

4/30/15

IN THE MATTER OF
CARROLL ISLAND ASSOCIATES, LP – LEGAL
OWNER HOBBIE GUYZ, LLC T/A MIDDLE RIVER
HOBBIES – LESSEE
PETITION FOR SPECIAL HEARING FOR THE
Property located at 164 Carroll Island Road
15th Election District; 6th Councilmanic District

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 14-274-SPH

* * * * *

ORDER OF DISMISSAL

This case comes to the Board on appeal from the Opinion and Order issued by the Administrative Law Judge dated August 18, 2014 wherein the requested Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR), to approve temporary outdoor model car racing, on specific dates, in the shopping center parking lot, as an accessory use to a hobby shop was granted with conditions.

On September 15, 2014, J. Carroll Holzer, Esquire filed a Notice of Appeal on behalf of Kevin Arnold, Appellant/Protestant. The Petitioners were represented by Louis E. Grenzer, Jr., Esquire at the hearing before the Administrative Law Judge.

A hearing was scheduled to be held before this Board on Wednesday, January 7, 2015 at 10:00 a.m. and a Notice of Assignment was issued on October 9, 2014. On November 24, 2014, Mr. Holzer, requested a postponement of the January 7, 2015 hearing date as he was previously scheduled to be in Oral Argument at the Court of Special Appeals. Mr. Holzer's request for postponement was granted and a Notice of Postponement and Reassignment was issued rescheduling the hearing in this matter for Wednesday, February 4, 2015 at 10:00 a.m.

On January 27, 2015, Louis E. Grenzer, Jr., Esquire filed a Notice of Withdrawal of Appearance. Consent to the Notice of Withdrawal was signed by Gordon Ross, Member of Hobbie

Guyz, LLC t/a Middle River Hobbies/ Carroll Island Associates, LP (“Hobbie Guyz”).

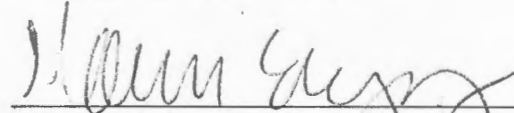
On February 4, 2015, representatives of Hobbie Guyz, appeared at a hearing before the Board without an attorney. After much discussion, all parties and the Board agreed to postpone this matter to allow Hobbie Guyz, LLC t/a Middle River Hobbies to retain new counsel. A subsequent hearing was scheduled for Tuesday, April 21, 2015 at 10:00 a.m., for which a Notice of Postponement and Reassignment was issued on February 6, 2015.

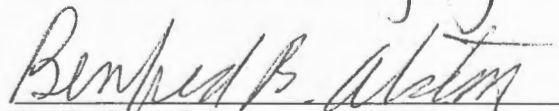
On April 21, 2015, the Board convened at 10:10 a.m. for the rescheduled hearing. J. Carroll Holzer, Esquire, and the Appellant/Protestant, Kevin Arnold, appeared before the Board; however, no representative from Hobbie Guyz was present and no one from Hobbie Guyz called to notify the Board that its representative would be delayed. In open hearing and on the record, attorney for the Appellant/Protestant moved for dismissal because representatives from Hobbie Guyz failed to appear. Upon consideration of the prior postponements and representatives of Hobbie Guyz’s failure to appear at the hearing and its failure to notify the Board that its representatives would be late, the Appellant/Protestant’s Motion to Dismiss the Petition for Special Hearing was granted.

IT IS THEREFORE ORDERED this 30th day of April, 2015 by the Board of Appeals of Baltimore County that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations to approve temporary outdoor model car racing, on specific dates, in the shopping center parking lot, as an accessory use to a hobby shop, filed in Case No. 14-274-SPH, be and the same is hereby **DISMISSED WITH PREJUDICE** thereby rendering the August 18, 2014 Order of the Administrative Law Judge as **null and void** in this matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Panel Chairman


Benfred B. Alston


Meryl W. Rosen



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182



April 30, 2015

Mr. Gordon Ross, Member
Hobbie Guyz, LLC t/a
Middle River Hobbies – Lessee
164 E. Carroll Island Road
Middle River, Maryland 21220

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, Maryland 21286

RE: *In the Matter of: Carroll Island Associates, LP – Legal Owner*
Hobbie Guyz, LLC t/a Middle River Hobbies – Lessee
Case No: 14-274-SPH

Dear Mr. Ross and Mr. Holzer:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure
Duplicate Original Cover Letter

c: See Attached Distribution List

In Re: Carroll Island Associates, LP – Legal Owner
Hobbie Guyz, LLC t/a Middle River Hobbies – Lessee
Distribution List
Page 2

Carroll Island Associates, LP
Kevin Arnold
Gordon Ross
James Underhill
Tyler Nehrkorn
Carlton Coleman
John Baierlein
Briana Baierlein
Pat Mayo
Brandon Jones
Raymond Klebanow
Don Mearkle
Sharon Spangler
Daniel Szimanski
Scott Nehrkorn
Cezar Penaflor
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

1/27/15

IN RE: PETITIONS FOR SPECIAL
HEARING
(164 E.Carroll Island Road)

15th Election District
6th Council District

Carroll Island Associates, LP
Legal Owner
Middle River Hobbies, Lessee
Petitioners

* BEFORE THE
* BALTIMORE COUNTY BOARD
* OF APPEALS
* Case No.: 2014-0274-SPH

* * * * *

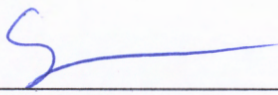
NOTICE OF WITHDRAWAL OF APPEARANCE

Please withdraw the appearance of Louis E. Grenzer, Jr. and Bodie, Dolina, Hobbs, Friddell & Grenzer, P.C., as counsel for Hobbie Guyz, LLC t/a Middle River Hobbies in this action.

As indicated below, Petitioner, Hobbie Guyz, LLC t/a Middle River Hobbies consents to this Notice of Withdrawal of Appearance.

**BODIE, DOLINA, HOBBS,
FRIDDELL & GRENZER, P.C.**

RECEIVED
JAN 27 2015
BALTIMORE COUNTY
BOARD OF APPEALS



Louis E. Grenzer, Jr.
305 Washington Avenue, Ste 300
Towson, Maryland 21204
(410) 823-1250
Attorney for Petitioner

Hobbie Guyz, LLC t/a Middle River Hobbies hereby consents to the Withdrawal of Appearance of Louis E. Grenzer, Jr. and Bodie, Dolina, Hobbs, Friddell & Grenzer, P.C. as its counsel in the above captioned matter.

CERTIFICATE OF SERVICE

I hereby Certify that on this 27th day of January, 2015, a copy of the foregoing Notice of Withdrawal of Appearance was mailed first class, postage prepaid to:

J. Carroll Holzer, Esq.
508 Fairmount Avenue
Towson, MD 21286
Attorney for Appellant

People's Counsel for Baltimore County
105 West Chesapeake Ave., Room 204
Towson, MD 21204

Baltimore County Board of Appeals
105 West Chesapeake Ave., Suite 203
Towson, MD 21204



Louis E. Grenzer, Jr.

9/15/14

**IN RE: PETITIONS FOR SPECIAL
HEARING
(164 E.Carroll Island Road)**

**15th Election District
6th Council District**

Carroll Island Associates, LP
Legal Owner
Middle River Hobbies, Lessee
Petitioners

* * * * *

* **BEFORE THE**
* **BALTIMORE COUNTY OFFICE**
* **OF ADMINISTRATIVE HEARINGS**
* **Case No.: 2014-0274-SPH**
* **RECEIVED**

SEP 15 2014

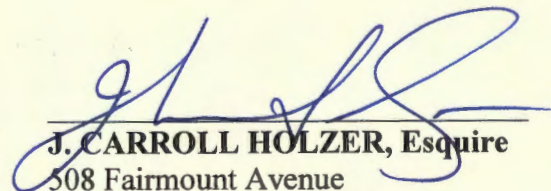
OFFICE OF ADMINISTRATIVE HEARINGS

NOTICE OF APPEAL

Kevin Arnold, 210 Bowleys Quarters Rd., Middle River, MD 21220, Appellant, by his attorney, **J. Carroll Holzer, Esquire**, feeling aggrieved by the Order and Opinion of the Administrative Law Judge in the above referenced matter, hereby files this appeal to the County Board of Appeals from the Administrative Law Judge's Opinion & Order dated August 18, 2014 (See attached Order and Opinion).

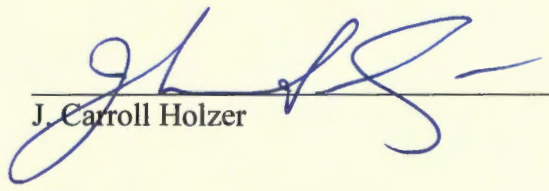
Filed concurrently with this Notice of Appeal is a check made payable to Baltimore County to cover costs. Appellant was a party below and fully participated in the proceedings.

Respectfully submitted,


J. CARROLL HOLZER, Esquire
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on the 15th day of September, 2014 that a copy of the Notice of Appeal was mailed first class, postage prepaid, to: Louis Grenzer, Jr., Bodie Law, 305 Washington Ave, #300 Towson, MD 21204; County Board of Appeals, 105 West Chesapeake Avenue, Suite 203, Towson, MD 21204; and People's Counsel for Baltimore County, 105 West Chesapeake, Ave., Room 204, Towson, MD 21204.


J. Carroll Holzer

8/18/14

IN RE: PETITION FOR SPECIAL HEARING
(164 E. Carroll Island Road)
15th Election District
6th Councilmanic District
Carroll Island Associates, LP
Legal Owner
Middle River Hobbies, *Lessee*
Petitioners

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2014-0274-SPH

* * * * *

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 Carroll Island Associates, LP, legal owner and Middle River Hobbies, lessee ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve temporary outdoor model car racing, on specific dates, in the shopping center parking lot, as an accessory use to a hobby shop.

Appearing at the public hearing in support of the requests was Gordon Ross, proprietor of the hobby shop. Louis Grenzer, Jr., Esq., represented the Petitioner. Peter Zimmerman, People's Counsel, participated in the case and opposed the relief. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no substantive Zoning Advisory Committee (ZAC) comments received.

A petition for special hearing is in an essence a proceeding for a declaratory judgment. Antwerpen v. Baltimore County, 163 Md. App. 194 (2005). That is, the Petitioner asks for a determination that its activities are lawful under the B.C.Z.R.

The subject property is 20.44 acres in size and is zoned BL. The property is improved with a strip shopping center and Wal-Mart store, and is located near the intersection of Bowley's

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Date 8/18/14
By Sen

Quarters and Carroll Island Roads in eastern Baltimore County. Mr. Ross operates Middle River Hobbies, LLC, a store in the Carroll Island Shopping Center that sells a variety of merchandise including remote or radio ("RC") controlled cars. RC cars are small scale replica vehicles that are raced on a variety of surfaces, including carpet, dirt and pavement. The Petitioner conducts indoor races on carpet at his shop, and also operates an outdoor "track" on a seldom used parking lot at the periphery of the shopping center. Though the outdoor racing has been put on hold due to this case, the Petitioner previously held events on Saturdays during the months of April-September. Following complaints from an adjoining owner, the County insisted that Petitioner stop the events and this proceeding was then filed.

Petitioner seeks a determination that the outdoor racing is a lawful use which is "accessory" to the operation of his hobby shop, a point on which the parties disagree. As such, the use must be examined to determine whether it qualifies as "accessory" as that term is defined in B.C.Z.R. §101.1. People's Counsel urges that before this analysis is undertaken, we must categorize or define the specific use at issue.

Mr. Zimmerman contends this is a "racetrack," a term not defined under the B.C.Z.R. The Webster's Third New International Dictionary definition of "racetrack" references an "oval course over which races are run." This would not describe the use here, where the temporary race track (the contours of which are defined by concrete curbs and PVC tubing positioned on the parking lot) is not oval, but consists of a series of twists and turns. But even more fundamentally, I do not believe the operation can be classified as a racetrack because there are absolutely no structures or physical improvements to the land, and I believe the B.C.Z.R. contemplates a "racetrack" as being a venue of some sort with infrastructure and accommodations for spectators, as one would find at the Timonium State Fairgrounds.

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8/18/14

By

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In addition, as noted in Petitioner's memorandum, the B.C.Z.R. identifies (in excluding the use from the definition of "commercial recreational facilities") a "go-cart course" (not "track") which must obviously be something other than a "racetrack," or else the reference would be mere surplusage. Though it too is not defined, I believe that the reference to "go-cart course" indicates that the B.C.Z.R. contemplates a use or venue where racing is conducted that does not constitute a "racetrack." Although the RC car racing does not constitute a "go-cart course," this analysis does in my opinion establish that the use is not a "racetrack" either.

In my opinion, the use defies rigid categorization under the B.C.Z.R. It is a relatively modern, niche land use that post-dates the adoption of the BCZR. Further, I do not believe it is necessary to ascribe any particular name to the activity, since we are evaluating an accessory rather than principal use. The B.C.Z.R. is considered an inclusionary zoning code; i.e., if a use is not expressly permitted by right or special exception in a zone it is excluded. Kowalski v. Lamar, 25 Md. App. 493 (1975). But this maxim concerns "principal" not "accessory" uses. In fact, I believe the rule is otherwise with respect to accessory uses. In Carroll County v. Zent, 86 Md. App. 745, 769 (1991), the court held that when a use is incidental to the principal use "it is an accessory use and, unless expressly prohibited by statute, is permitted."

Accessory uses are not catalogued in the BCZR in the same way as principal uses, nor could they be. As stated in a well-known treatise, "the perception of which accessory uses are considered 'customary' changes with the times." 2 Rathkopf's, The Law of Zoning and Planning, § 33:3. This may explain why in 1973 a New York court ruled that a helipad was not an accessory use to the operation of a department store, while in 1978 a New Jersey court found that such a heliport was an accessory use to a construction firm's headquarters, based upon the fact that helicopter usage was gaining widespread acceptance among business executives. *Compare*

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Date

8/18/14

By

Sen

Gray v. Ward, 343 N.Y.S.2d 749 (1973) with State v. P.T. & L. Constr., Inc., 389 A.2d 448 (N.J. 1978).

Under the B.C.Z.R., an “accessory use” is defined as follows:

ACCESSORY USE OR STRUCTURE

A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served[.]

The terminology used in this definition is relatively straight forward. But there is a dearth of Md. case law concerning accessory uses, which means that out of state cases will be consulted to aid in the interpretation.

In this case, Mr. Ross testified that he is familiar with the operation of hobby shops around the country and that it is customary for such shops to conduct RC racing in conjunction with their business. He cited several examples, yet conceded his is the only such outdoor use in Maryland. But even though a use is not necessarily widespread, it can nonetheless be “customarily incident” to the principal operation. In Lake County v. LaSalle Natl. Bank, 395 N.E.2d 392 (Ill. 1979), the court considered whether temporary housing for groundskeepers was an accessory use to a golf course. The court held that it was, and stressed that the petitioner did not need to show that most, or even many, golf courses featured such housing. The court found that an accessory use can be sustained if it constitutes a “recognized mode of activity in the field.” In addition to Mr. Ross’s testimony, a cursory Google search revealed several RC car sales (i.e., hobby shops) operations being conducted in conjunction with indoor and outdoor race courses. Thus, I think it is fair to characterize it as a “recognized mode of activity in the field,” and I believe the Petitioner has satisfied this element.

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By Sen

The next issue is whether the racing use is subordinate in "area, extent or purpose." These elements are stated in the disjunctive; any one would suffice. As such, even though the racing and spectator areas arguably occupy a larger land area (which is not dispositive), it seems clear the racing events held one day a week for less than half the year would qualify as subordinate in extent and/or purpose to the hobby shop operation, which occupies 7,000 SF of commercial space and is open nearly every day of the year according to the proprietor. Mamaroneck Beach & Yacht Club, Inc. v. Zoning Board, 862 N.Y.S.2d 81 (2008)(accessory use can be larger in square footage than principal structures on site). Whether viewed temporally or financially, the hobby shop is clearly the principal operation. Thus, this element is also satisfied.

The B.C.Z.R. also requires the accessory use to be located on the same lot as the principal use. In this case, both the site plan for the shopping center and the site plan for the zoning case (Petitioner's Exhibit Nos. 1& 2) reveal that this is indeed the case. Finally, based on the testimony of the race participants and shop patrons, I find the racing use serves the "comfort" and/or "convenience" of the hobby shop business and its customers.

One recent unreported case from Connecticut provides further support for the proposition that a race course is an accessory use to a business that sells RC cars. In Sorrentino v. Ives, 2010 WL 626086 (Conn. 2010), the owner (Kenneth Ives) operated an RV sales business that also sold ATVs and RC cars. Mr. Ives constructed both "off road" and "on pavement" racing facilities in the parking lot area at the rear of his lot. The race facilities involved "extensive construction" and a two-story grandstand. The town zoning commission "determined [the race facility] to be a permissible accessory use." Id. at 3. But it was subsequently determined the property was split zoned and that the race course was located in a rural residential zone rather than a business zone.

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As such, the owner was then obliged to seek a change in zoning district classification (which was denied), and was not permitted to conduct the races in the residential zone.

Two witnesses testified in opposition to the Petitioner's request. Kevin Arnold, who lives immediately adjacent to the parking lot on which the races are held, testified that the events are noisy and disruptive. He stated that attendees frequently argue and use profanity, and also urinate/defecate in the bushes next door to his home. Dan Mearkle, who dates Mr. Arnold's sister (but lives some distance from the subject property), testified that the events cause traffic snares when patrons of the shopping center slow down to take a look at the racing. He also presented a short video that he took on his I-phone which showed the cars racing around the course.

As noted by Petitioner, Mr. Arnold operates a boat repair business at his property, which is zoned B.L., pursuant to a special exception granted in Case # 99-311-X. In that Order then Zoning Commissioner Schmidt noted that the "area at large is commercial in character." The special exception in that case was granted despite the objection of the Department (then Office) of Planning, which did not feel that the business (which "operates 6 days a week, Monday through Saturday from 7:00 A.M. thru 10:00 P.M.") was appropriate at the location.

On cross examination, Mr. Arnold confirmed that he operates and repairs boat engines on his property, and he said they make as much noise as an automobile engine. My point in mentioning this is that the area in question is certainly commercial (a large Wal-Mart store anchors the shopping center at the location) and businesses and activities are conducted in those environs that generate noise and other disturbances that may be objectionable if conducted in a residential zone. While there are residential zones adjoining the subject property, Mr. Arnold was the only nearby resident to testify at the hearing, and the file does not contain any letters of

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Date

8/18/14

By

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complaint or opposition from other neighbors in the area. In addition, other than Mr. Mearkle's testimony there was no evidence or testimony presented to show that the traffic problems described impacted motorists along the adjoining roadways or generated calls for service to the police department. In addition, none of the other tenants at the shopping center testified or submitted comments indicating the racing was negatively impacting their businesses, and the owner of the shopping center advised that it does "not oppose the racing on our property." As such, I do not believe that the use has the potential for the range of detrimental impacts described by the Protestants. See Kaiser v. Western R/C Flyers, Inc., 477 N.W.2d 557 (Neb. 1991)(noise from RC airplanes, although annoying to residents, did not constitute a nuisance).

None of this is meant to dismiss the concerns raised by Messrs. Arnold and Zimmerman. But I believe those concerns can be ameliorated (even if not eliminated) by the imposition of restrictive conditions, which will be included in the Order which follows. The approved development plan for the shopping center (PDM #XV-760) was not submitted by either of the parties, and the site plans do not indicate the exact setback between the parking lot and Mr. Arnold's property line. Both properties are zoned commercial, and there does not appear to be any landscape strip, fencing or other screening between the properties. Such feature(s) would not only provide a buffer for the racing events but would also screen Mr. Arnold's property from the parking lot itself, which though zoned B.L. is his primary residence.

THEREFORE, IT IS ORDERED this 18th day of August 2014, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.) to approve temporary outdoor model car racing, on specific dates, in the shopping center parking lot, as an accessory use to a hobby shop, be and is hereby

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Date

8/18/14

By

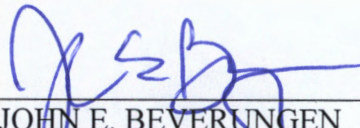
Sen

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.
2. RC car racing shall be permitted from May 1-August 31. The races shall be held no more than one time per week, on a Saturday or Sunday. While administrative activities (i.e., registration or course marking) in connection with the races may begin at 8:00 A.M., operation of RC cars for whatever reason (i.e, racing, practice, repairs, etc.) shall be restricted to the hours of 10:00 A.M.-5:00 P.M. All activities of any nature in connection with the RC racing shall be concluded by no later than 7:00 P.M.
3. Petitioners must provide a landscape strip, fence or other screening between the parking lot and Mr. Arnold's property. The type of screening required will be determined in the sole discretion of the County's Landscape Architect.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date

By

KEVIN KAMENETZ
County Executive



LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

August 18, 2014

Louis Grenzer, Esquire
305 Washington Avenue
Towson, Maryland 21204

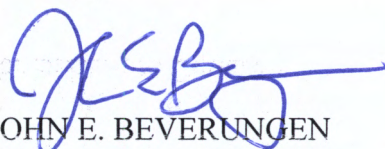
RE: Petition for Special Hearing
Property: 164 Carroll Island Road
Case No.: 2014-0274-SPH

Dear Mr. Grenzer:

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,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Gordon Ross, 513 Crisfield Road, Middle River, Maryland 21220
John Baierlein, 87 Johnson Road, Pasadena, Maryland 21122
Dan Mearkle, 901 Cold Spring Road, Middle River, Maryland 21220
Kevin Arnold, 210 Bowley's Quarters Road, Middle River, Maryland 21220
Peter Zimmerman, Esquire, People's Counsel- Hand Delivered

8/8/14

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
164 Carroll Island Road; SW/S Carroll Island Rd. * OF ADMINISTRATIVE
581' S of Carroll Island Rd & 436' from Bowleys * HEARINGS FOR
Quarters Rd * BALTIMORE COUNTY
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Carroll Island Associates *
Contract Purchaser(s): Middle River Hobbies *
Petitioners * 2014-274-SPH

* * * * *

RECEIVED

AUG 08 2014

**POST HEARING MEMORANDUM OF
MIDDLE RIVER HOBBIES, LLC**

OFFICE OF ADMINISTRATIVE HEARINGS

Middle River Hobbies, LLC ("Middle River"), by its undersigned counsel, hereby submits this Post Hearing Memorandum in support of its Petition under Section 500.7 of the Baltimore County Zoning Code to determine whether the holding of temporary outdoor model car racing on specific dates in the shopping center parking lot servicing 164 Carroll Island Road constitutes an accessory use to Middle River's hobby shop located at the same location. As stated under section 100.1, the zoning ordinance is promulgated "[f]or the purpose of promoting the health, security, comfort, convenience, prosperity, orderly development and other aspects of the general welfare of the community, zones are intended to provide broad regulation of the use and manner of use of land, in accordance with comprehensive plans." We should not abrogate the free use of land. County Comm'rs v. Zent, 86 Md. App. 745 (1991).

Background

At the hearing on this matter evidence was provided to evaluate the temporary model car racing as an accessory use. We submit this evidence here.

Mr. Ross operates a hobby shop known as Middle River Hobbies at 164 Carroll Island Road. The shop is a retail store of approximately 7000 square feet contained within a strip mall

type facility. The retail store is located in a 17-acre center at the head of the Bowleys Quarters peninsula. The zone is B.L. (Business-Local). The retail store sells numerous hobby items, but specializes in model remote control merchandise. In addition to the 7000 square foot shop, Middle River has also secured the use of another space in the shopping center of approximately 12,000 square feet. Therefore, the total indoor space of the hobby shop is approximately 19,000 square feet.

Mr. Ross coordinates temporary outdoor model car racing adjacent to his store. The activity is seasonal from approximately April to September, weather permitting. Events take place on once a week Saturday or Sunday running from the morning until the late afternoon. Average attendance at the events is about 30 to 50, including children and adults of all ages. The area used for the temporary outdoor model car racing is contained within an approximately 9000 square foot area of the existing shopping center parking lot. The model cars are bound mostly by existing parking lot curbs while select turns are marked by temporary PVC-type tubing. Parking for the shopping center serves as parking for the event participants and spectators. It is common for participants to set up portable, temporary 10' X 10' tents for protection from the sun. The temporary model car racing allows for customers of Middle River Hobbies to practice and test merchandise purchased at the store. The outdoor location allows for community and family enjoyment at a comfortable venue.

Definition of Racetrack

People's Counsel suggested at the hearing that Middle River's temporary use of the parking lot for model car racing constitutes a racetrack. Unfortunately, the Baltimore County Zoning Regulations provide no specific definition of "Racetrack." Further, the definition of

“racetrack” provided by Webster’s Third New International Dictionary as “a usually oval course over which races are run esp.; a dirt track for flat or harness races” does not appear to be helpful in this context. Under this broad brush definition, any time a group of children run around a neighborhood yard or ride bikes in a driveway in a test of speed could result in the property owner being cited for operating an illegal “racetrack.” One can hardly conceive of the County intending such a result.

Therefore, we must look to the overall intent and spirit of the zoning regulations. The BCZR Section 100.1 definition of “commercial recreational facilities” specifically limits a commercial recreational facility to not include a go-cart course. While it is apparent that a go-cart course maintains a closer connection to a traditional vehicle racetrack than model car racing, the drafters of the zoning regulations found it necessary to specifically distinguish a go-cart course. This is indicative of a view that a go-cart track is something distinguishable and less than a “racetrack” as meant under the zoning regulations. If the zoning regulations did not intend to define a go-cart course as a racetrack, then certainly a model car racing course would likewise not be a racetrack.

Accessory Use

We address the contention that the temporary outdoor model car racing is not an accessory use to the principal use of the subject property as a hobby shop. The People's Counsel suggested at the hearing that temporary outdoor model car racing is neither a specifically permitted nor conditional use in the B.L. zone. The rationale follows that use not specifically enumerated or allowed by a conditional use is not permitted. People's Counsel relies on *Kowalski v. Lamar* 25 MD. App 493 (1975), however, *Kowalski* was decided without

consideration of an accessory use as the evidence, "[t]he record here unequivocally establishes that the subject property is vacant, contains no buildings or structures, is not served by water or sewer facilities, and is not equipped with any electrical service. It has no use other than those authorized and permitted by the owner, all of which are associated with the berthing, storage, maintenance and launching of boats, as well as the fishing activities previously described. Thus, the record establishes that at the present time the only uses of the subject property are the uses of which the appellant complains. Under these circumstances such uses constitute the main or principal uses of the subject property. They do not and cannot fall within the ambit of the definition of an accessory use." Id. at 500.

Under the ordinance, accessory uses or structures are permitted in the B.L. zone. People's Counsel pointed out at the hearing that the examples contained in Section 230.1.A.11 of an accessory use does not include model car racing¹ and, therefore, suggests that such use is prohibited. To accept the argument of the People's Counsel, we must conclude that, because Baltimore County did not include temporary model car racing or any other use in the "including" portion of Section 230.1.A.11, it intended to prohibit such uses in the B.L. zone. Our goal in construing a zoning ordinance is to discover legislative intent. The People's Counsel's construction of the ordinance runs counter to the settled rule that an accessory use need not derive from the express terms of the ordinance; an accessory use is implied as a matter of law as a right which accompanies the principal use. 2 Arden H. and Daren A. Rathkopf, *The Law of Zoning and Planning* 23.01 at 23-6 (4th ed. 1985). The proposition is stated as:

¹ Section 230.1.A.11 states that "Accessory uses or structures, including signs (See Section 450), garages and parking spaces for the use of owners, employees, tenants and invitees. A maximum of six coin operated children's rides are permitted as an accessory use."

