

**Code Enforcement Litigation Report
October 2009**

NAME OF MATTER: Holiday Point Marina, LLC

Location: 3774 Beach Drive Boulevard, Edgewater, MD 21037

Violation: Grading without permit in **Chesapeake Bay Critical Area**.

DISPOSITION: Settlement Agreement and Consent Judgment submitted and approved directing full abatement and grading permits, \$5,000 fine-suspended if no contempt finding for three (3) years.

Judge: Spencer

NAME OF MATTER: Kent, Jr., Ernest W. and Jessica B. (EBC)

Location: 313 Queen Anne Road, Pasadena, MD 21122

Violation: Construction of above ground pool and shed without building permits.

DISPOSITION: Defendants pleaded guilty to building without a permit. Ordered to complete all work allowed by permit and obtain inspections and required by law. No fine imposed.

Judge: Mosley

NAME OF MATTER: Velasquez, Aracely

Location: 223 Cardamon Drive, Edgewater, MD 21037

Violation: Failure to maintain septic system in properly working order.

DISPOSITION: Defendant failed to appear. Default judgment entered. Fine of \$125 imposed and defendant required to apply for a perc test within 30 days and repair or replace septic system and to pump system if any overflows occur before it is repaired or replaced.

Judge: Mosley

NAME OF MATTER: Stratton, Jeff O. (EBC)

Location: 7919 Sea Breeze Drive, Baltimore, MD 21225

Violation: Construction of a deck and rear addition without building permits.

DISPOSITION: Defendant failed to appear. Affidavit judgment entered. Fine of 625 imposed. Defendant required to apply for building permits for illegal front porch and rear addition (closing in rear porch) within 30 days and diligently pursue completion of permits. If permits are not obtained, illegal front porch and rear addition to be removed. If defendant fails to remove, county is authorized to enter property and remove illegal front porch and rear addition.

Judge: Mosley

NAME OF MATTER: Watts, Chris

Location: 1330 Yorktown Road, Annapolis, MD 21409
Violation: Storage of junk and debris and untagged vehicles.

DISPOSITION: Defendant found in contempt for failing to remove unregistered vehicles and junk and debris (tires) from property. Defendant sentenced to 90 days. Sentence deferred for 60 days. County to go to property and count number of cars and defendant is to remove at least 5 cars by the review hearing on 12/3. If Defendant fails to remove at least 5 cars, sentence will begin.

Judge: Mosley

NAME OF MATTER: Montgomery, Norman and L.

Location: 906 Wieker Road, Severn, MD 21144
Violation: Maintaining the property in an unsafe manner and open to casual entry.

DISPOSITION: Alternative service achieved by publication in The Sun and The Capital, posting and mailing, Defendant (or any heirs/representatives) failed to appear. Affidavit Judgment entered. Fine of \$125 imposed and costs of service to be reduced to judgment. Defendant to apply for and obtain a demolition permit and demolish unsafe structure within 30 days. If Defendant fails to do so, county may enter property and demolish structure and the costs shall constitute a lien on the property.

Judge: Mosley

NAME OF MATTER: Gray, Theodore L. and Anna M.

Location: 102 Country Club Drive, Glen Burnie, MD 21060
Violations: Construction of a deck and exterior renovations without the required building permit;
Failure to comply with a notice of violation.

DISPOSITION: Defendants pleaded guilty to building without a permit. Consent Judgment entered imposing a \$250.00 fine. Defendants must apply for all approvals needed for the unauthorized deck. If the approvals are denied, then the defendants must remove the unauthorized deck and exterior renovations. If the Defendants fail to act, the County may remove the unauthorized deck at the defendants' expense. Citations for failure to comply with notice of violation nol pros.

Judge: Spencer

NAME OF MATTER: Phillips, Anthony A. and Nova Builders, Inc.

Location: 7997 East Riverside Drive, Pasadena, MD 21122

Violation: Unauthorized construction of a waterfront deck & deck extension - No Permit
Unauthorized grading in the **Chesapeake Bay Critical Area** buffer modification area - No Permit

DISPOSITION: Defendant Phillips pleaded guilty to building and grading without a permit in the Chesapeake Bay Critical Area. Defendant must apply for all approvals for the unauthorized deck addition and grading work within 30 days of the Judgment. If the approvals are denied, then the Defendant must remove the illegal work. If the Defendant fails to act, the County may remove the illegal work at the Defendant's expense. \$250.00 fine imposed. Citation against Nova Builders to be dismissed.

Judge: Spencer

NAME OF MATTER: Utz, Karen

Location: 900 Meadowbrook Road, Glen Burnie, MD 21061

Violation: Storage of untagged/unregistered vehicles

DISPOSITION: Defendant failed to appear. Default Judgment entered requiring the defendant to remove all unregistered vehicles from the property within 30 days. \$250.00 fine imposed.

Judge: Spencer

NAME OF MATTER: Calton, Sr., Creed A. and Catherine D.

Location: 7212 Forest Avenue, Hanover, MD 21076

Violation: Storage of unregistered vehicles on the property

DISPOSITION: Defendants failed to appear. Default Judgment entered requiring the defendants to remove all unregistered vehicles from the property within 30 days. \$125 fine imposed against each defendant.

