynarzewski

STATE OF MARYLAND, CITY/COUNTY OF Baltimore, to wit:

I HEREBY CERTIFY that on this 15th day of March, 2012, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared **FRANK M. RYNARZEWSKI** and **GERALDINE G. RYNARZEWSKI** known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged the foregoing Deed to be their act and in my presence signed and sealed the same.

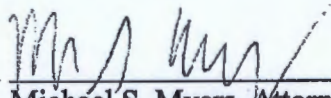
IN WITNESS WHEREOF I hereunto set my hand and official seal.


NOTARY PUBLIC

My Commission expires: 6-27-15

Attorney Certification

THIS IS TO CERTIFY that the within instrument was prepared by the undersigned, an attorney duly admitted to practice law before the Court of Appeals of Maryland.


Michael S. Myers, Attorney

Return to:

Scarlett & Croll, P.A.
201 N. Charles Street
Suite 600
Baltimore, Maryland 21201

Contact Information for Questions:

Michael S. Myers, Esquire
(410) 468-3100

State of Maryland Land Instrument Intake Sheet
Baltimore City County: Baltimore
Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.
(Type or Print in Black Ink Only—All Copies Must Be Legible)

1	Type(s) of Instruments	☒ Deed ☐ Deed of Trust ☐ Mortgage ☐ Lease ☐ Other ☐ Other																																																																							
2	Conveyance Type Check Box	☐ Improved Sale ☐ Arms-Length [1] ☐ Unimproved Sale ☐ Arms-Length [2] ☐ Multiple Accounts ☐ Arms-Length [3] ☐ Not an Arms-Length Sale [9]																																																																							
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	BALTO MD 21201 Phone: (410) 468-3100																																																																								
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3/14/12																																																																									
Distribution: White - Clerk's Office Canary - SDAT Pink - Office of Finance Goldenrod - Preparer AOC-CC-300 (8/95)																																																																									

Source Reserved for Circuit Court Clerk Recording Validation

Source Reserved for County Validation

Circuit Court for
BALTIMORE COUNTY
Clerk of the Court,
JULIE L. ENSOR
COUNTY COURTS BUILDING
401 BOSLEY AVE. P.O. BOX 6754
TOWSON, MD 21285-6754
(410) 887-2601

Transaction Block:	2121
Ref: RYNARZEWSK	
DEED R/FEE \$20	AMOUNT
IMP FD SURE	40.00
RECORDING FEE 20	20.00
SUBTOTAL:	60.00
TOTAL CHARGES:	60.00
PAYMENTS	
CHECK	60.00
TOTAL TENDERED:	60.00

Cashier: CR Reg # 8004
Rcpt # 96422
Date: Mar 16, 2012 Time: 12:27 pm

THIS CERTIFICATE VOID

AFTER

04/29/2012

BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE
 LIEN CERTIFICATE SECTION, 400 WASHINGTON AVE
 TOWSON, MARYLAND 21204-4665
 410-887-2414

ISSUE DATE
 03/15/2012

ISSUED TO
 RYNARZEWSKI F

Whereas application, now on file in this office, was made for a search of office records for all charges constituting county liens upon the property known as:

PROPERTY OWNER AND DESCRIPTION

RYNARZEWSKI FRANK M
 RYNARZEWSKI GERALDINE G
 007303 BATTLE GROVE RD
 LOT 2 BLK. SECT. PLAT

ASSESSED VALUE PROPERTY NUMBER DISTRICT

R:08333/0550 287,050 15-02-000610 15
 M:0104 P:0224 A: 12000.000 G:
 P: 0/ 0
 W: 60.00
 D: 0.00

Assessments and taxes hereon are subject to adjustment pursuant to the provisions of Title 8, Section 8-103 and 104, Tax Property, of the Annotated Code of Maryland or as a result of State Department of Assessments certified changes through June 30 current levy not received on the subsequent July 1 certified tax roll.