The term accessory use as used by the courts may be predicated upon the specific provision relating to accessory uses found in the ordinance, or may be based upon the concept that whether or not the ordinance provides for accessory use, the litigated use is one so customarily incidental to the principal use of the zoning lot that it is, as a matter of law, a part of the permitted use. *Ibid.* In *County Comm'rs v. Zent*, 86 Md. App. 745 (1991), "[t]he Court of Appeals, in discussing zoning ordinances generally, has said:

Such ordinances are in derogation of the common law right to so use private property as to realize its highest utility, and while they should be liberally construed to accomplish their plain purpose and intent, they should not be extended by implication to cases not clearly within the scope of the purpose and intent manifest in their language." *Landay v. Bd. of Zoning Appeals*, 173 Md. 460, 466, 196 A. 293 (1938) (citation omitted, emphasis added). See also *Aspen Hill Venture v. Mont. Co.*, 265 Md. 303, 313-14, 289 A.2d 303 (1972); *Canada's Tavern, Inc. v. Glen Echo*, 260 Md. 206, 218, 271 A.2d 664 (1970); *Gino's of Md., Inc. v. Mayor of Baltimore City*, 250 Md. 621, 642, 244 A.2d 218 (1968); *Accord Borough of Northvale v. Blundo*, 85 N.J. Super. 56, 59, 203 A.2d 721 (App.Div. 1964) (even if the zoning ordinance does not speak "in terms of a use accessory to the residence use, an accessory use must ordinarily be implied — as a matter of law — as a right which accompanies the principal use")

It is significant that the zoning ordinance provides a general definition of an "accessory use" as one which is: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served. Inclusion of this definition suggests that Baltimore County intended to extend permitted accessory uses beyond those itemized in the B.L. zone, provided that the proposed use satisfies the four prong test under the definition. A determination otherwise renders the general

definition of accessory use superfluous. While no relevant MD cases address this specific issue, the Supreme Court of New Jersey addressed a similar zoning ordinance in *State v. P.T. & L. Constr. Co.*, 77 N.J. 20, 24-26, 389 A.2d 448 (1978). Plaintiff sought plan approval for the installation of a heliport as an accessory use to its construction company headquarters. The zone permitted accessory uses if the use was customarily incident and subordinate to the permitted use and not in violation of the provision "set forth herein." *Id.* at 25, 389 A.2d 448. The ordinance stated: "the following accessory uses are permitted, " and itemized eleven specific accessory uses. Heliports were not included on the list although they were permitted in other zones as permitted uses. *Ibid.* The municipality advanced the same argument as People's Counsel, that all uses not expressly permitted in the zone are prohibited in that the list of accessory uses specified in the zone is exclusive. *Id.* at 26, 389 A.2d 448. The Court found in favor of the applicant's contrary argument that the allowance of accessory uses in general terms was intended to extend beyond the eleven specific uses enumerated. The Court said, "that under the borough's proposed construction of the ordinance the introductory proviso alluding to 'customarily incident' accessory uses would be meaningless as mere surplusage." *Ibid.* The Court found:

The argument goes on to aver that the itemization of specific accessory uses was intended only to provide examples of valid accessory uses for the ease of administration of the ordinance. This is persuasive. Otherwise any number of other uses, unquestionably incident to the main use as a matter of custom or convenience, would automatically be disqualified. [*Ibid*]

We find the same issue here, the definition of accessory use in the ordinance would be irrelevant if only permitted and itemized accessory uses are allowed. We contend that a variety of accessory uses may be permitted as a matter of law.

As stated above, the ordinance provides a general definition of an "accessory use" as one which is: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served.

There is no dispute that the temporary model car racing events are held on the same lot as the hobby shop. The temporary model car racing contributes to the comfort, convenience and necessity of the hobby shop and its customers. The temporary model car racing is customarily incident and subordinate to Middle River Hobbies. The temporary racing operation is held seasonally, only on the weekends. Its use is subordinate. The temporary model car racing operation is subordinate in size, extent or purpose to Middle River Hobbies. As stated above, Middle River occupies approximately 19,000 square feet of indoor space at the shopping center. This is significantly larger in size than the outdoor area 9000 square feet.² In addition the purpose of the temporary model car racing is to provide a venue for customers to test, utilize and view merchandise subordinate to the principal use of Middle River Hobbies of selling merchandise. The extent of the temporary model car racing is limited temporarily from April to September and only on weekends during daylight hours. The extent is, therefore, subordinate.

As noted in *County Comm'rs v. Zent* 86 Md. App. 745 there is a dearth of case law in Maryland dealing with accessory use. There the Court relied upon cases from other jurisdictions

² While People's Counsel suggests that the size of the accessory use is substantially larger due to the "parking area" used, it should be noted that said parking area is a parking lot. In other words, the participants are parking vehicles in an area specifically designated as a parking lot. Middle River would note that a parking lot is a permitted use in a B.L. Zone.

to find the storage of decommissioned vehicles an accessory use to a dairy farm. Id. We rely on Zent in determining the appropriate application of the four-prong test to characterize an accessory use. The storage of decommissioned vehicles encompassed a significant area of the property but was found an accessory use. Additionally, it was without question that, had the decommissioned vehicles been stored on an alternate location not affiliated with the dairy farm, the storage of the vehicles would have been prohibited as a salvage yard which was not permitted under the zoning regulations applicable in Zent. However, the fact that the storage of the decommissioned vehicles was specifically to service the dairy farm made it an accessory and, thus, permitted use.

Because an accessory use must be “incidental and subordinate” to the principal use, the magnitude of the principal use must be greater than that of the accessory use. The principal use must be proportionally larger, or more important, or more functionally central, than the accessory use. There is no “bright line” standard as to when an accessory use becomes so large or so important as to veer into the territory of “principal uses.” See, *National Cathedral Neighborhood Ass’n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000) (83,160 square foot athletic facility was found an accessory use to a school); *Simmons v. Zoning Board of Appeals of Newburyport*, 60 Mass. App. Ct. 5 (Mass. 2003) (owning and stabling three horses was an accessory use to a residence).

The temporary model car racing meets all of the requirements of an accessory use and as a matter of law should be deemed a permitted use in the B.L. zone.

Adverse Land Use Impacts

People's Counsel asserted several particular adverse land use impacts at hearing. Mr. Arnold testified relating to noise impacts from the engines. However, it is clear due to the earlier

Code Enforcement proceeding that Baltimore County Code Enforcement visited the site and noted adverse noise impacts. There is no denying remote car racing creates noise, but the determination of whether that noise rises to the level of nuisance was investigated by the Baltimore County office of zoning and was found to be incidental. Further, Mr. Arnold presented evidence through the video of an actual model car event held at the property of the noise level created by the model car racing. A review of the video revealed that the noise produced by the model cars was minimal. In fact, during the video it was easy to discern spectators holding normal conversations and birds chirping as the model cars operated. If continued noise complaints from a single resident are an obstacle to the acceptance of temporary model car racing, a response could be permissible time restrictions on the permitted accessory use, but not denial.

The issue of traffic congestion was also discussed at the hearing. However, based on the evidence presented, it appears that this was a single event. Further, evidence was presented as to Middle River's actions to remedy this issue. Lastly, evidence as to the lack of portable bathrooms at this site was presented, as was evidence that bathroom locations inside the hobby shop are used by attendees. We need not downplay these as potential issues, they are. They are also curable issues and should not restrict the free use of land.

Conclusion

Respectfully, Middle River Hobbies, LLC requests that the temporary outdoor model car racing meets the stipulations of an accessory use under the zoning ordinance and should be permitted in a B.L. zone.



Louis E. Grenzer, Jr.
Bodie, Dolina, Hobbs, Friddell & Grenzer, P.C.
305 Washington Avenue, Suite 300
Towson, Maryland 21204
(410) 823-1250

Certificate of Service

I HEREBY CERTIFY that on this 8th day of August, a copy of the foregoing Entry of Appearance was mailed to Peter Max Zimmerman, People's Counsel for Baltimore County, Jefferson Building, Room 204, 105 West Chesapeake Avenue, Towson, Maryland 21204, Kevin Arnold, 210 Bowleys Quarters Road, Baltimore, Maryland 21220 and Carroll Island Associates, 601 E. Pratt Street, 6th Floor, Baltimore, Maryland 21202.



Louis E. Grenzer, Jr.

Kevin Lee Arnold
210 Bowleys Quarters Road
Baltimore, MD 21220
410-274-1993

August 8, 2014

Honorable Judge John Beverungen

RECEIVED

AUG 08 2014

RE: Case # 2014-274-5PH

OFFICE OF ADMINISTRATIVE HEARINGS

Honorable Judge John Beverungen

I would like to recap on several issues that were discussed during the Zoning hearing on August 1, 2014

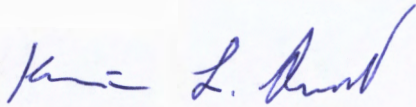
1. The Race Schedule is not from May to August. It is from April thru September.
Exhibit 1
2. Each weekend day of racing lasts approximately 10 hours (8:00AM – Sundown)
3. Food and beverages are served **Exhibit 2**
4. The Race track does not seem to be an accessory of Middle River Hobbies. Another business owner John Baierlein of “Johns RC Raceway” **Exhibit 3** sets up the track and runs the Races. Mr. Baierlein and Mr Ross are currently advertising that until a final Zoning decision is made the RC Racing will be held at the WalMart parking lot in Glen Burnie. Even though this is not Baltimore County one would only assume the proper permits and zoning laws should be followed. With that being said why are they not following the proper laws in Baltimore County?
5. The majority of the participants at the zoning hearing have mailing addresses from Glen Burnie, Pasadena, and Howard Co. (Johns RC Raceway address is Glen Burnie, MD). Why are they not racing in Glen Burnie? It only makes sense that is a much shorter distance to drive.
6. My understanding is Non-profit means making no profit. Middle River Hobbies is not a Non Profit Business and Johns RC Raceway does not advertise as non profit. How are cash races Non Profit?
7. There are no proper bathroom facilities. There have been several incidents of people urinating and defecating in the grass area beside and behind the parking lot
8. If this Racing gets any bigger there will be no room for customers of the Carroll Island Shopping Center.

9. Mr. Weber (Manager of Carroll Island Shopping Center, Cordish Co.) stated to me that there were letters written to the Cordish Co. and County Executive Kevin Kamenetz office about the disturbance and congestion the RC Racing was causing in the shopping center parking lot. Does County Executive Kevin Kamenetz or Cordish Co. still have these letters and why did they not come forward with them.

Honorable Judge John Beverungen, I am a small business owner following all Zoning laws and fees to the best of my knowledge. If you decide in favor of the RC Racing to continue in the Carroll Island Shopping Center I request that a legal ten foot buffer (according to Zoning Laws) be placed between my property and the Carroll Island Shopping Center parking lot before any racing may continue.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin L. Arnold".

Kevin Arnold

EXHIBIT 1

Firefox File Edit View History Bookmarks Tools Window Help Wed 8:36 PM Cheryl Arnold

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www.rctech.net/forum/attachments/racing-forum/1170467d1393295053-johns-mobile-rc-raceway-road-2014-schedule-s

Most Visited Getting Started Affordable Medic... The PET/CT Train... McKesson Supply... Office Depot: Off... ACR AMERICAN C... Staples Advantage Payroll Office - P...



John's Mobile R/C Raceway

2014 Schedule

**Location 164 Carroll Island Rd
Middle River, Md 21220
In front of Middle River Hobbies**

Set-up 9am registration 10:00 am to 11:30 noon Racing starts at 12:00 pm

April 5th - test and tune April 12th- test and tune April 19th - points April 26th Cash Race 1/10 Nitro cars May 3rd - points May 10th - points May 17th - Cash Race 1/10 mod and 17.5 May 24th points May 31st - club June 7th TCS warmup June 8th TCS Race June 14th - points	June 21st - points June 26th - Cash Race VTA/ F1/ Mini cooper July 5th - points July 12th - points July 19th Charity Race at Walmart Hanover MD July 26th points final Aug 2nd - club Aug 9th - Club Aug 16th - Club Aug 23rd - Bridget Battle Aug 30th - Club Sep 6th - Club Sep 13th - Club Sep 20th - Cash Race 1/10 Nitro cars sep 27th cook out last race
--	---

Nine points races we will have 2 Throw-out's
Must have 5 or more cars per class and must run
more than half of point races to get awards for
that class

Email johns_mobile_rcraceway@yahoo.com
find us at Facebook.com /johnsRCraceway

Classes: Mini cooper /F1 / VTA /Nitro sedan
17.5 / 16od / 23.3 spec SCT 2x2/ SCT 4wd / Nitro Truck
maximum of 4 cars 10 run per class

Cost
First entry \$15.00
Second entry \$10.00
Third entry \$10.00

Mac OS X dock with various application icons.

EXHIBIT 2

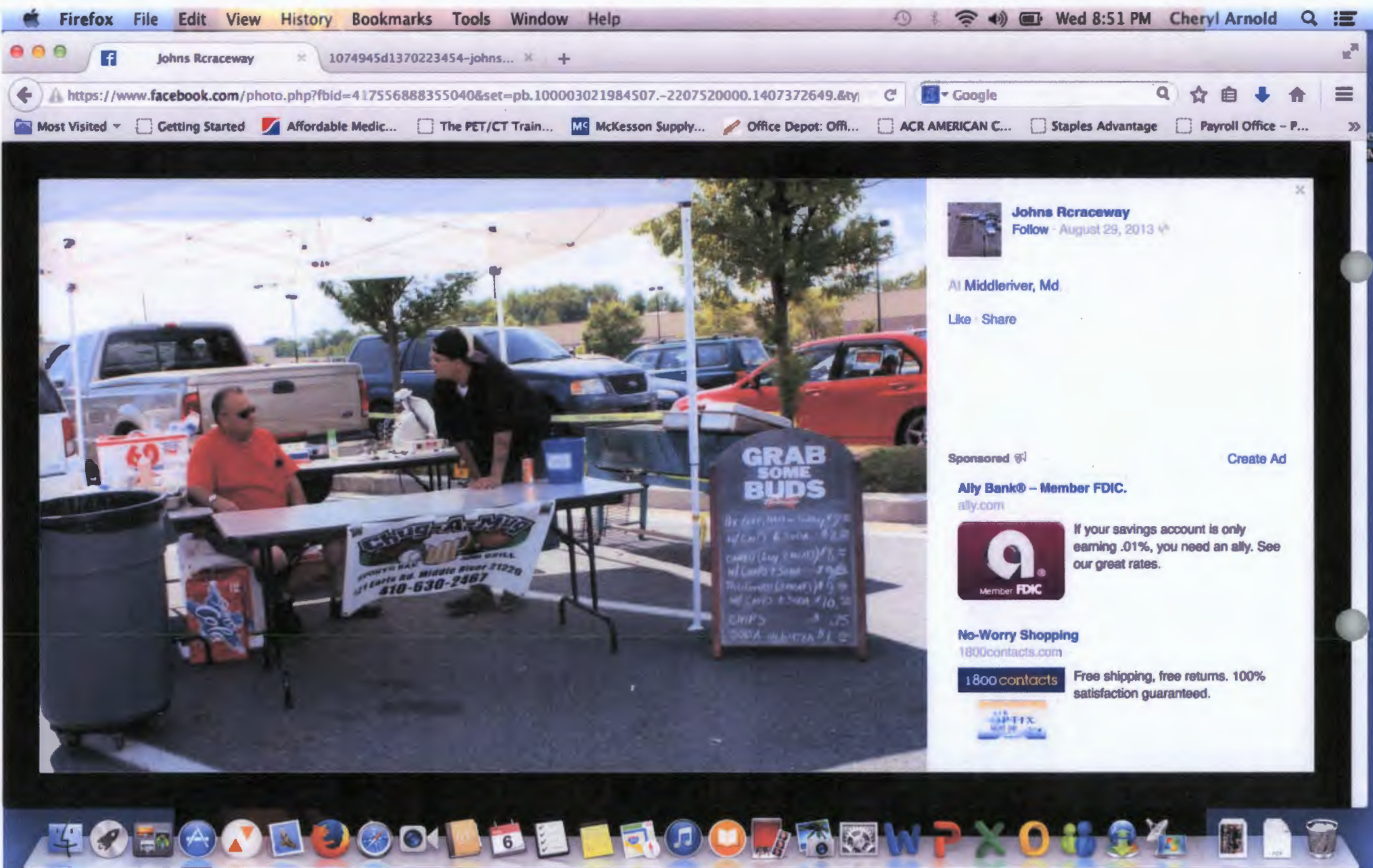


EXHIBIT 2

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EXHIBIT 3

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Mac OS X dock with various application icons including Safari, iTunes, and Finder.

8/5/14

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
164 Carroll Island Road; SW/S Carroll Island *
Rd, 581' S of Carroll Island Rd & 436' * OF ADMINISTRATIVE
from Bowleys Quarters Road * HEARINGS FOR
15th Election & 6th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Carroll Island Associates *
Contract Purchaser(s): Middle River Hobbies *
Petitioner(s) * 2014-274-SPH

RECEIVED

AUG 05 2014

OFFICE OF ADMINISTRATIVE HEARINGS

* * * * *

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY'S
POST-HEARING MEMORANDUM

Hobbie Guyz, LLC t/a Middle River Hobbies' petition is for a special hearing:

"For approval of temporary outdoor model car racing, on specific dates, in the shopping center parking lot, as an accessory use to a hobby shop."

The location is Carroll Island Shopping Center, a 17-acre center at the head of Bowleys Quarters peninsula. It is anchored by a Wal-Mart, and there is a strip of stores, including the hobby shop known as Middle River Hobbies. The zone is B.L. (Business-Local).

This case sparked our attention for a number of reasons. To begin, it is a case of first impression in Baltimore County concerning the zoning of a use involving an on-road racing operation for radio-controlled or "R/C" cars. Indeed, the evidence is that this is the only one of its kind currently operational in Maryland. It also turns out, so far as we can tell, that there is no reported judicial opinion on this exact type of use. The closest we can find are cases involving midget racing, snowmobiles, motocross, and ATVs.

The case also sparked our attention because, under the zoning regulations, the most accurate description of the use appeared to be a "racetrack" or possibly a "commercial recreation facility." Neither of these are permitted in the B.L. Zone. We had in mind the description of the course for racing model cars and common English language usage. We also noted the petition's reference to "model car racing," the site plan description of "Portable R/C Model Race Track," and the freestanding sign for "Middle River Hobbies and Raceway." In this context, a petitioner is ordinarily bound by its petition. People's Counsel v. Mangione 85 Md. App. 738 (1991). It is also

noteworthy that Kevin Arnold subsequently submitted copies of the 2013 and 2014 schedules for "John's Mobile R/C Raceway."

Nevertheless, as Judge Beverungen observed at the August 1, 2014 hearing, where a use is not defined in the regulations, BCZR Section 101.1 directs us to Webster's Third New International Dictionary. So, we will assume for the sake of argument that the petitioners' own description is not binding. We shall take an objective look at the facts, apply the dictionary definition, and try to identify the use as accurately as possible.

Correlatively, the case also sparked our attention because, whatever name we assign to the use, its character, size, and scale are such as to take it way beyond any reasonable description of an "accessory use," whether to a hobby shop, shopping center, or anything else.

The background and provenance of the petition were also noteworthy. Kevin Arnold, who resides and operates a marine repair business at 210 Bowleys Quarters Road immediately adjacent to the racing operation, filed a zoning complaint. Eventually, county zoning inspector Joshua Homan inspected the operation and issued citations. There followed negotiations between Assistant County Attorney Brady Locher and Hobbie Guyz, LLC's then attorney, Andrew Grenzer. Gordon Ross was and is the principal owner of Hobbie Guyz.

There was a July 2, 2014 hearing before ALJ Lawrence Stahl. The parties advised him they were in negotiations. This led to a July 9 Settlement Agreement, and a July 15 Order by Judge Stahl, accepting and incorporating the Agreement.

As part of the Agreement, Hobbie Guyz, LLC agreed to file a zoning petition. They actually filed this petition on June 17, while negotiations were apparently ongoing. Ironically, despite the issuance of zoning citations by the enforcement division, it appears that county zoning office staff helped Gordon Ross to fill out the zoning petition and come up with the idea of an "accessory use." This reflects the inclination of cooperative staff to assist property owners if at all possible, in contrast to the approach of the enforcement division to try to understand and evaluate complaints.

In any event, regardless of these mixed messages from different county divisions, the task before us is to perform an objective legal analysis.

Consistent with our view of the case's importance, we submitted a letter dated July 24, 2014 expressing our preliminary thought process. After that, under the circumstances, we thought it would be fair and reasonable to attend the August 1, 2014 hearing, consider the facts presented by petitioners, ask questions, and present such facts as we could briefly assemble, including online research on R/C Car activities and racetracks. While we had fairly strong views that the use amounts to a racetrack and, by whatever name, is not an accessory use, we approached with an open mind to listen to all the witnesses.

With the hearing now complete, and expanding on our comments at the end of the afternoon, we submit this memorandum. We still submit the most accurate description of the use is that it is a type of racetrack use, although we shall consider other possible names. We also submit that whatever name is assigned to the use, it does not qualify as an accessory use because of its character, size, scale, and problematic aspects.

The public interest in the case has increased as the case evolved. The scope of review spans several levels. On a global level, if we can call it that, the case is a kind of laboratory for the legal process to identify and name controversial zoning uses and evaluate whether they amount to principal or accessory uses. In contrast, on the most specific level, we focus on the actual use in the Carroll Island Shopping Center. But the evaluation of the specific use must not lose sight of the context. There must be an evaluation of how this use fits generally in relation to shops, shopping centers, and the B.L. Zone. There also must be kept in mind, in relation to all these issues, the extent to which it is relevant that this type of use is problematic – not only in the situation here, but also as a general matter.

These questions are interrelated. Nevertheless, in the interest of an organized presentation, we shall divide our discussion according to the following questions:

1. Conceptually, what is the proper way to identify and name the use, what is the relationship of the name to differentiation of principal and accessory uses, and what are the criteria for evaluating the differences?

2. What use best describes, identifies, and names the R/C model car use here, and what are the consequences, if any, for its status as principal or accessory?
3. How does the on-road R/C car use fit generally in the B.L. Zone?
4. What is the relevance of the intense and problematic nature of the use?

I. Identification and Naming of the Use, and the Consequences

"Tse-Lu said, 'The ruler of Wei has been waiting for you, in order with you to administer the government. What will you consider the first thing to be done?'"

"The Master replied, 'What is necessary is to rectify names ... If names be not correct, language is not in accordance with the truth of things. If language be not in accordance with the truth of things, affairs cannot be carried on to success.'" Confucius, Analects, Book 13, Verse 3

As noted in our July 24, 2014 letter, the structure of the zoning law is based on the enumeration and listing of named uses permitted by right or special exception. BCZR Section 102.1; Kowalski v. Lamar 25 Md. App. 493 (1975); People's Counsel v. Surina 400 Md. 662 (2007). As Judge Rita Davidson explained,

"These sections established that the only uses permitted in the R.D.P. zone are those designated as uses permitted as of right and uses permitted by special exception. Any use other than those permitted and being carried on as of right or by special exception are prohibited." 25 Md. App. at 498.

As a framework for identification and naming of uses, BCZR Section 101.1 includes definitions of specific uses. It includes, among other things, a general definition for "Accessory use or structure," quoted in our July 24 letter. There is also a definition of "Principal use," which is simply: "A main use of land, as distinguished from an accessory use."

Inevitably, there are many uses for which BCZR Section 101.1 does not provide a definition. As the judge observed at the conclusion of the hearing, the law then refers us to Webster's Third New International Dictionary. There is no BCZR Section 101.1 definition of racetrack, so we shall go to the dictionary to see how it applies. We shall also consider other potential names. It is our view that every use must first be named as accurately as possible.

Then, there is the matter of differentiating principal and accessory uses. Every zone in the Baltimore County Zoning Regulations begins with an identification of principal uses. The B.L. zone follows this pattern.

It may be overlooked, however, that almost every zone also includes a listing of specific accessory uses. The B.L. Zone is one of these zones.

We shall evaluate the B.L. Zone situation more specifically in our discussion of this particular racing activity. At this juncture, we shall add context by surveying the treatment of accessory uses in other zones.

The R.C. 2 (Agricultural) Zone lists eleven specific accessory uses or groups of such uses in BCZR Sec.1A01.2.B.9.; the R.C. 3 Zone, eight, BCZR Section 1A01.2.A.12; the R.C. 4 and R.C. 5, Zones, seven, BCZR Sections 1A03.3.A.9, 1A04.2.A.11; the R.C. 6, R.C. 7, and R.C. 8 Zones, six, BCZR Sections 1A07.3.A.7, 1A08.3.A.7, 1A09.3.A.7; and the R.C. 20 and R.C. 50 Zones, three, BCZR Section 1A05.2.F. Interestingly, the R.C.C. (Rural Commercial) Zone lists six types or groups of accessory commercial uses, including intermittent outdoor sales. BCZR 1A06.2.C.

The Density-Residential (D.R.) Zones also list seven specific accessory uses. BCZR Sec. 1B01.1.A.18. The R.A.E. 1 and R.A.E. 2 (Residence, Apartment, Elevator) Zones also list specific accessory uses. BCZR Sections 200.2.A.5, 201.2.A.5.

The O.R. 1 (Office-Residential) Zone lists six “accessory commercial” uses within buildings by right and three by special exception. BCZR Sec. 205.3.A.3, 205.3.B.2. The O.R. 2 Zone also lists accessory uses. BCZR Sections 206.3.A.3, 206.3.B.2, with the O-3 (Office Park) Zone incorporating them as well in BCZR Section 207.3. The O-T (Office and Technology) Zone lists accessory uses in BCZR Section 209.3.B. The S-E (Service-Employment) Zone lists accessory uses in BCZR Section 210.3.C along with “auxiliary commercial and retail” uses in BCZR Section 210.3.D. The C.B. and B.L.R. Zones (Community Business and Business Light Restricted) list “customary accessory uses” in BCZR Sections 229.A.3 and, by incorporation, 229.5.A.

The M.L.R. (Manufacturing-Light-Restricted) Zone lists limited accessory uses in BCZR Section 248.1.A.4. The M.L. Zone lists auxiliary retail or service uses by right in

BCZR Section 253.1.C. Interestingly, it permits as a temporary use a carnival for no more than 90 days. BCZR Section 253.1.D. The M.L. Zone goes on to list eight accessory uses. BCZR Section 253.1.F. It is also noteworthy that the M.L. Zone allows ten interim uses by special exception, including amusement parks and racetracks. BCZR Section 253.2.C. It also allows as a miscellaneous use commercial recreation facilities. BCZR Section 253.2.D.

In addition, BCZR Section 400.1 provides the more generic coverage of accessory uses in residential zones (including D.R. and R.C. Zones by BCZR 101.1 definition), which usually applies to garages, sheds, swimming pools, and the like.

Remarkably, in 2011, for the modest use of “in-law apartments,” it took legislation by the County Council to allow a temporary use for accessory apartments in dwellings or detached buildings. Bill 49-2011, BCZR Section 400.4

To conclude this conceptual discussion, we believe that the first task in this case is to identify and name the use. The next task is to determine whether it is principal or accessory. If a use accurately fits within a use identified as a principal use in various zones, then it is likely a principal use in most cases. However, there may be uses which, depending on character, size, and scale, may arguably be principal uses in some circumstances but accessory uses in others.

