

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

In the Matter of

Civil Citation No. 107343

Sharon Crum
Stephen Crum

7310 Gunpowder 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 August 14, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 32-7-503(B)(1)(2); 32-7-403: Demolition by neglect, front porch support column, permit required to replace approximately 23 windows, 6 sidelights, 2 transoms and tongue/groove, flooring on the north and south porches with non-historic materials on residential property.

On June 11, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector James Garland 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 \$158,000.00 (one hundred fifty eight thousand dollars).

The following persons appeared for the Hearing and testified: Harvey S. Levin, Esquire representing Stephen Crum, Respondent and, Karin Brown, Landmarks Preservation Commission and, James Garland, Baltimore County Code Enforcement Officer.

Testimony was presented that, upon notification from the County Building Engineer, Inspector Garland visited the subject property, upon which there is an Historical Easement to the benefit of the Maryland Historical Trust, to determine if renovations had been done to the said property without the permission of the Trust, and done in a manner contrary to required procedure. The inspection revealed that vinyl replacement windows had replaced wooden ones, and new doors and porch floorings had also been built. Karin Brown, speaking on behalf of Landmarks Preservation Services for the the County Department of Planning, noted that her search of County records revealed none of the required permits necessary to carry out the aforesaid renovations to the structure. She requires, on behalf of the

Trust, that the vinyl windows be removed and replaced by wooden ones. Additionally, she maintains that the doors and porches be repaired with suitable materials, approved by the Trust and properly permitted. The Respondent testified that he has made other changes to the 192 year old structure. .He maintains that he has kept up the structure over the years, and that some of his actions, particularly on the porches, is temporary in nature. Finally, the Respondent is unhappy with the fact that his site is listed on the Trust. He referred to it as an "unlawful taking" of his property; however, he acknowledges the Deed of Easement dated January 26, 1993, to which the property is subject in perpetuity, imposing historical trust conditions on any changes, or alterations of any kind on the property, certainly including those which bring us to this case.

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 \$25,000.00 (twenty five thousand dollars).

IT IS FURTHER ORDERED that \$ 24,000.00 of the \$25,000.00 civil penalty be suspended, with an immediate \$1,000.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$24,000.00 civil penalty will be imposed if the subject property is not brought into compliance with the requirements of the Maryland Historic Trust by November 15, 2012.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$24,000.00 civil penalty will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

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

ORDERED this _____ day of August 2012

Signed: _____
Lawrence M. Stahl
Managing 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.

LMS/sma