This is to certify that a search has been made by this office which disclosed the status of taxes, charges and assessments which are enumerated below. AS OF THE DATE OF ISSUE

LIEN CERTIFICATE MUST ACCOMPANY DOCUMENTS TRANSFERRING PROPERTY		YEAR	AMOUNT OPEN	AMOUNT PAID	DATE PAID
1. STATE AND COUNTY REAL PROPERTY TAXES AND OTHER CHARGES AS ITEMIZED ON ATTACHED TAX BILL	FY	2012	.00	2,617.63	07/21/2011

2. PERSONAL PROPERTY TAXES

3. ALL OTHER CHARGES AS ITEMIZED ON TAX BILL

	INITIAL LEVY YEAR	ANNUAL AMOUNT	REMAINING BALANCE
* SEWER BENEFIT	1972	33.00	.00
* WATER BENEFIT	1942	.00	.00
SEWER SERVICE		477.71	
WATER DISTRIBUTION		98.11	
CONSTRUCTION LOAN CHARGES (see 6. below for details)		45.21	
HOMEOWNER'S CREDIT (subject to adjustment at transfer)		.00	
HOMESTEAD CREDIT ST/CO		1,529.17-	

* By authority Baltimore County Code, Section 35-217, Benefit charges may be liquidated at any time. For information call 410-887-2430

4. CODED: 34 34 WATERFRONT/RESIDENTIAL

5. COUNTY METERED WATER BILL

(Call Balto. City for Water charges)

PHONE 410-396-3988

6. CONSTRUCTION LOAN CHARGES

	INITIAL LEVY YEAR	INTEREST RATE	TERM YRS.	REMAINING BALANCE	ANNUAL AMOUNT
SEWER DEFICIT	11/71	4.00	40	26.75	27.02
SEWER SYSTEM CONNECTION	11/71	4.00	40	10.41	10.61
SEWER HOUSE CONNECTION	11/71	4.00	40	7.40	7.58

PAGE 1 OF 1

7. OTHER

A PROPERTY SUBDIVISION WILL
 REQUIRE PAYMENT OF UTILITY
 CHARGES BEFORE RECORDATION.

NOTHING HEREIN SHALL AFFECT ANY PAYMENT PROVIDED FOR IN PROPERTY
 TAX ARTICLE 13-302.

Brian R. [Signature]
 DIRECTOR OF BUDGET & FINANCE

BY (Authorized Representative)

Circuit Court for
BALTIMORE COUNTY
Clerk of the Court,
JULIE L. ENSOR
COUNTY COURTS BUILDING
401 BOSLEY AVE. P.O. BOX 6754
TOWSON, MD 21285-6754
(410) 887-2601

Transaction Block: 2121
Ref: RYNARZEWSK
DEED R/FEE \$20 AMOUNT
IMP FD SURE 40.00
RECORDING FEE 20 20.00
SURTOTAL: 60.00
TOTAL CHARGES: 60.00
PAYMENTS
CHECK 60.00
TOTAL TENDERED: 60.00

Cashier: CR Reg # BA04
Rcpt # 96422
Date: Mar 16, 2012 Time: 12:27 pm

*Original not to be
used w/ order
new US mail on 4/1/12*

*J. J. J.
X 38*

MARYLAND DEPARTMENT OF NATURAL RESOURCES
COMMERCIAL TIDAL FISH LICENSE
ISSUED 10/17/2011 EXPIRES 08/31/2012
FRANK M RYNARZEWSKI IV ID NO: 3502
7303 OLD BATTLE GROVE ROAD DOB: 09/02/93
Dundalk, MD 21222 VESSEL NO: MD 2931 AR
Unlimited Tidal Fish Seafood Marketing Surcharge
Crabbing Day Off Monday

PETITIONER'S

EXHIBIT NO. 2

STATE OF MARYLAND
CERTIFICATE OF VESSEL NUMBER
EXPIRES DECEMBER 31, 2013

HULL ID NO.	BOAT NO	LENGTH
EVR30059K686	MD 2931 AR	30' 6"
MAKE	YEAR	USE
EVANS	1986	Comm. Fishing
FRANK M RYNARZEWSKI IV	Natural Resources Police:	
7303 OLD BATTLE GROVE ROAD	1-877-620-8367	
Dundalk, MD 21222	Marine Radio VHF CH. 16	

ALL PERSONS BORN AFTER JULY 1, 1972 MUST HAVE THIS
CERTIFICATE IN POSSESSION WHEN OPERATING VESSELS IN THE STATE
OF MARYLAND THAT ARE REQUIRED TO BE NUMBERED OR
DOCUMENTED. THIS IS A NASBLA APPROVED COURSE.