To illustrate, if the judge agrees with our view that this is best described as a racetrack use (despite indication otherwise toward the end of the hearing), it is still necessary to evaluate this particular use. The treatment of racetracks as principal uses by special exception in the B.R., and M.L. zones indicates strongly that these ordinarily are principal rather than accessory uses, but we must still analyze the issue in depth.

II. Naming the R/C Car Use, and Determining if it is Accessory

a. Use Identification, the Naming Problem

The material facts about basic use are mostly not in dispute. There is some debate about the impact of the use, primarily of degree.

As Mr. Ross agreed, and is corroborated by the Wikipedia entry, model car racing began to take a significant place in the culture about fifty years ago. There are now

various types of tracks -- off-road and on-road, carpet, dirt, clay, or asphalt, varying in size, configuration, and location --- all around the United States and the world. Some may be in shopping centers, but there is no survey in evidence to give statistics.

There is a national organization called ROAR (Remotely Operated Auto Racers). Hobbie Guyz is a member in Region 2. There is an international organization called IFMAR (International Federation of Model Auto Racing). ROAR is one of the four blocs. The IFMAR website has multiple links, including a detailed set of rules.

Before setting up the current track in 2013, Hobbie Guyz and Gordon Ross previously ran a dirt track about 1200 feet away, across several roads. Before that, he conducted drag racing in Eastern Regional Park. We printed excerpts from YouTube videos to provide photographic evidence of the earlier activities.

The hobby shop is about 7000 square feet, .16 acre, with a product/sales area in front and an off-road carpet track in the rear. At least sixty feet away, at its closest point, is the outdoor R/C activity area.

The activity is seasonal, so far approximately April to September. The races take place on Saturdays. From setup of the course to the races to the closing down, the activity takes place from early in the morning to late in the evening, as the days lengthen. There was some debate about the precise opening and closing times. The average attendance has been about 30, with as high as 50.

The "model race track" area is an oval of about 150 feet x 60 feet (9000 square feet) and a tent area for parking, support, and attendant uses of about 120 feet x 60 feet (7200 square feet). Given the internal configuration of the course, the cars likely run well over 300 feet to complete a lap. There is a pit and intermediate area between the track and the tents. There is also a perimeter which includes a modest stand. If we begin with the track and tent areas, the 16,200 square feet calculates to .37 acre. If we add the areas in between and around, it is probably close to a half an acre. This does not count the fact that participants may park in surrounding areas.

The track has a starting line and finish line. The outside boundary is marked mostly by parking lot curbs. There is pvc set down to mark the turns. There are wooden

ramps or hills. There is a public address announcer to help manage starts, finishes, and rules issues. There is a computer timing mechanism. There are stands, however moderate or modest in size, for spectators.

The activity involves model car races of different classes and types of "hobby-grade" cars. Races often resemble tournaments in which many contestants pair off and the winner of each heat advances to the next round until there is a final and a champion. There are moderate entry fees for each race, and the award of prizes.

Mr. Ross said that many participants are customers of his hobby shop, but acknowledged that anyone can participate, no matter where they got their R/C car. As noted, this is the only such on-road track in Maryland. Enthusiasts come from many places in the region to compete, attend, and volunteer. There is advertising of the racing schedule and events.

The unmanned R/C cars are remote-controlled. Around the course, the owner of each car exercises control with electric or mechanical controllers. The cars have engines which may be electric or "nitro" (internal combustion, gasoline). The cars can achieve significant speeds, up to forty miles per hour according to Mr. Ross. The nitro engines produce the most noise.

There was debate about engine noise levels and about crowd noise and behavior. Kevin Arnold complained not just about the sound, but also the content of arguments. There was also the matter of the PA system and music. He found the impact so great that he could not enjoy his residence, even when he closed his windows.

At this particular location, there has also been a traffic congestion problem. The track adjoins the entrance to the shopping center nearest to the strip of stores. There was no dispute that some drivers rubberneck at the entrance to watch the races. Cars then back up on Bowleys Quarters Road. Mr. Ross set up signs to tell drivers to move on. There was debate about their effectiveness.

There are no portable bathrooms at this site. Gordon Ross said the attendees use the bathroom in the hobby shop. Kevin Arnold said they sometimes use the bushes near his residence.

Mr. Ross and Mr. Arnold submitted photographs, so the record shows a good array of the activities and the operation. They also show the proximity of Mr. Arnold's property. As Mr. Arnold said, the track is within three feet of his property and very close to his dwelling. There was also shown an Iphone video on a laptop computer, which reflected the type of engine sounds, although not to the scale of the volume in the field.

This brings us to the matter of identification and naming the use. We already noted petitioners' own consistent and multiple descriptions of the use as "racing" (the petition), "model car race track" (the site plan), "raceway" (the sign and schedules).

Webster's Third New International Dictionary defines "racetrack" as

"a usu. oval course over which races are run *esp.*; a dirt track for flat or harness races."

In turn, the word "course" is defined in multiple ways, among which are:

"1 a: the act or action of moving in a particular path from point to point

* * *

2 : the path over which something moves or the way which something extends : the line or way described by some progression, motion, or series : the direction taken or the ground traversed ; TRACK, WAY ... as a : RACECOURSE"

We add that the definition of "track" includes the following:

"1 c : a way or road constructed and maintained for a specific purpose : as (1) a path laid out *esp.* for racing or exercise"

The definition of "race" is in great detail and is consistent with the above definitions.

The use here plainly fits the racetrack definition. It is "an oval course over which races are run." It fits the definition of "course" as well. Moreover, there is no doubt that it involves racing, and that the racing area meets the definition of "track."

At the conclusion of the hearing, the judge made inquiries or observations about aspects of the use here which differ from some racetrack uses. Let us discuss them.

There was the question of "structure." It is debatable whether a "structure" is necessary to lay out a course. But even if we assume it to be necessary, there is "structure" here. The definition of the word "structure" has many parts. Among them are:

"2 b something made up of more or less interdependent elements or parts : something having a definite and fixed pattern of organization (leaves and other complex

plant ---) (a glandular ---- at the base of the brain) ... (any object which is in some sense an organized whole is said to have, or to be characterized by ---)

4: the arrangement of particles or parts in a substance or body”

Suffice it to say that the definition is quite broad. Here, while the existing curbs of the parking lot constitute a substantial part of the racetrack boundary, they still form part of the structure of the racetrack, which also includes internal pvc barriers, ramps, and start and finish lines. There are also the tent and pit areas. In sum, there is structure to this use.

Indeed, that the on-road course is completely outside, standing alone, rather than in a stadium or building structure, adds to its problematic nature, as discussed below. In contrast, the indoor off-road carpet racetrack inside the hobby shop does not present such problems.

Analogously, BCZR Sec. 431, which regulates commercial vehicles on residential property, allows certain vehicles if parked within a fully enclosed structure, but allows them outside only under strict limits. The point is that the absence of a building enclosure is not a favorable factor for the use here.

It was also brought up that the R/C cars are unmanned. But there is nothing in the definition of racetrack which requires that racers be manned or involve animals such as horses or dogs. Indeed, R/C cars are still called cars, even though the traditional car has a human driver. In an analogous context, drones are types of aircraft:

“3 a a pilotless airplane remote controlled by radio signals b a seagoing ship remote controlled by radio”

The subject of the intermittent or periodic timing of the use also came up. But there is nothing in the racetrack definition which requires racing every day. Indeed, most racing as well as other athletic and entertainment events are of an occasional or periodic nature. The problem is that, however intermittent, these uses tend to be highly intense for a variety of reasons.

Whether track and field, horse racing, or other events, they may take place from time to time. Many outdoor running races have courses or paths without significant structural boundaries, whether inside a stadium or cross-country or marathons. Marathon

courses may be set up temporarily without major structures annually. There are intermittent music concerts at some outdoor venues, where there may be a setup for a particular event. They may be in amphitheatres with temporary stages, for example. At the annual Maryland State Fair, there is harness racing for only a couple of weeks at most. Another example would be outdoor event venues for parties and weddings of an occasional nature. These are still significant land uses.

So, having considered all these aspects of the situations, we come back to the point that the Webster's Dictionary definition confirms and corroborates that the use is what we thought it was and what it has been called, namely, a racetrack.

Furthermore, if it is not a racetrack, then what is it? In theory, we might call it a commercial recreation facility. But the BCZR Section 101.1 definition excludes go-cart tracks. In light of the applicability of the racetrack category, we must eliminate this use. Anyway, it is not permitted in the B.L. Zone.

If the use is to be permitted at all, we must give it a name. We cannot find any other use, whether listed as a principal or accessory use, which fits the R/C model car racetrack. We would have to make up a new name, such as gathering place or event venue. These names candidly do not seem satisfactory, and they are nowhere found in the zoning regulations.

This concludes our analysis of the identification and naming of the use. Having concluded it is a racetrack, we proceed to analyze whether it is a principal or accessory use. Conservatively, we shall do the analysis on the alternative assumption that the judge may nevertheless conclude the use is something other than a racetrack.

b. Principal or Accessory Use

Racetracks are permitted as principal uses by special exception in the B.R. and M.L. zones. BCZR Sections 236.2, 253.2.C.5. As noted in our July 24, 2014 letter, the applicability of a particular principal use is a strong factor weighing against any attempt to cover it or rationalize it in a broader or more general category. Arundel Supply Co. v. Cason 265 Md. 371, 377-78 (1972); Smith v. Miller 249 Md. 390, 394-95 (1968); St. Clair v. Colonial Pipeline Co. 235 Md. 578, 582-83 (1964). Arundel involved an attempt

to escape the zoning law via the rationalization of "accessory use." Smith and St. Clair involved attempts to escape the zoning law by reference to broad categories where the use was identified and permitted in other zones, but prohibited in the zone where the property was situated. We think these cases reinforce our conclusion that we are dealing with a principal racetrack use.

We also note that the Business-Local Zone lists, by our count, 75 principal permitted uses by right and 29 by special exception, many of which are categories with multiple included uses. BCZR Sections 230.1.A., 230.3. The permitted uses by right in BCZR Section 230.1.A.9 include, among others, automobile parking lot, billiard and pool rooms, bowling alley, clothing and accessory stores, helistop, hobby shop, parking lot, pet shop, and swimming pool. The one temporary use listed is "temporary or occasional outdoor sales of cut flowers or live plants, subject to standards. Remarkably, BCZR Section 230.1.A.11 lists:

"Accessory uses or structures, including signs, (see Section 450), garages and parking spaces for the use of owners, employees, tenants, and invitees. A maximum of six coin-operated children's rides are permitted as an accessory use."

The B.M. Zone has the same language. BCZR Section 233.1.D.

The R/C car use here simply does not fit under any of the listed permitted use categories, principal or accessory. Significantly, racetrack use here does not fit the language, purpose, spirit and intent of the B.L. Zone accessory use category. There is no general category for accessory uses in business zones comparable to the relatively broad scope of accessory uses allowed in residential zones under BCZR Section 400.1.

Let us assume nevertheless that, without finding a proper name for the use or correlating it specifically to the B.L. zone, we can somehow call it a legal accessory use if it is related to a permitted principal use in a way which meets the BCZR Section 101.1 definition of accessory use. In other words, let us assume, based on this definition, that anything on the same lot as the hobby shop may qualify if it is "(a) customarily incident and subordinate to and serves [the hobby shop], (b) is subordinate in area, extent or purpose ... (c) is located on the same lot as the [hobby shop] served; and (d) contributes

to the comfort, convenience and necessity of the occupants, business or industry [the hobby shop] served ...”

We note that Webster’s defines “shop,” in pertinent part, as:

“2 a : a building or room stocked with merchandise for sale ...”

Let us then begin with the inquiry as to whether the racetrack is “incident and subordinate.” We have already cited the very application and definition of “incidental” in Dampman v. City of Baltimore 231 Md. 280, 286 (1963). Webster’s defines “incident” as, in pertinent part,

“1 b An accompanying minor occurrence or condition ...”

3 a Something dependent upon, appertaining, or subordinate thereto, or accompanying something else of principal or greater importance ...”

The latter is essentially the definition applied in Dampman. The definition of “incidental” is along the same lines.

Meanwhile, Webster’s defines “subordinate” as, again in pertinent part,

“1 : placed in a lower order, class, or rank: holding a lower or inferior position
.....”

Taking these together, let us proceed. We submit that the racetrack or racing use stands on its own, whatever name we give to it. The on-road track could be located anywhere, as it was here before 2013, and as is likely at many venues around the country. In this sense, it is not tethered to this hobby shop, or any other.

In terms of area, the racetrack course and tent areas alone occupy .37 acre, well over twice the area of the hobby shop at .16 acre. As noted, we must keep in mind the added area occupied by the pit, the interstices, and the inevitable milling around the perimeter and likely overflow parking. So, the comparison is conservative.

In terms of character, the racing use is very different from the hobby shop in every way. To be sure, it may be convenient to have the racetrack near the shop, but it involves a different activity. It involves an outdoor event which draws a crowd, regional in nature, with significant noise (engines, p.a. system, music, humans), traffic issues, and not found in any hobby shop.

This racetrack is not "incident," as it surely cannot reasonably be described as minor. Nor is it subordinate. It is not just that the racetrack is much bigger than the hobby shop. The adverse land use impacts are inevitably of much greater magnitude in quality and quantity.

This racetrack is not dependent on the hobby shop. The hobby shop existed before this racetrack, and the hobby shop owner operated R/C tracks at other locations before locating the current track.

Now, let us take a step back and consider the requirement that an accessory use be "customarily" incident and subordinate. Mr. Ross has mentioned other on-road tracks operated by hobby shops in shopping centers. But there is no survey to provide a realistic percentage. There is nothing in any of the online sources such as ROAR, IFMAR, racerlog.com to suggest that outdoor R/C tracks are ordinarily located near hobby shops or in shopping centers.

Taking another point of view, we must keep in mind that there are many hobby shops in Maryland, and none of them but this one currently have an outdoor track connected with them. There are still a multitude of strip shopping centers in Maryland, and this is the only one with an outdoor R/C track.

So, whatever we call this activity, and we have to call it something, it does not qualify as an accessory use. If, despite initial indications of doubt, the judge agrees with us that it is a racetrack, it just reinforces the point.

As a footnote, we observe that a couple of children playing in the backyard could conceivably set up a miniature racetrack. But this sort of activity would truly be a minor residential recreational use dependent on the dwelling. It may also be arguable that the Hobby Guyz modest indoor carpet racetrack inside the shop building is incident and subordinate, without significant land use impact, so that it qualifies as an accessory use. But that is a very different sort of racetrack use. There is no present controversy, and none foreseeable. We do not need to analyze that to decide the present case.

III. The On-Road Track Zoning Issue Generally in the B.L. Zone

While the current focus is on the Hobbie Guyz model car race track, we must underline that such tracks can vary in type, size, scale, and impact. We must also keep in mind that B.L. Zones are often adjacent to residential zones and that strip shopping centers often border dwellings, ranging from single-family detached to townhouses to apartments. They may also border other uses where the occupants would find the racetrack use problematic.

If such racetrack uses can come into B.L. Zones under the guise of accessory uses, then the door is open to major adverse land use impacts. It is inevitable that such uses will present noise, traffic, and other problems associated with events drawing crowds. Moreover, dirt and clay tracks could generate air, wind, and dust migration issues.

These problems are not qualitatively different from the problems presented by midget racing, snowmobiles, motocross, and ATV uses. We submitted several cases from other states. We shall briefly discuss them here. While involving manned vehicles, they reflect the treatment of various racing event uses as principal racetrack uses.

The most helpful cases appear to be the following, in chronological order:

(1) City of Norwalk v. Auction City, Inc. 186 Cal. App. 2d 287 (Cal. App. 1960). The appellate court affirmed injunction against midget racing racetrack where statute prohibited racetracks in the absence of special use permit. "Midget racing" involved nonprofit activity for children in small vehicles with 2-horsepower lawnmower motors around a 1/20 mile track (264 feet). Court noted that it could not deviate from the law based on the claims of educational and recreational purposes or that the activity has less objectionable or annoying than other types of racetracks.

(2) Ironstone Corp. v. Zoning Hearing Board of Douglas Township 291 A.2d 310 (Pa. Cmwlth 1972). The appellate court affirmed emphatically zoning board's determination that seasonal winter snowmobile racing constituted racetrack use prohibited in industrial zone except by special exception subject to "detrimental to health, safety, and welfare" standards. Races proceeded from a fixed starting point to finishing point along a marked course; as many as 12 entrants in each race; cash prizes

sometimes awarded; and some advertising. It was unclear what structures, if any, were used to mark the course. The record included evidence that the noise offended neighbors, but the appellate court anyway held that it would have been an abuse of discretion to say this was not a racetrack.

(3) Neshannock Township v. Musguire 484 A.2d 839 (Pa.Cmwlth 1984), The appellate court affirmed injunction against commercial motocross racetrack use because use was not permitted “recreational ground” in residential district and could not be allowed in the absence of a use permit meeting standards of compatibility with uses in district and consistency with purpose of ordinance.

(4) Town of Uxbridge v. Griff 860 N.E. 2d 972 (Mass. App. 2007). The appellate court affirmed town zoning board determination that motocross use was not permitted in industrial zone where use was offensive to neighbors.

(5) Hawk v. Eldred Township Board of Supervisors 983 A.2d 216 (Pa. Cmwlth 2009). The appellate court affirmed, in rejecting a constitutional challenge to the zoning ordinance, referred to its earlier unreported decision that motorcycle, ATV, and Weekend Warriors Club activities were not permitted as “private club” use but rather were prohibited racetrack uses.

To sum up, Norwalk, Uxbridge, and Hawk affirmed decisions that the uses were racetracks and were not permitted under the zoning ordinance. Ironstone and Neshannock held that the racetrack uses were not permitted generally, but were subject to special exception-type standards for which they either did not qualify or had not qualified. These cases all treated the various sorts of racetracks as principal uses, not accessory uses.

We also looked at cases presenting “accessory use” questions in other contexts. These included the following, again in chronological order:

(1) Gray v. Ward 343 N.Y.S. 2d 749 (N.Y. Supreme Ct. 1973). Court annulled village grant of building permit rooftop helipad use for executives of Alexander’s department store because it did not qualify as an accessory use.

(2) Smith v. Zoning Hearing Board of Conewago Township 713 A.2d 1210 (Pa. Cmwlth. Ct. 1998). Appellate court affirmed zoning board determination that skydiving business use and mobile home office did not qualify as accessory uses to airport.

Petitioners rely on County Comm'rs v. Zent 86 Md. App. 745 (1991). The CSA there held that storage activities could qualify as an accessory use to a milk trucking and distribution business in an agricultural zone. Respectfully, we do not find this case to be germane to the present issue.

It remains our office's opinion, therefore, that if the use is to be permitted in the B.L. Zone, then it will take specific legislative action to allocate the use, whether by right or special exception, and to set parameters such as bulk, area, and other standards.

IV. Adverse Land Use Impacts

There is no doubt that on-road racetracks generate particular adverse land use impacts. In the present case, Mr. Arnold gave credible testimony relating to the noise impacts from engines, the public address system, and crowd activity. There was also the traffic congestion issue. The lack of portable toilets led to additional issues.

To be sure, Mr. Ross and his supporting witnesses downplayed these problems and viewed the events as fun family affairs. But realistically, these sorts of events are going to generate some problems. When they are right next to residential uses, the problems are magnified.

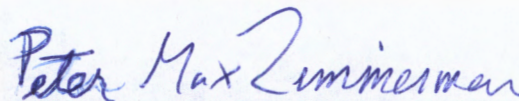
One of the basic functions of zoning law is to guard against the right thing being in the wrong place, echoing nuisance law. The Supreme Court made this observation almost ninety years ago in Village of Euclid v. Ambler Realty Co. 272 U.S. 365 (1926). Justice Sutherland also made the point that an adequate margin of safety is often warranted. He pointed out that the law may be upheld even if it covers some uses which are relatively innocuous.

The adverse land use impacts here are likely to be significant when the location is close to adjacent uses, whether residential or otherwise. Again, this reinforces our point that these are principal uses, and that if they are to be permitted, it is up to the legislature to make the judgment and set the parameters.

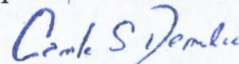
We recognize that, according to Mr. Ross, this is currently the only outdoor on-road track in Maryland. But these tracks seem to pop up from time to time in different ways. There seems to be some growing enthusiasm among a part of the population. So, we should treat the issue with the seriousness it deserves.

Conclusion

Respectfully, it remains our view that the outdoor on-road racing use is not permitted in the B.L. Zone. We submit it is best described as a type of racetrack use. Anyway, whatever name it goes by, it does not qualify as an accessory use. We appreciate the fairness and patience of the administrative law judge in reviewing this case and look forward to the decision.



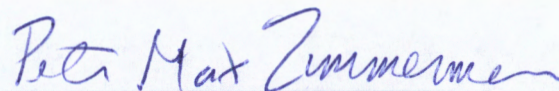
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 5th day of August, 2014, a copy of the foregoing People's Counsel for Baltimore County's Post-Hearing Memorandum was mailed to Carroll Island Associates, 601 E. Pratt Street, 6th Floor, Baltimore, Maryland 21202; Louis Grenzer, Esquire, Bodie, Dolina, Hobbs, Friddell, and Grenzer, 305 Washington Avenue, Suite 300, Attorney for Hobbie Guyz, LLC and Middle River Hobbies, and Kevin Arnold, 210 Bowleys Quarters Road, Baltimore, Maryland 21220.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CBCA

FLOOD

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 164 Carroll Island Rd which is presently zoned BL
Deed References: 16257/00308 10 Digit Tax Account # 1600013399
Property Owner(s) Printed Name(s) CORDISH CORP

(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:

- ☒ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zon For approval of temporary outdoor model car racing, on specific dates, in the shopping center parking lot, as an accessory use to a hobby shop.
- ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
- ☐ 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:

Middle River hobbies

Name- Type or Print

Signature

164 Carroll Island Rd Middle River Md

Mailing Address

City

State

21220 410-335-0707 hobbieguyz @

Zip Code

Telephone #

Email Address

com cast .net

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

CARROLL ISLAND ASSOCIATES

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

601 E. Pratt St, Floor 6

Mailing Address

City

State

BALTIMORE, MD

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

2014-0274-SM

Filing Date

6/17/14

Do Not Schedule Dates:

Reviewer JS

PROPERTY DESCRIPTION:

164 Carroll Island Road

Located in the Carroll Island Shopping Center at the approximate distances of 581' south of Carroll island Road, and 436' west of Bowley's Quarter's Road.

Being lot/suite 164 of the shopping center, located in the 15th Election District and 6th Councilmatic District.

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

No. **9465**

Date: **9/15/14**

PAID RECEIPT

DISTRESS JETON TIRE 1004
9/15/2014 WTS/2014 112160 2
REF 8502 NW/10 JEVN JEE +
> RECEIPT # 891302 9/15/2014 0118
Dept 5 - 520 LIVING VERIFICATION
100. 094051
Recpt Tot 1225.00
1225.00 01 1.00 06
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	006	000		6150				265.00

Total: **265.00**

Rec From: **Carroll Holzer**

For: **CK#3692**

164 Carroll Island Rd

Case # 2014-0274-SPH

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

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

No. **113808**

Date: **6/17/14**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW

6/17/2014 6/17/2014 10:35:05 8

REC: MS04 WALKIN SHIL SPH

> RECEIPT # 628496 6/17/2014 GFLN

Dept: 5 528 ZONING VERIFICATION

CR NO: 113808

Recpt Tot \$500.00

\$1.00 CK \$500.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		650				\$ 500.00

Total: **\$ 500.00**

Rec From: **COABISH CORP / MIDDLE RIVER HUBBIES**

For: **2014-0374-SPH**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

July 10, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, the publication appearing on July 10, 2014.

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

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2014-0274-SPH

164 Carroll Island Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Carroll Island Associates

Contract Purchaser/Lessee: Middle River Hobbies

Speical Hearing for approval of temporary outdoor model car racing, on specific dates, in the shopping center parking lot, as an accessory use to a hobby shop.

Hearing: Friday, August 1, 2014, at 1:30 p.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.
7/297 July 10

986517

CERTIFICATE OF POSTING

2014-0274-SPH

RE: Case No.: _____

Petitioner/Developer: _____

Middle River Hobbies

August 1, 2014

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:

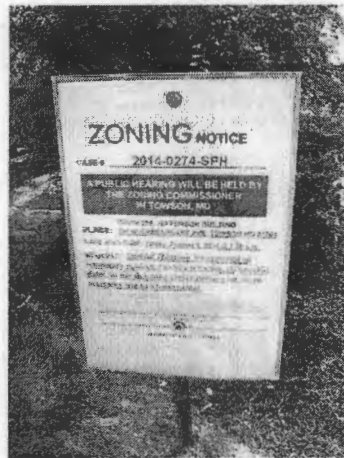
Ladies and Gentlemen:

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: _____

164 Carroll Island Rd

July 12, 2014

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



Sincerely,

(Signature of Sign Poster)

July 12, 2014

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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: 2014-0274-SPH

Petitioner: Middle River hobbies

Address or Location: 164 CARROLL ISLAND Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Middle River hobbies

Address: 164 CARROLL ISLAND Rd

Middle River Md 21220

Telephone Number: 410-335-0707

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 10, 2014 Issue - Jeffersonian

Please forward billing to:

Middle River Hobbies
164 Carroll Island Road
Middle River, MD 21220

410-335-0707

NOTICE OF ZONING HEARING

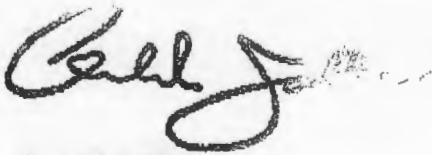
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0274-SPH

164 Carroll Island Road
15th Election District – 6th Councilmanic District
Legal Owners: Carroll Island Associates
Contract Purchaser/Lessee: Middle River Hobbies

Special Hearing for approval of temporary outdoor model car racing, on specific dates, in the shopping center parking lot, as an accessory use to a hoppy shop.

Hearing: Friday, August 1, 2014 at 1:30 p.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 ACCOMODATIONS, 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.



KEVIN KAMENETZ
County Executive

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

July 3, 2014

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 NUMBER: 2014-0274-SPH

164 Carroll Island Road
15th Election District – 6th Councilmanic District
Legal Owners: Carroll Island Associates
Contract Purchaser/Lessee: Middle River Hobbies

Special Hearing for approval of temporary outdoor model car racing, on specific dates, in the shopping center parking lot, as an accessory use to a hobby shop.

Hearing: Friday, August 1, 2014 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Middle River Hobbies, 164 Carroll Island Road, Middle River 21220
Carroll Island Assoc., 601 E. Pratt St., Floor 6, Baltimore 21202

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 12, 2014.**
- (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.



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

December 3, 2014

NOTICE OF POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF: Carroll Island Associates, LP – LO
Hobbie Guyz, LLC t/a
14-274-SPH Middle River Hobbies - Lessee
164 E. Carroll Island Road
15th Election District; 6th Councilmanic District

Re: Petition for Special Hearing pursuant to Section 500.7 of the BCZR to approve temporary outdoor model car racing, on specific dates, in the shopping center parking lot, as an accessory use to a hobby shop.

