

IN THE MATTER OF
AIGBURTH VALE, LLLP -APPELLANT/
RESPONDENT
212 AIGBURTH AVE

RE: Civil Citation No.: 93862

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. CBA-12-011

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OPINION

This matter comes before the Board of Appeals for Baltimore County (the "Board") as a Record Appeal from the Final Order of the Administrative Law Judge, dated July 28, 2011 regarding a Code Enforcement Violation at 212 Aigburth Avenue, in which the property owners were found to have failed to rehabilitate, reconstruct and/or repair the premises. The property owners were fined Fifteen Thousand (\$15,000.00) Dollars; Twelve Thousand Five Hundred (\$12,500.00) Dollars of the Fifteen Thousand (\$15,000.00) Dollars civil penalty be suspended, with an immediate Two Thousand Five Hundred (\$2,500.00) fine imposed and that the remaining Twelve Thousand Five Hundred (\$12,500.00) Dollar civil penalty will be imposed if the two (2) subject buildings are not brought into compliance, repaired or demolished no later than November 14, 2011.

BACKGROUND

The Appellant's in this case are the owners and property managers of two low income residential facilities located in Baltimore County. The property on which the residential facilities are located includes two uninhabitable structures that existed on the property at the time of its acquisition from the former owner the Baltimore County government. A citation was issued by the Baltimore County Code Enforcement Department citing the uninhabitable structures for violations of *Baltimore County Code* § 35-2-204 (A0(1)(vii); International Building Code (IBC) 115; and Baltimore County Building Code (BCBC) 115. Baltimore County Inspector Radcliffe issued a Code Enforcement & Inspections Citation to the owners of 212 Aigburth Avenue and represented Baltimore County at the Code Enforcement hearing and before this Board.

BOARD'S REVIEW OF THIS MATTER

At the initiation of the Board's hearing Mr. Brian Devlin who identified himself as the representative of the St. Ambrose Housing Project which is the managing agent for Aigburth Vale, LLLP told the Board that there was no dispute as to the propriety of the citations issued by the Code Enforcement Department but rather, the Appellant's sole concern was the civil penalty assessed against them in this matter. The civil penalty assessed by the Administrative Judge was in the amount of Fifteen Thousand Dollars (\$15,000.00) with Two Thousand Five Hundred (\$2,500.00) of the fine due and payable after the Code Enforcement hearing and the balance of Twelve Thousand Five Hundred Dollars (\$12,500.00) to be waived if the properties are razed by November 14, 2011.

The Baltimore County was represented by Mr. Jeffrey Radcliff the Code Enforcement inspector who issued the citations. No other persons attended the hearing. The Board accepted a proffer from Mr. Devlin that the Appellant had secured funding to allowing for the destruction and removal of the cited building by the date established by the Administrative Judge in the case below. Mr. Devlin went further to indicate that the payment of the civil penalty was could not be paid out of the funding receive to cover the cost of razing the building, but instead would have to come from the organizations operating budget which, according to Mr. Devlin, is "strained". The representative for Baltimore County indicated that his Department would voice no opinion on the civil penalties assessed against the Appellant and noted to the Board that the offending building have existed in the same condition for a number of years despite the efforts of his office.

DECISION

The Board is mindful of the benefit obtained by its citizens who reside in the income adjusted facilities owned by the Appellant. The point of paramount concern in this case is the removal of the unsafe structures located on the Appellant's property. The Board has determined this it will suspend the Fifteen Thousand (\$15,000.00) Dollar Civil penalty imposed on the condition that the property is brought into compliance no later than November 14, 2011.

ORDER

THEREFORE, IT IS THIS 5th day of October, 2011 by the Board of Appeals of Baltimore County

ORDERED that the July 28, 2011 Final Order of the Administrative Law Judge be and the same is hereby **REVERSED** in part and **UPHELD** in part; and it is further

ORDERED that the two (2) subject buildings shall be brought into compliance, repaired or demolished no later than November 14, 2011,

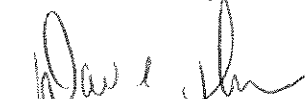
ORDERED that the Fifteen Thousand (\$15,000.00) Dollar civil penalty imposed by the Administrative Law Judge in Citation Number 93862, be and the same is hereby waived on the condition that the two (2) subject buildings are brought into compliance, repaired or demolished no later than November 14, 2011 ; and it is furthered.

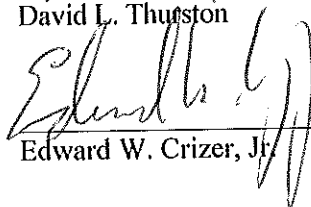
ORDERED that the Fifteen Thousand (\$15,000.00) Dollar civil penalty imposed by the Administrative Law Judge in Citation Number 93862, be and the same will be imposed if the two (2) subject buildings are not brought into compliance, repaired or demolished by November 14, 2011.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Wendell H. Grier, Panel Chair


David L. Thurston


Edward W. Crizer, Jr.