

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 71616

Stephen and Donna Boyd

7753 Bradshaw Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on December 29, 2009 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) 101, 102.1, 1A04, failure to cease firewood operation and contractor's equipment storage yard on residential property zoned RC5 known as 7753 Bradshaw Road, 21087.

On December 1, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Keith Parker issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$ 500.00 (five hundred dollars).

The following persons appeared for the Hearing and testified: Stephen Boyd, Donna Boyd, and Keith Parker, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, for violating the same code within the year or consecutive years. BCC Section 3-6-205. This Citation was issued on December 1, 2009.

B. Inspector Keith Parker testified that the Citation was issued for running a firewood operation at this residential property and for operating a contractor's equipment storage yard at this residential property.

C. Photographs in the file show large tree trunks on the ground; piled cut logs and firewood; some wood that has been carved into large wooden bears; and heavy equipment including a truck and a forklift on a trailer. The piled logs and firewood do not appear to be properly stacked and raised above the ground as required by County law. Baltimore County Code prohibits the outside storage of lumber, tree limbs, and similar material if the accumulation is conducive to rat harborage, unless the materials are evenly piled or stacked on open racks elevated at least 18 inches above the ground. BCC Section 13-7-312.

D. Respondent Steven Boyd testified that Respondents use an outdoor firebox furnace to heat the house, using a hot water system, and that the large pieces of timber and the stacked firewood are for use in this furnace. He testified that the firewood is not for sale, and agreed to make sure that all firewood is properly stacked. He does have a tree service business, but testified that he does not operate the business from his residential property.

E. Review of the file shows that after a prior Code Enforcement hearing in 2007, Hearing Officer Wisnom dismissed a citation for illegal home occupation (logging), after finding that the logs being cut and stored at the property were for use in the outdoor firebox furnace and that such activity was permissible so long as the wood was properly stored.

F. The evidence presented does not support a finding that Respondents have an impermissible commercial firewood operation at this residential property or that Respondents are improperly using the property for a contractors storage yard. The outdoor firebox uses firewood, and Respondents can prepare and accumulate firewood on the premises for use in the firebox. Such firewood must be properly stored, however. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if re-inspection finds the storage violation corrected, with firewood properly stacked or otherwise stored so as not to provide impermissible rat harborage.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).


IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if re-inspection by February 1, 2010 finds the storage violation corrected.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed 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 14<sup>th</sup> day of January, 2010.

Signed:

  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent 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 \$150 and the posting of security to satisfy the penalty assessed.