172252

CARD #

FRANK M. RYNARZEWSKI IV

NAME

09/02/93

M

W

DOB

SEX

RACE

MARYLAND DEPARTMENT OF NATURAL RESOURCES
COMMERCIAL TIDAL FISH LICENSE
ISSUED 10/17/2011 EXPIRES 08/31/2012

FRANK M RYNARZEWSKI IV ID NO: 3502
7303 OLD BATTLE GROVE ROAD DOB: 09/02/93
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MARYLAND DEPARTMENT OF NATURAL RESOURCES

COMMERCIAL TIDAL FISH LICENSE

ISSUED 10/17/2011

EXPIRES 08/31/2012

FRANK M RYNARZEWSKI IV

ID NO: 3502

7303 OLD BATTLE GROVE ROAD

DOB: 09/02/93

Dundalk, MD 21222

VESSEL NO: MD 2931 AR

Unlimited Tidal Fish

Seafood Marketing Surcharge

Crabbing Day Off: Monday

STATE OF MARYLAND

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7303 OLD BATTLE GROVE ROAD

Dundalk, MD 21222

Natural Resources Police:

1-877-620-8367

Marine Radio VHF CH. 16

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172252

CARD #

FRANK M. RYNARZEWSKI IV

NAME

09/02/93

M

W

DOB

SEX

RACE

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.

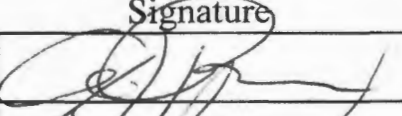
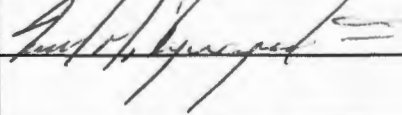
Name (Printed)	Address	Signature	Telephone #
IRENE DE PIZZO	7301 OLD BATTLE GROVE RD	Irene De Pizzo	410-477-2087
EDNA SCHULER	7315 OLD BATTLE GROVE RD.	Edna J. Schuler	410-477-3111
Robert Ketchum Jr.	7537 Old battle grove rd	Robert Ketchum Jr.	410-477-3855
LOUIS KELLNER	7406 OLD Battle grove Rd	Louis Kellner	410 477-2374
THERESA KELLNER	7414 OLD BATTLE GROVE RD.	Theresa Kellner	410-477-
ALLEN FISCHER	7493 OLD BATTLE GROVE RD	Allen Fischer	410 477-
STEVEN SHONT	7418 OLD BATTLE GROVE RD	Steven Shont	410 477-
Michelle Kilkner	7422 OLD Battle Grove Rd	Michelle Kilkner	410 477-

PETITIONER'S
EXHIBIT NO. 5

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.

