

**Code Enforcement Litigation Report
May 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 for sixty (60) days for a review hearing. The Defendant was not present, nor was there any verification that they responded to the comment letter.

JUDGE: Legum

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: Worked out a settlement with Defendant's attorney prior to the hearing scheduled for June 1, 2017. Defendant will pay a \$6,500 fine for its illegal discharge into a manhole and a Consent Order will be entered stipulating that in the event Defendant illegally dumps again, its license and permission to operate as a liquid waste hauler within the County will be suspended for 10 years. Once the Defendant pays fine, the Consent Order will be entered.

JUDGE: N/A

NAME OF MATTER: Cappuccio, Sean

Location: 1231 Scots Lane, Odenton, MD 21113

Violation: Outside storage of unregistered vehicles and junk

DISPOSITION: This matter was postponed to June 6, 2017.

JUDGE: Legum

NAME OF MATTER: Castro, Isaias and Ortiz, Gustavo

Location: 2611 Evergreen Road, Odenton, MD 21113

Violation: Contempt – 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: This case was postponed prior to court at the Defendant's request. The new review date is August 3, 2017.

JUDGE: Spencer

NAME OF MATTER: Countryside Deli

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

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

DISPOSITION: At the court date on April 27, 2017, the Defendant asked the Court if she could be excused from the upcoming May 4th hearing if she submitted the required plans for the building permit by April 28, 2017. As of May 4, 2017, the Defendant has yet to submit the plans. It was stated on the record that the County would use a completion timeline provided by the Defendant if the Fire Marshal found it reasonable; however, the Defendant failed to provide any information on the completion of the work. The County also previously stated on the record that if the Defendant was not present, the County intended to enter a judgment in this matter. The County entered a Contempt Judgment for \$7,000 with all but \$1,000 suspended. The Defendants have until June to complete the permits.

JUDGE: Legum

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 case was pulled from the docket prior to court because the Defendant was not served.

JUDGE: N/A

NAME OF MATTER: Decker, Anthony S. and Denise L.

Location: 1146 Severnview Drive, Crownsville, MD 21032

Violation: (1) Unauthorized retaining wall construction without building or grading permits; and (2) Unauthorized creation of new non-conforming lot coverage in the **Chesapeake Bay Critical Area** (L.D.A. Designation) without a grading permit or stormwater management plan approval

DISPOSITION: Defendants' request to postpone the hearing was granted. A new hearing will be held on August 3, 2017.

JUDGE: N/A

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 review hearing occurred and progress is being made towards abatement by the Defendants. Next review is scheduled for July 6, 2017.

JUDGE: Legum

NAME OF MATTER: Johnson, Michael

Location: 344 Forest Beach Road, Annapolis, MD 21409

Violation: Storage of unregistered vehicles

DISPOSITION: The Defendant was not present. The citation #2Z41214952 matter was heard, while the second citation was entered *nolle prosequi* (Defendant has a non-nonconforming use for the oversized motor vehicle). A Judgment was entered requiring the Defendant pay \$125 and \$45 in service fees. In addition, the Defendant must abate the violations related to the inoperable and unregistered motor vehicles within thirty (30) days.

JUDGE: Legum

NAME OF MATTER: Khan, Hamayun A.

Location: 7177 Baltimore Annapolis Boulevard, Glen Burnie, MD 21061

Violation: Contempt – Outside storage of vehicles, tires and equipment

DISPOSITION: Violations were abated, the Petition for Contempt dismissed, and the underlying judgment remained in place. The court lowered the fine imposed on March 3, 2016 from \$6,000 to \$2,500.

JUDGE: Legum

NAME OF MATTER: Katzenberger, Danielle N.

Location: 3 Elm Drive, Glen Burnie, MD 21060
Violation: Outside storage of unregistered vehicles

DISPOSITION: This citation was entered *nolle prosequi* because the violation was abated prior to trial.

