

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

In the Matter of

Civil Citation No. 116793

2907 Hillcrest Avenue, LLC
PO Box 4065
Lutherville, MD 21094

2907 Hillcrest Avenue

Respondents

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

This matter came before the Administrative Law Judge on October 24, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-4-201; 13-7-310, 312; 13-7-305-308; 35-6-105, Baltimore County Zoning Regulations (BCZR) section 101; 102.1; 1B01.1A; 1B01.1D, 402, 428: Failure to cease illegal conversion of dwelling; Failure to cease open dump conditions; Failure to store all garbage in cans with lids; Failure to eliminate rat infestation; Failure to obtain Rental License on residential property.

On October 1, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Kimberly Wood 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 \$3,000.00 (Three thousand dollars).

The following persons appeared for the Hearing and testified: Todd Sachs, Property owner and, Ted Thornton, Property manager, Respondents and, Kimberly Wood, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a complaint from the Baltimore County Health Department an inspection of the subject property was carried out on 8/28/12, revealing a residential building in which there were three apartments, one each on the first floor, second floor and basement. The site is zoned DR5.5 and is comprised of 9,375 square feet, insufficient under County Code to allow that number of apartments (10,000 sq. ft. necessary). In addition, there was significant junk, trash and debris seen on the site, as well as a dead rat and other evidence of infestation, garbage cans without

tight fitting lids, and an unregistered motor vehicle. A review of documentation revealed that the property did not have an appropriate rental registration certificate. Numerous photographs were taken by the inspector and submitted as evidence. A Correction Notice was immediately issued. A re-inspection on 10/1/12 noted that the situation remained unchanged. A pre-hearing inspection on 10/23/12 noted that the grass had been cut, the open dump conditions abated, but that the dwelling still had three occupied apartments and proper garbage cans were not in evidence. No valid rental certificate had been obtained.

The Respondent testified that he took steps immediately after receiving the Correction Notice, including mowing the grass, removing debris and sealing rat holes. The vehicle will be removed. He further stated that he has applied for the proper certificate, had been unable to arrange for the necessary final inspection, but would do so.

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 \$3,000.00 (Three thousand dollars).

IT IS FURTHER ORDERED that \$2,250.00 of the \$3,000.00 civil penalty be suspended, with an immediate \$750.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$2,250.00 civil penalty will be imposed if the unregistered vehicle is not removed by 10/31/12; new garbage cans are not in place by 10/31/12; the appropriate Rental Registration Certificate is not issued to him by 11/23/12; the third tenant is not removed by 12/31/12; and the subject property is not otherwise brought into complete compliance by December 31, 2012.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$2,250.00 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 ___2___ day of November 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.