

City of Salisbury
Housing Board of Adjustments and
Appeals

Hearing Notification

Hearing Date: September 23, 2016

Time: 1:30 pm

Location: Government Office Building
125 N. Division Street
Salisbury, MD 21801
Room 306

Case Number: #16 02

Applicant Name: Phillip & Eunice Moreno
Applicant's Address: 211 W. Philadelphia Avenue
Salisbury, MD 21801

Subject Property Address: 211 W. Philadelphia Avenue

Issue: Overturn Housing Officials requirement to remove,
make operable or currently register motor vehicle.

Use Category: Residential

Built Date: 1940

Chairman: Lynne Bratten

Staff contact: Trish Warrington
(410) 341-9550

*Please make sure you are properly prepared to
present your case to the Board during your hearing.*

HOUSING BOARD OF ADJUSTMENTS AND APPEALS
CITY-COUNTY GOVERNMENT OFFICE BUILDING
SALISBURY, MARYLAND

RECEIVED
7/18/16

TO: Housing Board of Adjustments & Appeals
FROM: Director, Department of Neighborhood Services & Code Compliance
DATE:

In accordance with Article X, Sec. 15.24.390 of the City of Salisbury Property Maintenance Code, Ordinance No. 1665, I hereby request a hearing before the Salisbury Housing Board of Adjustments and Appeals to consider my appeal from the City's Building Official.

In making my appeal, the following information is hereby provided:

1. Appeal of Phillip J. Moreno Phone # 410 749 6906
Print Name
Address 211 W. Phila. Ave Salisbury Maryland 21801
Street City State Zip

The following names and addresses of all appellants who will participate in the appeal:

A. Name Joseph + Eunice Moreno Phone # 410 749 6906
Address 211 W. Phila. Ave.

B. Name Phillip Moreno Phone # 410 749 6906
Address 211 W. Phila. Ave

C. Attorney Representing Applicant:
Name _____ Phone # _____
Address _____

2. The following is a brief statement setting forth my legal interest and of the other appellants in the building or the land involved in the notice and order dated 6/29/16; relative to the premises located at 211 W. Phila. Ave.

Joe + Eunice Moreno own the property cited.
I, Phil Moreno, own the vehicle, in need of repair for which
the citation was given

3. The following is a brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

The complaint received by NSCC concerning 211 Phila. Ave was a vindictive act made by a person who had been previously cited due to complaint (not mine). Vehicle parked at the end of an 80' driveway at 211 Phila Ave does not impact in any way (visual, quality of life etc) the complainant's location on Ferris Rd.

4. The following is a brief statement in ordinary and concise language of the relief being sought, and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside.

I am seeking permission from the Housing Board (H.B.) / Justments And Appeals to allow me to maintain vehicle at present location, 211 Phila. Ave. That no time line be imposed. And agreement to the following conditions: That there will be no further ~~disassembly~~ ^{disassembly} That an automotive debris field will accumulate around vehicle.

5. The following are signatures of all parties named as appellants, and their official mailing address and phone number:

Name Joe Moreno Phone # 410-749-6906

Address 211 Phila. Ave, Salisbury, Md.

Name Junice Moreno Phone # 410-749-6906

Address 211 Phila. Ave., Salisbury Md.

Name Phil Moreno Phone # 410-749-6906

Address 211 Phila Ave, Salisbury, Md.

I, (we), hereby declare and certify under penalty of perjury that the above statements are true as stated herein.

Junice Moreno
Signature

7-18-16
Date

City of Salisbury

Housing Board of Adjustments and Appeals

Meeting of September 23, 2016

*City County Government Office Building
Convene 1:30 pm, Room 306*

Staff Findings

CASE NO:	#16-02
APPLICANT:	Phillip & Eunice Moreno
SUBJECT PROPERTY:	211 W. Philadelphia Avenue
REQUEST:	Overturn the Housing Official's requirement to remove, make operable or currently register motor vehicle.
APPEAL SUBMITTED:	7/18/16
ISSUE:	Notice to remove, make operable or currently register motor vehicle.
LETTERS OF OPPOSITION:	N/A
INVESTIGATING OFFICER(S):	CEO Hogg
DESCRIPTION OF PROPERTY:	5,800 sq. ft. lot, with 1,456 sq. ft. 2 story structure

APPLICABLE PORTIONS OF THE SALISBURY PROPERTY MAINTENANCE CODE:

Article XXIV Abandoned or Inoperable Vehicles 15.24.1260 - Scope.

