

**Code Enforcement Litigation Report
April 2009**

NAME OF MATTER: Phelps, John

Location: 3424 Pike Ridge Road, Edgewater, MD 21037

Violation: unregistered, inoperable, partially dismantled vehicles.

DISPOSITION: Defendant filed motion to reconsider and the 2/3/09 judgment was stricken. New judgment entered imposing \$75 fine. No abatement provisions, as the violation was abated prior to this hearing.

Judge: Mosley

NAME OF MATTER: Dubicki, Walter A.

Location: 6473 Old Solomons Island Road, Tracys Landing, MD 20779

Violation: Pole Barn Garage - Building without a Permit

DISPOSITION: Defendant failed to appear. Order entered requiring the Defendant to apply for all approvals required for the illegal garage within 30 days. If he fails to apply then the garage must be removed. If the defendant fails to obtain the necessary approvals to keep the garage or if he fails to apply, then the County may remove the illegal garage at his expense. \$625.00 fine imposed.

Judge: Mosley

NAME OF MATTER: Hatch, Scott D.

Location: 1513 Shipsview Road, Annapolis, MD 21409

Violation: Constructing a fence out of the scope of approved Building Permit

DISPOSITION: Violation abated prior to hearing. \$250 fine paid. Case dismissed.

Judge: Mosley

NAME OF MATTER: Jackson, Ruby C.

Location: 1261 Collins Avenue, Odenton, MD 21113

Violation: Using Property to Store Unregistered Vehicles and a Mobile Home

DISPOSITION: Consent Judgment signed. Defendant ordered to remove all unregistered vehicles and mobile homes from her property within 60 days of the Judgment. \$500 fine imposed but suspended on the condition that she brings the property into compliance within the 60 days.

Judge: Mosley

NAME OF MATTER: Faulkner, Keith D. & Lawanda J.

Location: 111 Ritchie Highway, Severna Park, MD 21146

Violation: Property not in compliance with the Anne Arundel County Property Maintenance Code and the Anne Arundel County Zoning Code

DISPOSITION: Consent Judgment signed. Defendant ordered to pay a \$250 fine. Must keep property vacated, except for use by the owners as storage and to make needed repairs, until the structure is brought into compliance with the Property Maintenance Code and all approvals are received for the structure. The Defendants must continue to pursue all zoning approvals (nonconforming use) for the property. If the zoning approval is denied, then the defendants must bring the property into compliance with the Anne Arundel County zoning code (remove all oversized vehicles and portable storage containers, stop the operation of any commercial business, establish only one dwelling unit) within 90 days of the denial. Within 30 days of the Judgment, the defendants must stop storing junk and debris at the property and unregistered vehicles.

Judge: Mosley

NAME OF MATTER: Simard, David

Location: 1163 Mt. Zion Marlboro Road, Lothian, MD 20711

Violation: multiple health violations and interior renovations with no permits

DISPOSITION: Consent Judgment entered. Defendant to pay \$875 fine. Defendant will have property vacated and the property shall remain vacant until it is declared fit for human habitation by the County. Defendant shall diligently pursue building permit by responding to comments letters within 30 days. As long as the property is occupied, defendant will have septic system pumped once a week and more frequently in the event of an overflow. Prior to occupying the property, defendant will abate all property maintenance code violations.

Judge: Mosley

NAME OF MATTER: Denne, Marc; Denne Pizza, Inc.

Location: 7339 E. Furnace Branch Road, Glen Burnie, MD 21060

Violation: building (interior renovations) without required permits

DISPOSITION: Consent Judgment entered with defendant Denne Pizza, Inc. only. Defendant to pay \$500 fine and to abate building code violations on property by complying with all comments letters within 30 days. If building permit not obtained, defendant must return property to its preexisting condition.