Judge: Spencer

NAME OF MATTER: Gray, Charles (EHC)

Location: 929 Victory Avenue, Baltimore, MD 21225

Violation: Maintaining the exterior property and premises in a manner that is not clean and sanitary condition.

DISPOSITION: Defendant failed to appear. Affidavit judgment entered. Fine of \$125 imposed and defendant required to keep property in clean and sanitary condition (free from dog waste).

Judge: Spencer

NAME OF MATTER: Hugel, William

Location: 4940 Brookwood Road, Baltimore, MD 21225

Violation: Maintaining interior wall surface (basement wall below front windows) in a manner that is not good, clean, and in sanitary condition.

DISPOSITION: Citation marked as paid by the Court. Defendant paid fine at courthouse and violation abated prior to trial.

Judge: Spencer

NAME OF MATTER: Avery, Jarrlyn and Swartzwelder, Wanda

Location: 319 Key Avenue, Baltimore, MD 21225

Violation: Storage of untagged/unregistered vehicles

DISPOSITION: Citation against Jarrlyn Avery marked as paid. Citation against W. Swartzwelder nol prossed. Violation abated prior to trial (unregistered vehicles).

Judge: Spencer

NAME OF MATTER: Kaminsky, Kedem

Location: 958 Main Street, Deale, MD 20751

Violation: Unauthorized construction of a deck in the **Chesapeake Bay Critical Area Buffer** without required permits; Unauthorized grading without a permit in the **Chesapeake Bay Critical Area Buffer**.

DISPOSITION: Citations marked as paid by the court.

Judge: Spencer

NAME OF MATTER: Bucklew, III, Arthur E.

Location: 615 Fairfax Avenue, Baltimore, MD

Violation: Construction of a deck and a pool greater than 24" in height without the required building permit

Failure to comply with a notice of violation

DISPOSITION: Defendant appeared and addressed the judge on the fine. Fine of \$125 imposed (failing to comply with a notice of violation), no fine imposed on other citation (building without a permit). Violation abated prior to trial.

Judge: Spencer

NAME OF MATTER: Frampton, Vicki L.

Location: 6218 Chestnut Oak Lane, Linthicum, MD 21090

Violation: Construction of a deck and a pool greater than 24" in height without the required building permit; Failure to comply with a notice of violation.

DISPOSITION: Defendant failed to appear. Affidavit judgments entered. Fine of \$500 imposed on building without a permit citation and defendant required to abate the building code violation on the property by applying for a permit within 30 days and diligently pursuing or removing the pool and attached deck. Fine of \$125 imposed on failure to comply with notice of violation citation.

Judge: Spencer

NAME OF MATTER: Pleasants, Rick

Location: 1848 Milvale Road, Annapolis, MD 21409

Violation: Unauthorized demolition of an accessory structure (garage) - No Permits

DISPOSITION: After a trial, defendant was found guilty on both citations (demolishing without a permit and grading without a permit). Fines of \$200 imposed on each citation. The judge granted the Defendant probation before judgment.

Judge: Spencer

NAME OF MATTER: Cohen, Edward I. (Circuit Ct. appeal)

Location: 681 Shore Road, Severna Park, MD 21146

Violation: Outside storage not screened as per Landscape Manual

DISPOSITION: Following a de novo hearing in Circuit Court, Judge North entered judgment against Mr. Cohen (the appellant) and ordered (9/29) that, "...Appellant shall hereafter maintain the subject property in conformance with the requirements of County law and that outside storage, including the storage of firewood...be in accordance with the requirements of the County Landscape Manual." Judge North noted that Mr. Cohen could be fined up to \$500 per day for each day he fails to adhere to the Court's order.

Judge: North

NAME OF MATTER: Critical Development, LLC

Location: 1007 Skidmore Drive, Annapolis, MD 21409

Violation: outside storage not screened/not permitted

DISPOSITION: Judgment was entered against the defendant and it was ordered to pay a fine of \$300 plus costs. Violations abated prior to trial.

Judge: Spencer

NAME OF MATTER: Anthony, Christopher and Laura

Location: 5541 Exeter Street, Churchton, MD 20733

Violation: Construction of a shed in the Critical Area without the required permit; failure to comply with a Notice of Violation.

DISPOSITION: Case postponed until December 1, 2009, to allow Defendants time to comply with permit requirements.

Judge: Spencer

NAME OF MATTER: Booze, John and Joyce

Location: 1224 Lynn Avenue, Pasadena, MD 21122

Violation: Using land as a junkyard/disposal of solid waste; use of land for parking/storing of inoperable/wrecked vehicles not displaying required information.

DISPOSITION: County nol pros'd citations against Defendant Joyce Booze, and expects \$250 payment pursuant to lien filed against her in Caroline County.

Judge: Spencer

NAME OF MATTER: Wiedenhoef, Ronald

Location: 105 S. E. Main Avenue, Glen Burnie, MD 21061

Violation: Multi-family dwelling in an R5 zoned district

DISPOSITION: Defendant fined \$250 plus costs and ordered to abate; A \$500 per day fine if not abated within 30 days.

Judge: Spencer