

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

In the Matter of

Civil Citation No. 111415

Ronald T. Gajewski, Jr.
13100 Fork Road
Baldwin, MD 21013

11 R Wells Avenue

Respondent

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

This matter came before the Administrative Law Judge on June 13, 2012, for a Hearing on a citation for violations of the Baltimore County Code (BCC) sections 35-6-105 Article 35, Title 6, 2003: failure to obtain a rental housing license for the property located at 11 R Wells Avenue.

On May 22, 2012, pursuant to § 3-6-205, Baltimore County Code Inspector Kathleen O'Donnell issued a Code Enforcement 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 \$1,000.00 (one thousand dollars).

The following persons appeared for the Hearing and testified: Ronald Gajewski, Respondent and owner of the property and Kathleen O'Donnell, Baltimore County Code Enforcement Officer.

Testimony and evidence were presented that the Respondent is the owner of the subject property, which he acknowledges is a rental unit. It is one of four units brought before me on this date (the others being 11F, 9R, and 9F Wells Avenue) to determine whether or not any of the properties are entitled to an exemption from the rental registration regulations. The parties acknowledge that the four units are rental properties, and are not, at this time registered in compliance with the rental regulations. Photos were introduced by the County of the subject structure, showing two entrances for units in the front, one in the rear, and one on the side. The file reflects that the exemption claimed was requested on 5/7/12.

The exemption from the requirements for registration claimed by the Respondent is that created for "Group Houses" , which are defined on the exemption affidavit as "Group of not less than three attached dwelling units which: have been constructed together in a lateral row surrounded by yard space; are separated from another by a party wall; and have the same owner. Does not include a duplex, semidetached dwelling, or townhouse."

The Respondent testified that he is, in fact, the owner of the four properties, which are rental units. He maintains that he has met the exemption requirements since 1996, and was informed by the Inspector that he qualified for the exemption. Further, he states that the configuration of the units were the result of zoning requirements the County required him to comply with at construction. He does acknowledge that there have been no previous exemptions granted. He submitted a dictionary printout of the words "row", "lateral", and "line".

My review of the dictionary definitions of the relevant terms in this matter yield a clear result. The minimum three units called for to qualify for the exemption are not grouped in a "row", which is defined in Respondent's own exhibit as "an arrangement of persons or things in a line; a row of chairs"; nor are the minimum 3 units in a "lateral" configuration; which is defined (once again in Respondent's exhibit) as "of, relating to, or situated at or on the side."

Having heard the testimony and evidence presented at the Hearing:

I FIND that the above noted property does not meet the requirements for an exemption from the Baltimore County Rental Registration regulations.

IT IS ORDERED that the Respondent register the subject property as a rental unit, and otherwise bring it into compliance with all applicable Baltimore County regulations no later than July 30, 2012.

ORDERED this 19 day of June 2012

Signed: _____
Lawrence M. Stahl
Managing Administrative Law Judge

NOTICE TO RESPONDENT: 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.