

Code Enforcement Litigation Report April 2017

NAME OF MATTER: Belt, Corey and Zanett

Locations: 736 Queenstown Road, Severn, MD 21144 and vacant parcel adjacent to 736 Queenstown Road

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

DISPOSITION: This matter was postponed until May 4, 2017, to see if the Defendant submitted his response to the County's comment letter. The Defendant was adamant that he submitted a response on April 15, 2017, and the County was not able to verify this statement. After the matter had been heard by the court, and upon further discussion with the Defendant, the County was able to determine that he submitted a revision to a lot merger and not a response to the comment letter.

JUDGE: Legum

NAME OF MATTER: Berra, Robert J. (Injunction)

Locations: 792 Herald Harbor Rd., Crownsville, MD 21032 and 1211 Ripley Rd., Crownsville, MD 21032

Violations: (1) Grading/clearing/disturbance of land in excess of 5,000 s.f. without a grading permit, approved sediment control plan or approved stormwater management plan; (2) grading crossing over neighboring property lines; (3) grading performed over a Stop Work Order; and (4) development within 100 feet of a stream buffer.

DISPOSITION: A Consent Judgment was executed by both parties in this matter. A Judgment of \$12,000 was entered against the Defendant, with all but \$1,500 suspended. He shall pay the \$1,500 within thirty (30) days. In addition, the Defendant must submit a grading permit and stormwater management plan within sixty (60) days.

JUDGE: Spencer

NAME OF MATTER: Better World Builders, LLC (Injunction)

Location: Revell Highway, Annapolis, MD 21409

Violation: Clearing and grading in excess of 5,000 s.f. in the **Chesapeake Bay Critical Area Buffer** without a grading permit or approved stormwater management plan

DISPOSITION: Settlement agreement entered (prior to initiation of court action). Better World Builders to abate the violation at a mitigation ratio of 4:1, to replant and restore an area of 35,216 square feet.

JUDGE: N/A

NAME OF MATTER: C&D Septic Services (Injunction for Illegal Discharge)

Location: Northern End of Barwood Court, Linthicum Heights, MD 21099

Violation: Illegal discharge into the AACo. Sanitary Sewer System

DISPOSITION: This matter was reset to June 1, 2017 in order to pursue further attempts to serve Defendant.

JUDGE: Spencer

NAME OF MATTER: Cooper, Wendy and Walter (Injunction)

Location: 7958 Catherine Ave., Pasadena, MD 21122

Violation: Outside storage of unregistered/untagged vehicles; use of land partially or principally as a junkyard

DISPOSITION: This matter was postponed to June 1, 2017, prior to court.

JUDGE: N/A

NAME OF MATTER: Countryside Deli (2)

Location: 5901 Southern Maryland Blvd., Lothian, MD 20711

Violation: Failure to maintain and/or provide documentation of fire extinguishing system test/maintenance

DISPOSITION: This matter was postponed until May 4, 2017. The Defendants stated that the plans will be submitted on April 28, 2017. The judge stated that they could be excused if they complete the submittal. The Defendants are aware that the County intends to submit an Order which will outline a completion schedule that they must meet. The Defendants are going to provide the dates for said schedule based on a consultation with their contractor. Failure to adhere to the timeline will result in the Fire Marshall shutting down the deli.

JUDGE: Legum

NAME OF MATTER: Deutsche Bank/Altisource Portfolio Solutions

Location: 8256 Lethbridge Road, Millersville, MD 21108

Violation: Outside storage of junk

DISPOSITION: This case was dismissed prior to court because the violations were abated prior to the trial date.

JUDGE: Spencer

NAME OF MATTER: Eberhart, David K. Sr.

Location: 1116 and 1118 Shore Drive, Edgewater, MD 21037

Violations: (1) Unauthorized grading resulting in disturbance exceeding 5,000 s.f. in the **Chesapeake Bay Critical Area** and buffer modification area without an approved grading permit or Stormwater Management Plan; (2) Unauthorized demolition of two structures without an approved building permit

DISPOSITION: This matter was postponed to July 6, 2017, prior to court.

JUDGE: N/A

NAME OF MATTER: Fiber Optic Construction, LLC

Location: 546A Arundel Avenue, Glen Burnie, MD 21061

Violation: Grading permit and approved stormwater management plan required for grading in excess of 5,000 s.f.

DISPOSITION: Defendant failed to appear. Judgment entered. Fine of \$500 imposed and Defendant required to abate the grading and stormwater management violation by pursuing all permits and stormwater management plans, and completing all permits by calling for a final inspection within fourteen (14) business days of completion of all work under the permits.

JUDGE: Spencer

NAME OF MATTER: Gartleman, Gilbert and Meek, Julie

Location: 8 Lake Shore Drive, Pasadena, MD 21122

Violation: Outside storage of junk

DISPOSITION: A consent agreement was reached and the Defendants shall continue to clean the junk and solid waste from the property. A fine of \$1,000 was suspended as to each Defendant. The court will conduct a review hearing on July 6, 2017, to gauge the progress of the Defendants.

JUDGE: Spencer

NAME OF MATTER: Kaczynski, Timothy and Leslie

Location: 7903 West End Drive, Orchard Beach, MD 21226

Violation: Outside storage of unregistered vehicles

DISPOSITION: With respect to the citation against Leslie Kaczynski, Defendant failed to appear on April 6, 2017 and a Judgment was entered requiring abatement of the violations within thirty (30) days and to pay a \$500 fine.

JUDGE: Legum

NAME OF MATTER: Kaczynski, Timothy and Leslie

Location: 7903 West End Drive, Orchard Beach, MD 21226

Violation: Outside storage of unregistered vehicles

DISPOSITION: With respect to the citation against Timothy Kaczynski, the court entered a Default Judgment on April 27, 2017, whereby the Defendant was ordered to pay a previously assessed fine of \$500, plus a \$125 fine for contempt, and service costs of \$25 (for a total of \$650). The Defendant must abate the violation within thirty (30) days.

