

Office of Administrative Hearings for Baltimore County
105 West Chesapeake Avenue Suite 103
Towson, Maryland 21204

In the Matter of

Civil Citation No. 104426

Capezio, Jr. Marion James
Capezio, Theodora M.

715 Corbett Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on January 10, 2012 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101,102.1: using the premises for a contractor's equipment storage yard on residential property.

On January 12, 2012 pursuant to § 3-6-205, Baltimore County Code, Inspector Paul Cohen issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$200.00 (two hundred dollars).

The following persons appeared for the Hearing and testified: Mr. & Mrs. Capezio, Respondents and Paul Cohen, Respondent and, Baltimore County Code Enforcement Officer.

Testimony revealed that the owner of the property at one time stored several commercial vehicles which taken together would constitute a Contractor's Equipment Storage yard. However, as of the date of the hearing before me, the Respondent had only one remaining personal vehicle which was a dump truck with a snow removal blade attached to the front. The vehicle contained two magnetic signs on the door which could easily be removed by the owner. These signs caused the vehicle to be considered a commercial vehicle. One identified the vehicle as an SHA snow removal vehicle, as the owner of the property cleared snow for the State Highway Administration. Mr. Capezio agreed to remove these magnetic signs upon returning to his residential property, thereby causing the vehicle to be legally stored.

Having heard the testimony and evidence presented at the Hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$200.00 (two hundred dollars).

IT IS FURTHER ORDERED that the \$200.00 civil penalty be suspended in full.

IT IS FURTHER ORDERED that the \$200.00 civil penalty will be imposed if the property is not brought into immediate compliance.

IT IS FURTHER ORDERED that the \$200.00 civil penalty will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 10th day of January 2012

Signed: ORIGINAL SIGNED
Timothy M. Kotroco
Administrative Law Judge

NOTICE: Pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent or Baltimore County may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$225.00 and the posting of security in the amount of the penalty assessed.