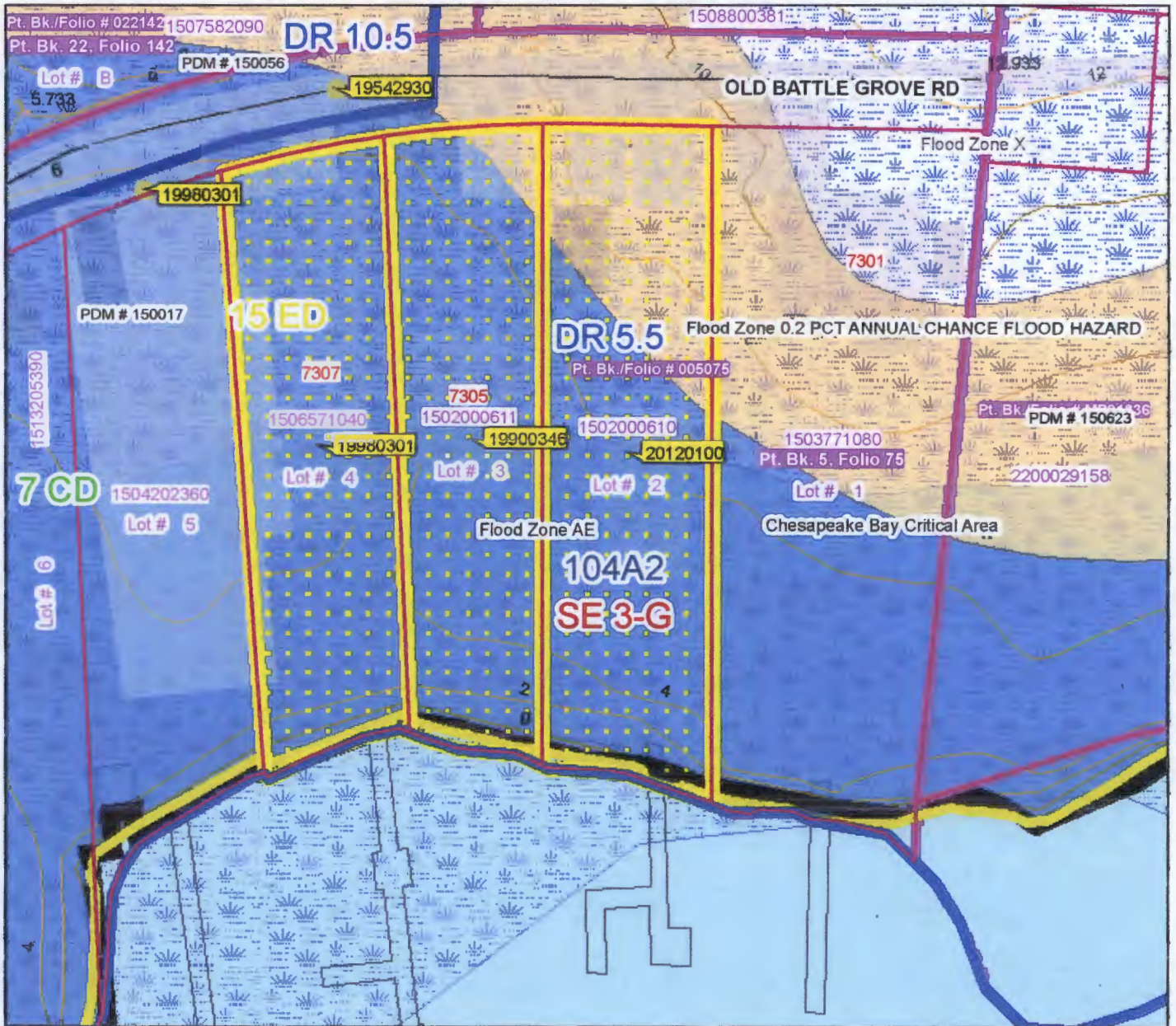
The undersigned are hereby in support of the Special Exemption to use property known as 7303 Old Battle Grove Road as a Fishing and Shellfishing facility. Dated December 2011.

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

(Type or Print in Black Ink Only—All Copies Must Be Legible)

