

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

**Case No. 14-274-SPH /Carroll Island Associates, LP – Legal Owners**  
**Hobbie Guyz, LLC t/a Middle River Hobbies – Lessee/Petitioners**

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.

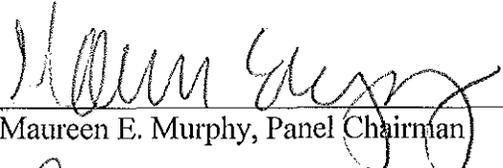
On April 21, 2015, the Board convened at 10:10 a.m. for the rescheduled hearing. J. Carroll Holzer, Esquire, and the Appellant/Protestant, Kevin Arnold, appeared before the Board; however, no representative from Hobbie Guyz was present and no one from Hobbie Guyz called to notify the Board that its representative 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.

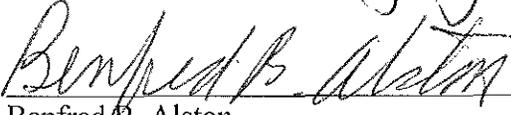
**IT IS THEREFORE ORDERED** this 30<sup>th</sup> day of April, 2015 by the Board of Appeals of Baltimore County that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations to approve temporary outdoor model car racing, on specific dates, in the shopping 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.

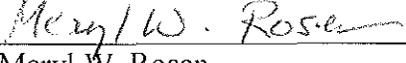
**Case No. 14-274-SPH / Carroll Island Associates, LP – Legal Owners**  
**Hobbie Guyz, LLC t/a Middle River Hobbies – Lessee/Petitioners**

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,

A handwritten signature in cursive script that reads "Sunny Cannington".

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 Nehr Korn  
Carlton Coleman  
John Baierlein  
Briana Baierlein  
Pat Mayo  
Brandon Jones  
Raymond Klebanow  
Don Mearkle  
Sharon Spangler  
Daniel Szimanski  
Scott Nehr Korn  
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