Judge: Mosley

NAME OF MATTER: Waclawski, Linda

Location: 7840 Outing Avenue, Pasadena, MD 21122

Violation: multiple health violations; failure to submit application for a license to operate a multiple dwelling

DISPOSITION: Defendant failed to appear and affidavit judgment entered. Fine of \$2500 imposed. Within thirty days, defendant shall cease all use of the subject property for a multifamily dwelling.

Judge: Mosley

NAME OF MATTER: Summerville, Tony and Yisrael, Hedwarda

Location: 63 Hoyle Lane, Severna Park, MD 21146

Violation: contempt for failure to comply with court order requiring removal of all unregistered, partially dismantled or inoperable vehicles and all junk and solid waste

DISPOSITION: Defendants held in constructive indirect civil contempt. Defendant Summerville sentenced to 30 days to begin on 4/6 at 6 pm. If defendant brings property into compliance by then, the contempt judgment will be vacated. Defendant may purge contempt and be released if all unregistered, partially dismantled or inoperable vehicles are removed or tagged, and all junk and solid waste are removed. If defendant Summerville does not purge during the period of incarceration, Defendant Hedwarda Yisrael to report to detention center on May 4. [Note that as of 4/6/09, all violations were abated, Judge was notified and defendant not required to report to detention center]

Judge: Wilcox

NAME OF MATTER: Vignola, Paul and Joann

Location: 146 Polling House Road, Harwood, MD 20776

Violation: untagged vehicles; junk & debris; commercial vehicles in residential zone; operation of contractor's yard

DISPOSITION: Defendants failed to appear. Order entered requiring clean up and fines of \$2,000 each.

Judge: McKenna

NAME OF MATTER: Dickerson, Dale H.

Property in Violation: 0000, 1433, 1447, 1459 Middletown Road, Annapolis
Violation: Junk & Debris; mulching operation, unregistered vehicles, commercial vehicle & equipment; contempt review

DISPOSITION: Second Judgment of Contempt entered. Defendant agreed to remove 1 pick up truck load of wood waste material from property at least 5 times a week and to provide copies of receipts to County. Defendant agreed to remove gray container within 30 days and the remaining containers within 6 months. Defendant agreed to diligently pursue grading permit and to complete work under permit once issued. Matter set in for contempt review on 6/4.

Judge: Mosley

NAME OF MATTER: Turner, Ralph

Location: 1208 Jones Station Road, Arnold, MD 21012
Violation: structure occupied without the certificate of occupancy; contempt of prior order requiring removal of second dwelling

DISPOSITION: Consent Judgment entered resolving issues on contempt. Def will apply for permit to convert second dwelling into a legal structure. If a permit cannot be obtained, second dwelling.

Judge: Johnson

NAME OF MATTER: Watts, Chris

Location: 1330 Yorktown Road, Annapolis, MD 21409
Violation: junk & debris, untagged vehicles; contempt of 3/6/08 court order

DISPOSITION: Defendant signed Consent Judgment of Contempt, agreed to remove all unregistered, partially dismantled or destroyed vehicles from the property by removing 6 vehicles per month and providing proof to the County until the property is free from all unregistered vehicles; by removing all junk and solid waste by removing 4 tires per day, 5 days a week and providing proof to the County; and removing all other junk and debris within 3 months of 4/6.

Defendant agreed to pay a fine of \$500 in the event that defendant fails to comply with the terms of the judgment. Contempt review scheduled for 10/1.

Judge: McKenna

NAME OF MATTER: Sandoval, Arthur P. & Sheri L.

Location: 100 Nutwell Road, Lothian, MD 20711

Violation: Unauthorized construction - No Permit and unauthorized grading - No Permit

DISPOSITION: Consent Judgment entered against Mr. Sandoval. He was ordered to apply for and pursue all approvals needed for the construction of the garage, horse barn, shed, and retaining wall and the grading associated with this construction within 30 days of the Judgment. If the approval is denied then he must remove the unpermitted structure(s). If he fails to act, the County may remove the illegal structures at his expense. \$1,500.00 fine was ordered. Citations against Mrs. Sandoval were dismissed.