JUDGE: Legum

NAME OF MATTER: Kraft, James A., Jr. and Lorraine E.

Location: 7208 Judy Road, Glen Burnie, MD 21060
Violation: Contempt – Construction of shed without required building permit

DISPOSITION: A judgment was entered whereby the Defendant shall submit a new building permit application within sixty (60) days and afterward diligently pursue its completion. The Defendant shall pay the previously imposed fine of \$1,000 and previously imposed service costs of \$30. An additional \$50 in service costs was ordered.

JUDGE: McKenna

NAME OF MATTER: Lambden, Peter D. (EGC)

Location: 29 Brick Church Road, Edgewater, MD 21037
Violation: Grading of more than 5,000 square feet without an approved grading permit and stormwater management plan

DISPOSITION: This was removed from the docket because the property has a new owner.

JUDGE: N/A

NAME OF MATTER: Lohrmann, Vernon

Location: Map 23, Parcel 161, Lots 23 and 24, Walnut Avenue, Pasadena, MD 21122
Violation: Outside storage of unregistered vehicle (camper)

DISPOSITION: Defendant failed to appear. Judgment was entered requiring Defendant to remove unregistered camper within thirty (30) days. A fine of \$125, plus service costs of \$45, were imposed as Judgment against Defendant.

JUDGE: Legum

NAME OF MATTER: Lough, Sherry

Location: 334 W. Arundel Road, Baltimore, MD 21225

Violation: Failure to maintain exterior property in a sanitary condition, allowing an excessive accumulation of dog waste

DISPOSITION: Defendant failed to appear. Judgment was entered and a fine of \$125, plus \$45 in service costs, was imposed. Defendant was ordered to keep the property in a clean and sanitary condition and remove all dog waste and excrement from the subject property.

JUDGE: Legum

NAME OF MATTER: Lovelace, William, Jr.

Location: 8442 Bay Drive, Pasadena, MD 21122

Violation: Outside storage of junk

DISPOSITION: The citation was entered *nolle prosequi* because the violation was abated prior to trial.

JUDGE: Legum

NAME OF MATTER: MBM Investments, LLC

Location: 7918 Solley Road, Glen Burnie, MD 21060

Violation: Contempt – Unauthorized construction of an approximate 50' x 80' accessory structure with four (4) bay doors without building or trade permit(s); unauthorized construction of an approximate 25' x 25' residential addition without building or trade permit; unauthorized construction of a shed greater than 8' x 8' without a building permit; unauthorized grading resulting in approximately 30,000 square feet of disturbance, inclusive of asphalt and gravel parking/storage areas; and stockpiled materials without a grading permit or Stormwater Management Plan authorizations

DISPOSITION: Matter was postponed to August 3, 2017 so that Defendant can complete the permits.

JUDGE: Legum

NAME OF MATTER: McConnell, Kevin and Melanie

Location: 7958 Catherine Avenue, Pasadena, MD 21122
Violation: Outside storage of unregistered vehicles and junk

DISPOSITION: This citation was entered *nolle prosequi* because the violation was abated prior to trial.

JUDGE: Legum

NAME OF MATTER: Patel, Bhailal and Hemangini, et al

Locations: 1871 Betson Avenue, Odenton, MD - Tax Map 21, Block 17, Parcel 98 (Patel)
1863 Betson Avenue, Odenton, MD - Tax Map 21, Block 17, Parcel 99 (Bengough)
0000 Bucklina Avenue, Odenton, MD - Tax Map 21, Block 17, Parcel 104 (Patel)
1874 Bucklina Avenue, Odenton, MD - Tax Map 21, Block 17, Parcel 105 (Patel)
Violations: Contempt – (1) Unauthorized construction of an approximate 28' x 80' addition (in two separate phases) to an existing structure between approximately 2005 and 2007 without building or trade permit(s); and (2) unauthorized ongoing grading and stockpiling activities resulting in greater than 5,000 square feet of disturbance on each of the subject properties without grading permit or stormwater management authorization(s)

DISPOSITION: Petition for contempt was dismissed, with the underlying judgment to remain in place, and Defendant must complete permits in accordance with prior judgments.

