

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 CONCLUSION 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 June 30, 2004 for a hearing on a citation for violations under the Baltimore County Zoning Regulations § 102.1, 1B01.1A, 428, the Zoning Commissioner's Policy Manual 500.9 and Baltimore County Code § 26-121(a) for failure to comply with order dated March 18, 2004 by continuing to store cars on residential zoned property (RC5) accessory to the business located at 11825 Belair Road T/A G&M Motors. The citation is hereby amended to include Baltimore County Zoning Regulations (BCZR) § 1A04.2 and 409.8.B.1 and 409.8.B.2.e

On May 10, 2004, pursuant to §1-7(d), Baltimore County Code, a code enforcement citation was issued by Sophia Jennings, Code Enforcement Officer. The citation was legally served on the Respondent.

The citation proposed a civil penalty of \$20,800.00 (twenty thousand eight hundred dollars) to be assessed. A code enforcement hearing date was scheduled for June 30, 2004.

George Majchrzak, Respondent appeared for the hearing and testified.
Michael A. Pierce, Complainant of 7448 Bradshaw Road appeared and testified.
Carole A. Maier, Complainant of 11927 Belair Road appeared and testified.
Sophia Jennings, Code Enforcement Officer also testified.

Testimony and evidence shows that the Respondent continues to use a portion of the residential property for storage purposes by parking cars connected to the service garage business on the premises. The Respondent expects this Hearing Officer to believe the property line is very close to the residence of 11819 Belair Road. The dwelling at 11819 Belair Road appears to have an accessory structure (2 car garage) on the premises to the left side and to the rear of the dwelling. The property line as most reasonable persons would presume is to the left of the accessory structure when facing the property looking in from Belair Road. The Respondent parks cars in front of this garage and along the side of the dwelling. The Respondent has not provided a survey of the properties nor has he submitted a site plan showing the use of the property for zoning review and approval.

The Respondent is found to be in violation of the March 17, 2004 order requiring the cessation of storage of vehicles as an accessory use to the business situated on the adjacent property. The Respondent has failed to obtain zoning approval for any such business or commercial activity contemplated by the Respondent for and on 11819 Belair Road.

IT IS ORDERED that the civil penalty imposed in the March 17, 2004 shall be certified as a lien upon the real property known as 11819 Belair Road.

I find the Respondent in violation of Baltimore County Zoning Regulations (BCZR) § 1A04.2 as business and commercial use of a residential property zoned RC5 is not allowed per the regulation.

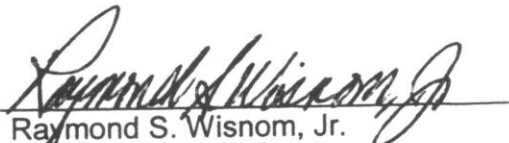
I find the Respondent in violation of Baltimore County Zoning Regulations (BCZR) § 409.8.B.1 for failure to obtain a use permit from the Zoning Commissioner for use of land in a residential zone for parking facilities.

I find the Respondent in violation of Baltimore County Zoning Regulations (BCZR) 409.8.B.2.e for failure to submit a satisfactory plan showing parking arrangement and vehicular access.

The Respondent is clearly operating commercial activity upon the premises of 11819 Belair Road contrary to the conditions of the order of March 17, 2004 as evidenced by the parking of cars associated with the business use adjacent to subject property and the placement of a portable sign upon the residential premises without first obtaining a permit.

IT IS ORDERED by the Code Enforcement Hearing Officer, this 2nd day of July 2004, that a civil penalty be imposed in the amount of \$6,000.00.

IT IS FURTHER ORDERED that the inspector, inspect the property to determine whether the violation has been corrected. The inspector is instructed to cite the Respondent for any non-complying actions and monitor the property regularly during off hours and weekends as necessary to determine if the property or properties are in compliance with current codes and regulations.

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. The appellant is urged to read the requirements for the appeal petition. Security in the amount of the civil penalty must be posted with the Director.

RSW/jaf