

IN THE MATTER OF:
Alexander Scott Pappas
7613 Chestnut Avenue
Fort Howard, Maryland 21052

Re: Baltimore County Code Violation
Citation No: CC2301385

* BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* CASE NO.: CBA-24-029

* * * * *

OPINION

This matter comes before the Board of Appeals as an appeal from a Findings of Fact and Conclusion of Law issued by Administrative Law Judge (“ALJ”) Murphy upholding the violations of: Baltimore County Code (“BCC”) §13-7-310(a); BCC §13-7-312; Baltimore County Zoning Regulations (“BCZR”) §101; BCZR §102.1; BCZR §1B01.1.ZCPM; BCZR §428; and BCZR §431 for Appellant’s failure to: remove all trash and debris from property; remove accumulations of debris, materials, etc.; remove contractors equipment storage yard; cease service garage activities; cease all outside storage of unlicensed and/or inoperative motor vehicles; and for having improper parked/illegal commercial vehicle(s).

A hearing on the record was held before this Board on July 25, 2024. The Appellant, Alexander Scott Pappas appeared *pro se*. Assistant County Attorney, Marissa L. Merrick appeared on behalf of Baltimore County.

FACTS

This appeal involves a Baltimore County Code Enforcement & Inspection Citation issued on January 17, 2024 to the Appellant. The Citation names Appellant as the owner of record, as published in the Maryland State Tax Assessment Database. The citation came as a result of anonymous neighbor complaints which led to the inspections of the Appellant’s property which

revealed the Appellant's failure to: remove all trash and debris from property; remove accumulations of debris, materials, etc.; remove contractors equipment storage yard; cease service garage activities; cease all outside storage of unlicensed and/or inoperative motor vehicles; and for having improper parked/illegal commercial vehicle(s).

DISCUSSION

Appeals from Code Enforcement hearings are limited to the record created before the Administrative Law Judge. That record includes all exhibits and other papers filed with the Administrative Law Judge, and the written findings and final order of the Administrative Law Judge (Baltimore County Code Section §3-6-303). In deciding a code enforcement appeal, per Section 3-6-304, the Board of Appeals may:

- (i) Remand the case to the Hearing Officer
- (ii) Affirm the final order of the Hearing Officer, or
- (iii) Reverse or modify the final order if a finding, conclusion, or decision of the Code Official or Hearing Officer:
 1. Exceeds the statutory authority or jurisdiction of the Code Official or Hearing Officer
 2. Results from an unlawful procedure;
 3. Is affected by any other error of law;
 4. Subject to paragraph (2) of this section, is unsupported by competent, material, and substantial evidence in light of the entire record as submitted; or
 5. Is arbitrary or capricious.

The County argued that the Respondent repaved the black topped along with his driveway to manipulate the appearance of where commercial vehicles are parked on his property. The County researched the land records and determined that the boundaries of the Respondent's property included all property to the center of the road since Chestnut Avenue is a private road not owned by the County; thus, Respondent is responsible for all violations related to said property. Respondent counters that anything parked on his front lawn or the road may not be cited as a County Code violation, but rather is a police matter. These arguments constitute questions of fact

which were to be determined by the ALJ to which this Board must defer unless such findings of fact are “unsupported by competent, material and substantial evidence.” While Mr. Pappas argued for a reversal of the ALJ’s decision, no documents, photos, witnesses, or building plans were offered in support of his argument. Consequently, this Board must defer to the findings of the ALJ and affirm the ruling. ALJ Murphy upheld the citations and issued a Final Order on March 20, 2024 stating the civil penalty of \$3,500.00 was fully imposed; and if not paid within 30 days shall become a lien on the property and collectible in the manner provided for the collection of real property taxes; and all corrections be completed by March 25, 2024; and if the property is not brought into compliance by March 25, 2024, Baltimore County shall be authorized to send an employee or authorized contractor to enter the property to correct the violation(s), the costs and expenses of which shall be assessed against Respondents.

CONCLUSION

It is clear that the ALJ’s findings of fact are supported by competent, material, and substantial evidence in light of the entire record as submitted; and are neither arbitrary nor capricious. While the Appellant presented arguments contrary to that of Baltimore County, the Board finds in reviewing the record of the March 19, 2024 hearing on this matter and the arguments heard before this Board on July 25, 2024, the Findings of Fact and Conclusion of Law issued by Administrative Law Judge Murphy are upheld for violations of: BCC §13-7-310(a); BCC §13-7-312; BCZR §101; BCZR §102.1; BCZR §1B01.1.ZCPM; BCZR §428; and BCZR §431 for failing to remove all trash and debris from property; failure to remove accumulations of debris, materials, etc.; failure to remove contractors equipment storage yard; failure to cease service garage activities; failure to cease all outside storage of unlicensed and/or inoperative

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motor vehicles; and for having improper parked/illegal commercial vehicle(s). The penalty of \$3,500.00 is also affirmed.

ORDER

THEREFORE, IT IS THIS 8th day of August, 2024 by the Board of Appeals of Baltimore County

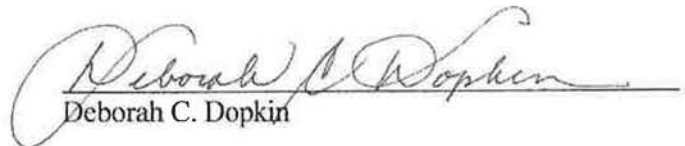
ORDERED that the Findings of Fact and Conclusion of Law issued by Administrative Law Judge upholding the violations of BCC §13-7-310(a); BCC §13-7-312; BCZR §101; BCZR §102.1; BCZR §1B01.1.ZCPM; BCZR §428; and BCZR §431 for failing to: remove all trash and debris from property; remove accumulations of debris, materials, etc.; remove contractors equipment storage yard; cease service garage activities; cease all outside storage of unlicensed and/or inoperative motor vehicles; and for having improper parked/illegal commercial vehicle(s); and penalty of \$3,500.00 are hereby **AFFIRMED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Sharonne R. Bonardi, Panel Chair



Deborah C. Dopkin



William H. Paulshock, Sr.



Board of Appeals of Baltimore County

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August 8, 2024

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RE: In the Matter of: *Alexander Scott Pappas*
Case No.: CBA-24-029

Dear Ms. Merrick and Mr. Pappas:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington Han".

Krysundra "Sunny" Cannington
Executive Secretary

KLC/taz
Enclosure
Duplicate Original Cover Letter

c: Maureen E. Murphy, Chief Administrative Law Judge
Adam Whitlock, Chief of Code Enforcement/PAI
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney/Office of Law