

Code Enforcement Litigation Report
September 2009

NAME OF MATTER: O'Shea, John M. & Marie D. and Bay West Construction Co.

Location: 2111 Bay Drive, Annapolis, MD 21409-5702

Violations: Construction of a bulkhead in the **Chesapeake Bay Critical Area Buffer** without the required permit; Grading without a permit in the **Chesapeake Bay Critical Area Buffer**.

DISPOSITION: Defendants pled not guilty. Following trial, Marie O'Shea found guilty of grading in the Chesapeake Bay critical area buffer without a permit and fined \$150 and ordered to apply for the necessary permit and approvals within 14 days; John O'Shea found guilty of grading in the Chesapeake Bay critical area buffer without a permit and fined \$150 and ordered to apply for the necessary permit and approvals within 14 days; and, Bay West Construction found guilty of grading in the Chesapeake Bay critical area buffer without a permit and fined \$300.

Judge: Legum

NAME OF MATTER: Stanton, Allen J.

Location: 603 Riverside Drive, Pasadena, MD 21122

Violations: Construction of a back porch, roof and walls without the required permit;
Construction of a retaining wall greater than 24 inches in height without the required permit;
Grading without a permit in the **Chesapeake Bay Critical Area Buffer**.

DISPOSITION: Defendant pled guilty to building porch walls, a roof and retaining wall in the Chesapeake Bay critical area without a permit and the associated grading without a permit. The defendant had applied for retroactive permit B02259113 prior to trial and was ordered to diligently complete that permit. The defendant was fined \$250 for building without a permit and \$750 for grading without a permit.

Judge: Legum

NAME OF MATTER: Baker, Milton D. & Helen M.

Location: 1543 Long Point Road, Pasadena, MD 21122

Violation: Construction of a front porch roof, sunroom addition, and a deck without the required permit

DISPOSITION: The defendants were charged with building a sunroom addition, deck and porch roof without permits. Prior to trial they applied for, and completed, retroactive permits B02254613 and B02256681. Milton Baker paid a fine of \$250. The citation issued to Helen Baker was not processed.

Judge: Legum

NAME OF MATTER: Arnold, Jr., Wilmer Lee & Genevie L.

Location: 1623 Bay Ridge Road, Edgewater, MD 21037

Violation: Construction of a fence on a corner lot without the required permit;
Failure to comply with a notice of violation.

DISPOSITION: The defendants were each charged with construction of a fence on a corner lot without a permit and failure to comply with a notice of violation. Prior to trial they obtained and completed their retroactive permit, B02253887. Genevie Arnold was fined \$312.50 and the citation issued to Wilmer Lee Arnold was nol prossed.

Judge: Legum

NAME OF MATTER: Snyder, George & Teresa

Location: 450 Ski Lane, Millersville, MD 21108

Violation: Failure to comply with approved documents for Building Permit #B02250745 by exceeding approved disturbed area.

DISPOSITION: Defendant George Snyder's citation marked as paid. Teresa Snyder's citation nol prossed.

Judge: Legum

NAME OF MATTER: Pinkney, William and Lzetta

Location: 428 Mill Swamp Road, Edgewater, MD 21037

Violation: Untagged vehicles; junk and debris

DISPOSITION: Defendant failed to appear. Body attachment issued in 2 cases - \$500 cash bond in each case.

Judge: Legum

NAME OF MATTER: Ajayi, Ademola

Location: 122 Highland Road, Glen Burnie, MD 21060

Violation: Causing water utilities to be shut off for a tenant occupied dwelling

DISPOSITION: Consent judgment entered, fine of \$62 imposed. Defendant ordered to keep a water supply to the property and not allow it to be turned off at any time when it is occupied unless the water bill is in the name of a tenant.

Judge: Legum

NAME OF MATTER: Musselman Residuary Trust

Location: 732 Lake Path, Crownsville, MD 21032

Violation: Unauthorized construction of a pier and bulkhead - No Permits

Unauthorized grading in the **Chesapeake Bay Critical Area** buffer modification area -
No Permit

DISPOSITION: Defendant Contractor Failed to Appear. Default Judgments entered totaling \$3,000.00.