8/18/14 Opinion and Order of the Administrative Law Judge wherein the requested Petition for Special Hearing was GRANTED, with conditions.

The hearing scheduled for Wednesday, January 7, 2015 has been postponed by request of Counsel for Protestant. This matter has been

REASSIGNED FOR: **WEDNESDAY, FEBRUARY 4, 2015, at 10:00 a.m.**

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney. Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioner
Petitioner/Lessee
Legal Owner

: Louis E. Grenzer, Jr., Esquire
: Hobbie Guyz, LLC t/a Middle River Hobbies
: Carroll Island Associates, LP

Counsel for Protest ant
Protestant

: J. Carroll Holzer, Esquire
: Kevin Arnold

Gordon Ross
James Underhill
Tyler Nehrkorn
Carlton Coleman

John Baierlein
Pat Mayo
Brandon Jones
Raymond Klebanow

Don Mearkle
Briana Baierlein
Sharon Spangler

Daniel Szimanski
Scott Nehrkorn
Cezar Penaflor

Office of People's Counsel
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

October 9, 2014

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

14-274-SPH

Carroll Island Associates, LP – LO
Hobbie Guyz, LLC t/a
Middle River Hobbies - Lessee
164 E. Carroll Island Road
15th Election District; 6th Councilmanic District

Re: Petition for Special Hearing pursuant to Section 500.7 of the BCZR to approve temporary outdoor model car racing, on specific dates, in the shopping center parking lot, as an accessory use to a hobby shop.

8/18/14 Opinion and Order of the Administrative Law Judge wherein the requested Petition for Special Hearing was GRANTED, with conditions.

ASSIGNED FOR: WEDNESDAY, JANUARY 7, 2015, at 10:00 a.m.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

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For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

**Krysundra "Sunny" Cannington
Administrator**

c: Counsel for Petitioner
Petitioner/Lessee
Legal Owner

: Louis E. Grenzer, Jr., Esquire
: Hobbie Guyz, LLC t/a Middle River Hobbies
: Carroll Island Associates, LP

Counsel for Protest ant
Protestant

: J. Carroll Holzer, Esquire
: Kevin Arnold

Gordon Ross
James Underhill
Tyler Nehrkom
Carlton Coleman

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Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

February 6, 2015

NOTICE OF POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF:

14-274-SPH

Carroll Island Associates, LP – LO
Hobbie Guyz, LLC t/a
Middle River Hobbies - Lessee
164 E. Carroll Island Road
15th Election District; 6th Councilmanic District

Re: Petition for Special Hearing pursuant to Section 500.7 of the BCZR to approve temporary outdoor model car racing, on specific dates, in the shopping center parking lot, as an accessory use to a hobby shop.

8/18/14 Opinion and Order of the Administrative Law Judge wherein the requested Petition for Special Hearing was GRANTED, with conditions.

The hearing scheduled for Wednesday, February 4, 2015 was postponed to allow Petitioners time to retain new Counsel. This matter has been

REASSIGNED FOR:

TUESDAY, APRIL 21, 2015, at 10:00 a.m.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney. Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

**Krysundra "Sunny" Cannington
Administrator**

c: Petitioner/Lessee
Legal Owner

: Hobbie Guyz, LLC t/a Middle River Hobbies
: Carroll Island Associates, LP

Counsel for Protest ant
Protestant

: J. Carroll Holzer, Esquire
: Kevin Arnold

Gordon Ross
James Underhill
Tyler Nehrkorn
Carlton Coleman

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Don Mearkle
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Scott Nehrkorn
Cezar Penafior

Office of People's Counsel
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law



KEVIN KAMENETZ
County Executive

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

July 24, 2014

Carroll Island Associates
601 E Pratt Street
6th Floor
Baltimore MD 21202

RE: Case Number: 2014-0274 SPH, Address: 164 Carroll Island Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 17, 2014. 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Middle River Hobbies, 164 Carroll Island Road, Middle River MD 21220

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: July 9, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

JUL 09 2014

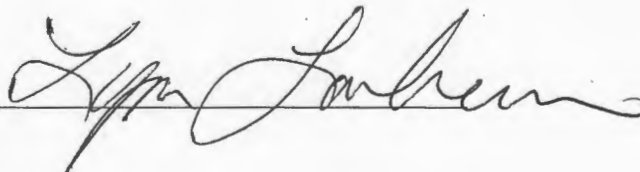
SUBJECT: Zoning Advisory Petition(s) for
Item No: 2014-270 and 2014- 274

OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the above referenced zoning items and has no comments.

For further questions or additional information concerning the matters stated herein, please contact Lynn Lanham at 410-887-3480.

Prepared By:



LL/ka

c: John Beverungen, ALJ
Peter Max Zimmerman

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 7, 2014

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

SUBJECT: Zoning Advisory Committee Meeting
For July 7, 2014
Item No. 2014-0272, 0273, 0274, 0281, 0282, 0284, 0285 and 0287

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\ZAC07072014 -.doc

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 6/30/14

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

RE: Baltimore County
Item No 2014-0274-SPH
Carroll Island Associates
Special Hearing
164 E. Carroll Island 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. 2014-0274-SPH.

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,

A handwritten signature in dark ink, appearing to read 'Steven D. Foster', is written over the typed name.

Steven D. Foster, Chief/
Development Manager
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

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 6/23/14

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

RE: Baltimore County
Item No. 2014-0274-SPH
Special Hearing
Carroll Island Associates
601 E. Pratt Street

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. 2014-0274-SPH.

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Steven D. Foster, Chief/
Development Manager
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

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
164 Carroll Island Road; SW/S Carroll Island	*	
Rd, 581' S of Carroll Island Rd & 436'	*	OF ADMINISTRATIVE
from Bowleys Quarters Road		
15 th Election & 6 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Carroll Island Associates		
Contract Purchaser(s): Middle River Hobbies	*	BALTIMORE COUNTY
Petitioner(s)	*	
	*	2014-274-SPH

* * * * *

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.

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

RECEIVED

JUN 27 2014

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 2014, a copy of the foregoing Entry of Appearance was mailed to Carroll Island Associates, 601 E. Pratt Street, 6th Floor, Baltimore, Maryland 21202 and Middle River Hobbies, 164 Carroll Island Road, Baltimore, MD 21220, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
164 Carroll Island Road; SW/S Carroll Island Rd. *
581' S of Carroll Island Rd & 436' from Bowleys * OF ADMINISTRATIVE
Quarters Rd * HEARINGS FOR
15th Election & 6th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Carroll Island Associates *
Contract Purchaser(s): Middle River Hobbies *
Petitioners * 2014-274-SPH

* * * * *

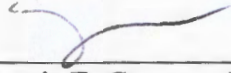
ENTRY OF APPEARANCE

Please enter the appearance of Louis E. Grenzer, Jr. and Bodie, Dolina, Hobbs, Friddell & Grenzer, P.C. as counsel for the Petitioner, Middle River Hobbies in the above captioned matter.

RECEIVED

AUG 04 2014

OFFICE OF ADMINISTRATIVE HEARINGS



Louis E. Grenzer, Jr.
Bodie, Dolina, Hobbs, Friddell & Grenzer, P.C.
305 Washington Avenue, Suite 300
Towson, Maryland 21204
(410) 823-1250

Certificate of Service

I HEREBY CERTIFY that on this 31st day of July, a copy of the foregoing Entry of Appearance was mailed to Peter Max Zimmerman, People's Counsel for Baltimore County, Jefferson Building, Room 204, 105 West Chesapeake Avenue, Towson, Maryland 21204 and Carroll Island Associates, 601 E. Pratt Street, 6th Floor, Baltimore, Maryland 21202.



Louis E. Grenzer, Jr.

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204
www.baltimorecountymd.gov/Agencies/permits/



Code Enforcement 410-887-3351
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Building Inspection 410-887-3953

CODE ENFORCEMENT CORRECTION NOTICE

CARROLL ISLAND ASSOCIATES C/O ALLFIRST TRUST
CO
601 E PRATT ST Suite 600
BALTIMORE, MD 21202-3111

CASE NUMBER	PROP.TAX ID
CC1402662	1600013399
VIOLATION ADDRESS	
164 CARROLL ISLAND RD MIDDLE RIVER, MD 21220	

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY CODES AND/OR REGULATIONS:

County Codes/Regulations	Inspector's Comments
Other Violation(s) B.C.Z.R 500.9 BCZR; ZCPM; BCC: 32-3-102: Violation of commerical site plan and /or zoning order	BCZR 500.4: Non permitted vendor tents in parking lot Failure to obtain all necessary use permits and approval from Baltimore County Violation of site plan: illegal racetrack is not permitted in BL Zone

Failure to comply with this correction notice, may result in a **\$200.00** fine/penalty per day, per violation pursuant to BCC: 1-2-217; 32-3-602 and/or the County sending a contractor to correct the violation(s) at your expense. Call the inspector for more information and details.

COMPLIANCE DATE: 06/06/2014	INSPECTOR NAME: Joshua Homan
	ISSUED DATE: 05/06/2014

IMPORTANT INFORMATION TO THE PERSON'S CHARGED

1. It is important that you read this document carefully, as it charges you with the commission of a crime.
2. If you fail to correct the violations noted by the date dictated, a citation may be issued, and a trial scheduled at which you may be penalized by a fine, imprisonment, or both.
3. If the County is required to bring your property into compliance, all costs and fines shall become a lien and shall be collectible in the manner provided for collection of real estate taxes; or may be collected in the same manner as any civil money judgment or debt collected.
4. A lawyer can give important assistance to you:
 - (a) on how to correct the violation(s) in order to avoid trial or
 - (b) at trial, if you failed to correct the violation(s) noted. Assistance may be provided to determine whether there are any defenses to the charges against you or any circumstances helpful to you that should be brought to the trial. A lawyer can help you by developing and presenting information, which could effect how you correct the violation(s).
5. A conviction for each violation will subject you to potential fines of \$200, \$500, \$1000 per day per violation, depending on the violation, or 90 days in jail, or both Baltimore County Code section 1-2-217 and 32-3-602.
6. It is your responsibility to obtain any required permit(s) to correct the cited violation(s). All repairs must be in accordance with applicable laws, Code of Baltimore County Regulations, and standards.
7. Upon correction of these violation(s), contact the inspector for re-inspection. If you have any questions contact the inspector promptly.

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204



Code Enforcement	410-887-3351
Electrical Inspection	410-887-3960
Plumbing Inspection	410-887-3620
Building Inspection	410-887-3953

www.baltimorecountymd.gov/agencies/permits/

CODE ENFORCEMENT & INSPECTION CITATION

HOBBIE GUYZ LLC

RESIDENT AGENT: GORDON ROSS

513 CRISFIELD RD

BALTIMORE, MD 21220

CASE NUMBER CC1402662	PROP.TAX ID 1600013399
VIOLATION ADDRESS 164 CARROLL ISLAND RD MIDDLE RIVER, MD 21220	

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY CODES AND/OR REGULATIONS:

County Codes/Regulations	Inspector's Comments
Other Violation(s) B.C.Z.R 500.9 BCZR; ZCPM; BCC: 32-3-102: Violation of commercial site plan and /or zoning order	BCZR 500.4 Non permitted vendor tents in parking lot. Failure to obtain all necessary use permits and approval from Baltimore County. Violation of site plan: illegal race track is not permitted in BL Zone.

Pursuant to Section 1-2-217, Baltimore County Code, civil penalty has been
assessed, as a result of the violation(s) cited herein, in the amount
indicated:

\$1200

A quasi-judicial hearing has been pre-scheduled in:
Jefferson Building, 105 W. Chesapeake Ave, Rm 205
Towson, Maryland, 21204

DATE: 06/25/2014 TIME: 09:00 A.M.

***IF A VIOLATOR DOES NOT APPEAR AT THE CODE ENFORCEMENT HEARING, THE CITATION AND ANY CIVIL PENALTY ARE DEEMED A
NON-APPEALABLE FINAL ORDER OF THE CODE OFFICIAL OR THE DIRECTOR***

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best
of my knowledge, information, and belief.

Inspector Printed Name	Inspector Signature	Issued Date
Joshua Homan		06/11/2014



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

July 24, 2014

RECEIVED

JUL 23 2014

HAND DELIVERED

John Beverungen, Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Carroll Island Associates/Middle River Hobbies
164 Carroll Island Road
Case No.: 2014-274-SPH
Hearing scheduled August 1, 2014

Dear Judge Beverungen,

Upon review of this zoning petition, the record, and the background, we find it necessary and appropriate to submit our legal analysis. We trust this will be helpful in deciding this case. We also trust this will provide the petitioner with notice of our position.

I. An Enforcement Proceeding Generates a Settlement, ALJ Order, and Zoning Petition

Petitioners filed this zoning petition June 17, 2014. It comes in the wake of a zoning enforcement proceeding, which began with citation CC 1402662, issued June 11, 2014. On July 2, 2014, Managing Administrative Law Judge (ALJ) Lawrence Stahl convened a hearing. The County, by Brady Locher, Assistant County Attorney, and Hobbie Guyz, by Andrew Grenzer, Esq., advised ALJ Stahl they were negotiating a settlement agreement. This came to fruition July 9, 2014. They submitted it on July 10. ALJ Stahl accepted it and incorporated it into his July 15, 2014 final order.

II. The July 9 Settlement Agreement

This order and the settlement agreement are enclosed. Hobbie Guyz agreed to suspend its "race radio-controlled cars" until approval by an Administrative Law Judge or the County Board of Appeals. There are other provisions which we need not detail for the purpose of this letter. The main thing is that the zoning petition, actually filed prior to the settlement agreement, comes before you as administrative law judge on August 1, 2014.

III. The Petition for Special Hearing

The petition requests approval of temporary outdoor model car racing in a parking lot as an accessory use to a hobby shop on a shopping center property in the Middle River/Bowleys Quarters area. The shopping center is zoned B.L. (Business-Local), BCZR Sec. 230, et seq.

The petition involves a type of racetrack. The site plan is fairly nondescript, but identifies a "PORTABLE R/C MODEL RACE TRACK" in a portion of the parking lot approximately 215 feet long by 50 feet wide (10,750 square feet) and "PARKING AND TENTS" in an area which looks to be about 90 feet by 50 feet (4500 square feet). So, in combination, the land use occupies about 15,250 square feet. This is .35 acre, a little over a third of an acre. It is not clear whether there is an additional area for spectators.

The site plan is not certified by an engineer or surveyor, so its accuracy and sufficiency may be questioned. It does not show the entire shopping center. Nor does it show the "hobby shop" to which the racetrack is alleged to be accessory.

IV. People's Counsel's Position: The Proposed Use Is Not Permitted in the Zone

Our office finds sufficient material facts, not genuinely in dispute, to conclude that the proposed use is not permitted. To be sure, the burden of proof is on the petitioner. But, in our office's view, the issue is not even fairly debatable. The issue may be decided as a matter of law. We shall explain our reasons, and submit on the record.

a. Zoning Law: Interpretation; Structure

The interpretation of zoning use definitions typically presents at heart a question of law and language. This also goes to differentiate accessory from principal uses and the relationship of different uses. Arundel Supply Co. v. Cason 265 Md. 371, 377-78 (1972); Smith v. Miller 249 Md. 390, 394-95 (1968); St. Clair v. Colonial Pipeline Co. 235 Md. 578, 582-83 (1964); Kenyon v. Board of Zoning Appeals 235 Md. 388, 394 (1964); Kowalski v. Lamar 25 Md. App. 493, 496-501 (1975); United Parcel Service v. People's Counsel 93 Md. App. 59, 71-74 ((1993), rev'd on other grounds 336 Md. 569 (1994). To be a permitted use, a use must be enumerated as such by right or special exception in a particular zone. Kowalski v. Lamar 25 Md. App. 493 (1975); People's Counsel v. Surina 400 Md. 662 (2007).

b. Not Permitted as a Principal Use

A racetrack use is plainly not permitted as a principal use either by right or special exception in the B.L. Zone. BCZR Sec. 102.1; 230.1, 230.3. Indeed, the petition does not claim the proposed use is permitted as a principal use. The zoning law does address racetrack uses and places them in other zones. Racetrack uses are permitted by special exception "racetrack, commercial" in the B.R. (Business-Roadside) Zone under BCZR Sec. 236.2 and

by interim special exception for "racetracks" in the M.L. (Manufacturing-Light) Zone under BCZR 253.2.C.5.

We also reviewed the definition of "commercial recreation facility." BCZR Sec. 101.1. See Riffin v. People's Counsel 137 Md. App. 90, cert. denied 363 Md. 660 (2001). It specifically excludes "go-cart course" uses, which appear analogous to the proposed use here. Anyway, a commercial recreation facility is not permitted in the B.L. Zone.

As we shall explain below, the specific treatment of racetrack uses, and their exclusion from the B.L. Zone, reinforces our view that this racetrack --- even for radio-controlled cars --- cannot properly be bootstrapped in under the guise of an accessory hobby use. This is a significant use which occupies a substantial area.

c. Not Permitted as an Accessory Use

We have often dealt with accessory use claims and theories, such as in the Riffin case, No. 2014-094-SPH, now on appeal at the County Board of Appeals. The proposed use here does not qualify.

BCZR §101.1 defines "accessory use or structure" and "principal use."

"ACCESSORY USE OR STRUCTURE: A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use."

"PRINCIPAL USE: A main use of land, as distinguished from an accessory use."

There may be more than one principal structure or use on a property. Here, the size, scope, and character of the use is of sufficient magnitude to exceed the framework of an "accessory use." The proposed uses do not meet the "accessory use or structure" definitional criterion of (a) "customarily incident and subordinate to ... the principal use." Nor is it (b) "subordinate in area, extent, or purpose" Rather, even if periodic, it is akin to a "principal use." It is "[a] main use of land, as distinguished from an accessory use."

To illustrate, there is nothing "incidental," or "appertaining, subordinate, or casual," about this use or structure either in size or character. In Dampman v. City of Baltimore 231 Md. 280 (1963), the Court analyzed the meaning of "incidental" where the ordinance allowed an "incidental" addition to a legal nonconforming use. The Court held that a second-floor addition, 12 feet wide and 22 feet long was not incidental, and wrote,

"The statute in requiring that the use be 'incidental' does not, we think, contemplate a major addition to or a major expansion of the nonconforming use, but rather one appertaining, subordinate or casual thereto." 231 Md. at 286.

Indeed, the proposed "accessory use" appears to dwarf the size of the hobby shop. We enclosed Google Earth online photos, shaded in yellow to mark the approximate location and situation of the hobby shop. It appears to one of the shops in a strip, and of moderate size.

Nor is the use "customary." This is simply not a customary use of a shopping center parking lot. The use is extraordinary. This reinforces the point that it is not "accessory."

Moreover, the zoning regulations explicit placement of racetracks in other zones is relevant not only directly to the assessment of principal uses, but also indirectly to the assessment of the accessory use issue. Where zoning regulations define specifically a use or structure which fits the one in question, the use may not be rationalized under the guise of another more general use, whether "principal" or "accessory." To illustrate, in Smith v. Miller, 249 Md. 390 (1968), the Harford County Board of Appeals granted a special exception for a sawmill operation in an agricultural zone. A special exception was permitted for "Processing of. . . farm products." But the law explicitly listed "sawmill" as a permitted use in a manufacturing zone. The Zoning Board and Circuit Court had reasoned that "timber is a farm product; a sawmill processes it; therefore, Mr. Miller is entitled to build a sawmill in an agricultural district." The Court of Appeals reversed, as a matter of law,

"The testimony before the Board reveals the character of Mr. Miller's operation. . . This can scarcely be regarded as consistent with the other conditional uses possible under Section 702. To take any other view would open the county's agricultural district to any industrial development remotely connected with the processing of dairy and farm products . . . and would make meaningless the provision of the Ordinance which attempts to confine sawmills, . . . to a general industrial district." 249 Md. at 393-4.

"The provisions of the Ordinance must be considered as an entirety, and we do not think the Board could rely on a conditional use provision to permit in an agricultural use district a use which the Ordinance manifestly intended to confine to a general industrial district." 249 Md. at 395.

John Beverungen, Administrative Law Judge
July 24, 2014
Page 5

Correspondingly, in refusing to find the washing and screening of gravel from other sites as accessory to a permitted gravel pit use, the Court of Appeals stated in Arundel Supply Corp. v. Cason, 265 Md. 371, 378 (1972), as a matter of law,

“We are not persuaded that this is so any more than we could be persuaded that a commercial bakery in an agricultural zone could be said to be a use accessory to the raising of wheat.”

In reaching this conclusion, Judge McWilliams also observed, 265 Md. at 377,

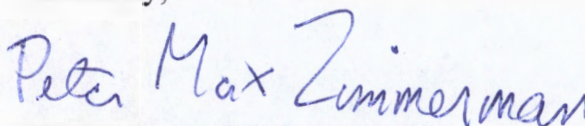
“The plausibility of what we have said is enhanced by the fact that under the 1948 ordinance washing, screening and batching required a highly restrictive special exception.”

V. Precedent and Public Policy; the Legislative Function

So far as we can recall, this is the first case to present the issue of a racetrack for radio-controlled cars in a shopping center. We have no way of knowing whether this could be the harbinger of other proposals. We do know that this case will set a precedent.

It may be debated whether or not this use is problematic, here or in other B.L. Zone locations. What we do know is that is not presently permitted by law. It is the function of the legislature to make policy. This is part of our governmental structure with separation of powers. If petitioners believe it is good public policy to permit this use in a shopping center, whether by right or special exception, conditionally or unconditionally, they must make their case to the County Council.

Sincerely,



Peter Max Zimmerman
People's Counsel for Baltimore County

cc: Carroll Island Associates
Middle River Hobbies (Hobbie Guyz, LLC)
Andrew Genzler, Esquire, attorney for Hobbie Guyz, LLC
Brady Locher, Assistant County Attorney
Lionel Van Dommelen, Director of County Enforcement
Joshua Homan, Zoning Inspector

Office of Administrative Hearings for Baltimore County
105 West Chesapeake Avenue Suite 103
Towson, Maryland 21204

In the Matter of

Civil Citation No. 1402662

Hobbie Guy, LLC
136 Carroll Island Road
Baltimore, MD 21220

164 Carroll Island Road

Respondents

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

This matter came before the Administrative Law Judge on July 2, 2014 for a Hearing on a citation for violations under the Baltimore County Zoning Regulation (BCZR) sections: 500.4 non permitted vendor tents in the parking lot, and section 500.9 BCZR; ZCPM and Baltimore County Code (BCC) section 32-3-102, violation of commercial site plan and/or zoning order on residential property.

On June 11, 2014, pursuant to BCC § 3-6-205, Inspector Joshua Homan 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.

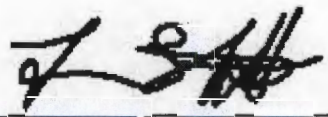
The citation proposed a civil penalty of \$1,200.00 (One thousand two hundred dollars).

The following persons appeared for the Hearing and testified: Respondent, Andrew Grenzer, Mr. Ross on behalf of the respondent, Brady Locher, Assistant Baltimore County Attorney and Phillip Mills, Baltimore County Code Enforcement Officer.

Evidence was presented that the abovenoted violations were the subject of negotiations between counsel for the County and Mr. Grenzer, on behalf of the Respondent. An Agreement was entered into by the parties, the result of which is to resolve the abovenoted Citation. That Agreement was to be reduced to writing and submitted to the Administrative Law Court. That Agreement, dated 7/9/14, was, in fact submitted on 7/10/14.

IT IS THEREFORE ORDERED by the Administrative Law Judge that the Settlement Agreement dated July 9, 2014 be and hereby is adopted and incorporated by reference as the sum and substance of this Order.

ORDERED this 15 day of July 2014

Signed: 

Lawrence M. Stahl
Managing Administrative Law Judge

NOTICE: Pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent or Baltimore County 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 petition setting forth the grounds for appeal, payment of a filing fee of \$225.00 and the posting of security in the amount of the penalty assessed.

LMS/sma

IN THE MATTER OF:
Hobble Guyz LLC, et al

For property located at:
164 Carroll Island Rd
Middle River, MD 21220

BEFORE THE OFFICE OF
ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. CC-14-02662

SETTLEMENT AGREEMENT

Plaintiff, Baltimore County, Maryland, a body corporate and public, (hereinafter "Baltimore County") and Defendant, Hobbie Guyz LLC, collectively referred to as the "Parties," hereby enter into this Settlement Agreement (hereinafter the "Agreement") and agree to all of the terms set forth herein, which will formally be made a part of the record in the above-captioned matter:

WHEREAS, Baltimore County issued a Code Enforcement & Inspection Citation on June 11, 2014, arising from the activities of Hobbie Guyz LLC, and its affiliate MRH Racing LLC (d/b/a "MRH", and "MR Hobbies") located at 164 Carroll Island Road; and

WHEREAS the Citation named Hobbie Guyz LLC as tenants of the property located at 164 Carroll Island Road, to be in continuing violation of section 32-3-102 the Baltimore County Code, and section 500.9 Baltimore County Zoning Regulations; and

WHEREAS, the matter was ultimately set in for a public hearing on July 2, 2014; and

WHEREAS, the Parties have reached a negotiated settlement of their dispute and desire to settle all known issues and disputes surrounding the instant Code Enforcement & Inspection Citations;

NOW, THEREFORE, in consideration of the mutual promises set forth below and other good and valuable consideration, the receipt and sufficiency of which is expressly acknowledged, the Parties agree to the following terms:

1. Effective immediately, Hobbie Guyz LLC, or its affiliate MRH Racing LLC, located at 164 Carroll Island Road, Middle River, MD 21202, its agents and assigns, will not race radio-controlled (R.C.) cars in the storefront parking lot of MR Hobbies located at 164 Carroll Island Road unless and until such time that either an Administrative Judge of the Office of Administrative Hearings for Baltimore County or the Board of Appeals for Baltimore County issues an order ruling that such prior cited use conforms with the Baltimore County Zoning Regulations.

2. In exchange for all terms and conditions set forth in this Settlement Agreement, the Defendant agrees to be liable for Four-Hundred dollars (\$400.00) in civil penalties if, in the final adjudication of this matter, it is determined that the prior cited use did not conform with the Baltimore County Zoning Regulations.

3. Baltimore County agrees that the Defendant will not be liable for any amount of civil penalties if the prior cited use is deemed a conforming use by the Office of Administrative Hearings or the Board of Appeals.

4. Payment of any civil penalties due and owing under the terms of this agreement shall be made to Baltimore County within 10 days of the issuance of a final order from the Office of Administrative Hearings; or in the event of a timely appeal, within 10 days of the issuance of a final order from the Board of Appeals.

5. Any violation of the terms and conditions of this Settlement Agreement by Hobbie Guyz LLC, its agents or assigns, including MRH Racing LLC, shall result in the

immediate and non-appealable imposition of the entire One-Thousand Two-Hundred dollar (\$1,200.00) civil penalty contained in the citation issued by Baltimore County in this matter.

6. If payments described in Paragraph Four of this Settlement Agreement are more than five (5) days late, the entire One-Thousand Two-Hundred dollar (\$1,200.00) civil penalty shall be immediately imposed and such imposition is non-appealable.

7. Any penalty imposed as a result of a violation of this Settlement Agreement will constitute a fine and penalty payable to the governmental unit known as Baltimore County; will be entered as a civil judgment in the District Court of Maryland for Baltimore County, and will hold Hobbie Guyz LLC liable.

