

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

In the Matter of

Civil Citation No. 114915

Javid Hariri
Mahrokh Imanoel

6601 Amleigh Road

Respondent

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

This matter came before the Administrative Law Judge on February 26, 2013 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-2-301, Baltimore County Zoning Regulations (BCZR) sections 101, 102.1, 1B01.1A, 500.9: Failure to obtain permit for fence over 42 inches in front yard of residential property.

On December 6, 2012, pursuant to BCC § 3-6-205, Inspector Keith Parker 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 \$1,000.00 (One thousand dollars).

The following persons appeared for the Hearing and testified: Yonah Zahler, representing the Respondent, and Keith Parker, Baltimore County Code Enforcement Officer.

Evidence was presented that pursuant to a complaint; an inspection of the subject property was carried out on 8/13/12, revealing that a fence had been constructed on the property, including a corner at an intersection, without a valid permit and contrary to code. A Correction Notice was issued. Further investigation established that either the fence had to be altered, pursuant to a valid permit, to meet Code requirements, or a variance had to be obtained to legitimize the existing fence. A re-inspection on 12/6/12 noted that no permit had been issued, no change had been made to the fence, and no variance had been requested. A Citation was issued, mailed and posted. No further action has been taken, although pursuant to a pre-hearing inspection on 2/25/13, it was noted that a permit had been issued. Unfortunately, the permit is in need of amendment. We are left with a situation in which either the fence needs to be brought within Code pursuant to a proper permit or a variance must be obtained to validate that which is already there.

The Respondent was represented by his builder, who explained that the Respondent is difficult to reach, noting that construction of the house took some 21/2 years. He agrees that the owners must determine what course they will follow to resolve the issues regarding the fence herein. He also acknowledged that appropriate action must be taken within the short term.

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 \$1,000.00 (One thousand dollars).

IT IS FURTHER ORDERED that \$900.00 of the \$1,000.00 civil penalty be suspended, with an immediate \$100.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$900.00 civil penalty will be imposed if the subject property is not brought into compliance by, or in the alternative, that an appropriate Petition for Variance to approve the fence is not filed by March 28, 2013.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$900.00 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.

ORDERED this 4 day of March 2013

Signed: Original 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.