Judge: Legum

NAME OF MATTER: Karhumaa, Diane M.

Location: 1604 Fullerton Road, Edgewater, MD 21037

Violation: Untagged vehicles

DISPOSITION: Citation as to Diane Karhumaa was stayed pending her bankruptcy. Defendant Dara Karhumaa failed to appear. Default Judgment entered requiring her to remove the unregistered vehicles from the property and pay a \$1,000.00 fine.

Judge: Legum

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

Location: 313 Queen Anne Road, Pasadena, MD 21122

Violation: Failure to comply with approved SWM plans associated with grading permit G02012253

DISPOSITION: Defendants failed to appear. Default Judgments entered requiring the defendants to apply for and obtain all approvals needed to abate the grading, building and stormwater management violations at the property related to the installation of a shed, pool, and driveway. If they cannot obtain the approval then the illegal work must be removed. If they fail to act, the County may remove it all at their expense. \$2,000.00 fine.

Judge: Legum

NAME OF MATTER: Hutt, Jeffrey C. and Debbie

Location: 7960 W. Riverside Drive, Pasadena, MD

Violations: Reconstruction of an existing pier in the **Chesapeake Bay Critical Area Buffer** without the required permit; Failure to comply with a notice of violation.

DISPOSITION: Consent Judgment entered with a \$200 fine. Defendants ordered to apply for and pursue all permits needed for the reconstruction of the pier at their property within 30 days of the Court Judgment. If the work cannot be approved then it must be removed. If the Defendants fail to act, the County may remove the work at their expense.

Judge: Legum

NAME OF MATTER: Neal, David S.

Location: 1707 Sinclair Road, Crownsville, MD 21032

Violation: Construction of a detached garage - No Permits

DISPOSITION: Defendant built a garage without a permit and applied for the retroactive permit prior to trial. Defendant consented to the entry of judgment requiring him to complete the permit in a diligent matter. The defendant was fined \$200 by the judge.

Judge: Legum

NAME OF MATTER: Pruett (Doug) Construction Co., Inc.

Location: 814 E. College Parkway, Arnold, MD 21409

Violation: Construction of trussed roof system - No Permits

DISPOSITION: Violation abated prior to hearing. Citation No. 5Z34071581 was paid. Case dismissed.

Judge: Wilcox

NAME OF MATTER: Davis, Dianna L.

Location: 300 Canterbury Court, Glen Burnie, MD 21061
Violation: Construction of a pool and deck - No Permits

DISPOSITION: Defendant obtained permit and final inspection. Petition for Contempt dismissed.

Judge: Wilcox

NAME OF MATTER: Basciano, Christopher

Location: 560 Arundel Avenue, Glen Burnie, MD 21061
Violations: Grading without a permit

DISPOSITION: Property Sold. Fines paid by previous owners. New owner is working with Department to have grading permit issued to develop the land. Case dismissed without prejudice.

Judge: Wilcox

NAME OF MATTER: Gross-Foote, Brenda

Location: 5684 Shady Side Road, Churchton, MD 20733
Violation: Storage of junk and debris, illegal mobile home

DISPOSITION: Defendant James Griffith consented to payment of \$500 fine plus costs and abatement (apply for all permits w/in 30 days and pursue final approvals by Department of I&P -- diligently and without interruption-- thereafter). Defendant Mary Griffith was nol pros'ed at request of the Department.

Judge: Legum

NAME OF MATTER: MAG 8 Property LLC

Location: MD Rt. 3 North LA, Gambrills, MD 21054
Violation: Storage of office trailer - no permits

DISPOSITION: Consent judgment entered, Defendant agreed to pay 500 fine and to pursue permit for office trailer, or to remove office trailer in the event a permit is not issued. County

authorized to remove office trailer at defendant's expense if he fails to comply with the terms of the judgment.