8. This Settlement Agreement contains the entire agreement between the Parties.

9. The terms of this Agreement are contractual and not a mere recital.

10. If this Agreement is executed by an authorized representative of any party, the representative represents and warrants that full authority has been granted to such representative to fully bind the party and anyone holding or claiming by, through or under him/her/it.

11. This Agreement may be signed by any number of counterparts with the same effect as if signatures to each such counterpart were a part of the same instrument.

12. The Parties state that they have carefully reviewed this Agreement and that they expressly consent to all of the terms contained herein.

THIS IS A BINDING AGREEMENT

CAUTION

READ BEFORE SIGNING

BALTIMORE COUNTY, MARYLAND

By: [Signature]
NBNAAY CORHEN
Print Name
ASST Co Atty
Title
7/9/14
Date

[Signature]
Witness
Jonny Akchir
Print Name
7/9/14
Date

Hobbie Guyz LLC

By: [Signature]
Gordon Ross
Print Name
OWNER
Title
7/9/14
Date

[Signature]
Witness
Matthew J Ross
Print Name
7/9/14
Date

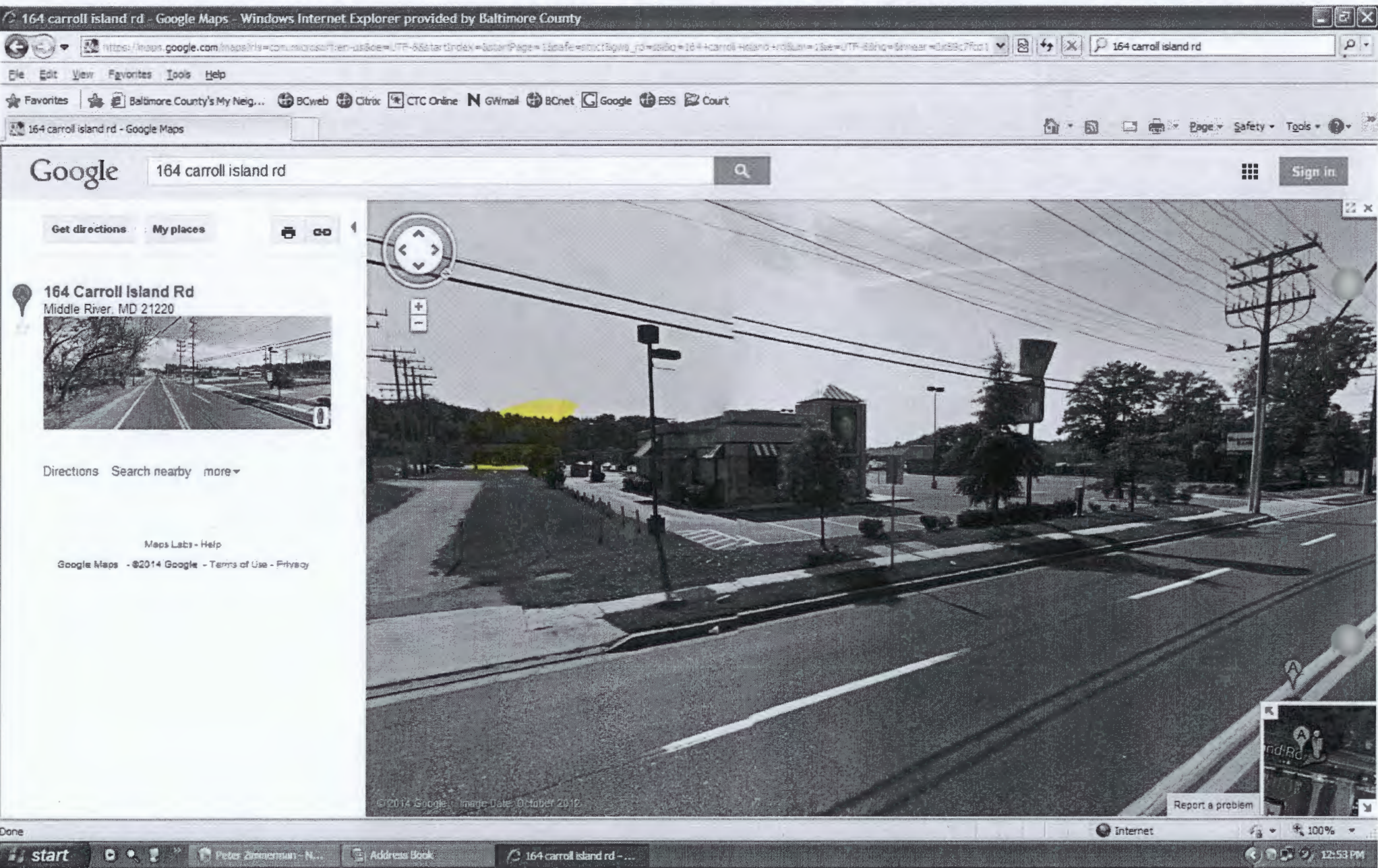
as attorney only

[Signature]
Andrew T. Grenzer, Esq.
18 Golden Hill Court
Catonsville, Maryland 21228
Attorney for Hobbie Guyz LLC

Hon. Lawrence M. Stahl date
Managing Administrative
Law Judge

Sign in

[Edit in Google Map Maker](#)
[Report a problem](#)





KEVIN KAMENETZ
County Executive



LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

September 16, 2014

RECEIVED
SEP 16 2014

BALTIMORE COUNTY
BOARD OF APPEALS

Louis Grenzer, Esquire
305 Washington Avenue
Suite 300
Towson, Maryland 21204

RE: **APPEAL TO BOARD OF APPEALS**
Case No. 2014-0274-SPH
Location: 164 E. Carroll Island Road

Dear Mr. Grenzer:

Please be advised that an appeal of the above-referenced case was filed in this Office on September 15, 2014. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the word "Sincerely,".

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/sln

c: Baltimore County Board of Appeals
People's Counsel for Baltimore County
J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, MD 21286
Gordon Ross, 513 Crisfield Road, Middle River, Maryland 21220
John Baierlein, 87 Johnson Road, Pasadena, Maryland 21122
Dan Mearkle, 901 Cold Spring Road, Middle River, Maryland 21220
Kevin Arnold, 210 Bowley's Quarters Road, Middle River, Maryland 21220
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468
www.baltimorecountymd.gov

APPEAL

**Petitions for Special Hearing
(164 E. Carroll Island Road)
15th Election District – 6th Councilmanic District
Legal Owners: Carroll Island Associates, LP
Lessee: Middle River Hobbies
Case No. 2014-0274-SPH**

Petition for Special Hearing (June 17, 2014)

Zoning Description of Property

Notice of Zoning Hearing (July 3, 2014)

Certificate of Publication (July 10, 2014)

Certificate of Posting (July 12, 2014) by SSG Robert Black

Entry of Appearance by People's Counsel (June 27, 2014)

Petitioner(s) Sign-in Sheet – One

Citizen(s) Sign-in Sheet – One

Zoning Advisory Committee Comments

Petitioner(s) Exhibits -

1. Site Plan-shopping ctr.
2. Site plan- zoning case
3. Petition w/signatures in support
4. 4A-4C color photos
5. Letter date 8-29-13

Protestants' Exhibits –

1. Raceway 2013 schedule
2. Aerial Photo
3. Raceway-2014 Schedule
4. Aerial Photo
5. Color Photos
6. Color Photos
7. Color Photos
8. Color Photos
9. Color Photos
10. Color Photos
11. Color Photos

People's Counsel Exhibits-

1. Aerial Photo
2. Photo- Shop. Ctr. Sign
3. You Tube photo
4. You Tube photo
5. You Tube photo
6. You Tube photo
7. You Tube photo
8. You Tube photo
9. You Tube photo
10. Middle River Hobbies Web Site
11. Wikipedia printout: RC Cars
12. Wikipedia: RC Tracks
13. Road Racing
14. 1 FMAR print out

Miscellaneous (Not Marked as Exhibits) –

1. Letter dated August 27, 2014 from Janet M.S. Tansey, L.A.
2. E-mail with Louis Grenzer, Esquire address and returned letter
3. Post Memorandum of Middle River Hobbies, LLC dated August 8, 2014
4. Letter from Kevin Lee Arnold dated August 8, 2014
5. People's Counsel for Baltimore County's Post- Hearing Memorandum dated August 5, 2014
6. Entry of Appearance from Louis E. Grenzer, Jr.
7. Letter from Tim Donovan dated July 24, 2014
8. Letter from People's Counsel dated July 24, 2014
9. Note to Hearing Officer from Jason Seidelman

Administrative Law Judge Order and Letter (GRANTED with conditions A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO, AP, AQ, AR, AS, AT, AU, AV, AW, AX, AY, AZ, BA, BB, BC, BD, BE, BF, BG, BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ, BR, BS, BT, BU, BV, BW, BX, BY, BZ, CA, CB, CC, CD, CE, CF, CG, CH, CI, CJ, CK, CL, CM, CN, CO, CP, CQ, CR, CS, CT, CU, CV, CW, CX, CY, CZ, DA, DB, DC, DD, DE, DF, DG, DH, DI, DJ, DK, DL, DM, DN, DO, DP, DQ, DR, DS, DT, DU, DV, DW, DX, DY, DZ, EA, EB, EC, ED, EE, EF, EG, EH, EI, EJ, EK, EL, EM, EN, EO, EP, EQ, ER, ES, ET, EU, EV, EW, EX, EY, EZ, FA, FB, FC, FD, FE, FF, FG, FH, FI, FJ, FK, FL, FM, FN, FO, FP, FQ, FR, FS, FT, FU, FV, FW, FX, FY, FZ, GA, GB, GC, GD, GE, GF, GG, GH, GI, GJ, GK, GL, GM, GN, GO, GP, GQ, GR, GS, GT, GU, GV, GW, GX, GY, GZ, HA, HB, HC, HD, HE, HF, HG, HH, HI, HJ, HK, HL, HM, HN, HO, HP, HQ, HR, HS, HT, HU, HV, HW, HX, HY, HZ, IA, IB, IC, ID, IE, IF, IG, IH, II, IJ, IK, IL, IM, IN, IO, IP, IQ, IR, IS, IT, IU, IV, IW, IX, IY, IZ, JA, JB, JC, JD, JE, JF, JG, JH, JI, JJ, JK, JL, JM, JN, JO, JP, JQ, JR, JS, JT, JU, JV, JW, JX, JY, JZ, KA, KB, KC, KD, KE, KF, KG, KH, KI, KJ, KK, KL, KM, KN, KO, KP, KQ, KR, KS, KT, KU, KV, KW, KX, KY, KZ, LA, LB, LC, LD, LE, LF, LG, LH, LI, LJ, LK, LL, LM, LN, LO, LP, LQ, LR, LS, LT, LU, LV, LW, LX, LY, LZ, MA, MB, MC, MD, ME, MF, MG, MH, MI, MJ, MK, ML, MM, MN, MO, MP, MQ, MR, MS, MT, MU, MV, MW, MX, MY, MZ, NA, NB, NC, ND, NE, NF, NG, NH, NI, NJ, NK, NL, NM, NN, NO, NP, NQ, NR, NS, NT, NU, NV, NW, NX, NY, NZ, OA, OB, OC, OD, OE, OF, OG, OH, OI, OJ, OK, OL, OM, ON, OO, OP, OQ, OR, OS, OT, OU, OV, OW, OX, OY, OZ, PA, PB, PC, PD, PE, PF, PG, PH, PI, PJ, PK, PL, PM, PN, PO, PP, PQ, PR, PS, PT, PU, PV, PW, PX, PY, PZ, QA, QB, QC, QD, QE, QF, QG, QH, QI, QJ, QK, QL, QM, QN, QO, QP, QQ, QR, QS, QT, QU, QV, QW, QX, QY, QZ, RA, RB, RC, RD, RE, RF, RG, RH, RI, RJ, RK, RL, RM, RN, RO, RP, RQ, RR, RS, RT, RU, RV, RW, RX, RY, RZ, SA, SB, SC, SD, SE, SF, SG, SH, SI, SJ, SK, SL, SM, SN, SO, SP, SQ, SR, SS, ST, SU, SV, SW, SX, SY, SZ, TA, TB, TC, TD, TE, TF, TG, TH, TI, TJ, TK, TL, TM, TN, TO, TP, TQ, TR, TS, TT, TU, TV, TW, TX, TY, TZ, UA, UB, UC, UD, UE, UF, UG, UH, UI, UJ, UK, UL, UM, UN, UO, UP, UQ, UR, US, UT, UU, UV, UW, UX, UY, UZ, VA, VB, VC, VD, VE, VF, VG, VH, VI, VJ, VK, VL, VM, VN, VO, VP, VQ, VR, VS, VT, VU, VV, VW, VX, VY, VZ, WA, WB, WC, WD, WE, WF, WG, WH, WI, WJ, WK, WL, WM, WN, WO, WP, WQ, WR, WS, WT, WU, WV, WW, WX, WY, WZ, XA, XB, XC, XD, XE, XF, XG, XH, XI, XJ, XK, XL, XM, XN, XO, XP, XQ, XR, XS, XT, XU, XV, XW, XX, XY, XZ, YA, YB, YC, YD, YE, YF, YG, YH, YI, YJ, YK, YL, YM, YN, YO, YP, YQ, YR, YS, YT, YU, YV, YW, YX, YY, YZ, ZA, ZB, ZC, ZD, ZE, ZF, ZG, ZH, ZI, ZJ, ZK, ZL, ZM, ZN, ZO, ZP, ZQ, ZR, ZS, ZT, ZU, ZV, ZW, ZX, ZY, ZZ).

Notice of Appeal – September 15, 2014 by J. Carroll Holzer, Esquire

IN THE MATTER OF:

CARROLL ISLAND ASSOCIATES, LP
Hobbie Guyz, LLC t/a
Middle River Hobbies-Lessee
164 E. Carroll Island Road
15th Election District
6th Council District

BEFORE THE

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY

Case No. 14-274-SPH

* * * * *

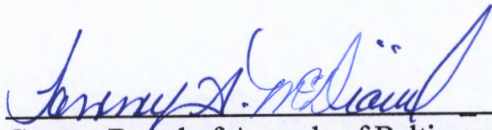
SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on **Wed. Feb. 4, 2015** at **10:00 a.m.** at **Hearing Room #2**, located at **Jefferson Bldg., 2nd Floor, 105 West Chesapeake Ave., Towson 21204** and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Jean Tansey, Development Plan Review
Address: 111 W. Chesapeake Ave., Room 119
Towson, MD 21204

Name: J. Carroll Holzer
Firm: J. Carroll Holzer, PA
Address: 508 Fairmount Ave. Towson, 21286 **410-825-6961**

The witness named above is hereby ordered to so appear in person before the County Board of Appeals as described in the attached Notice of Reassignment.


County Board of Appeals of Baltimore County

Date

RECEIVED

JAN 30 2015

BALTIMORE COUNTY
BOARD OF APPEALS

NOTE TO HEARING OFFICER

Mr. Beverungen,

This hearing is the result of a Code Enforcement correction notice/citation (CC1402662). Both Lionel van Dommelen and Adam Rosenblatt have had involvement in this case. When the petitioner came in to our office to file this petition, I quickly noticed that the owner's signature was missing from the petition. The Petitioner, Gordon Ross of Middle River Hobbies (tenant/renter), showed me an e-mail chain in which the owner of the property was advised by Adam Rosnblatt that they did NOT have to sign the petition. (I have attached part of that chain to this note). I went over to Adam's office and he advised me to accept the petition as-is, and to write this note to you explaining the circumstances. Adam vouched that the owner of the property is aware of the situation and is in support of the petitioner's request.

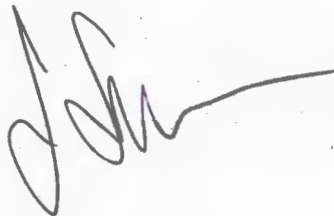
If this is not acceptable, please advise us ASAP so that we can get the petitioner to acquire the owner's signature. Lionel and Adam (and the petitioner) [✓]do want this to get delayed beyond the normal time frame. _{NOT}

Thank you Sir,

Jason Seidelman

Zoning Review

410-887-3391



Jason Seidelman - Fwd: Carroll Island Complaint 6.7.14.pdf

From: Gordon Ross <middleriverhobbies@comcast.net>
To: "jseidelman@baltimorecountymd.gov" <jseidelman@baltimorecountymd.gov>
Date: 6/17/2014 11:03 AM
Subject: Fwd: Carroll Island Complaint 6.7.14.pdf

Sent from Middle River Hobbies ipad

Begin forwarded message:

From: Tim Donovan <tim@cordish.com>
Date: June 11, 2014, 3:34:43 PM EDT
To: Gordon Ross <middleriverhobbies@comcast.net>, Richard Weber <RWeber@cordish.com>, John Peters <JPeters@cordish.com>
Cc: Nancy Smith <Nancy@cordish.com>
Subject: RE: Carroll Island Complaint 6.7.14.pdf

Gordon,

John and I will call you tomorrow but according to Baltimore County Zoning s attorney who I just spoke with at length you did not need anything from the Landlord (from the beginning) in order to attempt to get a variance for the RC car races. I talked at length with the attorney about the chronology of what has occurred and next steps. I do not suggest going to the zoning department to start the process until John and I speak with you tomorrow at lunch time.

Tim

Tim Donovan



From: Gordon Ross [mailto:middleriverhobbies@comcast.net]
Sent: Monday, June 09, 2014 8:45 AM
To: Richard Weber
Cc: Nancy Smith; Tim Donovan
Subject: Fwd: Carroll Island Complaint 6.7.14.pdf

Here is a copy from the health department that was called with a complaint. The police were called from Kevin again and the police and health inspector were fine with everything. The officer said that Kevin told him that he will call the police every time we are in parking lot. Beside we are doing everything correct. Now we are being harassed from him at any cost. Rich was there when health inspector was there this Saturday. Something has to be done about this constant harassment. Gordon.

Sent from Middle River Hobbies ipad

Begin forwarded message:

From: "Donna Kilduff" <dkilduff@baltimorecountymd.gov>
Date: June 7, 2014, 3:19:53 PM EDT
To: <hotlapracingusa@comcast.net>
Subject: Carroll Island Complaint 6.7.14.pdf

Donna L. Kilduff, REHS/RS
 Baltimore County Department of Health
 Environmental Health Services

9100 Franklin Square Drive, Suite 230
Baltimore, Maryland 21237
410-887-3663

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961

FAX: (410) 825-4923

E-MAIL: JCHOLZER@CAVTEL.NET

November 24, 2014
#8117

RECEIVED
NOV 25 2014

BALTIMORE COUNTY
BOARD OF APPEALS

Ms. Cassandra "Sunny" Cannington
Administrator
Baltimore County Board of Appeals
Jefferson Building
105 West Chesapeake Avenue
Second Floor, Suite 203
Towson, Maryland 21204

RE: *In the Matter of: Carroll Island Associates, LP – LO*
Case No.: *14-274-SPH*
Hobbie Guyz, LLC t/a Middle River Hobbies – Lessee
164 East Carroll Island Road
15th Election District
6th Councilmanic District

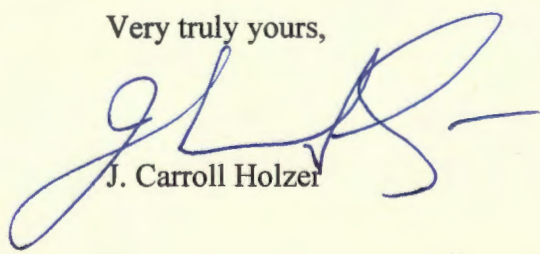
Dear Ms. Cannington:

Please be advised that my appearance has been entered into that above-captioned case currently assigned for Wednesday, January 7, 2015 at 10:00 a.m. I am attaching a copy of the Notice of Assignment that I have just received from the Court of Special Appeals scheduling the case of Kenwood Gardens Condo v. Whalen Properties, No. 02602, September Term 2013, for Oral Argument on January 7, 2015, in Courtroom No. 001.

I must therefore respectfully request a reassignment of this case scheduled before the Board of Appeals.

Thank you for your assistance in this matter.

Very truly yours,


J. Carroll Holzer

JCH:mlg

Enclosure

cc: Mr. Kevin Arnold
Peter Max Zimmerman, Esquire
Louis E. Grenzer, Jr., Esquire



GREGORY HILTON
CLERK

Court of Special Appeals
Robert C. Murphy Courts of Appeal Building
Annapolis, Md. 21401-1699

(410) 260-1450
WASHINGTON AREA 1-888-200-7444

Notice Date 11/20/2014

J. CARROLL HOLZER, ESQUIRE
HOLZER & LEE, P.A.
508 FAIRMOUNT AVE.
TOWSON, MD

21286

Re: KENWOOD GARDENS CONDO VS. WHALEN PROPERT

No. 02602, September Term, 2013

Dear Counsel:

Argument in the above-referenced case has been set for
01/07/2015, in Courtroom 001. Please report to this office
no later than 9:00 a.m. on that date.

Very truly yours,

A handwritten signature in black ink, appearing to read "Gregory Hilton".

GREGORY HILTON
CLERK

Sherry Nuffer - RE: 2014-0274-SPH

From: Lou Grenzer <lgrenzer@bodie-law.com>
To: 'Sherry Nuffer' <snuffer@baltimorecountymd.gov>
Date: 9/8/2014 4:06 PM
Subject: RE: 2014-0274-SPH

Sherry,

Thank you for forwarding this. I did receive a copy from Mr. Ross. The address is correct, however, it should have Suite 300 added. I apologize that I left this off of the sign in sheet. Could you please update your records with the Suite # in the event anything is sent out in the future? Thank you.

Louis E. Grenzer, Jr.

Bodie, Dolina, Hobbs, Friddell & Grenzer, P.C.

305 Washington Avenue

Suite 300

Towson, Maryland 21204

www.bodie-law.com

(410) 823-1250 ext. 102

(410) 296-0432 (fax)

BODIE CONFIDENTIALITY NOTICE

This message from the law firm of Bodie, Dolina, Hobbs, Friddell & Grenzer, P.C. contains information that may be privileged, confidential and protected from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited.

If you have received this communication in error, please reply to the sender that you have received the message in error and delete the message, or notify us immediately at 410-823-1250. Thank you.

From: Sherry Nuffer [snuffer@baltimorecountymd.gov]
Sent: Monday, September 08, 2014 3:35 PM

From: Jeffrey Livingston
To: snuffer@baltimorecountymd.gov
Date: 7/25/2014 10:56 AM
Subject: Re: 2014-0274-SPH (out of office)

I will be out of the office until July 28, 2014. Please contact Dave Lykens at dlykens@baltimorecountymd.gov if you need assistance prior to my return. Thank you.

>>> Sherry Nuffer 07/25/14 10:56 >>>

I just received the files for scheduled hearings on Friday August 1, 2014. Case No.: 2014-0274-SPH is in CBCA and there is no DEPS ZAC comment. Please advise.

Thank you,

Sherry

Sherry Nuffer
Legal Assistant
Office of Administrative Hearings
105 W. Chesapeake Avenue
Room 103
Towson, Maryland 21204
410-887-3868
Fax: 410-877-3468

To: Lou Grenzer
Subject: 2014-0274-SPH

Mr. Grenzer,

I mailed the attached copy of the Opinion and Order for case no.: 2014-0274-SPH. It was mailed to the address you put on the sign in sheet (which I enclosed) and it came back Attempted-not Known (enclosed copy).

Please let me know that you received enclosed.

Thank you,

Sherry

Sherry Nuffer
Legal Assistant
Office of Administrative Hearings
105 W. Chesapeake Avenue
Room 103
Towson, Maryland 21204
410-887-3868
Fax: 410-877-3468

CONNECT WITH BALTIMORE COUNTY



When you think Baltimore County, think, www.baltimorecountymd.gov

John - FU1
Jan

KEVIN KAMENETZ
County Executive



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

August 27, 2014

RECEIVED

AUG 28 2014

OFFICE OF ADMINISTRATIVE HEARINGS

Carroll Island Associates
601 E. Pratt St., 6th Floor
Baltimore, MD 21202

RE: Zoning Order
#2014-0274-SPH
Middle River Hobbies

Gentlemen:

In the above captioned zoning opinion and order of August 18, 2014, Administrative Law Judge John Beverungen ordered that, "Petitioners must provide a landscape strip, fence or other screening between the parking lot and Mr. Arnold's property. The type of screening required will be determined in the sole discretion of the County's Landscape Architect."

As a result of this order, I am therefore requiring that the owners provide a minimum ten (10) foot planting strip on the Carroll Island Shopping Center property containing a six (6) foot high solid wooden fence with a evergreen trees/shrubs measuring a minimum of six (6) feet high at installation along all property lines adjoining the Arnold's property.

These improvements shall be shown on a Final Landscape Plan to be submitted to this office within by November 1, 2014. Approval of the plan and installation of the approved improvements will be required prior to the May 1, 2015 start of racing.

Sincerely,

A handwritten signature in black ink, appearing to read "Jan", is written over the typed name.

Jeanette M. S. Tansey, L.A.
Project Manager

JMST/js

C: Middle River Hobbies, 164 Carroll Island Rd., Middle River, MD 21220
Louis Grenzer, Jr., Bodie Law, 305 Washington Ave., #300, Towson, MD 21204
Kevin Arnold, 201 Bowleys Quarters Rd., Middle River, MD 21220

Carroll Island Associates, LP

The Power Plant
601 East Pratt Street, 6th Floor
Baltimore, MD 21202
410-752-5444
Fax: 410-659-9491
E-mail: tim@cordish.com

July 24, 2014

Gordon Ross
Middle River Hobbies
164 Carroll Island Road
Middle River, Maryland
410-335-0707

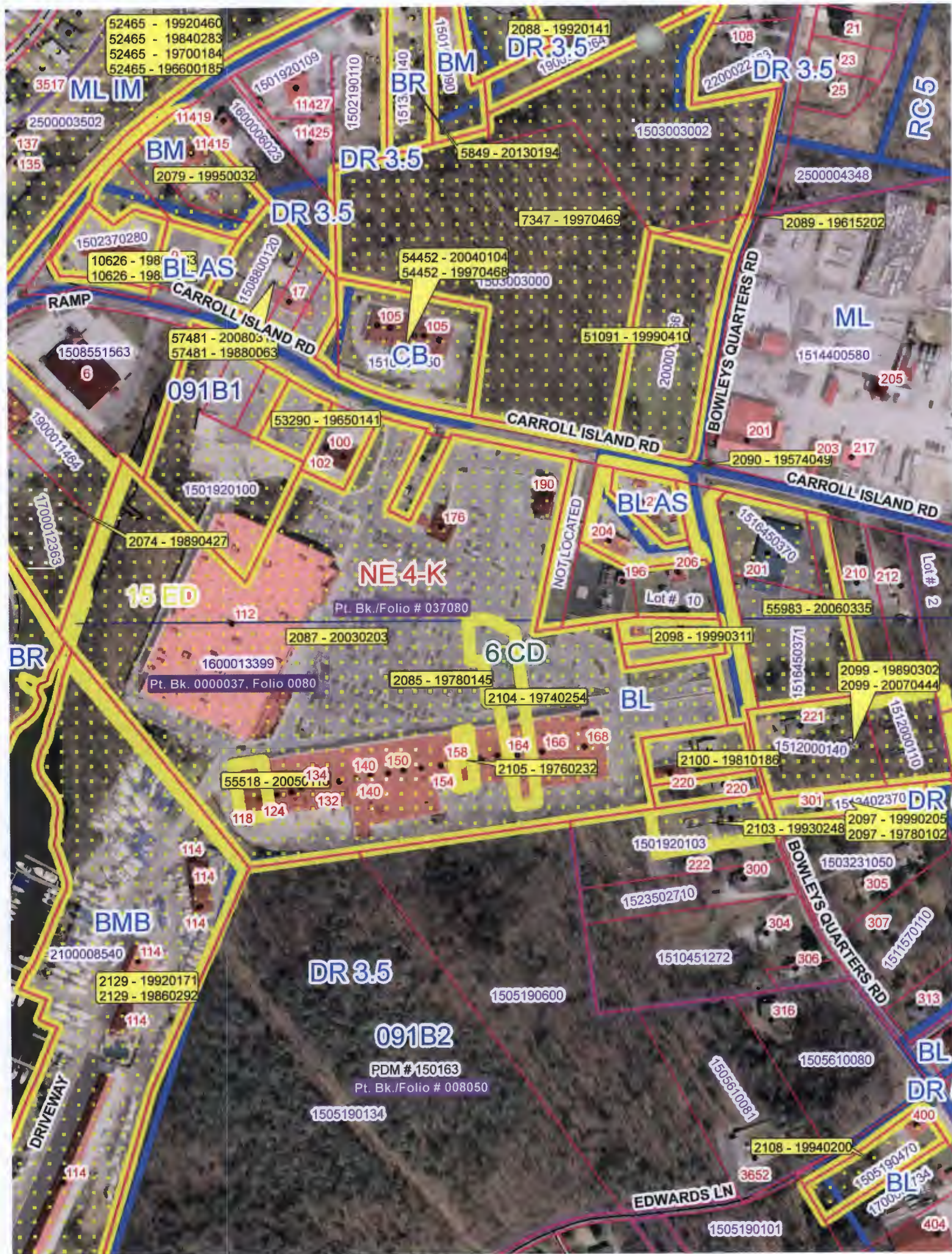
Dear Gordon:

Carroll Island Associates, LP has had no part in the racing that has taken place at Carroll Island Shopping Center located at 162 Carroll Island Road Middle River, MD 21220. However, if Middle River Hobbies obtains the required zoning relief we do not oppose the racing on our property.