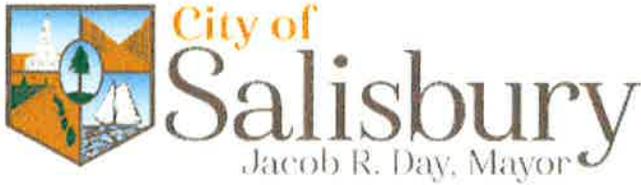
Abandoned, unlicensed or inoperable motor vehicles on any private property, are illegal and will be addressed in the following manner:

- A. Twenty (20) days written notice shall be given to the owner of record of the property and/or the person, firm or corporation having control of such property where the motor vehicle is located (with a copy to the last known registered owner of the motor vehicle, if known) to license, repair or remove same, and a copy of such notice shall be posted on the vehicle.
- B. If the terms of the notice are not complied within the twenty (20) day period as provided, the city shall then have the power and authority to take into custody and physically remove the motor vehicle by towing or otherwise moving it to an open storage area provided by a private contractor where the vehicle shall remain for at least twenty-five (25) days. Neither the city nor the towing facilities utilized, nor the respective agents of each or property owner, may be held liable for any damage or theft that may be incurred to said motor vehicle during the period of towing or storage.
- C. After the vehicle has been towed, a certified letter shall be sent to the last registered owners' address describing the motor vehicle by make, year, model, serial number, color and where the motor vehicle is stored. If the certified mail is returned to the housing official, the housing official shall have the returned notice posted in the Circuit Court for Wicomico County for a period of not less than twenty-five (25) days. If the owner does not claim the vehicle within the twenty-five (25) day period, the housing official shall notify the Salisbury police department and a certificate of disposal shall be issued to the towing company storing the vehicle.
- D. If the motor vehicle is not reclaimed within the twenty-five (25) days, it shall be conclusively presumed to be abandoned by its registered owner and that the failure of the registered owner or lien holders to exercise their right to reclaim the motor vehicle within the time provided shall be deemed a waiver by the registered owner and all lien holders of all right, title, and interest in the motor vehicle and consent to the city the power and authority to dispose of the motor vehicle to a junk yard or disposing of same by any other reasonable means which the city may elect.
- E. When the city of Salisbury has effected the removal of any abandoned, inoperable or untagged vehicle by a local city registered towing company, the towing company shall be paid eighty-five dollars (\$85.00) plus one hundred fifty dollars (\$150.00) for a total of two hundred thirty-five dollars (\$235.00) after a certificate of disposal is issued by the Salisbury police department.
- F. If the full amount due to the city is not paid by such owner within thirty (30) days after the fee has been paid to the towing company, then the housing official shall cause to be recorded in the finance department for the city of Salisbury the cost and expense for the towing and storage of abandoned, inoperable and untagged vehicle(s), and such charge will be carried on the records of the city of Salisbury and shall be collectible in the same manner as real estate taxes are collected.

SEQUENCE OF EVENTS:

- June 29, 2016– Order to tag or make operable vehicle issued by Code Enforcement Officer Hogg.
- July 18, 2016– HBAA appeal submitted to NSCC

Prepared By;
Susan Phillips, Director
Housing & Community Development Department
September 12, 2016



Neighborhood Services & Code Compliance
501B E. Church St., Salisbury, MD 21801
410-341-9550 (fax) 410-341-3682
www.salisbury.md

06/29/2016

Case Number: CE16-4357

MORENO JOSEPH and EUNICE M
211 W PHILADELPHIA AVE
SALISBURY, MD 21801

RE: 211 W PHILADELPHIA AVE, SALISBURY, MD 21801

Dear MORENO JOSEPH and EUNICE M :

You are hereby notified that an inspection of the above referenced property indicates that you are in violation of the **City Property Maintenance Code** as noted below. A copy of this letter was posted at the referenced property on **06/29/2016**.

Municipal Code	Description	Corrective Action
15.24.1260	Abandoned, unlicensed or inoperable motor vehicles on any private property are illegal. Remove, make operable or currently register motor vehicle(s).	Tag and make operable Chevrolet cavalier

You are requested to correct the violation(s) listed above before **07/19/2016**. Failure to comply with this letter will cause the City to take appropriate action.

