

**Code Enforcement Litigation Report
January 2016**

NAME OF MATTER: 100 Arundel Corporation Road, LLC

Location: 100 Arundel Corporation Road, Glen Burnie, MD 21060

Violation: Grading without a permit in the **Chesapeake Bay Critical Area** buffer

DISPOSITION: This matter was postponed for 60 days, as the Defendant has submitted plans to the County and is currently responding to comments in order to get the building permits issued. The County has agreed to continue working with Defendant on the matter until it obtains the final permits.

JUDGE: Mosely

NAME OF MATTER: Belt, Corey and Zanett

Locations: 736 Queenstown Road, Severn, MD 21144 and vacant parcel identified as tax map 9, block 19, parcel 0516, Tax ID#4000-0462-1500, adjacent to 736 Queenstown Road

Violations: Contempt – (1) Zoning: Outside storage of unregistered vehicles; junk and debris; use of property as a contractor's yard; (2) Building: construction of shed, deck, fence (over 6'), gazebo, pavilion and garage without building permits; and (3) Grading: grading without a grading permit and adding unauthorized impervious surfaces without approved stormwater management plans

DISPOSITION: Defendants presented a copy of an engagement letter with an engineer which shows that they are going to be applying for a building permit. Therefore, the Court postponed this matter for 30 days. If Defendants have not applied for the building permit by the next Court date, the County will seek the \$5,000 fine.

JUDGE: Mosely

NAME OF MATTER: Bonilla, Ronnie

Location: 6154 Southern Maryland Boulevard, Lothian, MD 20711

Violation: Construction of a garage without the required permit

DISPOSITION: Defendant failed to appear. Therefore, the County sought Judgment entered on affidavit and the Court granted the County's request. Defendant found in violation of the County's Building Code for the construction of an accessory structure on the subject property without any of the necessary permits and approvals and for disregarding the County's duly-issued Notice of Violation. Defendant was ordered to (1) pay a fine of \$125.00 within 14 days of the Court's Judgment; (2) to reactivate Building Permit B02295757 and/or apply for all necessary permits for the construction of the shed within 15 days of the Court's Judgment; and (3) to complete and perfect all permitting and approvals within 90 days of the Court's Judgment. Should Defendant

fail to comply with any provision of the Order, Defendant shall be subject to an additional fine of \$500.00 for each day the subject property remains in violation.

JUDGE: Mosely

NAME OF MATTER: **Booze, John and Joyce, et al.**

Location: 1224 Lynn Avenue, Pasadena, MD 21122

Violation: Outside storage of unregistered vehicles; junk and debris

DISPOSITION: This case was removed from the docket prior to the trial date (January 7, 2016) because the Defendant had not been served.

JUDGE: N/A

NAME OF MATTER: **Castillo, Pedro & Linda**

Location: 102 Orchard Road, Riva, MD 21140

Violation: Contempt – Outside storage of junk and debris in the **Chesapeake Bay Critical Area**

DISPOSITION: Defendant Pedro Castillo failed to appear. A Judgment of \$5,000.00 and order of abatement was entered. Defendant to remove all junk and solid waste and all unregistered vehicles within 30 days. Defendant Linda Castillo not served; thus, no order was entered.

JUDGE: Mosely

NAME OF MATTER: **Castro, Isaias and Ortiz, Gustavo**

Location: 2611 Evergreen Road, Odenton, MD 21113

Violation: Unauthorized construction of four (4) accessory structures (horse barn w/second story; an enclosed structure w/open porch and bar area; a round pavilion, and a footbridge spanning a watercourse) – without any building or trade permit(s); and unauthorized grading affecting an area of approximately 50,000 square feet of land and placement of mechanical stabilization – also without a grading permit or approved stormwater management plan

DISPOSITION: The Defendant failed to appear. A Judgment was entered that ordered the Defendant to pay the previously suspended fine of \$500.00 and Court costs of \$47.50 (for a total of \$547.50). The Defendant must complete all required permits within 60 days. The County was given permission to enter the property to inspect and demolish the illegal construction if the Defendant fails to abate within the time specified.

JUDGE: Mosely

NAME OF MATTER: Dickerson, Dale

Location: 1459 Middletown Road, Annapolis, MD 21409

Violation: Contempt – Storage of commercial/oversized vehicles on property

DISPOSITION: The hearing scheduled for January 7, 2016 was cancelled because service had not yet been made on the Defendant.

JUDGE: N/A

NAME OF MATTER: Donaldson, Scott B.

Location: 1104 Severn Pines Way, Severn, MD 21144

Violation: Construction of a shed and play equipment placed/erected upon property within the Forest Conservation Easement; open storage of construction materials stored within the Forest Conservation Easement

DISPOSITION: The hearing scheduled for January 7, 2016 was cancelled because service had not yet been made on the Defendant.