Sincerely,



Tim Donovan



Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1600013399			
Owner Information					
Owner Name:	CARROLL ISLAND ASSOCIATES C/O ALLFIRST TRUST CO 601 E PRATT ST FL 6 BALTIMORE MD 21202-3111		Use: Principal Residence:	COMMERCIAL NO	
Mailing Address:			Deed Reference:	/00000/ 00000	
Location & Structure Information					
Premises Address:		CARROLL ISLAND RD BALTIMORE MD 21220-0000		Legal Description:	17.0942 AC SWS CARRO AT BOWLEYS QTR RD CARROLL ISLAND CENTER
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0091	0009	0061		0000	
				Assessment Year:	Plat No:
				2012	0037/0080
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
	89750		17.0900 AC	14	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1.000000		FAST FOOD			
Value Information					
		Base Value	Value As of 01/01/2012	Phase-In Assessments As of 07/01/2013 As of 07/01/2014	
Land:		2,027,000	2,189,500		
Improvements		1,390,000	1,088,500		
Total:		3,417,000	3,278,000	3,278,000	3,278,000
Preferential Land:		0			0
Transfer Information					
Seller: CARROLL ISLAND ASSOCIATES		Date:		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /00000/ 00000		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2013		07/01/2014	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

CASE NAME 1601 Carroll Rd
CASE NUMBER 2014-274-Spt
DATE 8/1/14

[illegible]

Carroll Island / Middle River
Assoc

CASE NAME 2014-274-SPH

CASE NUMBER

DATE 8/11/14

NAME _____

CITY, STATE, ZIP

E - MAIL

People's Council		Towson, Md 410-887-2188	p2immerman g billings recently w. gov
Dan Meerkle	901 Cold Spring Rd Md	Middle River, MD.	m9281@live.com
Kevin Arnold	210 Bowleys Q+rs. Rd.	Middle River MD 21220	BENGIESMARINE@comcast.net
Daniel Szimanski in PRAD	210 Bowleys Q+rs Rd C/O Spring MD	Middle River Md 21220 more info	dsimanski81@gmail.com

Case No.: 2014-0274-SPH

Exhibit Sheet

8/18/14

8/1
1:30 PM

Petitioner/Developer

Respondent / Protestant

No. 1	Site plan - shopping ctr.	Raceway 2013 schedule	Aerial photos
No. 2	Site plan - zoning case	Aerial Photo Raceway 2014 Schedule	photo - shop. ctr. sig
No. 3	Petition w/ signatures in support	Raceway - 2014 Schedule	You Tube photos
No. 4	4A-4C color photos	Aerial photo	You Tube photos
No. 5		Color photos	You Tube photos
No. 6		" "	" "
No. 7		" "	" "
No. 8		" "	" "
No. 9		" "	" "
No. 10		" "	Middle Pin Hobbies Web Site
No. 11		↓ " "	Wikipedia printout RC cars
No. 12			WIKIPEDIA RC TRAC
No. 13			ROAR RACING
No. 14			IFMAR print out

Petition to Resume RC Outdoor Activities

Middle River Hobbies has been providing recreational hobby facilities for children, young adults, adults, seniors, novice RC enthusiasts, as well as professional RC enthusiasts for approximately a decade in the Middle River, MD area. Located at 164 Carroll Island Road, Middle River Hobbies has been providing indoor and outdoor recreational activities including two permanent indoor remote control (RC) areas, as well as an outdoor seasonal RC area to accommodate the community, its members, and their love of the hobby. Middle River Hobbies also has an on-site retail store with superior parts/products and in-store service with knowledgeable staff and exemplary technicians that provide on-going support, instruction, and assistance to a diverse and wonderful community as well as considerable and constant charitable donations to neighborhood sports leagues, girl scout/boys scout troops, and local schools.

Action Petitioned For: We, the undersigned are concerned citizens who urge our local leaders to act now to allow Middle River Hobbies to resume RC Outdoor Activities immediately as to continue to provide on-going, positive community-based activities for the Middle River, MD area.

Date	Signature	Printed Name	Address	Comment
7-8-2014	<i>Todd Conn</i>	TODD CONN	7098 SIMPSON RD	
7-8-14	<i>Brad Ross</i>	BRAD ROSS	513 CRESKILL	
7-8-14	<i>Frank Curran</i>	FRANK CURRAN	6923 GUNNER AV	21220
7-8-14	<i>James R. Murphy</i>	James R. Murphy	5518 MAUDSWAY	21162
7-10-14	<i>Timothy Frommeyer</i>	TIMOTHY FROMMEYER	9521 FULLER AVE	21234

Date	Signature	Printed Name	Address	Comment
7-8-14	<i>David E. Beatt</i>	David E. BEATT	71 Honeycomb RD	21220
7/8/14	<i>Richard Barker</i>	RICHARD BARKER	4608 OLD PHILADELPHIA RD	21001
7/9/14	<i>James Arrick</i>	JAMES ARRICK	6544 BRINTON RD	
7/9/14	<i>Dan Grimes</i>	DAN GRIMES	625 POSSUM TROT	21001
7/9/14	<i>Donald Grin</i>	DONALD GRIM	2808 MERRICKWAY	21009
7-9-14	<i>Eric Karlo</i>	ERIC KARLO	2903 Southwestern Ave	2102
7-9-14	<i>Robert Crickey</i>	ROBERT CRICKEY	302 POLKINGTON DR	21040
7-9-14	<i>Tom Hess Jr</i>	TOM HESS JR	43 STILLWOOD CIR	21236
7/9/14	<i>John J. Barafy</i>	John J. Barafy	(410) 661-0184	21234
7/9/14	<i>Stephen Burke</i>	Stephen Burke	443-759-7025	
7-10-14	<i>Robert F. King</i>	ROBERT F. KING	410-218-8687	
7-10-14	<i>William Linton</i>	WILLIAM LINTON	443-913-9023	

PETITIONER'S

EXHIBIT NO.

3

Petition to Resume RC Outdoor Activities

Middle River Hobbies has been providing recreational hobby facilities for children, young adults, adults, seniors, novice RC enthusiasts, as well as professional RC enthusiasts for approximately a decade in the Middle River, MD area. Located at 164 Carroll Island Road, Middle River Hobbies has been providing indoor and outdoor recreational activities including two permanent indoor remote control (RC) areas, as well as an outdoor seasonal RC area to accommodate the community, its members, and their love of the hobby. Middle River Hobbies also has an on-site retail store with superior parts/products and in-store service with knowledgeable staff and exemplary technicians that provide on-going support, instruction, and assistance to a diverse and wonderful community as well as considerable and constant charitable donations to neighborhood sports leagues, girl scout/boys scout troops, and local schools.

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Date	Signature	Printed Name	Address	Comment
7/25/14		Tony Locklear	4013 White Ave Baltimore	Get us Race Family Fun
7/25/14		Shawn VanTassel	7 Duke St New Freedom PA	
7/25/14		Danny Marshall	5800 Lockwood Rd Baltimore MD 21237	
7/25/14		Lawrence Smith	3303 Decapell Ct. Alexandria	YES
7/25/14		Jason B. Driggs	816 Maryland Ave 21226	Fun

Date	Signature	Printed Name	Address	Comment
7/25/14		Catherine Presley	3520 Edwards Lane 21220	
7/25/14		Dave Presley	3520 Edwards Lane 21220	
7/25/14		Donna Gruze	318 Greenview Rd. 21220	
7/25/14		Michael Wagoner	4807 Ridgely Rd 21227	
7/25/14		Timothy D. Darnell	7638 Charlesmont Rd 21222	
7/25/14		Brian Morris	2708 McComas Ave 21222	
7/25/14		Art Flury	80 Baycrest Rd 21222	
7/25/14		David Eads	2811 Grier Nursery Rd 21050	
7/25/14		Donna Eads	2811 Grier Nursery Rd 21050	
7/25/14		Jennifer Marsh	609 Tampa Rd 21221	
7/25/14		Elaine Marsh	609 Tampa Rd 21221	
7/25/14		Donna Marsh	609 Tampa Rd 21221	

Petition to Resume RC Outdoor Activities

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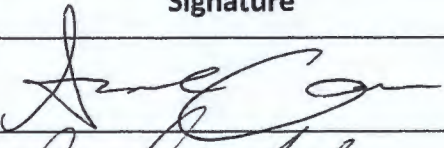
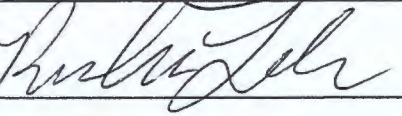
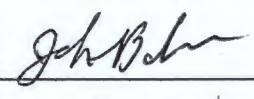
Date	Signature	Printed Name	Address	Comment
7/17/14	Allan Lake	Allan Lake	9409 Bellhall Rd	Belt Hoby Pe
7/17/14	Shane Walker	Shane Walker	232 Endsley	
7/17/14	Carl Macher	CARL MACHEN	46 Yew Rd	LET'S RACE
7-18-14	Kevin Mitchell	Kevin Mitchell	1725 Union Town Rd.	Let them Race.
7/18/14	Alexander Bopp	ALEXANDER BOPP	18 JEALEND	RACES HELP THE NEIGHBORHOOD

Date	Signature	Printed Name	Address	Comment
7/18/14	Phil Watson	PHILIP WATSON	7268 MAIDSTONE	WANT A RACE
7/18/14	Brian L Dwyer	Brian L Dwyer	9404 Earlightgts	lets Race
7/22/14	Steve Miller			
7/23/14	Randy Hamel	Randy Hamel	7922 Dickwood Rd	Get a Race Baby
7/23/14	Mike Elvenig	Mike Elvenig	4900 Niagara Rd	Outdoor Races are fun
7/23/14	Jeffrey Brown	JEFF BROWN		
7-23-14	T.C. Smith	T.C. SMITH	2219 RETHORN RD	LET THEM RACE!
7-23-14	Jerry Birschfeld	Jerry Birschfeld	414 Riverside Rd	Let them Race
7/23/14	Joe Callinger	JOE CALLINGER	13208 Eastview Ave Baltimore 21218	lets RACE
7/23/14	Bray James	Bray James	3000 Vimmerman Baltimore	Let us RACE
7/25/14	Phil Smith	Phil Smith	1925 Northwood	Go racing
7/25/14	Robert Moskal	ROBERT MOSKAL	7859 KAVANAGH RD DUNDALK	RACE

Petition to Resume RC Outdoor Activities

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Date	Signature	Printed Name	Address	Comment
7/25/14		Amanda Ceruzzi	115 Victor Plwy Annapolis MD 21403	
7/25/14		Rich Fisher	110 Juniper Ct 21060 Glen Burnie	
7/25/14		John Bairlein	87 Johnson Rd 21122 Perryman MD	
7-25-14	Nate Nehelhorn	Nate Nehelhorn	767 223 Street Pescadore md 21122	
7-25	Heather Roth	Heather Roth	918 Deep Creek Ave Arnold md 21012	
7/25	Mary Lou Walter	Marylou Walter	191 St Rom Dr Pasadena	

Petition to Resume RC Outdoor Activities

Middle River Hobbies has been providing recreational hobby facilities for children, young adults, adults, seniors, novice RC enthusiasts, as well as professional RC enthusiasts for approximately a decade in the Middle River, MD area. Located at 164 Carroll Island Road, Middle River Hobbies has been providing indoor and outdoor recreational activities including two permanent indoor remote control (RC) areas, as well as an outdoor seasonal RC area to accommodate the community, its members, and their love of the hobby. Middle River Hobbies also has an on-site retail store with superior parts/products and in-store service with knowledgeable staff and exemplary technicians that provide on-going support, instruction, and assistance to a diverse and wonderful community as well as considerable and constant charitable donations to neighborhood sports leagues, girl scout/boys scout troops, and local schools.

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Date	Signature	Printed Name	Address	Comment
7-10-14	Briana Baierlein	Briana Baierlein	87 Johnson Rd	
7-18-14	Jeremy Duckett	Jeremy Duckett	8588 Bacon Rd.	
7-10-14	[Signature]	Berta Compton	2016 Orchard Ave	These hobbies keep local children from doing other bad things and keep them occupied
7-10-14	Stephanie Baierlein	Stephanie Baierlein	87 Johnson Rd Pasadena, MD 21122	In good hobbies they enjoy! this is positive activities for male + female to enjoy
7-14-14	Pat Mayo	PAT MAYO	8481 GREENWAY ROAD PASADENA, MD 21122	
7-14-14	Nancy White	Nancy White	87 Johnson Rd 21122	
7-25-14	Kelly Manosch	Kelly Manosch	7025 Ingomar 21060	
7/25/14	[Signature]	Brooke Businsky	8466 Norwalk Hawthorn 21122	
7/25/14	[Signature]	Jenelle Savage	56 Willys Lane Pasadena, MD	
7/25/14	[Signature]	Stephanie Prosser	111 Colchester Ct. Pasadena MD 21122	

Petition to Resume RC Outdoor Activities

Middle River Hobbies has been providing recreational hobby facilities for children, young adults, adults, seniors, novice RC enthusiasts, as well as professional RC enthusiasts for approximately a decade in the Middle River, MD area. Located at 164 Carroll Island Road, Middle River Hobbies has been providing indoor and outdoor recreational activities including two permanent indoor remote control (RC) areas, as well as an outdoor seasonal RC area to accommodate the community, its members, and their love of the hobby. Middle River Hobbies also has an on-site retail store with superior parts/products and in-store service with knowledgeable staff and exemplary technicians that provide on-going support, instruction, and assistance to a diverse and wonderful community as well as considerable and constant charitable donations to neighborhood sports leagues, girl scout/boys scout troops, and local schools.

Action Petitioned For: We, the undersigned are concerned citizens who urge our local leaders to act now to allow Middle River Hobbies to resume RC Outdoor Activities immediately as to continue to provide on-going, positive community-based activities for the Middle River, MD area.

Date	Signature	Printed Name	Address	Comment
7-25	<i>Joseph Monocchio</i>	Joseph Monocchio	7025 Ingraham Dr Glen Burnie 21060	
7-25	<i>Kelly Benson</i>	Kelly Benson	1901 Poplar Rd	
7-25	<i>Chris Seymour</i>	<i>Chris Seymour</i>	4504 Owens Valley Drive West River MD 20778	
7-25	<i>Madison Nehrkorn</i>	Madison Nehrkorn	767 223 Street Pasadena md 2122	
7-25	<i>Annie Akers</i>	Annie Akers	Johnson Rd Pasadena MD	
7/25	<i>Patty Warner</i>	Patty Warner	420 Lintburn Grovettsville	
7-25	<i>Jessica Wilson</i>	Jessica Wilson	8481 Greenway Rd Pasadena	
7-25	<i>Mike Mayo</i>	Mike Mayo	8481 Greenway Rd Pasadena 2122	









John's Mobile R/C Raceway

2013 Schedule

**Location 164 Carroll Island Rd
Middle River, Md 21220
In front of Middle River Hobbies**

Set-up 9am registration 10:30 am to 12:00 noon Racing starts at 12:30 pm

April 27th - test and tune

May 4th - points

May 11th - points

May 18th - Points

May 25th - Club

June 1st - TCS Warmup

June 2nd - TCS

June 8th - points

June 15th - Club

June 22nd - points

**June 29th - Charity Race
at Walmart Hanover MD**

July 6th - points

July 13th - Club

July 20th - points

July 27th - Benefit Race

Aug 3rd - points

Aug 10th - Club

Aug 17th - points

Aug 24th - points

Aug 31st - Club

Ten point races we will have 3 Throw-out's

Must have 5 or more cars per class and must run more then half of point races to get awards for that class

Email johns_mobile_rcraceway@yahoo.com

find us at Facebook.com /johnsRcraceway

Classes Mini cooper /Mini Cooper Pro /F1 / VTA

4Wd Mini / Stock Truck /17.5 / Mod / Nitro / Legends

Slash 2x2/ Slash 4x4 minimum of 4 cars to run per class

Cost

First enrty \$15.00

Secound entry \$10.00

Third entry \$10.00



John's Mobile R/C Raceway

2014 Schedule

**Location 164 Carroll Island Rd
Middle River, Md 21220**

In front of Middle River Hobbies

Set-up 9am registration 10:00 am to 11:30 noon Racing starts at 12:00 pm

April 5th - test and tune

April 12th- test and tune

April 19th - points

April 26th Cash Race

1/10 Nitro cars

May 3rd - points

May 10th - points

May 17th - Cash Race

1/10 mod and 17.5

May 24th points

May 31st - club

June 7th TCS warmup

June 8th TCS Race

June 14th - points

June 21st - points

June 28th - Cash Race

VTA/ F1/ Mini cooper

July 5th - points

July 12th - points

**July 19th Charity Race
at Walmart Hanover MD**

July 26th points final

Aug 2nd - club

Aug 9th - Club

Aug 16th - Club

Aug 23rd - Bridget Battle

Aug 30th - Club

Sep 6th - Club

Sep 13th - Club

Sep 20th - Cash Race

1/10 Nitro cars

sep 27th cook out

last race

Nine points races we will have 2 Throw-out's

**Must have 5 or more cars per class and must run
more then half of point races to get awards for
that class**

Email johns_mobile_rcraceway@yahoo.com

find us at [Facebook.com /johnsRcraceway](https://www.facebook.com/johnsRcraceway)

Classes Mini cooper /F1 / VTA /Nitro sedan

**17.5 / Mod / 21.5 spec SCT 2x2/ SCT 4x4 / Nitro Truck
minimum of 4 cars to run per class**

Cost

First enrty \$15.00

Secound entry \$10.00

Third entry \$10.00



carroll island shopping center midd...



Google earth



PROTESTANT' S

EXHIBIT NO. 4

Plot 5



Prot 6



Plot-7



Prot 8



We like Spectators!
But **PLEASE**
Park First.

Part 9



Prot. 10



Cont. 11



P.C. #2

164 carroll island road - Google Maps - Windows Internet Explorer provided by Baltimore County Government

https://maps.google.com/maps?hl=en-us&ie=UTF-8&hq=&hnear=0x89c7fcd1... 164 carroll island road

BCG Home Page BCnet Citrix Employee Self Service GroupWise Online Training Center

https://login1.capitalone.c... 164 carroll island road - Baltimore County - I Need ...

Google 164 carroll island road Sign in

Get directions My places

164 Carroll Island Rd
Middle River, MD 21220

Directions Search nearby more

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219 Bowleys Quarters Rd, Bowleys Quarters, Maryland, United States
Address is approximate



©2014 Google Image Date: November 2012 Report a problem

Internet | Protected Mode: Off 100%

Peter Zimmerman 164 carroll island Capital One Onlin...

9:37 AM
8/1/2014

middle river hobbies racing 2013
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0:49 / 6:39

middle river hobbies vta A main for Bridget's battle



Juwan Hunter

22

97 views

2 0

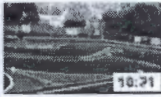
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Quinn moon of tri state rc TQ's and wins the A main.

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port jervis 1/10 nitro Amain-New York state challenge
by Juwan Hunter
761 views



middle river hobbies TC A main race @ the battle for bridget.
by Juwan Hunter
234 views



Fred Helm's 1/2 Scale Model
by John Kiley
72,312 views



Modellbau Messe Leipzig modell - hobby - spiel 2013
by omega27de
126,371 views



Weathering Wash (Pin Wash) : Panel Lines, Streaking and
by Genessis Models
76,247 views



blue diamond rc. Juan Amador winning the Bmain with the
by Juwan Hunter
67 views



MIG-29: To The Edge Of Space And Gravitational Stress
by SPACE AFFAIRS
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by De Todo...Un Poco
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by Learning English Online
375,338 views



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by Serega Pest
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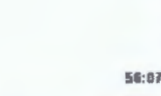
Rc Vta Racing On Guillows78 Rc World
by Guillows78 Rc World
191 views



A 380 Airliner the world first very large flying RC model of this
by ScaleJetFred
877,957 views



Truck Fest 2013: Smokey Big Rigs Burnouts & Drag Racing
by The Fast Lane Truck
1,010,041 views



Mig 29, avions de combat russe - Documentaire complet
by imineo Documentaires
107,098 views



Erlebniswelt Modellbau Erfurt 2014 Modelltruck - Parcours
by omega27de
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PC#4

middle river hobbies racing 2013

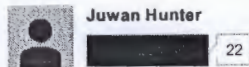
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middle river hobbies TC A main race @ the battle for bridget.



Juwan Hunter

22

236 views

2 0

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Published on Aug 26, 2013

Bridget was born perfectly healthy! When she was 22 months old Bridget caught a random virus that attacked her heart, causing it to become enlarged and unable to pump efficiently. Her official diagnosis was dilated cardiomyopathy due to viral myocarditis. Unfortunately, the damage done by the virus was permanent and

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5280 Raceway - August 20th 2013 - Club Race
by Adam Brown
166 views



Field racing- AKA "Hillbilly 500"
by mbyr31
13,521 views



13.5 12th scale- Middle River Hobbies- 6/25/11
by banksrandy14
631 views



2013 Reedy Invite Round 8 Heat 2 - Must watch ending!
by Stephen Bui
3,225 views



09/08/13 TC Hobby's SC8 Main Race
by aquito04
168 views

Sweep Challenge Middle River Hobbies - 1/12 3rd Qual
by good4man2
4:12 410 views

Cardiomyopathy (CMP)
by Sansa Med
14:31 18,239 views

Hurricane R/C Club Racing (1/27/2013) - Florida Offroad
by floridaoffroadracer
8:17 8,227 views

60 Minutes | Katherine Jackson Interview | A Mother's Pain
by CosplayerProductions
16:51 314,119 views

The Doors - Soul Kitchen
by DefencelessNun
1:36 Recommended for you

port Jervis 1/10 nitro Amain-New York state challenge
by Juwan Hunter
10:21 761 views

The Searchers - Needles and Pins '88
by David Bailey
3:18 Recommended for you

blue diamond rc. Juan Amador winning the Bmain with the
by Juwan Hunter
10:23 67 views

RC ADVENTURES - RC GEARS - DIRT TRACK - NITRO Truggy &
by RCSparks Studio™ / djmedic2008
11:34 113,326 views

Patient 10 days after having LVAD
by dthx73
40,916 views

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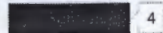
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Middle River Hobbies



Bickso's channel



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GIANT SCALE RC AVRO LANCASTER 152cc 17ft SPAN -
by tbobborap1
20:11
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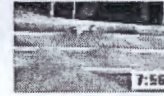
1/5 30cc 4WD Gas Powered Buggy + Alloy tune pipe + 4WD -
by Serega Pest
8:43
676 views



13.5 12th scale- Middle River Hobbies- 6/25/11
by banksrandy14
12:32
631 views



Middle River Hobbies, MD - A main truggy 4-10-10 part 2.wmv
by ajcxc
7:45
1,798 views



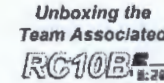
Middle River Hobbies, MD - A main truggy 4-10-10.wmv
by ajcxc
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by RJ Fisher
6:36
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RC ADVENTURES - PROJECT OVERKILL - DUALY - Episode 6
by RCSparks Studio™ / djmedic2008
5:51
89,142 views



Unboxing the Team Associated RC10 B5m Team Kit RC Buggy
by CJatCompRCC
6:26
1,708 views



Внедорожник бензиновый VRX RACING с демонстрацией
by SKM Toys
4:06
447,249 views



Trainspotting in Middle River
by BaltimoreAndOhioRR
3:17
1,291 views



RC ADVENTURES - PROJECT OVERKILL - DUALY - Episode 4
by RCSparks Studio™ / djmedic2008
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55,406 views



Toyota Supra drag race, catches fire on the launch! MIR 2011
by uRacelfilm.com
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3,965 views



RC HELICOPTER TRICKS AMAZING
by AXHEJAZ
6:03
177,150 views



River Hobby blaze with tuned pipe
by TheNITROKILLERS
1:31
628 views

MRH Off-Road Buggy Race
by Middle River Hobbie Racing (MRH Racing)
185 views

6

middle river hobbies racing 2011

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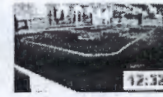
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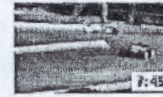
GIANT SCALE RC AVRO LANCASTER 152cc 17ft SPAN -
by tbobborap1
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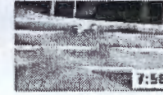
1/5 30cc 4WD Gas Powered Buggy + Alloy tune pipe + 4WD -
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MRH Off-Road Buggy Race
by Middle River Hobbie Racing (MRH Ra
185 views

River Hobby Blaze after first tune
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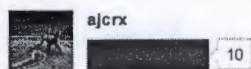
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Middle River Hobbies, MD - A main truggy 4-10-10.wmv



4,465

4 0

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Uploaded on Apr 10, 2010

Opening day at Middle River Hobbies in Middle River, MD. A main truggy, I was TQ and the only one to turn 10 laps (twice) in 6mins. I won the A main by a couple laps over second place. My truggy is a 8ight T 2.0 with Proline Bulldog body that I painted myself. Engine is a Clockwork Racing Ofna JL .21 with a JP-1 pipe and Byrons

[Show more](#)



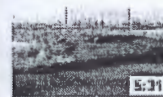
INSANE DRAG RACING CRASHES AND WHEELSTANDS
by urbanhillbilly
5,678,126 views



Pro Truggy Supercross Final - RCX 2010
by Air AgeMedia
8,679 views



Middle River Hobbies, MD - A main truggy 4-10-10 part 2.wmv
by ajcrx
1,798 views



Clockwork Racing JPX 21 MBX5T vs Ninja JX MBX6
by NitroJedi
2,816 views



Losi 8ight-T E 2.0.
by rrules100
11,854 views



ROAR Region 2 RC Truck Race of Champions Truggy Main Part1
by mufmfromroot
89,966 views



Ofir at Family Hobbies Raceway Vineland, NJ.wmv
by ajcrx
1,221 views



HorizonHobby.com How-To - Pit Stop Basics
by Horizon Hobby
12,912 views



Traxxas Slayer Pro
by wrapperscrapper91
32,628 views



A Day at the Track - The Day of the Truggy - 20.09.09 Rodgau
by SmallDragon76
2,117 views



Kyosho MP7.5 Kanal 3 with a Modded Novarossi Top P5
by John Doherty
2,081 views



HorizonRC.com Review - Losi 8IGHT T 2 0 RTR
by Horizon Hobby
152,468 views



losi 2.0t air brushed bulldog body tekin 2250kv & rx8
by Blast and Cruise Protocol from Hell
6,683 views



Middle River Hobbies
by Bickso
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Rc update May
by xGANGST3RxGAG3x
1,661 views

2.2.8

middle river hobbies racing 2013

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RC Drag Racing



cybertec Hough



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1,467

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2010 Open season Test and Tune @ Middle River Hobbies
Baltimore County's Eastern Regional Park

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Brooklyn RC Drag Racing
by pro5thscale
2,951,710 views



Rc Drag Racing @ Lynwood
by D McCoy
1,239 views



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main truggy 4-10-10 part 2.wmv
by ajcrx
1,798 views



Atlanta RC Drag Racing
by dvspot
18,756 views



drag racing crashes
by kabranty
100,415 views

2010 US ScaleMasters RC.mov
by bonsalrick
1,493 views

10:38

QMDRA RC Drag racing
compilation 15-9-2013
by Tristan Jones
915 views

0:53

72 Inch rc lobster boat part 1
by stonewall120
1,482 views

8:07

Middle River Hobbies, MD - A
main truggy 4-10-10.wmv
by ajcrx
4,453 views

7:56

RC Drag Racing from Calgary
6B4
by XtenProductions428
792 views

5:15

RC Drag racing SLO MO
by Schneiderracing
2,170 views

1:34

RC ADVENTURES - RC DRAG
RACING #1 - CALGARY R/C
by RCSparks Studio™ / djmedic2008
683,501 views

2:04

RC Drag Racing - Lynwood - Big
Squid RC - Shot in HD!
by BigSquidRC
378,928 views

3:15

Middle River Hobbies R/C Drag
Racing
by frostyone1977
14,790 views

5:45

RC DRAG RACING ERIK VS LARRY.wmv
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5,074 views

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middle river hobbies racing 2013

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RC drag racing...pretty cool

by MotorsbyShooter · 1/5 ·

- 1 Middle River Hobbies, RC Drag racing by frostyone1977
- 2 Middle River Hobbies, RC Drag racing by frostyone1977
- 3 RCDRL Remote Control Drag Racing League- North Texas by Michael Mercadel
- 4 RCDRL Remote Control Drag Racing League- North Texas by Michael Mercadel
- 5 RC Funny Car Race #11.mpg by biggray94

Middle River Hobbies, RC Drag racing



Frostys R/C Vidz, East Coast Racing

129

120,299

107 11

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Uploaded on Jun 15, 2009

Some video of a recent trip to the drag races held twice a month by Middle River Hobbies in Middle river Maryland.