Judge: Wilcox

NAME OF MATTER: Broseker, Brian

Location: B&A Boulevard, Pasadena, MD 21122, Map 24, Block 1, Parcel 0766

Violation: Storage of untagged vehicles; Storage of junk and debris

DISPOSITION: Defendant failed to appear. Affidavit judgment entered. Fine of 1000 imposed and defendant ordered to remove junk and solid waste, unregistered and inoperable vehicles, and oversized vehicles within 14 days, and shipping or cargo containers within 30 days.

Judge: Wilcox

NAME OF MATTER: Quinn, Bernard, Jr.

Location: 7428 Hawkins Drive, Hanover, MD 21076

Violation: Storage of untagged dismantled vehicles, solid waste, and junk and debris

DISPOSITION: Defendant failed to appear, affidavit judgment entered. Fine of \$1000 imposed and defendant ordered to remove junk and debris and unregistered vehicles within 14 days.

Judge: Wilcox

NAME OF MATTER: Safak, Samettin and Susan (EZC)

Location: 313 Milton Avenue, Glen Burnie, MD 21061

Violation: Conversion of a single family dwelling into a duplex in an R5 zoned district

DISPOSITION: Consent judgment entered. Defendant agreed to pay \$250 fine and to cease use of the subject property for a multiple dwelling within 30 days.

Judge: Wilcox

NAME OF MATTER: Higgs, Mark S.

Location: 1218 Gwynne Avenue, Churchton, MD 20733
Violation: Construction of front porch with roof and ceiling fan - No Permits

DISPOSITION: Defendant failed to appear. Affidavit judgment entered. Fine of \$625 imposed. Defendant ordered to remove illegal porch within 30 days or apply for a permit and diligently pursue a permit. County authorized to remove porch at defendant's expense if he fails to comply with the terms of the judgment.

Judge: Wilcox

NAME OF MATTER: Olivas, Sergio A.

Location: 1704 Fairhill Drive, Edgewater, MD 21037
Violation: Construction of a second story front deck - No Permits

DISPOSITION: Defendant appeared and addressed the court on the fine. Fine of 100 imposed. Defendant ordered to diligently pursue approval of the illegal deck by responding to all comments within 30 days. Deck to be removed if he fails to diligently pursue approval. County authorized to remove deck at defendant's expense if he fails to comply with the terms of the judgment.

Judge: Wilcox

NAME OF MATTER: Netzer, Henry and Deborah ats. AACo.

Location: 710 Delaware Avenue, Glen Burnie, MD 21060
Violation: Storage of unregistered vehicles and junk and debris

Disposition: Deborah Netzer appeared, Henry Netzer did not. Ms. Netzer advised the judge that the property had been sold in tax sale and that she had no intention of redeeming it and that she had no means to clean up the property. Instead of finding her in contempt given those circumstances, Judge Wilcox ruled that the County is authorized to enter the property and to remove all unregistered vehicles (recreational vehicle) and junk and solid waste and that all associated costs would be placed as a lien on the property.

Judge: Wilcox

NAME OF MATTER: Lowell, Richard and Carole

Location: 1303 Hillcrest Road, Glen Burnie, MD 21061

Violation: Two principle structures on one lot

DISPOSITION: Judgment entered for the County. Each defendant to pay \$250 fine + costs. I&P reported the day before trial that the violation was abated. Court also ordered that if the violation reoccurs (illegal apartment / multiple dwelling), the County is entitled to \$100 per day for each day the violation continues.

Judge: Wilcox

NAME OF MATTER: Reed, Ronald E.

Location: 950 Bayard Road, Lothian, MD 20711

Violation: Storage of junk and debris, outside storage, unregistered vehicles, storage of commercial vehicle, operation of business illegally, storage of mobile home

DISPOSITION: Dismissed at request of the Department. Violation abated (more than a dozen acres cleared.)