JUDGE: N/A

NAME OF MATTER: Downey, Jr., John

Location: 1850 Simms Lane, Hanover, MD 21076

Violation: Mobile home not permitted on residential property

DISPOSITION: This case was postponed to March 3, 2016 to give Defendant more time to schedule a Board of Appeals hearing.

JUDGE: Johnson

NAME OF MATTER: Fleshman, Christina and Folderauer, Richard, Jr.

Location: 874 Arundel Drive, Arnold, MD 21012

Violation: Contempt – Operating a commercial tree and landscape business in an R1 zoned district without a zoning certificate of use; outside storage of oversized vehicles

DISPOSITION: The Court found Defendants in constructive civil contempt of its previous Judgment of June 4, 2015, and it enrolled the previously suspended fine of \$3,000.00 against the Defendants. The Court, however, deferred payment on the fines for 30 days. The Court also ordered the Defendants to cease and desist all use of the subject property for the parking/storage of oversized vehicles and for the operation of a commercial business. Additionally, the Court noted that should the Defendants fail to keep the property free from the parking and storage of oversized vehicles or from the operation of a commercial business beyond the 30 days, Defendants would pay a daily fine of \$3,000.00 for each day the aforementioned uses remain on the property.

JUDGE: Spencer

NAME OF MATTER: Frazier, Connie (Brewis, Robert)

Location: 8270 Edwin Raynor Boulevard, Pasadena, MD 21122

Violation: Contempt – Storage of unregistered/untagged vehicles, commercial equipment, junk and debris, and portable storage containers

DISPOSITION: A revised Consent Judgment of Constructive Civil Contempt was entered. Defendant to remove all items by July 15, 2016. Within 30 days, Defendant shall enter into a written contract with an auctioneer, to be provided to and approved by the County, and to conduct an onsite, absolute auction for the sale of all unpermitted items on the property. Auction to occur by May 15, 2016. Within 15 days after the conclusion of the auction, Defendant is to hire a contractor under terms to be submitted to and approved by the County, to remove all unpermitted items remaining on the property after the auction, and the contractor shall begin removal of such items within 20 days after the conclusion of the auction. Defendant to pay \$1,000.00 to the County by February 29, 2016 and the remaining \$4,000.00 in fines to be suspended pending compliance with the Judgment. Matter to be set for monthly review hearings, the first one to be set on February 4, 2016.

JUDGE: Mosely

NAME OF MATTER: Holland, Patricia E.

Location: 2433 Yarmouth Lane, Crofton, MD 21114

Violation: Construction of deck without required building permit

DISPOSITION: Defendant abated the violations on the subject property. Therefore, the County moved to withdraw its petition to show cause while keeping the underlying Judgment intact. The Court granted the County's request.

JUDGE: Spencer

NAME OF MATTER: Jacobs, William and Debra Poole

Location: 382 Mountain Road, Pasadena, MD 21122

Violation: Storage of unregistered vehicles, junk and debris

DISPOSITION: This matter was postponed for 90 days to allow time for the Defendant to abate the violation. Case has been reset for May 3, 2016.

JUDGE: Mosely

NAME OF MATTER: Jelich, John and Nancy ats. AACo.

Location: Lots 4 and 5, Defense Highway, Gambrills

Violation: Contempt – Outside storage of inoperable, unregistered vehicle; expansion of nonconforming use

DISPOSITION: This matter was postponed for 30 days. Defendant and the County are going to enter into a Consent Order for him to abate the nonconforming use and move a fence. In exchange, the County will suspend the fines as long as he stays within the bounds of the nonconforming use.

JUDGE: Mosely

NAME OF MATTER: Lee, Kyoung Sun & Eric

Location: 7195 Baltimore-Annapolis Blvd., Glen Burnie, MD 21061

Violation: Contempt – Unregistered vehicles; junk and debris; no certificate of use; use not permitted

DISPOSITION: Petition for contempt was dismissed, as Defendant had sold the property

JUDGE: Mosely

NAME OF MATTER: Logan, Wallace C.

Location: 0 Old Mill Road, Pasadena, MD 21122

Violation: Contempt – Unsafe structure open to casual entry

DISPOSITION: The Court found Defendant in constructive civil contempt of its previous Judgment of June 4, 2015. The Court enrolled a fine of \$2,000.00 against the Defendant but stayed payment so long as Defendant removed all resulting debris from the unsafe structure's demolition by March 3, 2016. The Court additionally awarded costs in the amount of \$92.88 (for a total of \$2,092.88), and it scheduled the matter for a follow-up hearing on March 3, 2016.