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BEST OF RC TRUCK, RC CRASH, RC ACCIDENT, RC by RC LIVE ACTION
20,992,183 views

37:44

Brooklyn RC Drag Racing by pro5thscale
2,951,710 views

9:07

RC ADVENTURES - PM HOBBYCRAFT (South Location) by RCSparks Studio™ / djmedic2008
1,485,470 views

17:06

FINISHLINE RC DRAG RACING at "Car Fest 2014" TRAXXAS by AB Palacios
110,105 views

11:09

1/4 scale dragster on spray by bigvicbigauto
548,898 views

9:01

MOBIL BALAP DRAG TERCEPAT TENAGA JET by Mobil Balap
39,300 views

2:38

large scale rc drag racing by estrellainc187

66
videos

Friday Night Lightz 3: grudge racing 2013 by Wyldfantasies
6,264 views

12:02

2010 Australian National Finals R/C Drag Racing by griz11
153,374 views

3:40

AFTER DARK UNDERGROUND @ M.I.R. 2013 by lbmvideos
16,800 views

15:56

P.C.D

Middle River Hobbie

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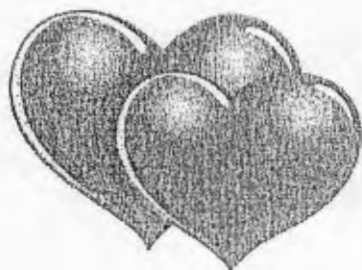
Baltimore's premier Hobby Shop and Raceway

[CONTACT INFO](#)



Now streaming races **LIVE**
on liverc.com

[LIVERC LINK](#)



Nothing says **I LOVE YOU** like a new
R/C and/or some parts!

TIME TO BRING IN THE NEW YEAR AT MIDDLE RIVER HOBBIES.

We no longer have middleriverhobbies.com There was difficulties with the host and we
have to change our domain.

We are currently updating our website at the moment. Sorry for the inconvenience.

Radio-controlled car

From Wikipedia, the free encyclopedia

Radio controlled (or *R/C*) cars are self-powered model cars or trucks that can be controlled from a distance using a specialized transmitter. The term "R/C" has been used to mean both "remote controlled" and "radio controlled", where "remote controlled" includes vehicles that are connected to their controller by a wire, but common use of "R/C" today usually refers to vehicles controlled by a radio-frequency link. This article focuses on radio-controlled vehicles only.

Cars are powered by various sources. Electric models are powered by small but powerful electric motors and rechargeable nickel-cadmium, nickel metal hydride, or lithium polymer cells. There are also brushed or brushless electric motors. Most fuel-powered models use glow plug engines, small internal combustion engines fueled by a special mixture of nitromethane, methanol, and oil (in most cases a blend of castor oil and synthetic oil). These are referred to as "nitro" cars. Recently, exceptionally large models have been introduced that are powered by small gasoline engines, similar to string trimmer motors, which use a mix of oil and gasoline. Electric cars are generally considered easier for the novice to work with compared to fuel-driven models, but can be equally as complex at the higher budget and skill levels.

In both of these categories, both *on-road* and *off-road vehicles* are available. Off-road models, which are built with fully functional off-road suspensions, and a wide tire selection, can be used on various types of terrain. On-road cars, with a much less robust suspension, are strictly limited to smooth, paved surfaces. In the past decade, advances in "on-road" vehicles have made their suspension as adjustable as many full scale race cars, today.

Contents

- 1 Toy-grade R/C cars
- 2 Hobby-grade radio control models
 - 2.1 Electric models

http://en.wikipedia.org/wiki/Radio-controlled_car

7/27/2014

Radio-controlled car - Wikipedia, the free encyclopedia

Page 3 of 10

being the only options. With all the disadvantages, toy-grade R/C cars are a great intro to the hobby, especially for ages 5 – 10, and are cheap platform for modifications and tuning even for older enthusiasts.

Hobby-grade radio control models

In recent years, hobby-grade "ready-to-run" (or "RTR") models have become readily available from major manufacturers of radio-controlled cars, attracting many hobbyists who would otherwise not have purchased a kit car. Vehicles of this type need little or no final assembly and in most cases, the bodies are shipped painted and trimmed. Safety inspection of the product to ensure correct operation is essential, as injury to operators or bystanders from disassembling vehicles is possible. A number of cars and trucks are presently available only in ready-to-run form. The growing popularity of the RTR vehicle has prompted many manufacturers to discontinue production of kit vehicles. High-spec racing vehicles are generally still available or sold only as kits, and companies like Thunder Tiger, Losi, HPI and Tamiya sell kit and RTR versions with the benefits of a kit version being in upgraded parts or lower costs, respectively. Hobby grade vehicles can cost much more, ranging from \$90 to over \$1600.

Electric models

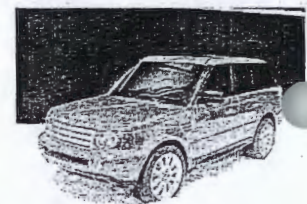
Electrically powered models utilize mechanical or electronic speed control units to adjust the amount of power delivered to the electric motor. The power delivered is proportional to the amount of throttle called for by the transmitter - the more you pull the trigger, the faster it goes. The voltage is "pulsed" using transistors to produce varying output with smooth transitions and greater efficiency. Electronic speed controllers use solid state components to regulate duty cycle, adjusting the power delivered to the electrical motor. In addition, most electronic speed controllers can use the electric motor as a magnetic brake, offering better control of the model than is possible with a mechanical speed control. Mechanical speed controllers use a network of resistors and switch between them by rotating a head with an electrode around a plate that has electrical contacts. Mechanical speed controllers are prone to being slow to react because they are actuated by servos, waste energy in the form of heat from the resistors, commonly become dirty and perform intermittently, and lack a dedicated braking ability. They appear only in vintage RC models, and are now essentially obsolete. Most electric cars up to recently used brushed motors but now many people are turning to brushless motors for their higher power output and because they require much less maintenance. They are rated either in relative turns or Kv. The Kv number tells how many RPM the motor will turn per volt, assuming no load and maximum efficiency. However, the ability of the system to put out power is dependent on the quality of the batteries used, wires and connectors supplying power. Due to their power, brushless motors are also used in bigger monster trucks and 1/8 nitro-powered buggies that have been converted to electric. High quality brushless systems can be much more powerful than nitro and can accomplish feats such as standing backflips when installed in a monster truck, most notably the HPI Savage Flux. Some 1/5 scale gas to electric conversions are in production but are uncommon due to high price. A new (2012) form of electric r/c racing is MAGracing. Small 1/32 scale cars and powered by rechargeable batteries and steering and

P.C. 11

- 2.2 Nitro 5000 powered models
- 2.3 Gasoline-powered models
- 2.4 Accessories and Upgrades
- 3 Principles of operation
- 4 History
 - 4.1 Early commercial products
 - 4.2 Modern developments in radio controlled racing
- 5 See also
- 6 References
- 7 External links

Toy-grade R/C cars

Toy-grade R/C cars are typically manufactured with a focus on design coupled with reducing production costs. Whereas a hobby-grade car has separate electronic components that are individually replaceable if they fail, toy grade cars are typically made with components harder to find as spare parts and a single electronic circuit board integrated into the design of the vehicle. Although hobby-grade enthusiasts look down on toy-grade R/C cars, their maintenance is much easier than of the hobby-grade models since number of components is drastically smaller, and parts can be harvested at almost no cost from any R/C toy car of the similar size. Performance is proportional to the price, but with addition of hobby-grade type of batteries (LiPo) toy R/C cars can get up to 1/2 the speed of comparable hobby-grade car for 1/5 of the price. Stock toy-grade cars are equipped with weaker motors and are powered by alkaline or NiCad batteries which means their top speed is usually only 5-15 mph. Cheaper ones lack any form of a suspension and the ones that do feature a suspension have very primitive or rudimentary designs. Steering is typically not proportional (with only three positions: straight, full left, and full right) and there is typically no proportional "throttle" either, with stopped and full power usually



Radio controlled vehicle toy 1:24 Range Rover Sport replica developed by Rastar with hidden antenna.

http://en.wikipedia.org/wiki/Radio-controlled_car

7/27/2014

Radio-controlled car - Wikipedia, the free encyclopedia

Page 4 of 10

speed are controlled by r/c. Extra steering guidance is provided by steel wires hidden in the track surface enabling more accurate steering than is attainable with free running r/c cars. Tracks can therefore be much narrower and smaller making the system suitable for 'in home' racing. Cars can be driven back onto the track after an 'off', using reverse if necessary, so that track marshals are not required.

Nitro 5000 powered models

Nitromethane nitro powered models utilize a single servo for throttle and braking control; rotation of the servo in one direction will cause the throttle on the carburetor to open, providing more air and fuel mixture to the internal combustion engine. Rotation of the servo in the other direction causes torque to be applied to a linkage and cam which causes friction with the braking material. The brake is commonly located on the driveshaft or spur gear in some cases and applies stopping power only to the driven wheels. Some models will also use an additional servo to control a transmission box, enabling the vehicle to drive in reverse.

Fuel engine sizes most often range between .12-.35 cubic inches. This is due to restrictions by the main sanctioning bodies for radio-controlled racing. Many "outlaw" engines are manufactured larger than these, mainly intended for vehicles which will not be used in sanctioned races and therefore do not need to comply with these regulations. Engine size is related to the class of car; 1/10 scale on and off road vehicles usually are equipped with .12-.18 cubic inch engines, with 1/8 scale vehicles using .21-.32 cubic inch engines. There are exceptions, with many Schumacher and Thunder Tiger/Team Associated RC models being good examples of unusually large engines coming as standard equipment on certain models.

Fuel-powered engines allow model cars to reach moderate speeds unmodified. Maximum power is generally achieved at medium to high speeds, and a slightly slower throttle response than electrically powered vehicles is to be expected due to clutching and lack of torque. Electric motors effectively produce instantaneous torque, whereas nitro engines, like full-sized gasoline engines, take time for the engine to spool up and for the clutch to engage. Nitro- (and fuel) powered cars may be refueled and returned to action in a few seconds, as opposed to electronics needing to remove the body shell and battery fasteners to replace a discharged battery. Nitro cars are cooled some by air, some by the oil mixed in with the fuel and may be run continuously with no need to take breaks for cooling down assuming they are properly tuned.

Nitro-powered cars operate like full-sized fuel vehicles more than their electric counterparts do, making use of a two stroke engine rather than an electric motor. The sound of the engine noise is a main selling points to nitro enthusiasts, even though brushless electric equivalents are generally faster. However, their exhaust contains unburned oil, which usually ends up coating the chassis. This, in turn, requires more cleaning than an electric-powered equivalent. Cleaning is usually achieved by the use of compressed air nozzles and solvents (such as



A Traxxas T-Maxx nitro powered off-road monster truck with no body.

Category:RC Race Track

From RacerLog

The following are all the RC Race Tracks listed within RacerLog. Additional tracks can be found on the ROAR Regional Information pages (<http://www.roarracing.com/regions.php>) and on HobbyTalk's Track Finder (<http://www.hobbytalk.com/trackfinder/>).

Add New RC Race Track

You can add a new entry (or edit an existing entry) using this form here.

RC Race Track Map



RC Race Track List

ID	Introduction	Track Type	Surface	City	State	Country
301	Closed as of the spring 2010 race season. 301 Raceway in Maryland is an amazing outdoor on-road facility focusing on Nitro 1/8th 4wd, 1/10th	Outdoor On-road	Asphalt	Brandywine	Maryland	USA

Nitro Sedan, 1/5 Scale, and 1/7 Scale (IGT, DM1)

The track features:

- Covered pit area
- Electrical outlets in the pits
- Tire truing stations
- Track cameras
- Remote scoring monitors
- Spacious driver's stand
- Quality race surface
- Air compressors
- Washing stations
- Portable potties

Track Dimensions:

The racing surface is composed of a high grade asphalt slab of 25' x 30'. The back straight is 250' long with a high speed sweeper. The driving line is 1125'.

360 RC Speedway	360 Speedway was founded in late 2007 by Sal Amato and Donny Lia, following the closing of South Shore hobbies, in Coram, NY. The track features CRC Ozite Carpet, with CRC click track barriers.	Indoor On-road Indoor Flat Oval	Carpet Asphalt	West Babylon	New York	USA
Action RC Mini Speedway	Action RC Mini Speedway is like a huge slot car racing track - without the slots! You make your car go where you want it to go! We are the largest indoor racing facility in New York City for 1/28 scale radio control racing cars. We also have the largest selection of Kyosho Auto Scales and accessories in the Tri-State area !!!!!	Indoor On-road	Mini-z Tiles	Staten Island	New York	USA
Barnstormers Off-Road RC Raceways	Featuring both an indoor and outdoor off-road track and an on-site hobby store, http://dirtcheaprc.com/ , Barnstormers has it all. Racing Friday and Sunday through the winter.	Indoor Off-road Outdoor Off-road	Clay Dirt	Chester	New York	USA
Blue Diamond Park	Blue Diamond Park is home of state-of-the-art, onroad and offroad tracks. The onroad track features a long 210+ft straight with zebra curbs and rubber barriers. There is a covered pit area with tables and chairs adjacent to the track. The offroad track is equally as large and well prepped for racedays.	Outdoor On-road Outdoor Off-road	Asphalt Dirt	New Castle	DE	USA
Bouge Sound Raceway	This track was built to suit all types of off-road and all sizes	Outdoor Off-road	Dirt	Newport	NC	USA
Debbie's RC World	Debbie's RC World is located close to I-64 in Chesapeake, VA.	Indoor On-road Outdoor On-road Outdoor	Carpet Clay Asphalt Dirt	Chesapeake	VA	USA

Region 2

Delaware - Maryland - New Jersey -
Pennsylvania - Washington DC - Virginia -
West Virginia

Region Director

Jason Mackanick
238 Hickory Ln.
Shippensburg, PA
17257
Phone: 717.300.1323
Email: R2Director@roarracing.com (mailto:R2Director@roarracing.com)

Assistant Region Director - On Road

Ed Ziliox
Email: r2_assistant_director@roarracing.com
(mailto:r2_assistant_director@roarracing.com)

Assistant Region Director - Off Road

Jason Mackanick

P.C. 13

Region 2 Affiliated Clubs

Maryland

Middle River Hobbies - Track Details (track_details.php?tid=2413)

The Track - Track Details (track_details.php?tid=1516)

New Jersey

Jackson R/C Racing Assoc. - Track Details (track_details.php?tid=1717)

Pennsylvania

Big Dog RC - Track Details (track_details.php?tid=2478)

Bumps and Jumps RC Speedway and Hobbies - Track Details (track_details.php?tid=2275)

G's RC Raceway - Track Details (track_details.php?tid=2410)

LCRC Raceway - Track Details (track_details.php?tid=2394)

Railyard Hobbies - Track Details (track_details.php?tid=2491)

Virginia

Awesome RC & Hobbies - Track Details (track_details.php?tid=2207)

D R C W Raceway - Track Details (track_details.php?tid=1623)

Radio Control Racers of Northern Virginia - Track Details (track_details.php?tid=2386)

RC Pro Racing - Track Details (track_details.php?tid=2362)

Tiltyard - Track Details (track_details.php?tid=2078)

Valley Short Course - Track Details (track_details.php?tid=2488)



(https://twitter.com/ROAR_Racing)



(https://www.facebook.com/ROARRacing)

ROAR Events

Electric On Road Paved Nationals

(/national_races.php)

P.C. 14

INTERNATIONAL FEDERATION OF MODEL AUTO RACING


[WELCOME](#) [MEMBERS](#) [CALENDAR](#) [RULES](#) [FORMS](#) [CONTACTS](#) [ARCHIVED NEWS](#)

...to the webpage of **IFMAR (International Federation of Model Auto Racing)**. It is my wish that you will find the information you're looking for on this site.

Since IFMAR is the world governing body of Radio Controlled Car Racing this site will mainly contain information related to World Championship of Radio Controlled cars....

The Officials in the IFMAR Board will naturally always keep the objectives of IFMAR as guidelines for the activities of the federation

Promote International friendship and co-operation throughout the world through and for the constructions and operation of RC Automobiles.

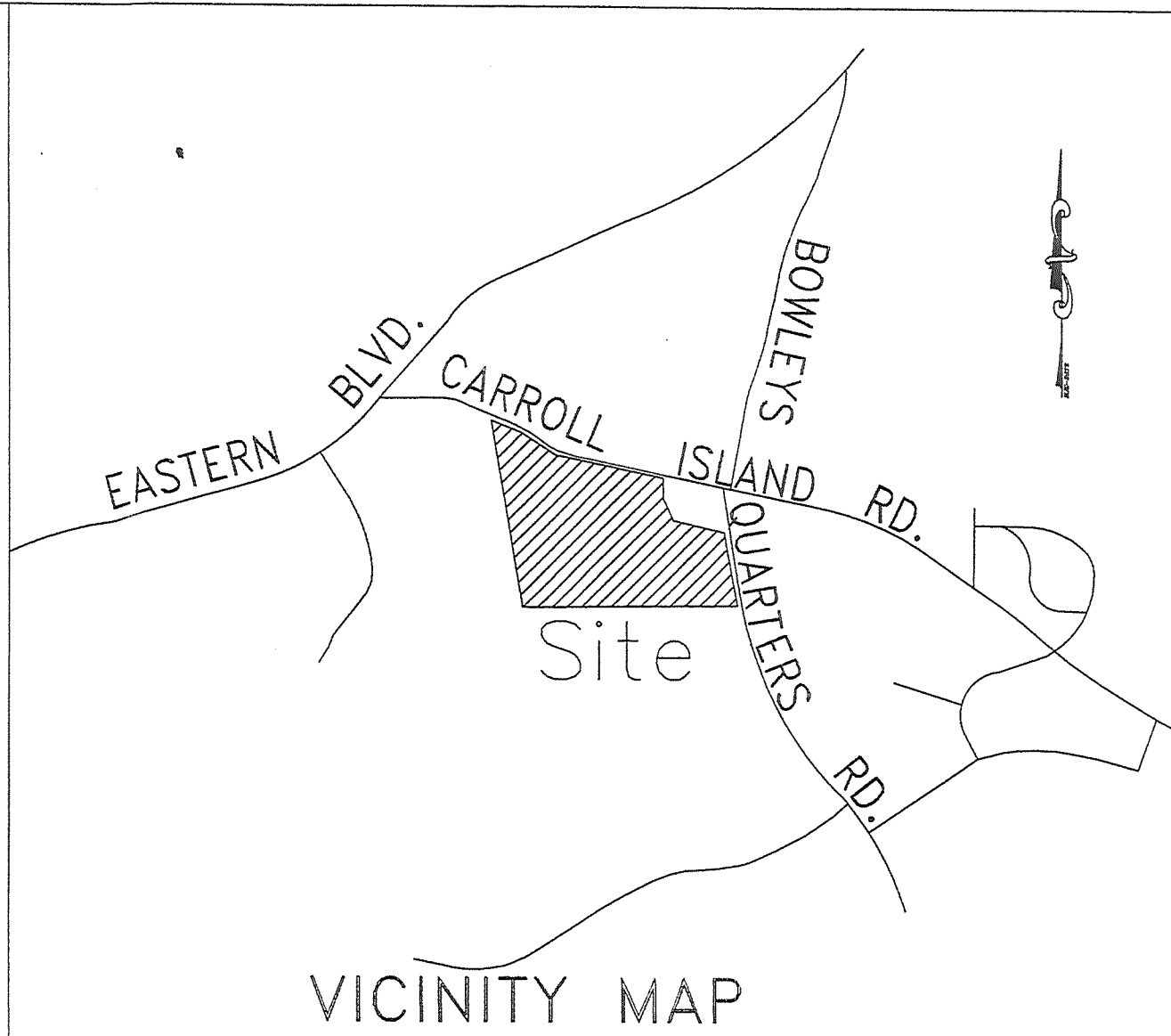
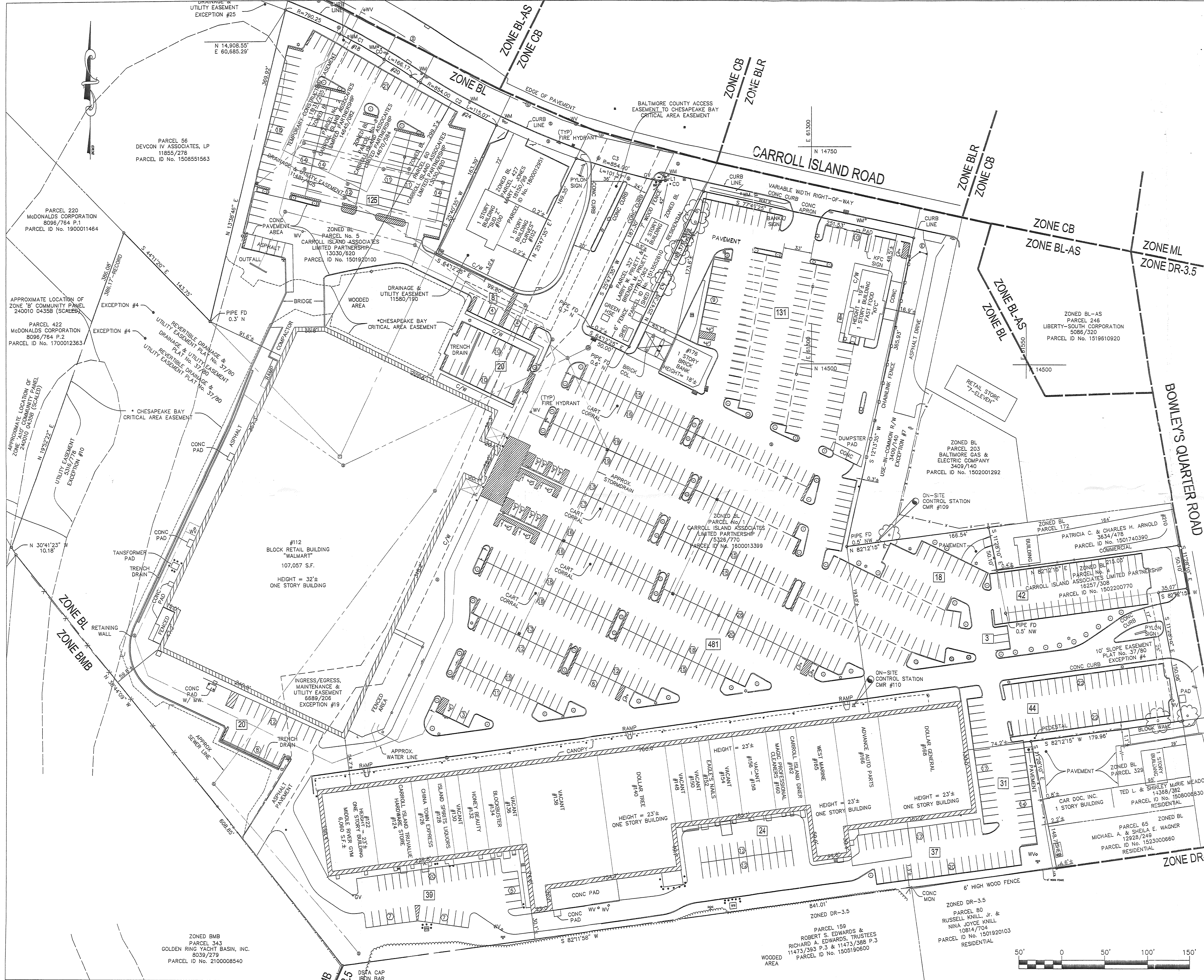
Establish uniform International Rules and Regulations for the construction and operation of Radio Controlled Automobiles.

Co-ordinate International races and competitions for all classes of Radio Controlled Automobiles to keep records thereof and distribute information relating thereto.

Maintain the IFMAR World Championships as the only recognised World Championships for Radio Controlled Automobiles.