Originals sent to Pct. along w/ order
via US mail on 6/27/2 D.W. Day
#3868

Elevations & Flood Hazards



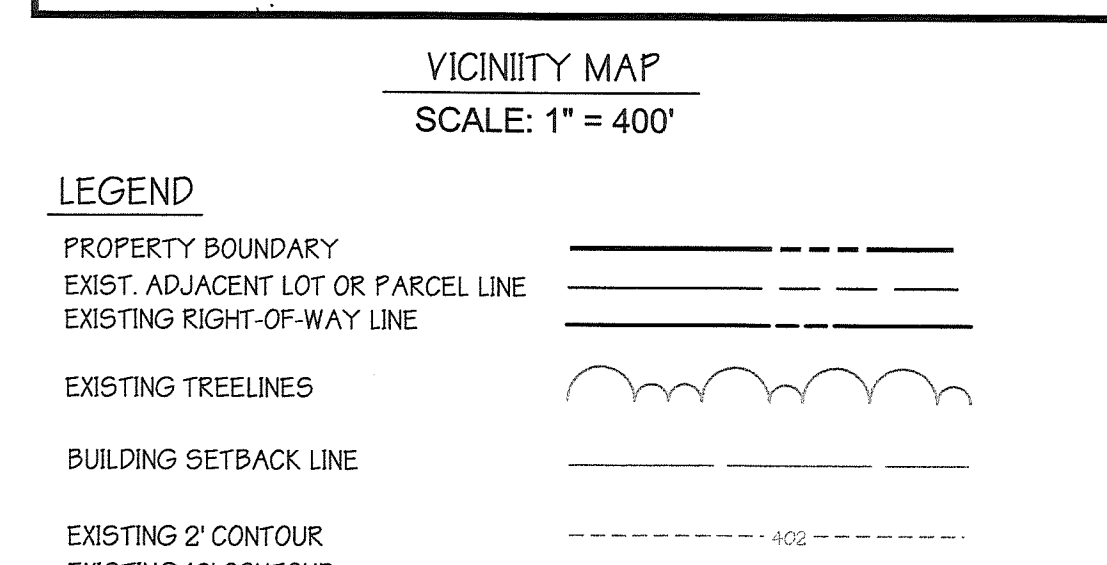