Judge: Wilcox

NAME OF MATTER: Dickerson, Dale H. MAIN FILE (Injunction)

Location: 1433, 1447, 1459 Middletown Road, Annapolis

Violation: Storage of junk and debris, operation mulching business illegally, unregistered vehicles, storage of commercial vehicle and equipment

DISPOSITION: Third contempt hearing/contempt review held. After a full hearing, defendant was found in contempt and sentenced to 5 months, 29 days, to commence on October 30, 2009 at 9 am. Defendant can purge the contempt by:

1. Removing junk and solid waste, including mulch and wood waste material, from the subject property by taking 1 pick-up truckload per day from the subject property and providing proof to the plaintiff of such removals in accordance with the April 2, 2009 Consent Second Judgment of Contempt; and
2. In addition to the daily removals required in accordance with paragraph one, removing an additional one hundred and thirty seven (137) pick-up truckloads of junk and solid waste, including mulch and wood waste material from the subject property, and providing proof to the plaintiff of such removals.

JUDGE: McKenna

NAME OF MATTER: Pelesky, Robert

Location: 208 Magothy Road, Pasadena, MD 21122

Violation: Grading without a permit in **Chesapeake Bay Critical Area**; construction of an accessory structure (shed) on gravel pad - no permit.

DISPOSITION: Defendant completely abated the violation and paid both tickets prior to the court date. The court marked the two citations (grading without a permit in the Chesapeake Bay Critical Area and construction of a shed without a permit) as paid.

Judge: Legum

NAME OF MATTER: Booze, John and Joyce

Location: 1224 Lynn Avenue, Pasadena, MD 21122

Violation: untagged vehicles/junk & debris

DISPOSITION: The County dismissed the contempt case against Defendant John Booze because he paid his fine for the underlying zoning citations for junk and unregistered vehicles, and the violation was abated prior to court date. We were unable to serve Defendant Joyce Booze, but case against her was not dismissed because she has not paid her fine.

Judge: Legum

NAME OF MATTER: Brooks, George

Location: 8248 Woods Road, Millersville, MD 21108

Violation: more than one dwelling on a lot

DISPOSITION: Defendant appeared on September 3, 2009, re: his zoning violation for having two detached dwellings on a residential lot. The Defendant is pursuing subdivision and/or non-conforming use. The Defendant signed a Consent Order and addressed the court on the fine.

Judge: Wilcox

NAME OF MATTER: Klein, Nicholas and Kandace

Location: 186 Lake Shore Drive, Pasadena, MD 21122

Violation: Construction of an addition without the required permits

DISPOSITION: Both defendants appeared on September 3, 2009, for building an addition without the required permit. The defendants have taken steps toward abatement. The County dismissed the case against Kandace Klein and Nicholas Klein signed a Consent Order and agreed to pay

the fine. The defendants are working with the Health Department on perc test/possible septic upgrade to secure their building permit.

Judge: Wilcox

NAME OF MATTER: Lamb Real Estate, LLC

Location: 1397 Generals Highway, Crownsville, MD 21032

Violation: Grading without a permit

DISPOSITION: Defendant paid citation for grading without a permit prior to court date, and Defendant's counsel signed Consent Order on behalf of Defendant, with \$10,000 civil fine suspended for development without an approved stormwater management plan.

Judge: Wilcox

NAME OF MATTER: Bender, Daniel and Greenwald, Norman

Location: 4153 Shoreham Beach Road, Mayo, MD 21106

Violation: Commercial business in residential zone; commercial vehicle in residential zone; junk and debris; unregistered vehicles; outside storage; no certificate of use; illegal contractor's yard

DISPOSITION: County's complaint was for operating a contractor's yard in a Rural Agricultural/Residential District. Defendants abated the violation prior to the court date and entered into a consent order with the County. Defendants' counsel signed the Consent Order on behalf of both parties, and Defendant Bender appeared in court.

Judge: Wilcox

NAME OF MATTER: Lovett, Marcus

Location: 1205 Carrs Road, Annapolis, MD 21409

Violation: Construction of garage/storage building - No Permits

DISPOSITION:

Defendant appeared in court on September 3, 2009, for building a shed without a permit in the Critical Area. Defendant entered into a Consent Order and will work with the Health Department on obtaining approval for a building permit.

Judge: Wilcox