JUDGE: Spencer

NAME OF MATTER: Kelley, Robert

Location: 771 Tobbin Court, Severn, MD 21144

Violations: Contempt – Unsafe deck; storage of unregistered vehicles; junk and debris

DISPOSITION: This matter was reset for July 6, 2017 prior to court.

JUDGE: N/A

NAME OF MATTER: Locklear, Randy L. and Karen C.

Location: 1025 7th Street, Glen Burnie, MD 21060

Violation: Construction of an accessory structure without the required permit in the **Chesapeake Bay Critical Area**

DISPOSITION: This case was postponed prior to court because the Board of Appeals has not issued a decision on the variance yet.

JUDGE: Pryal

NAME OF MATTER: Mayes, Timothy (EZC)

Location: 309 Dorchester Road, Pasadena, MD 21122

Violation: Contempt – Storage of shipping containers in an R2 zone

DISPOSITION: This show cause has been dismissed and the underlying Judgment marked satisfied. The Defendant has abated the violation and paid the fine per the inspector.

JUDGE: Legum

NAME OF MATTER: Olson, Wesley

Location: 5608 Chatham Road, Baltimore, MD 21225

Violation: Unsafe retaining wall

DISPOSITION: The house is in foreclosure and has been sold but not ratified. The County will continue to monitor and enter *nolle prosequi* when the sale is final. At last trial date, Defendant said again that he does not wish to challenge the foreclosure. This case was postponed to July 6, 2017 at the request of the County.

JUDGE: Mosley

NAME OF MATTER: Osazuwa, Andrew

Location: 4210 Fourth Street, Baltimore, MD 21225

Violation: All exterior surfaces must be maintained in good condition and protected from the elements and decay

DISPOSITION: Prior to court, the County learned that the property changed ownership in January 2017. The County dismissed its case against Defendant on April 12, 2017 and will attempt to contact the new owner and work with them to correct the existing violation.

JUDGE: N/A

NAME OF MATTER: Paulus, James J.

Location: 1838 Saint Margaret's Road, Annapolis, MD 21409

Violation: No certificate of use; exceeding scope of home occupation

DISPOSITION: This case was postponed prior to court with the consent of the Defendant. The new hearing date is October 5, 2017.

JUDGE: McKenna

NAME OF MATTER: Rousselle, Reid A. - Building/Grading

Location: 7460 E. Furnace Branch Road, Glen Burnie, MD 21060

Violations: Contempt – Unauthorized historical construction without permits; unauthorized grading without permits

DISPOSITION: This matter was postponed to September 7, 2017. Defendant just obtained site development plan approval and can now apply for the grading and building permits.

JUDGE: Spencer

NAME OF MATTER: Schummer Properties, LLC (Injunction)

Location: 1875 Jackson Grove Rd., Odenton, MD 21113

Violation: Grading/clearing more than 5,000 s.f. of land and development without a grading permit or approved stormwater management plan

DISPOSITION: Matter postponed to May 4, 2017 at the request of Defendant.

JUDGE: N/A

NAME OF MATTER: Schummer Properties, LLC (Rooming House Injunction)

Location: 7420 Zachary Lane, Glen Burnie, MD 21061

Violation: Using W2-zoned property for residential use and rooming house; outside storage of unregistered/untagged vehicles

DISPOSITION: Matter postponed to May 4, 2017 at the request of Defendant.

JUDGE: N/A

NAME OF MATTER: Smuck, Stanley J. (EGC)

Location: 110 Arundel Corporation Drive, Glen Burnie, MD

Violation: Contempt – Grading without a permit or an approved stormwater management plan

DISPOSITION: Hearing on March 7, 2017 was continued to April 27, 2017 pending Defendant's asserted filing of a grading permit application. Defendant's

attorney did not appear at the April 27th show cause hearing and the County obtained a Judgment of Civil Contempt. Defendant was given fourteen (14) days to file a grading permit application and the deadline for filing the application is May 11, 2017.

JUDGE: Robinson

NAME OF MATTER: Thompson, Robert, Bret and Julie

Location: 5854 Deale Churchton Road, Deale, MD 20751

Violation: Contempt – Outside storage of unregistered vehicles and junk

DISPOSITION: There was a Consent Judgment entered in this matter. The Defendant will donate the remaining vehicles within thirty (30) days of the Judgment. The court ordered a total judgment of \$95 (including service costs).

JUDGE: Legum

NAME OF MATTER: Wagner, James R. & Kimberly (Injunction)

Location: 7672 Water Oak Point Rd., Pasadena, MD 21122

Violation: Construction of an attached 2-story garage, installation of a 6' tall fence, subpanel, and 500 gal. septic tank in the **Chesapeake Bay Critical Area** under expired permits and without final inspections

DISPOSITION: Consent Judgment entered. Defendants to apply for all required trade permits within thirty (30) days. Defendants to complete building permit B02167424 and all associated trade permits by December 31, 2017. Service costs of \$75 entered as Judgment against Defendants.

JUDGE: Spencer

NAME OF MATTER: Yanez, Alex & Lili

Location: 184 Southwood Road, Pasadena, MD 21122

Violation: Grading without the required permit

DISPOSITION: Both Defendants entered into a Consent Judgment whereby they were ordered to finalize the grading permit application within thirty (30) days and diligently pursue it thereafter. A fine of \$1,500 was ordered for each Defendant (for a total of \$3,000) but suspended pending compliance with the Order. Service costs of \$37.50 were ordered for each Defendant (for a total of \$75).

JUDGE: Mosley