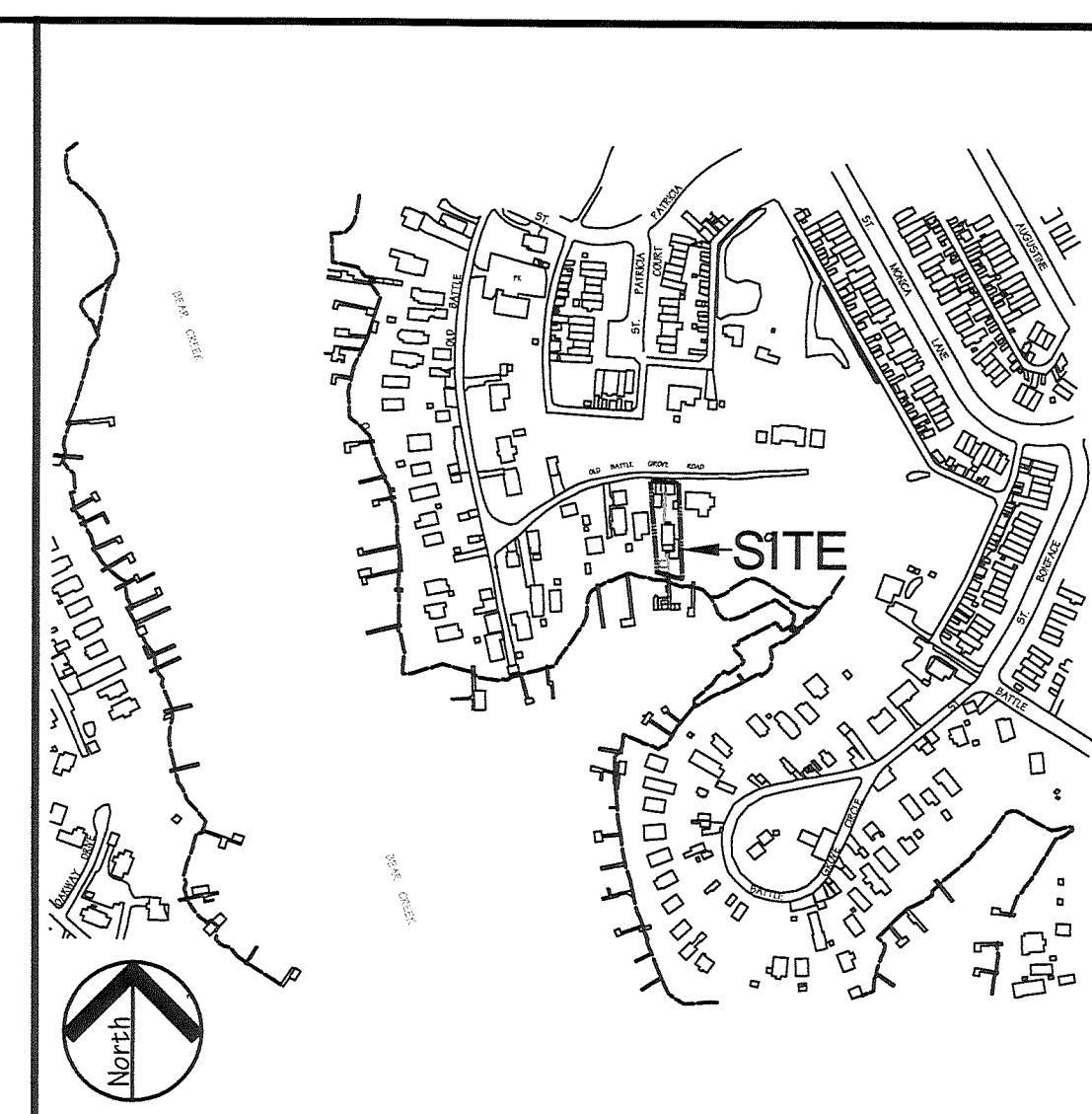
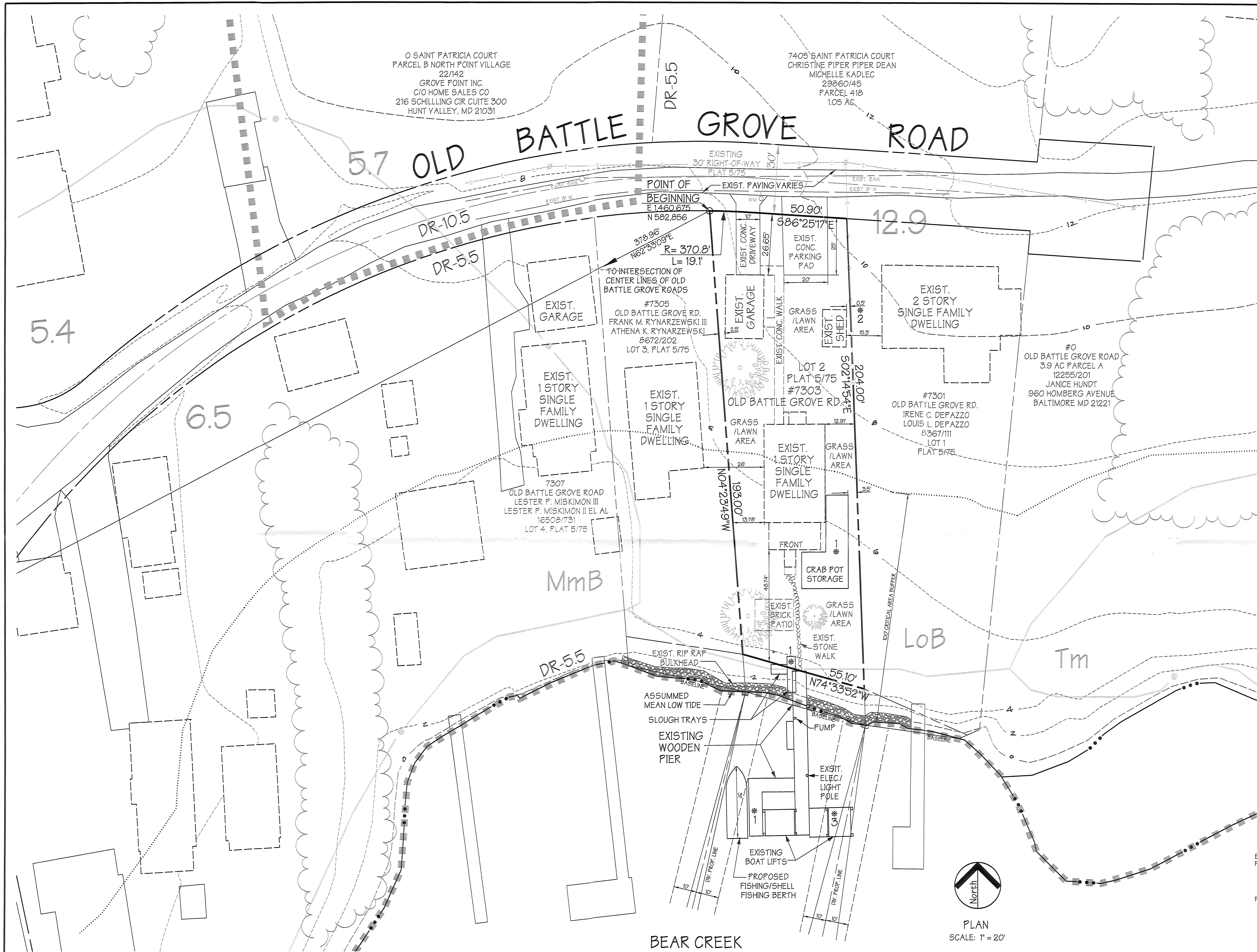
Publication Date: April 24, 2012
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 50 100
 Feet

