

December 21, 2011

Lionel van Dommelen
Code Inspections and Enforcement
County Office Building
111 W Chesapeake Ave
Towson, MD 21204

Re: 11819 Belair Rd, Tax ID 1107059000, G&M Auto (zoned RC-5)

Dear Mr. van Dommelen,

I request that action be taken on the subject address for failure to comply with the following

Code Enforcement hearing order, Case 03-6308, March 17, 2004
Board of Appeals order, Case CBA-04-139/Citation 03-6308, December 2, 2004
Consent Agreement dated October 6, 2004
Consent Agreement dated January 7, 2005

On June 20, 2011, I filed another complaint on this property related to parking of vehicles for sale. Case 96356 was opened and, while one small issue was corrected, the excessive parking and business use has continued almost continuously since then, as it has for the past 9 years.

I filed another complaint on September 22 with clear, photographic proof of a violation, but Mr. Parker claimed he saw only 4 vehicles and closed the case. A new case was opened on Friday, December 9 when I again phoned in a complaint. Mr. Parker stopped by my house on Monday and, even though I told him that I had just observed 8 vehicles parked on this property, he said he would not go there and check at this time. (One could walk to it in 5 minutes.)

To reiterate some of the history: Although zoned RC5, this property is being used by the adjacent service garage and used car lot for business purposes for the display of vehicles for sale. George Majchrzak, Inc. purchased this property in 2001, and attempts to upzone it to BM were denied during both the 2004 and 2008 CZMP, so the owner is well aware of its current RC5 zoning.

March 17, 2004, Code Enforcement hearing. Order stated that:

"no activities other than activities associated with the single-family dwelling may take place"
"Storage of vehicles associated with the business next door must cease."
"Any commercial activity ... must receive zoning approval before initiating the activity including used car sales."

June 30, 2004, Code Enforcement hearing. Ordered to cease business use.

October 7, 2004, appeal heard, BoA Final Order of December 2, 2004, case CBA-04-139, stated that:

2. "no activity other than activities associated with the single family dwelling shall take place on the subject property known as 11819 Belair Road"
3. "the storage of any and all vehicles associated with the service garage business carried on next door to said subject property, shall cease"
5. "Appellant George Majchrzak, Inc shall seek a zoning variance for any commercial activity that he desires to pursue on the subject property"

The Order included a signed consent agreement of October 6, 2004 (done by Kevin Keene) which stated the same.

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January 7, 2005, Code Enforcement hearing. Prior to hearing, Consent Agreement made with Assistance County Attorney on 5 January 2005 (by Larry Schmidt) which states:

Whereas, "GMI has stated its intention to comply with all applicable provisions of the BCZR"

2. "GMI shall comply with the Order of the County Board of Appeals, Case CBA-04-139, dated December 2, 2004"

3. No more than four dealer-tagged vehicles may be parked on the Property at any one time, provided that it is understood and agreed that GMI may affix to any dealer-tagged vehicles, window stickers offering the vehicle for sale."

6. "Violations of any provision of this agreement by GMI may cause and shall be grounds for the County immediately filing for injunctive or other available relief in a court of competent jurisdiction."

The stated purpose for the allowance in the January 7, 2005 agreement for four dealer-tagged vehicles was so the occupants of this house (the owner's daughter and her husband), the owner, and his wife could park the vehicles they regularly use (in association with the residence). Since then, the intent has been continuously violated. Although the community objected to that agreement, I realize that it stands and governs what Code Enforcement can now do regarding this case.

The agreement did not, and should not, allow open selling of vehicles on this property, such as posting of signs or inviting customers to examine those vehicles. In fact, there are often more than four vehicles parked on this property without normal tags on the front as pictured below. Without trespassing, I have no way to verify if any of these vehicle are displaying the required dealer tags on the rear. As shown on the attached photos taken several weeks ago there were 8 vehicles with window stickers or other evidence that they are for sale. Most are listed on the G&M Automotive web site. The rack with the vehicle on it is located mostly on this RC5 property according to the survey which the owner had done to resolve a previous case (when he painted a line on the pavement).

Since the latest case was opened (#104431) due to my phone complaint of December 9, there have continuously been more than 4 vehicles parked on this property (without proper tags).

I should also note that the adjacent business was never approved as a used car lot which is not allowed in a BM zone. I submitted a complaint letter regarding this matter on November 9, 2011 to be added to the already open Case #103319.

I request that action be taken to limit G&M Auto's use of this property to what the BCZR allows in RC5 and what the agreement and order stated, and nothing more. This means no more than 4 vehicles with dealer tags or evidence of being for sale, no association with adjoining business, and no vehicles without tags at any time. The specific action to be taken at this time should be as specified in the Order of the Board of Appeals dated December 2, 2004 which indicates that the next step should be injunctive relief in court, not a new code enforcement hearing.

Thank you for your assistance in this matter. If there are any questions regarding this, please contact me.

Regards,

Michael Pierce
7448 Bradshaw Rd
Kingsville, MD 21087
410 817-4795

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Dec 9, 2011 Whole lineup with 8 vehicles visible (one more alongside the house) All of these vehicles are currently advertised on G&M Automotive's web site. Close-ups follow:



Rack with Honda is straddling the line between this RC5 property and the business property to the left, with a majority on the house property, based on the property line painted on the pavement after the owner had it surveyed in September 2005. See next photo. Vehicle by garage (with dealer tag) is the one which the tenant actually uses. There is also a forklift parked by the garage. Also note the illegal pennants.

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Yellow property line resulting from 2005 survey, BM to left, RC5 to right.

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