[WWW.IFMAR.ORG](http://www.ifmar.org)

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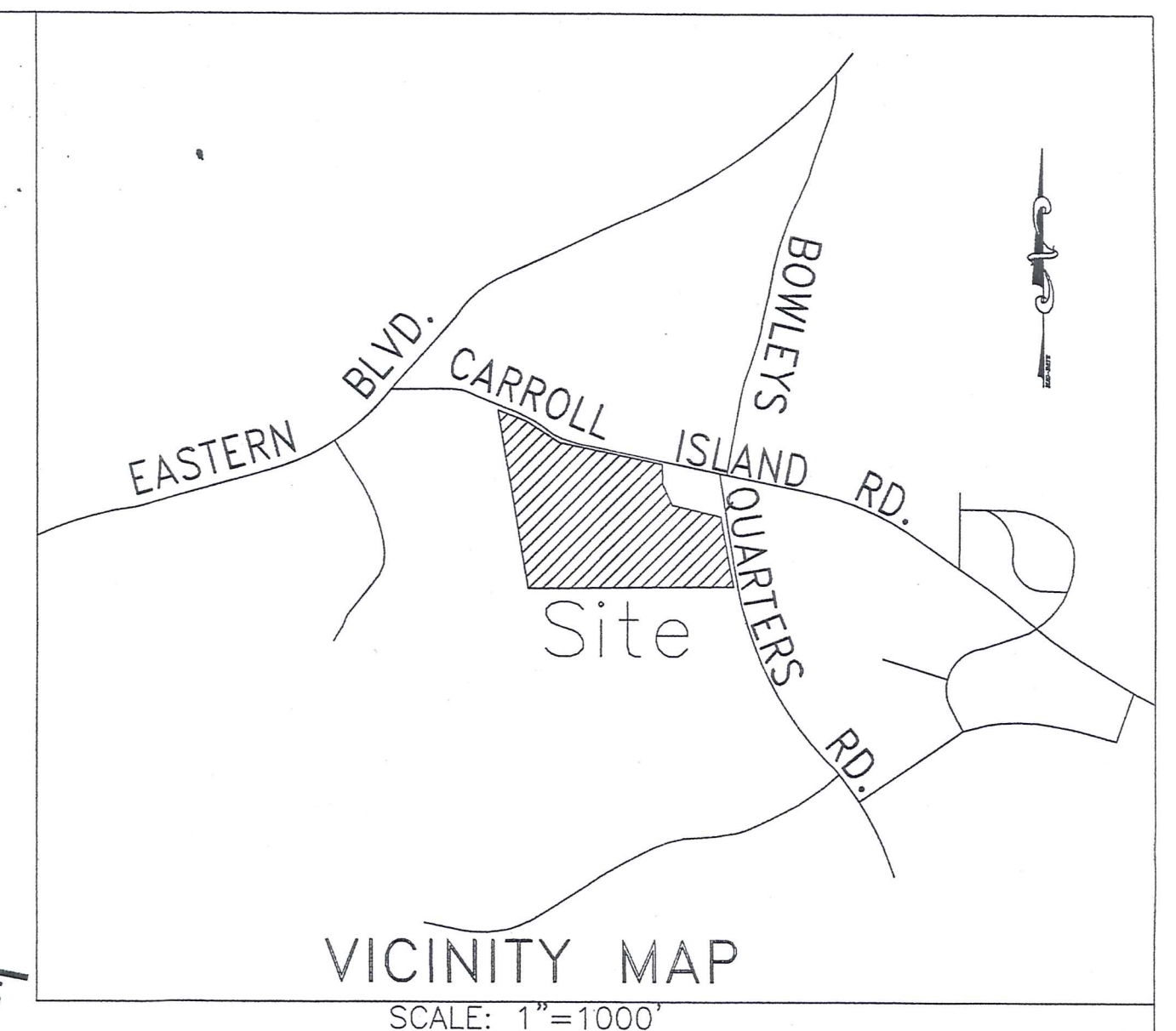
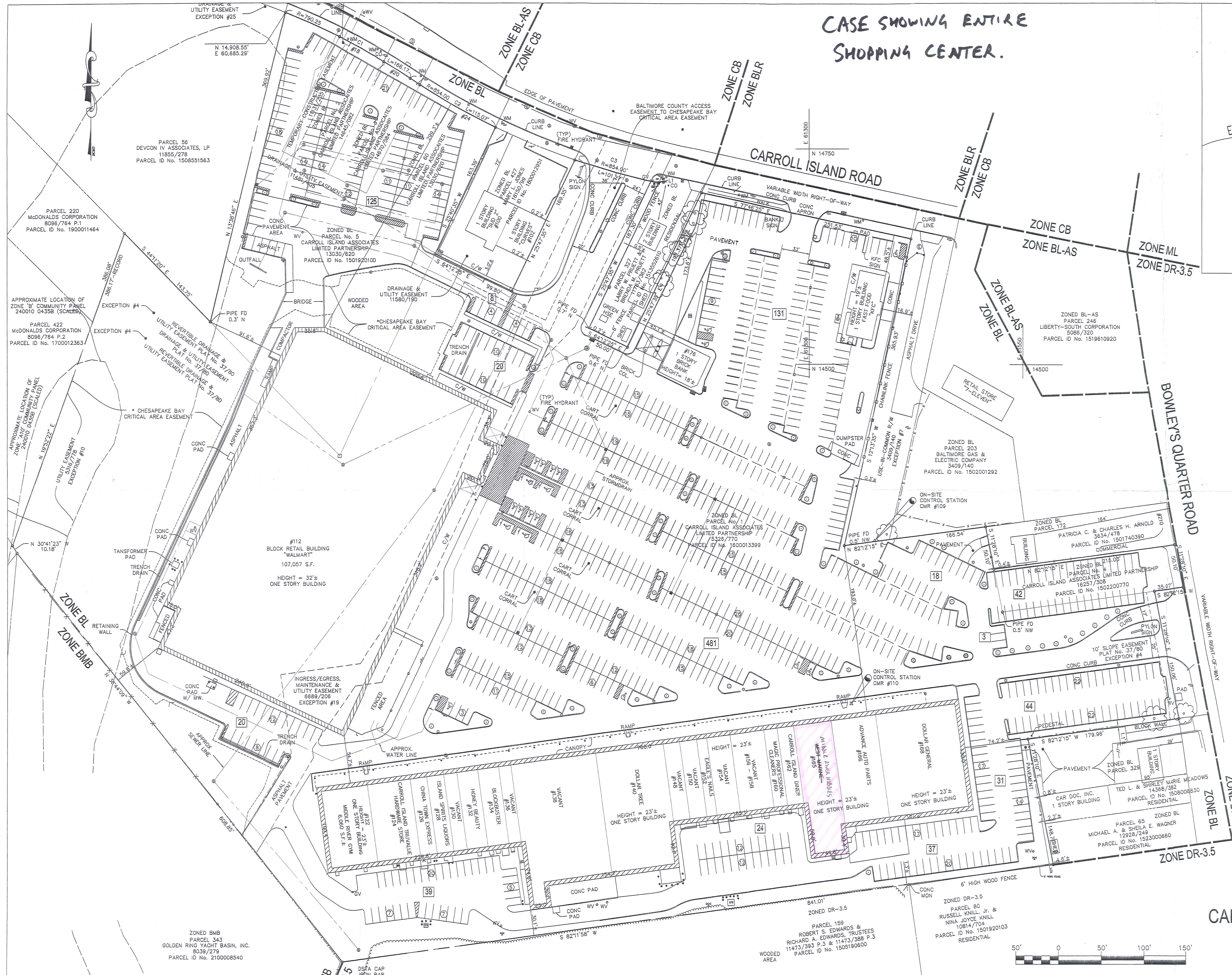
- VICINITY MAP**
SCALE: 1"=1000'
- GENERAL NOTES**
- 1) OWNER : CARROLL ISLAND ASSOCIATES, LIMITED PARTNERSHIP
601 E. PRATT STREET, 8TH FLOOR
BALTIMORE, MARYLAND 21202
410-732-5444
 - 2) PLAN PREPARED BY : THE CORDISH COMPANY
601 E. PRATT STREET, 8TH FLOOR
BALTIMORE, MARYLAND 21202
410-347-2942
 - 3) THIS SITE IS SUBJECT TO DRC LIMITED EXEMPTION IN ACCORDANCE WITH SECTION 26-171 (b) (9), GRANTED ON 06/19/2000 . DRC NO. 061200
 - 4) DEVELOPMENT PLAN (PDM NO. XV-780) APPROVED
 - 5) ELECTION DISTRICT NO. 15 COUNCIL DISTRICT NO. 5
 - 6) CENSUS TRACT 4518.02 WATERSHED: 2 SUBWATERSHED: 5
 - 7) SUBJECT SITE ZONED: BL (ZONING MAP NO. NE-4K)
 - 8) SUBJECT SITE ZONING HISTORY:
a) CASE NO. 74-254-X (ITEM #158)
A SPECIAL EXCEPTION TO PERMIT A MOVIE THEATER IN A BL-COC ZONE, GRANTED MAY 10, 1974, SUBJECT TO APPROVAL OF A SITE PLAN
b) CASE NO. 76-232-X
SPECIAL EXCEPTION TO PERMIT A GARAGE FOR THE MOUNTING OF TIRES ONLY GRANTED MAY 11, 1976
c) CASE NO. 78-145-A
VARIANCE TO FORMIT AN ADDITIONAL FREE STANDING DOUBLE FACED SIGN, GRANTED ON FEBRUARY 9, 1978.
 - 9) SUBJECT SITE IS COMPRISED OF THE FOLLOWING PARCELS:
TAX MAP 91 GRID 9 PARCEL 81 PLAT REF: 37/80 TAX ACCT. NO. 1600013399
TAX MAP 91 GRID 9 PARCEL 87 DEED REF: 3030/820 TAX ACCT. NO. 1501920100
TAX MAP 91 GRID 9 PARCEL 58 DEED REF: 6409/855 TAX ACCT. NO. 1511670410
TAX MAP 91 GRID 9 PARCEL 59 DEED REF: 6805/193 TAX ACCT. NO. 1505000470
TAX MAP 91 GRID 9 PARCEL 60 DEED REF: 3030/820 TAX ACCT. NO. 1501920110
TAX MAP 91 GRID 9 PARCEL 64 DEED REF: 9522/144 TAX ACCT. NO. 1502200770
 - 10) SUBJECT SITE AREA: 19.86 ACRES± (864,919 S.F.) NET
20.44 ACRES± (890,366 S.F.) GROSS.
 - 11) TOTAL BUILDING AREA: SHOPPING CENTER - 92,018 S.F.
BANK - 1,920 S.F.
RESTAURANT - 2,490 S.F.
WAL-MART - 107,087 S.F.
TOTAL - 203,485 S.F.±
 - 12) FLOOR AREA RATIO: F.A.R. MAXIMUM = 3.0
203,485 S.F.(BUILDINGS) / 890,366 S.F. (GROSS SITE) = 0.23 F.A.R.
 - 13) PARKING CALCULATIONS: SHOPPING CENTER (100,000 S.F. OR MORE OF GROSS LEASABLE AREA) SECTION 409.6 (A)(2) REQUIRED: 5 PER 1,000 S.F. (5/203,485 S.F./1,000) = 1.018 SPACES BCZR PROVIDED = 1,023 SPACES (INCLUDING 21 ADA SPACES)
 - 14) SUBJECT SITE PREVIOUS COMMERCIAL PERMITS:
1973: 397-73, 684-73, 722-73, 738-73, 917-73, 1508-73, 1612-73
1974: 181-74, 310-74, 552-74, 611-74, 650-74, 641-74, 825-74, 931-74, 1149-74, 1238-74, 1348-74, 1368-74
1975: 307-75, 470-75, 537-75, 613-75, 699-75, 844-75, 875-75
1976: 121-76, 723-76
1978: 207-78
1979: 48-78, 529-79
1982: 245-82
1984: 134-84, 1109-84
1986: 1724-86
1987: 612-87
1988: 1392-88
2002: 8 477661
 - 15) SUBJECT SITE BUILDING SETBACKS: (BL ZONE) IN ACCORDANCE WITH SECTION 232, BCZR
FRONT - 10' TO PROPERTY LINE / 40' TO CL OF STREET
SIDE - 0' ON INTERIOR LOTS, 10' ON CORNER LOTS / STREET SIDE; IF ABUTTING A RESIDENTIAL ZONE, SIDE YARD NOT LESS THAN THE MINIMUM FOR A DWELLING
REAR - 0'; IF ABUTTING RESIDENTIAL ZONE, 20' MINIMUM REQUIRED
 - 16) SUBJECT SITE IS SERVED BY PUBLIC WATER AND SANITARY SEWER
 - 17) ALL SIGNAGE COMPLIES WITH SECTION 450 OF THE BCZR OR A VARIANCE WILL BE REQUESTED.

PETITIONER'S
EXHIBIT NO. 1

SITE PLAN
CARROLL ISLAND SHOPPING CENTER
112 Carroll Island Road @ Bowley's Quarters Road
15th Election District Baltimore County, MD
Scale 1"= 50' December 12, 2010

* "OLD" SITE PLAN FROM PREVIOUS

CASE SHOWING ENTIRE
SHOPPING CENTER.



GENERAL NOTES

- OWNER: CARROLL ISLAND ASSOCIATES, LIMITED PARTNERSHIP
601 E. PRATT STREET, 8TH FLOOR
BALTIMORE, MARYLAND 21202
410-752-5444
- PLAN PREPARED BY: THE CORDISH COMPANY
801 E. PRATT STREET, 8TH FLOOR
BALTIMORE, MARYLAND 21202
410-347-2942
- THIS SITE IS SUBJECT TO DRC LIMITED EXEMPTION IN ACCORDANCE WITH SECTION 28-171 (8) (9), GRANTED ON 06/19/2000. DRC NO. 061200
- DEVELOPMENT PLAN (PDM NO. XV-760) APPROVED
- ELECTION DISTRICT NO. 15 COUNCIL DISTRICT NO. 5
- CENSUS TRACT 4518.02 WATERSHED: 2 SUBSEWERED: 5
- SUBJECT SITE ZONED: BL (ZONING MAP NO. NE-4K)
- SUBJECT SITE ZONING HISTORY:
a) CASE NO. 74-284-X (ITEM #158)
A SPECIAL EXCEPTION TO PERMIT A MOVIE THEATER IN A BL-COC ZONE, GRANTED MAY 10, 1974, SUBJECT TO APPROVAL OF A SITE PLAN
b) CASE NO. 76-232-X
SPECIAL EXCEPTION TO PERMIT A GARAGE FOR THE MOUNTING OF TIRES ONLY GRANTED MAY 11, 1976
c) CASE NO. 78-145-A
VARIANCE TO PERMIT AN ADDITIONAL FREE STANDING DOUBLE FACED SIGN, GRANTED ON FEBRUARY 9, 1978.
- SUBJECT SITE IS COMPRISED OF THE FOLLOWING PARCELS:
TAX MAP 91 GRID 9 PARCEL 51 PLAT REF: 37/80 TAX ACCT. NO. 1600013398
TAX MAP 91 GRID 9 PARCEL 57 DEED REF: 13030/650 TAX ACCT. NO. 1501920100
TAX MAP 91 GRID 9 PARCEL 58 DEED REF: 6409/655 TAX ACCT. NO. 1511670410
TAX MAP 91 GRID 9 PARCEL 59 DEED REF: 6905/193 TAX ACCT. NO. 1505000470
TAX MAP 91 GRID 9 PARCEL 60 DEED REF: 13030/650 TAX ACCT. NO. 1501920110
TAX MAP 91 GRID 9 PARCEL 64 DEED REF: 9522/144 TAX ACCT. NO. 1502200770
- SUBJECT SITE AREA: 19.86 ACRES (864,919 S.F.) NET
20.44 ACRES (890,366 S.F.) GROSS.
- TOTAL BUILDING AREA: SHOPPING CENTER - 92,018 S.F.
BANK - 1,920 S.F.
RESTAURANT - 2,480 S.F.
WAL-MART - 107,057 S.F.
TOTAL - 203,485 S.F.
- FLOOR AREA RATIO: F.A.R. MAXIMUM = 3.0
203,485 S.F.(BUILDINGS) / 690,366 S.F. (GROSS SITE) = 0.23 F.A.R.
- PARKING CALCULATIONS: SHOPPING CENTER (100,000 S.F. OR MORE OF GROSS LEASABLE AREA) SECTION 409.6 (A)(2) REQUIRED: 5 PER 1,000 S.F. (5x203,485 S.F./1,000) = 1,018 SPACES PROVIDED = 1,023 SPACES (INCLUDING 21 ADA SPACES)
- SUBJECT SITE PREVIOUS COMMERCIAL PERMITS:
1973: 397-73, 684-73, 722-73, 738-73, 917-73, 1508-73, 1612-73
1974: 181-74, 310-74, 552-74, 611-74, 650-74, 641-74, 825-74, 931-74, 1149-74, 1238-74, 1348-74, 1368-74
1975: 307-75, 470-75, 537-75, 613-75, 699-75, 844-75, 875-75
1976: 121-76, 723-76
1978: 207-78
1979: 48-79, 529-79
1982: 242-82
1984: 134-84, 1109-84
1986: 1724-86
1987: 612-87
1988: 1392-88
2002: B 477661
- SUBJECT SITE BUILDING SETBACKS: (BL ZONE) IN ACCORDANCE WITH SECTION 232, BCZR
FRONT - 10' TO PROPERTY LINE / 40' TO CL OF STREET
SIDE - 0' ON INTERIOR LOTS, 10' ON CORNER LOTS / STREET SIDE, IF ABUTTING A RESIDENTIAL ZONE, SIDE YARD NOT LESS THAN THE MINIMUM FOR A DWELLING
REAR - 0'; IF ABUTTING RESIDENTIAL ZONE, 20' MINIMUM REQUIRED
- SUBJECT SITE IS SERVED BY PUBLIC WATER AND SANITARY SEWER
- ALL SIGNAGE COMPLIES WITH SECTION 450 OF THE BCZR OR A VARIANCE WILL BE REQUESTED.

SITE PLAN

CARROLL ISLAND SHOPPING CENTER

112 Carroll Island Road @ Bowley's Quarters Road

15th Election District

Baltimore County, MD

Scale 1"= 50'

December 12, 2010

2014-0274-SPH

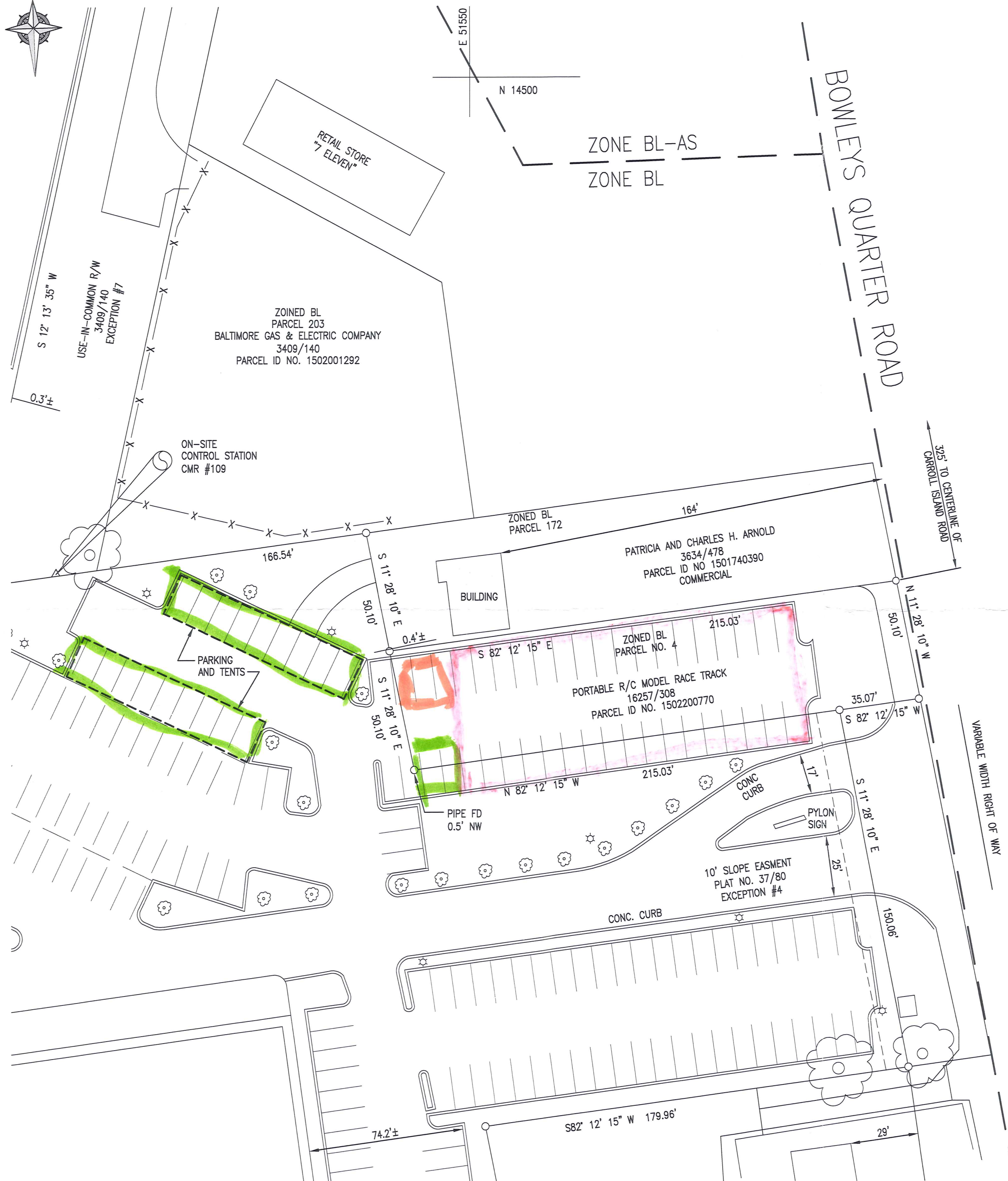


2014-274-SPH

1 inch = 60 feet

P.C. #1





SITE PLAN
SCALE: 1" = 30'-0"

GENERAL NOTES:

- OWNER: CARROLL ISLAND ASSOCIATES, LIMITED PARTNERSHIP
601 E. PRATT STREET, 6TH FLOOR
BALTIMORE, MARYLAND 21202
410-752-5444
- PLAN PREPARED BY: THE CORDISH COMPANY
601 E. PRATT STREET, 6TH FLOOR
BALTIMORE, MARYLAND 21202
410-347-2942
- THIS SITE IS SUBJECT TO DRC LIMITED EXEMPTION IN ACCORDANCE WITH SECTION 26-171 (8) (9), GRANTED ON 06/19/2000. DRC NO. 061200
- DEVELOPMENT PLAN (PDM NO. XV-760) APPROVED.
- ELECTION DISTRICT NO. 15 COUNCIL DISTRICT NO. 5
- CENSUS TRACT 4518.02 WATERSHED: 2 SUBSEWERSHED: 5
- SUBJECT SIRE ZONED: BL (ZONING MAP NO. NE-4K)
- SUBJECT SITE ZONING HISTORY:
 - CASE NO. 74-254-X (ITEM #158)
A SPECIAL EXCEPTION TO PERMIT A MOVIE THEATER IN A BL-CCC ZONE.
GRANTED MAY 11, 1978
 - CASE NO. 76-232-X
SPECIAL EXCEPTION TO PERMIT A GARAGE FOR THE MOUNTING OF TIRES ONLY.
GRANTED MAY 11, 1978
 - CASE NO. 78-145-A
VARIANCE TO PERMIT AN ADDITIONAL FREE STANDING SIGN, GRANTED ON FEBRUARY 9, 1978.
- SUBJECT SITE IS COMPRISED OF THE FOLLOWING PARCELS:
TAX MAP 91 GRID 9 PARCEL 61 PLAT REF: 37/80 TAX ACCT. NO. 1600013399
TAX MAP 91 GRID 9 PARCEL 57 DEED REF: 13030/620 TAX ACCT. NO. 1501920100
TAX MAP 91 GRID 9 PARCEL 58 DEED REF: 6409/655 TAX ACCT. NO. 1511670410
TAX MAP 91 GRID 9 PARCEL 59 DEED REF: 6905/193 TAX ACCT. NO. 1505000470
TAX MAP 91 GRID 9 PARCEL 60 DEED REF: 13030/620 TAX ACCT. NO. 1501920110
TAX MAP 91 GRID 9 PARCEL 64 DEED REF: 9522/144 TAX ACCT. NO. 1502200770
- SUBJECT SITE AREA: 19.86 ACRES± (864,919 S.F.) NET
20.44 ACRES± (890,366 S.F.) GROSS
- TOTAL BUILDING AREA: SHOPPING CENTER - 92,018 S.F.
BANK - 1,920 S.F.
RESTAURANT - 2,490 S.F.
WALMART - 107,057 S.F.
TOTAL - 203,485 S.F.±
- FLOOR AREA RATIO: F.A.R. MAXIMUM = 3.0
203,485 S.F.(BUILDINGS) / 890,366 S.F. (GROSS SITE) = 0.23 F.A.R.
- PARKING CALCULATIONS: SHOPPING CENTER (100,000 S.F. OR MORE OF GROSS LEASABLE AREA)
SECTION 409.6 (A)(2) REQUIRED: 5 PER 1,000 S.F. (5x203,485 S.F./1000) = 1,018 SPACES
CZR PROVIDED = 1,023 SPACES (INCLUDING 21 ADA SPACES)
- SUBJECT SITE PREVIOUS COMMERCIAL PERMITS:
1973: 397-73, 684-73, 722-73, 736-73, 917-73, 1508-73, 1612-73
1974: 181-74, 310-74, 552-74, 611-74, 650-74, 641-74, 825-74, 931-74, 1149-74,
1238-74, 1348-74, 1368-74
1975: 307-75, 470-75, 537-75, 613-75, 699-75, 844-75, 875-75
1976: 121-76, 723-76
1978: 207-78
1979: 48-79, 529-79
1982: 242-82
1984: 134-84, 1109-84
1986: 1724-86
1987: 612-87
1988: 1392-88
2002: B 4777661
- SUBJECT SITE BUILDING SETBACKS: (BL ZONE) IN ACCORDANCE WITH SECTION 232, BCZR
FRONT - 10' TO PROPERTY LINE/40' TO CL OF STREET
SIDE - 0' ON INTERIOR LOTS, 10' ON CORNER LOTS/STREET SIDE; F
ABUTTING A RESIDENTIAL ZONE, SIDE YARD NOT LESS THAN THE MINIMUM FOR
A DWELLING
REAR - 0' IF ABUTTING RESIDENTIAL ZONE, 20' MINIMUM REQUIRED.
- SUBJECT SITE IS SERVED BY PUBLIC WATER AND SANITARY SEWER.
- ALL SIGNAGE COMPLIES WITH SECTION 450 OF THE BCZR OR A VARIANCE WILL BE REQUESTED.

PETITIONER'S

EXHIBIT NO. 2



SCALE: 1" = 30'

CARROLL ISLAND SHOPPING CENTER

112 CARROLL ISLAND ROAD
© BOWLEYS QUARTERS ROAD
15TH ELECTION DISTRICT
BALTIMORE, MARYLAND 21220

REVISIONS

NO	DATE	DESCRIPTION

SHEET TITLE

SITE PLAN

DESIGNED	CHECKED

DRAWN	APPROVED

FILE NO.

DATE: 06/14/2014

DRAWING NO.

C-1.1