

HOWARD COUNTY BOARD OF APPEALS HEARING EXAMINER

In the Matter of

THOMAS TARO

Respondent

Civil Citation Nos. CE 13-048(I), CE 13-048(II)
& CE 13-048(III)

Civil Citations Date: May 14, 2014

CONSENT ORDER

This matter came before the Howard County Board of Appeals Hearing Examiner on January 22, 2015, for a hearing on Department of Planning and Zoning (DPZ) citations for violations of Howard County Zoning Regulations §§ 131.0.H.3, 131.0.I.2.c, 104.0.C.7.b, 128.0.D.7.a and 128.0.C.2.b.(1) and Subdivision and Land Development Regulations § 16.106.(a), involving 1) the continued operation of a spring water bottling business in violation of an approved plan and conditions imposed with the approval of Board of Appeals Case No. 90-43E and site development plan No. SDP 91-093, 2) the off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles and 3) the off-street parking or storage of more than two commercial vehicles, on RC (Rural Conservation) zoned property known as 4649 Sheppard Lane. The approved plan and conditions imposed under BA 90-43E and SDP 91-093 included the following.

1. The hours of operation shall be from 7:00am to 5:00pm Monday-Saturday.
2. No more than three delivery truck pickups per day shall take place on the special exception site.
3. Missing fence shown on the approved Special Exception and site development plans.
4. Missing landscape screening along Sheppard Lane.

On May 14, 2014, pursuant to Howard County Code (HCC) Title 24, "Civil Penalties," and Subtitle 3 of Title 16 of the HCC, Department of Planning and Zoning Inspector Curtis Braithwaite

issued Thomas Taro (Respondent) civil citations CE 13-048(I), CE 13-048(II) & CE 13-048(III). The civil citations were served by certified and regular mail to Respondent at 4649 Sheppard Lane.

David Moore, Assistant County Solicitor, represented the Department of Planning and Zoning (DPZ). Respondent Thomas Taro was not represented by counsel.

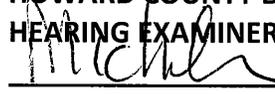
During the proceeding, DPZ and Respondent agreed to enter into an agreement containing a consent order resolving the allegations contained in CE 13-048(I), CE 13-048(II) & CE 13-048(III), which DPZ issued for the continued operation of a spring water bottling business in violation of approved plan and conditions imposed in BA 90-43E and SDP 91-093, the off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles and the off-street parking or storage of more than two commercial vehicles. Therefore,

IT IS HEREBY AGREED by and between Thomas Taro and the Department of Planning and Zoning and so **ORDERED** this **12th day of February 2015**, that:

1. Respondent Thomas Taro acknowledges being in violation of the Howard County Zoning Regulations and the Subdivision and Land Development Regulations as cited in the Civil Citations on or about May 14, 2014.
2. Respondent Thomas Taro agrees to reduce the number of commercial vehicles on the property to two or fewer until the County authorizes him to exceed the two-commercial vehicle limit.
3. Respondent Thomas Taro agrees to eliminate any unregistered vehicles on the property.
4. Respondent Thomas Taro agrees to install the fence, screening and landscaping called for in BA 90-43E and SDP 91-093 no later than May 31, 2015.
5. Respondent shall meet with DPZ on the property no later than fourteen calendar days from the date of this Consent Order to confirm the location and installation of the fence, screening and landscaping called for in BA 90-43E and SDP 91-093.

6. A civil fine of one thousand dollars is imposed. However, this fine shall be suspended pending compliance and rescinded if Respondent complies with this Consent Order.
7. If Respondent fails to comply with the Consent Order by May 31, 2015, the civil fine shall be paid no later than June 30, 2015. A failure to pay this fine by the due date may result in a lien being placed on the property for the fine amount, per Section 16.1611(a)(1) of the Howard County Code.
8. DPZ shall inspect the property to determine whether the violations have been corrected.

**HOWARD COUNTY BOARD OF APPEALS
HEARING EXAMINER**


Michele L. LeFavre

Date Mailed: _____

NOTICE TO RESPONDENTS: Respondents are advised that pursuant to Section 16.1608.(c) of the Howard County Code, all fines are due and payable by the date indicated in the citation; and are payable to the Director of Finance of Howard County. Pursuant to Section 16.1609, a final order issued by the Hearing Examiner may be appealed within 30 calendar days of the date of this order by the alleged violator to the Board of Appeals in accordance with Section 16.304 of this title.*

If an alleged violator appeals the final order of the hearing examiner, the alleged violator may request the stay of any civil fine imposed by a final order pending the final resolution of an appeal. Pursuant to Section 16.1610, if a final order of the Hearing Examiner includes a civil fine and the order is appealed to the Board of Appeals, the alleged violator shall post security in the amount of the civil fine to the director in a form acceptable to the Director of Finance. After all appeals are exhausted, if a civil fine is reduced or vacated, the security shall be reduced proportionately; any surplus shall be returned to the alleged violator; and any balance shall be used to satisfy the civil fine; or is not reduced or vacated, the security shall satisfy the fine assessed and accrue to the benefit of the county. Pursuant to Section 16.1611, if a final order issued by a Hearing Examiner assesses a civil fine and the alleged violator does not pay the fine within the time required by the order, the Hearing Examiner shall certify to the Director of Finance the amount owed that shall become a lien on the property on which the violation existed; and be collected in the manner provided for the collection of real estate taxes. Pursuant to Section 16.1612, if an alleged violator fails to comply with an order to correct a violation within the time provided in the order, the county may seek a court order authorizing entry on to the property to correct the

violation and may procure the performance of the work by county employees or by contract to correct the violation. The cost and expense of work performed under this section a lien on the property on which the violation exists upon certification to the Director of Finance of the amount owed.

* Howard County Code Sec. 16.304.(a), Appeal to Board of Appeals, provides in pertinent part that the Board will hear the appeal of a citation issued under subtitle 16 of this title on the record in accordance with section 2.210.(b) of this Code (Section 2.210.(b) of the Board of Appeals Rules of Procedure.)