JUDGE: Legum

NAME OF MATTER: Phipps, Harold R.

Location: 603 Ford Road, Deale, MD 20751
Violation: Outside storage of unregistered vehicles and junk

DISPOSITION: This matter was postponed to July 27, 2017.

JUDGE: N/A

NAME OF MATTER: Popejoy, Larry C. and Cheryl F. (Injunction)

Location: 400 E. Bay Front Road, Deale, MD 20751
Violation: Unauthorized grading/clearing/disturbance of land in excess of 5,000 s.f. in the **Chesapeake Bay Critical Area** without a grading permit, approved sediment control plan or approved stormwater management plan

DISPOSITION: This matter was proposed until August 8, 2017. The Defendants have submitted a grading plan and were just issued a comment letter weeks

before court. They are planning on working with their engineer to respond to the comment letter.

JUDGE: Legum

NAME OF MATTER: Puckett, Daniel P.

Location: 431 Maple Lane, N.W., Glen Burnie, MD 21061

Violation: Contempt – Outside storage of solid waste, junk and debris

DISPOSITION: This matter was postponed until June 2, 2017. The Defendant has made substantial progress in cleaning the property and is now working on getting the vehicles properly registered with the state.

JUDGE: N/A

NAME OF MATTER: Schummer Properties, LLC (Grading 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: This matter was postponed by the court (as the judge had a carryover from the morning and could not hear the case in the afternoon). The new hearing date is June 8, 2017.

JUDGE: McKenna

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: This matter was postponed by the court (as the judge had a carryover from the morning and could not hear the case in the afternoon). The new hearing date is June 8, 2017.

JUDGE: McKenna

NAME OF MATTER: Stewart Lawn and Landscape Management, Inc.

Location: 232 Severn Drive, Annapolis, MD 21401

Violation: Clearing and grading in the **Chesapeake Bay Critical Area** and the Buffer Modification Area without a grading permit and working over a posted Stop Work Order

DISPOSITION: A Consent Judgment was entered in Citation No. 3Z35141207, under which Defendant agreed to pay a fine of \$1,000. The remaining two citations were entered *nolle prosequi*. Property owners voluntarily abated the violation.

JUDGE: Legum

NAME OF MATTER: Stubbins, Dianne M.

Location: 8452 Bay Drive, Pasadena, MD 21122

Violation: Contempt – Outside storage of junk and debris

DISPOSITION: This matter was dismissed at the request of the Inspector. The underlying judgment was marked as satisfied, but the Defendant must still pay the service cost of \$50.

JUDGE: Legum

NAME OF MATTER: Stuhmer, Michael D.

Location: 7962 Catherine Avenue, Pasadena, MD 21122

Violation: Contempt – Outside storage of oversized vehicles and junk

DISPOSITION: A consent Judgment was reached. The Defendant has an active building permit which will not expire until July 8, 2018. The Defendant has 180 days to remove the illegal structure or legalize it. If Defendant fails to remove or legalize the structure within 180 days, the County will fine the Defendant \$100 each day until the structure is removed or made legal. Additionally, a \$4,000 fine was suspended pending Defendant's compliance with the Order. He must only keep oversized vehicles on the property that are for the use of completing his building permit, and if the permit expires or is completed, then he shall remove said vehicle(s) immediately thereafter.

JUDGE: Legum

NAME OF MATTER: Tessicini, Paul

Location: 7854 Fernhill Avenue, Pasadena, MD 21122

Violation: Contempt – Outside storage of unregistered vehicles; business use not permitted

DISPOSITION: The Inspector stated that the violations have been abated. The show cause was dismissed at court.

JUDGE: N/A