1 inch = 50 feet

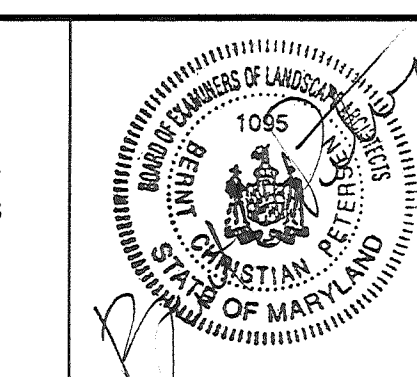
Item # 0267



- SITE NOTES:**
- PROJECT NAME: RYNARZEWSKI PROPERTY
7303 OLD BATTLE GROVE ROAD
SPECIAL EXCEPTION
 - OWNER: FRANK M. RYNARZEWSKI
GERALDINE G. RYNARZEWSKI
FRANK M. RYNARZEWSKI IV
7303 OLD BATTLE GROVE ROAD
DUNDALK, MARYLAND 21222
 - PLAN PREPARED BY: G.W. STEPHENS, JR. & ASSOCIATES
2205-C COMMERCE ROAD
FOREST HILL, MARYLAND 21050
(410) 297-2340
 - GROSS SITE AREA: 11.05 S.F. = 0.255 ACRES +/-
 - EXISTING ZONING - DR 5.5 ZONING MAP SE 3-G
 - ELECTION DISTRICT - 15
 - COUNCILMANIC DISTRICT - 7
 - TAX MAP NUMBER: 104 - PARCEL 224, LOT 2
 - TAX ACCOUNT NUMBER: 1502000610
 - DEED REFERENCES - 06333/550
 - EXISTING USE - RESIDENCE
 - PROPOSED USE - RESIDENCE, FISHING & SHELL FISHING FACILITY - SHORELINE - CLASS 1
 - THE SITE IS NOT LOCATED IN ANY DEFICIENT WATER SUPPLY AREA ON THE BALTIMORE COUNTY 2012 BASIC SERVICES MAP.
 - CENSUS TRACT - 482500
 - WATERSHED - BALTIMORE HARBOR
 - THE SITE IS NOT LOCATED WITHIN A SEWER DEFICIENT AREA OR AREA OF CONCERN ON THE BALTIMORE COUNTY 2012 BASIC SERVICES MAP.
 - BUILDING HEIGHT
EXISTING: 1 STORY RESIDENCE - <20', GARAGE - <10', SHED - <10'
 - PARKING REQUIRED:
REQUIRED: 2 SPACES / DWELLING UNIT = 2 PARKING SPACES
THE PROPOSED:
PROVIDED: 4 PARKING SPACES
 - ADP MAP NO. 45, GRID C-4
 - THE PROPOSED SHELL FISHING FACILITY DOES NOT REQUIRE ANY GRADING OR DISTURBANCE OF EXISTING GROUND COVER, NO DEVELOPMENT ACTIVITIES ARE PROPOSED.
 - PLAT REFERENCE - BATTLE GROVE 5/75
 - THERE ARE NO SIGNS PROPOSED FOR THE FISHING & SHELL FISHING FACILITY
 - ILLUMINATION FOR OFF-SITE PARKING AREA WILL NOT REFLECT INTO ADJACENT RESIDENTIAL LOTS OR PUBLIC STREETS
 - THE SUBJECT SITE IS NOT LOCATED WITHIN ANY TRAFFIC ZONES WITH A DEFICIENT LEVEL OF SERVICE AS SHOWN ON THE 2012 BASIC SERVICES MAP.
 - THERE ARE NO EXISTING WELLS OR SEPTIC DISPOSAL AREAS WITHIN 100' OF THIS SITE.
 - ZONING HISTORY - CASE #19900346 - LOT WIDTH OF 50 FEET PERMITTED IN LIEU OF THE REQUIRED 65 FEET FOR A PROPOSED DWELLING AT 7305 OLD BATTLE GROVE ROAD - LOT 3 OF PLAT 5/75
 - EXISTING IMPERVIOUS AREA ON LOT 2 - 3,233 S.F. = 28% OF 11,005 S.F. LOT AREA.
 - THE BOUNDARY SHOWN WAS TAKEN FROM A BOUNDARY SURVEY BY FRANK S. LEE, DATED NOVEMBER 7, 1989, AND PLAT 5/75.
 - THE TOPOGRAPHY, ROAD AND STRUCTURE LOCATIONS SHOWN WERE TAKEN FROM BALTIMORE COUNTY GIS TILE # 104A2.
 - ZONING HISTORY - CASE # 2012-100-SPBX - SHELL FISHING FACILITY - DENIED 1/14/12