Judge: Legum

NAME OF MATTER: Altenburg, Jr., Ronald L.

Location: 372 Fleagle Road, Glen Burnie, MD 21061

Violation: Storing unregistered vehicle

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

Judge: Legum

NAME OF MATTER: Power, John R. & Susan J. and Champion Fence & Deck of Maryland, Inc.

Location: 744 Bay Front Avenue, North Beach, MD 20714

Violation: Construction of a fence on waterfront property without required permit

DISPOSITION: Defendant Champion Fence and Deck of MD, Inc. failed to appear. \$1,000.00 fine imposed

Judge: Legum

NAME OF MATTER: Byrd, Lisa

Location: 421 Phirne Road West, Glen Burnie, MD 21061

Violation: untagged and unregistered vehicles

DISPOSITION: Defendant ordered to abate violation with 30 days. Fine of \$175 imposed.

Judge: Legum

NAME OF MATTER: Kramer, Mark and Gabrielle

Location: 1219 Mayo Road, Edgewater, MD 21037

Violation: contempt for failing to comply with court order (building without a permit)

DISPOSITION: Defendant failed to appear and body attachment issued with a \$100 cash bond.

Judge: Legum

NAME OF MATTER: Bartkowiak, Michael A.

Location: 7602 Beaver Road, Glen Burnie, MD 21061

Violations: 1 - Grading without a permit in the **Chesapeake Bay Critical Area**

2 - Construction in basement by converting crawl space to a full basement with the installation of new foundation walls & new footings without required permits

DISPOSITION: Consent Judgment entered. Defendant ordered to apply for and pursue all approval required for the conversion of a crawl space at his house into a basement. If the approvals are not granted than he must remove the basement. If he fails to act then the County may remove the illegal construction at his expense. \$300 fine imposed.

Judge: Legum

NAME OF MATTER: Bullock, Walter, III

Location: 8522 Main Avenue, Pasadena, MD 21122

Violation: construction of an addition without permits

DISPOSITION: Consent Judgment of contempt entered. Defendant agreed to pay outstanding \$500 fine and abate violation within 120 days. Matter set for contempt review on 8/4.

Judge: Legum

NAME OF MATTER: Gardner, Michael

Location: 341 Dogwood Road, Millersville, MD 21108

Violation: storage shed - no permits

DISPOSITION: Consent Judgment entered. Defendant agreed to pay \$500 fine and to abate building violation. If permit is not obtained for the shed/garage, it shall be removed in accordance with the judgment.

Judge: Legum

NAME OF MATTER: Cummings, Terrence P.

Location: 519 Burns Crossing Road, Gambrills, MD 21054

Violations: Building and Grading without a Permit; No Stormwater Management Plan Approved
Unauthorized development activity resulting in > 5,000 s.f. of disturbance

DISPOSITION: Consent Judgments entered. Defendant ordered to apply for and obtain all approvals needed for the illegally placed mobile home at the property within 30 days of the Judgment. If the approvals are denied then he must remove the mobile home. If he fails to act, the County may remove the illegal mobile home at his expense. A \$375.00 fine imposed.

Judge: Legum

NAME OF MATTER: Faery, Mary F.

Location: 3876 Twin Oaks Drive, Edgewater, MD 21037

Violation: Building an above ground pool without a permit

DISPOSITION: Violation abated prior to hearing. \$250.00 fine paid.

Judge: Legum

NAME OF MATTER: Betz, Joseph F.

Location: 106 Beverley Avenue, Edgewater, MD 21037

Violation: Failure to comply with approved stormwater management plans

DISPOSITION: Defendant ordered to pay \$500 fine plus court costs and abatement within the time frame (established by I&P) set forth in the Judgment.

Judge: McKenna

NAME OF MATTER: Moore, Denise P.

