

Baltimore County, Maryland
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No.03-6308

George Majchrzak, Inc.
11825 Belair Road
Kingsville, MD 21087

11819 Belair Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on March 17, 2004, for a hearing on a citation for violations under the Baltimore County Zoning Regulations §102.1; 428; 500.9; for failure to properly license vehicles stored on residential property; failure to cease storage of cars for sale on residential property zoned RC5 located at 11819 Belair Road, 21087.

On January 30, 2004, a code enforcement citation was issued pursuant to §1-7 (d), BCC by Sophia Jennings.

The citation was legally served on the Respondent. The citation proposed a civil penalty of \$16,400.00 (sixteen thousand four hundred dollars) to be assessed.

George Majchrzak, President of George Majchrzak Inc., appeared and testified.

Interested Parties Attending and Testifying:

Doris Smith
7427 Bradshaw Road
Kingsville, MD 21087

Carole Maier
11927 Belair Road
Kingsville, MD 21087

Testimony and evidence presented shows the subject property as a residential lot approximately $\frac{1}{3}$ acre improved by single-family dwelling and accessory structure. Subject property is adjacent to Respondent's business which is zoned BM-CR whereupon a service garage is operated by the Respondent, George Majchrzak, President of George Majchrzak, Inc. The Respondent stated that he parks cars on the lot next door, however he was under the impression that as long as the vehicles were properly tagged that he was not in violation. The Respondent maintains that code enforcement personnel advised him regarding the storage of vehicles on the property. I am convinced that an inspector did tell the Respondent that he could park cars on the residential property as long as they were tagged. The inspector or inspectors were incorrect and in turn misinformed the Respondent. The language of the citation applies to unlicensed cars and vehicles for sale from the subject property. Ms. Smith and Ms. Maier testified to cars being parked on the property for sale or as overflow storage from the business. They stated that banners and pennants have been displayed on the property. They also said that car-detailing activities take place from an accessory structure on the residential property. According to testimony, the storage of vehicles on subject property also causes traffic sight-line problems. The records show that cars without tags have been parked on the residential property from time to time. Five (5) untagged cars were observed on the subject property on January 29, 2004. Case file notes show several untagged cars on the property on March 16, 2004.

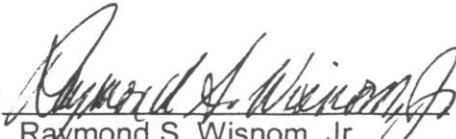
The Respondent is advised that no activity other than activities associated with the single-family dwelling may take place on or at 11819 Belair Road. Any and all storage of vehicles associated with the business next door must cease immediately. Car wash, waxing or detailing shall not operate from the accessory structure located at 11819 Belair Road. Any commercial activity contemplated by the Respondent for subject property must receive zoning approval before initiating the activity including used car sales.

I find the Respondent in violation of section 428 of the Baltimore County Zoning Regulations for storing unlicensed vehicles on the property on three separate occasions and the violations are continuing.

IT IS ORDERED by the Code Enforcement Hearing Officer, this 18th day of March 2004, that a civil penalty is imposed in the amount of \$600.00 (six hundred dollars).

IT IS FURTHER ORDERED that the inspector inspect the property to determine whether the property is used for residential use only, that all commercial uses have ceased on subject property.

Signed:



Raymond S. Wisnom, Jr.
Code Enforcement Hearing Officer

The violator is advised that pursuant to §1-7(g)(1), Baltimore County Code, an appeal to the Baltimore County Board of Appeals may be taken within fifteen (15) days after the date of a final Order. §1-7(g)(2) requires the filing of a petition setting forth the grounds for appeal and a filing fee of \$150.

RSW/jaf