JUDGE: Spencer

NAME OF MATTER: Matysek, Daniel

Location: 7699 Briar Lane, Pasadena, MD 21122

Violation: Failure to re-activate and complete expired permits B02142052 and E02210797, as required

DISPOSITION: The Defendant entered into a Consent Agreement whereby he agreed to renew and complete the expired building and electrical permits within six months. The Defendant has paid the \$500.00 fine in full.

JUDGE: Johnson

NAME OF MATTER: Mercier, Craig & Gwen

Location: 7442 Shipley Avenue, Harmans, MD 21077

Violation: Contempt – Construction of a large steel structure without permits

DISPOSITION: This matter was dismissed, as the violations have been abated.

JUDGE: Spencer

NAME OF MATTER: Rentsmart, Inc.

Location: 300-300(A) Arundel Corporation Road, Glen Burnie, MD 21060

Violation: Contempt – Unauthorized use of "open space" zoned area for outside storage of vehicles and/or equipment; lack of required screening for outside storage

DISPOSITION: The petition for contempt was dismissed, but underlying Judgment to remain in place.

JUDGE: Mosely

NAME OF MATTER: Robinson, Cassandra E.

Location: 610 Old Waugh Chapel Road, Odenton, MD 21113

Violation: Unsafe structure open to casual entry

DISPOSITION: Defendant waived formal service and agreed to a Consent Judgment with the County. The Court accepted and entered a Consent Judgment whereby Defendant is to apply for a demolition permit within 30 days of the Judgment, and to raze the unsafe structure within 30 days of the permit's issuance. A fine of \$125.00 was suspended so long as Defendant complies with the Consent Judgment's other terms.

JUDGE: Mosely

NAME OF MATTER: Sauter, Rebecca L.

Location: 416 5th Avenue, Baltimore, MD 21225

Violation: Failure to repair unsafe chimney

DISPOSITION: The Defendant was not served. Consequently, the matter was removed from the Court's docket.

JUDGE: N/A

NAME OF MATTER: Scotts Manor Apartments

Location: 0 Odenton Road, Odenton, Maryland 21113

Violation: Contempt – Failure to comply with a violation notice; construction and replacement of multiple deck rebuilds

DISPOSITION: The case was dismissed as the Defendant is now in compliance with the Court's Order dated February 5, 2013. The underlying Judgment was marked as satisfied.

JUDGE: Johnson

NAME OF MATTER: Smith, Bruce

Location: 207 Doris Avenue, Baltimore, MD 21225

Violation: Outside storage of large accumulation of trash and garbage on property

DISPOSITION: A Judgment was entered whereby the Defendant was ordered to abate the violation within 30 days and pay \$125.00 in fines plus \$45.00 in costs (for a total of \$170.00).

JUDGE: Johnson

NAME OF MATTER: Smith, Bruce (EZC)

Location: 207 Doris Avenue, Baltimore, MD 21225

Violation: Outside storage of unregistered vehicles; junk and debris

DISPOSITION: For citation 2Z35140002 the Court entered a Judgment whereby the Defendant was ordered to pay \$250.00 in fines, pay \$45.00 in costs (for a total of \$295.00), and abate the violation within 30 days. Citation 3Z35140003 was entered nolle prosequi as there is already a Judgment in place ordering the Defendant to cease use of the property for the storage of junk.

JUDGE: Johnson

NAME OF MATTER: Smith, Kelly (EHC)

Location: 207 Doris Avenue, Baltimore, MD 21225

Violation: Large accumulation of trash and garbage on property

DISPOSITION: A Judgment was entered whereby the Defendant was ordered to pay \$125.00 in fines, pay \$45.00 in costs (for a total of \$170.00), and to abate the violation within 30 days.

JUDGE: Johnson

NAME OF MATTER: Spiegel, Theodore and Juliann

Location: 1493 River Road, Crownsville, MD 21032

Violation: Contempt – Noncompliance with building permit B02201112

DISPOSITION: This case was postponed to March 3, 2016 to allow the Defendant time to apply for the required permits.

JUDGE: Mosely

NAME OF MATTER: Weeks, Mark

Location: 1308 Cunningham Road, Severn, MD 21144

Violation: Contempt – Operation of a duplex, multi-family dwelling or semi-detached dwelling without a nonconforming use permit

DISPOSITION: This case was entered *nolle prosequi* as the Defendant abated the violation prior to the trial date.

JUDGE: Johnson

NAME OF MATTER: Willard, Robert H. & Beverly G. (Injunction)

Location: 1226 Plauteau Place, Annapolis, MD 21409

Violation: Contempt – Expiration of required building permits; construction without permits.

DISPOSITION: Petition for contempt against Beverly Willard was dismissed. Consent Judgment entered with Robert Willard, requiring that he request, obtain and pass inspections on the building permit and associated trade permits and that the permits be completed by March 1, 2016. A review hearing has been set for March 3, 2016.

JUDGE: Mosely