Location: 8117 Holly Road, Baltimore, MD 21226

Violation: Construction of living space in existing garage – No building permits

DISPOSITION: Because defendant's contractor had promised to get permits and didn't, and because defendant had abated prior to trial, Court granted Probation Before Judgment and ordered payment of a \$50 fine plus costs.

Judge: Legum

NAME OF MATTER: Kent, James and Kimberlea

Location: 611 Carl Avenue, Glen Burnie, MD 21060

Violation: portable storage containers; unregistered vehicles; junk and debris on property in violation of County code.

DISPOSITION: Consent Judgment with Mr. Kent on three citations with cleanup work to be completed within 120 days.

Judge: Legum

NAME OF MATTER: Solid Masonry and Tile, LLC

Location: Jackson Grove Road, Odenton, MD 21113

Violations: construction of two accessory structures and a six foot fence without a permit; grading without a permit.

DISPOSITION: Defendant failed to appear. Judgment entered for \$1,000 in fines on two citations and ordered to obtain grading permit and file stormwater plan.

Judge: Legum

NAME OF MATTER: Fifer, Richard and Kathryn

Location: 8181 Orchard Point Road, Pasadena, MD 21122

Violation: Construction of pilings and pier extension without permits in the **Chesapeake Bay Critical Area**.

DISPOSITION: Defendants found guilty. Fined \$200 each and ordered to obtain inspections within 30 days.

Judge: Legum

NAME OF MATTER: Mashinski, Nicholas and Smith, Elisabeth

Location: 7746 West Shore Road, Pasadena, MD 21122

Violation: Construction of a pier without permits in the **Chesapeake Bay Critical Area**.

DISPOSITION: Mr. Mashinski paid a \$500 fine. Citation against Ms. Smith was not prosecuted. Permit obtained.

Judge: Legum

NAME OF MATTER: Lyon, Timothy and Liliya

Location: 3243 Black Walnut Drive, Annapolis, MD 21403

Violation: Construction of a deck without permits

DISPOSITION: Mr. Lyon abated the violation by obtaining permit and paying fine of \$250. Citation against Mrs. Lyon was not prosecuted.

Judge: Legum

NAME OF MATTER: Ryan, John and Wendy

Location: 540 Arundel Avenue, Glen Burnie, MD 21061

Violation: Grading without a permit

DISPOSITION: A Consent Judgment was entered fining each Defendant \$250 and ordering abatement within 60 days.

Judge: Legum

NAME OF MATTER: Elliott, Barry and Karen - TRO

Location: 2152 Lake Drive, Pasadena, MD 21122

Violation: Construction of a bulkhead without permits and junk and debris in the **Chesapeake Bay Critical Area**

DISPOSITION: Consent Preliminary Injunction entered requiring permits to be obtained, bulkhead permitted, debris removed and proper fill installed with \$5,500 penalty still possible.

Judge: Hackner

NAME OF MATTER: Garvin, Edward E. & Julia D.

Location: 3228 Harness Creek Road, Annapolis, MD 21403

Violation: Injunctive relief to have the construction removed or to have permits revised to show the work in the **Chesapeake Bay Critical Area**.

DISPOSITION: \$250 fine plus costs and defendants have 1 year (and an extension at the discretion of I&P) in which to obtain all necessary approvals and permits from State and County agencies and abate the violation. At the end of the time specified in the order, Defendants to remove the illegal structure and stabilize the property (in the Critical Area buffer) OR the County may do it and invoice the Defendants for costs associated with the removal.

Judge: Mosley

NAME OF MATTER: Piera, John (EJC)

Location: 1421 Mirable Way, Pasadena, MD 21122

Violation: Operating a boat yard/marina in R2 zoned district
Cargo/storage containers

DISPOSITION: Violation abated. Consent Judgment entered requiring the Defendant not to use the property as a "marina/boat yard" or for the storage of portable storage containers until such time if ever that a zoning certificate of use is issued for the property. The Defendant must keep the property in accordance with the Anne Arundel County Zoning Code.

Judge: Legum