Any appeal of this decision may be made to the **Housing Board of Adjustments and Appeals**. A formal application is available upon request at the Department of Neighborhood Services & Code Compliance. This application shall be made within **twenty-one (21)** days from the date of this notice.

Failure to comply with this notice may result in a municipal infraction citation being issued. If a citation is issued, the fine will range from \$25.00 to \$500.00 depending on the type of violation. If the violation continues after a citation is issued, additional citations may be issued and the amount of the fine may increase. A \$100.00 re-inspection fee will be assessed if the violation continues after the above compliance date. If subsequent re-inspections are needed, the re-inspection fee may increase by \$100.00.

If you should have any questions, please call this office between 8:30 a.m. to 4:30 p.m., Monday through Friday at (410) 341-9550. Your cooperation is greatly appreciated.

Sincerely,

Dan Hogg

Code Enforcement Officer



Uploaded on: 08/25/2016 - IMG_1962.JPG



Uploaded on: 08/25/2016 - IMG_1961.JPG

CASE FIELD REPORT

City of Salisbury/ Code Enforcement

Assigned
To:
Hogg,
Dan

CE16-4357

Location of Violation:	211 W PHILADELPHIA AVE SALISBURY, MD 21801	APN#	2309053360
CDBG	Custom Location Field	Custom Field	
NO	Property Type: Residential - Homeowner Occupied ZONING: R - 8 SPD Beats: E060	Repeat Offender: No Vehicle Make: Chevrolet Vehicle Model: cavalier Vehicle Color: grey VIN#: 1g1jc69pxg7244893	

Property Owner	Address (if different)	Hm:
Name: MORENO JOSEPH and EUNICE M,		Wk:
Business:		Cell:

Open Violation(s)	Code Section
15.24.1260 ABND/INOP Vehicles	15.24.1260

Entry Date	Note Action Date	Type	Officer	Note/Activity
07/25/2016 -		Case	Hogg, Dan	Case Status changed to Housing Board Appeal (HBAA)
06/29/2016	2016-06-29	Note	Moseley, Amber	SENT LETTER TO OWNER CERT # 7015-0640-0007-6859-4370; ONLY SENT ONE LETTER OWNER OF PROPERTY AND OWNER OF VEHICLE ARE THE SAME.
06/29/2016	2016-06-29	Note	Hogg, Dan	untagged chevrolet cavalier
06/29/2016 -		Violation	Hogg, Dan	Added: 15.24.1260 ABND/INOP Vehicles
06/29/2016 -		Case	Hogg, Dan	Initial Case Status Corrective Action Letter Issued
06/29/2016 -		Case	Hogg, Dan	Case Opened (Created)

Follow-up	09/15/2016
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INVESTIGATION:

Search Result for WICOMICO COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:		District - 09 Account Number - 053360
<i>Owner Information</i>		
Owner Name:	MORENO JOSEPH & EUNICE M	Use: Principal Residence: Deed Reference:
Mailing Address:	211 W PHILADELPHIA AVE SALISBURY MD 21801-4133	RESIDENTIAL YES /00648/ 00096
<i>Location & Structure Information</i>		
Premises Address:		Legal Description:
211 W PHILADELPHIA AVE SALISBURY 21801-0000		L-5 5,800SQ FT 211 PHILADELPHIA AVE LAKEVIEW PARK PLAT
Map:	Grid:	Parcel:
0104	0009	0839
Sub District:	Subdivision:	Section:
0000	0000	5
Block:	Lot:	Assessment Year:
	5	2016
Plat No:	Plat Ref:	
Special Tax Areas:		Town:
		SALISBURY
		Ad Valorem:
		Tax Class:
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1940	1,456 SF	5,800 SF
Property Land Area	County Use	
5,800 SF		
Stories	Basement	Type
2	YES	STANDARD UNIT
Exterior	Full/Half Bath	Garage
SIDING	1 full	
Last Major Renovation		
<i>Value Information</i>		
	Base Value	Value As of 01/01/2016
Land:	34,800	16,300
Improvements	40,300	72,200
Total:	75,100	88,500
Phase-in Assessments		
As of 07/01/2015	75,100	As of 07/01/2016
		79,567
Preferential Land:	0	0
<i>Transfer Information</i>		
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
<i>Exemption Information</i>		
Partial Exempt Assessments:	Class	07/01/2015
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	07/01/2016
Exempt Class:	NONE	
<i>Homestead Application Information</i>		
Homestead Application Status: Approved 12/31/2012		