B.C.Z.R. SECTION 101
FISHING AND SHELLFISHING FACILITY, SHORELINE.
A PRINCIPAL USE THAT CONSISTS OF THE BUILDINGS, EQUIPMENT OR OTHER FACILITIES NECESSARY TO ACCOMMODATE THE ONSHORE ACTIVITIES OF A FISHING AND SHELLFISHING BUSINESS (INCLUDING RETAILING OR WHOLESALING OF THE CATCHES) AND THAT IS SITUATED ON A LOT ON THE SHORELINE OF TIDAL WATERS.
FISHING AND SHELLFISHING FACILITY, SHORELINE, CLASS 1
A SHORELINE FISHING AND SHELLFISHING FACILITY THAT CAN ACCOMMODATE A FISHING BUSINESS NO LARGER THAN THAT ENTAILING THE USE OF NOT MORE THAN TWO COMMERCIAL FISHING BOATS AND THAT IS SITUATED ON A LOT ALSO OCCUPIED BY THE PRIMARY RESIDENCE OF ITS OPERATOR, WHO IS A PERSON REQUIRED TO HAVE A LICENSE BY ANY OF THE PROVISIONS OF TITLE 4 OF THE NATURAL RESOURCES ARTICLE OF THE ANNOTATED CODE OF MARYLAND, FOR THE PURPOSES OF THESE REGULATIONS, A "COMMERCIAL FISHING BOAT" DOES NOT INCLUDE A BOAT MORE THAN 45 FEET LONG.

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
2205-C COMMERCE ROAD
FOREST HILL, MARYLAND 21050
(410) 297-2340



Owner
FRANK M. RYNARZEWSKI II
GERALDINE G. RYNARZEWSKI
FRANK M. RYNARZEWSKI IV
7303 OLD BATTLE GROVE ROAD
DUNDALK, MARYLAND 21222

ZONING REQUESTS *

- SPECIAL EXCEPTION REQUEST TO PERMIT A FISHING AND SHELLFISHING FACILITY, SHORELINE, CLASS 1 IN A DR-5.5 ZONE PER B.C.Z.R. SECTION 1901C.6.
- VARIANCE TO PERMIT A BUILDING SETBACK OF 0.5 FEET TO A SIDE LOT LINE FOR AN EXISTING ACCESSORY STRUCTURE (SHED) IN LIEU OF THE REQUIRED 2.5 FEET PER B.C.Z.R. SECTION 400.1.
- VARIANCE TO PERMIT AN OPEN AREA WIDTH OF 0 FEET FROM A DIVISIONAL PROPERTY LINE FOR AN EXISTING PIER IN LIEU OF THE REQUIRED 10 FOOT WIDTH PER B.C.Z.R. SECTION 417.3, 417.4 AND APPENDIX J.

NO.	DATE	REVISIONS:	BY

RYNARZEWSKI PROPERTY
PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND VARIANCES
7303 OLD BATTLE GROVE ROAD, DUNDALK
TAX MAP 104, PARCEL 224, LOT 2
ELECTION DISTRICT # 15 / PRECINCT 15-020
BALTIMORE COUNTY, MARYLAND

#2012-0267-XA

SCALE: 1" = 20'
DATE: 4/10/12
JOB #: 2011554
DES: BCP
DRN: BCP
CHK: BCP
FILE: 15042012\Final.dwg
DRAWING NUMBER:
Z-1
SHEET 1 OF 1