Exhibit #1
Case No: 22-077-A

Board of Appeal of Baltimore County

In the Matter of Daniel J. Salak and Jennifer L. Salak, Case No: 22-077-A

Come now the appellants, Daniel J. Salak and Jennifer L. Salak, and in support of their appeal respectfully state as follows:

On December 6, 2021, Baltimore County Code Enforcement Inspector # 79 (Jeffrey Radcliffe) issued a Code Enforcement Correction Notice, case # CC2118067 (Exhibit #2), citing Baltimore County Zoning Regulation (B.C.Z.R.) 415A "Improperly Parked Recreational Vehicle" and "One Recreational Vehicle per Property."

Included in this Correction Notice, were the following comments by Inspector 79, "Reduce the number of RV/Utility trailers to only one on the property or file for a variance."

In February 2022, I filed for a variance to BCZR §415A (Exhibit #3) as directed by Inspector #79.

On April 19, 2022, Baltimore County's Department of Planning notified me that they reviewed my petition and did not object to my request (Exhibit # 4).

On May 13, 2022, an Administrative Hearing was held before Administrative Law Judge (ALJ) Maureen Murphy. During the hearing, I explained that my *utility* trailers are not "Recreational Vehicles" because they do not fit the Baltimore County's Code Definition §32-8-101 for "Recreational Vehicles" (Exhibit #5). ALJ Murphy apparently agreed with my position, and did not mention these regulations in her decision, as noted below, but rather relied on a different regulation in her decision. Thus, that issue has been decided in my favor.

On May 18, 2022, ALJ Murphy entered an opinion and order denying my petition (Exhibit #6), citing B.C.Z.R. §415.3.C.1, a completely different zoning regulation, as part of her justification to deny my variance request pursuant to B.C.Z.R. 415A. No code enforcement notice was issued in violation of BCZR §415.3.C.1, which is a due process requirement. ALJ Murphy never allowed either side to address the application of BCZR §415.3.C.1. Had she done so, I would have had the chance to address the reasons why this provision does not apply.

There are three reasons why my trailers are not in violation of Baltimore County Code Enforcement or Zoning regulations.

First, there is no code or statute in Baltimore County that applies to the types of trailers I have on my property. This was confirmed by Baltimore County Inspector #79 who admitted to this fact during the follow-up inspection on January 24, 2022. During this inspection, I questioned Inspector #79 on how my snowmobile trailers and utility trailers were considered "Recreational Vehicles." He stated that a previous supervisor made an "Internal policy" to include utility trailers and snowmobile trailers as "Recreational Vehicles." To date, no internal policy referenced by Inspector #79 has been published or adopted in the Baltimore County's Code Enforcement or Zoning regulations and therefore cannot be a code enforcement or zoning violation.

Second, the application of the BCZR 415.3.C.1, erroneously relied upon by ALJ Murphy, is completely misplaced. That provision does not apply to the types of trailers I own. My trailers are not regulated by BCZR §415.3.C.1, because my utility trailer and two snowmobile trailers are open flatbeds. None of

these trailers are residential in nature and neither can be lived in, which by definition are the only vehicles subject to BCZR 415.3.C.1 regulation.

In addition, one needs to apply BCZR §415.4 (Requirements of Permits) and BCZR §415.5 (Application of other laws) to all Section 415 provisions (Exhibit #7). Since none of my trailers are residential in nature and cannot be lived in, and thus no occupancy permit can be applied for, my trailers are not covered by BCZR §415.3.C.1, or any provision in BCZR §415.

BCZR §415 statutes are for *residential or vacation* trailers and mobile homes intended for occupancy. My trailers are purely for the utility purpose of transporting lawn equipment, ATVs, tractors, and snowmobiles. They are not covered by the cited regulation. Below are relevant excerpts from BCZR §415.4.A and BCZR §415.5:

- BCZR §415.4.A states: "**For any uses of a trailer or mobile home covered by <u>Section 415</u>** other than section 415.1.A and 415.1.F, application must be made to the Department of Permits, Approvals and Inspections for the issuance of a **temporary or extended-occupancy permit,** as the case may be." (emphasis added).
- Obviously, there can be no occupancy of a flat-bed utility trailer, thus emphasizing the distinction.
- BCZR §415.5- states: "All provisions of Section 415 shall be further subject to the provisions of Baltimore County Building Code and other pertinent sections of Baltimore County Code, including but not limited to the regulations of the Department of Permits, Approvals and Inspections, the Department of Health, the Fire Department, the Electrical Administrative Board and the Plumbing Board.
- As above, a flat-bed utility trailer is obviously not subject to the Building Code requirements.

Third, Baltimore County does not regulate trailers constructed with an Aluminum chassis. The definition of a "Trailer" as described in Baltimore County's Zoning Regulations §101.1 Word Usage Definitions (Exhibit #8) applies specifically to "Steel Chassis" trailers. My two snowmobile trailers have Aluminum Chassis, which by definition are not included within the definition of trailer in §101.1

In summary, there is no published County's Code or Zoning regulations pertaining to my utility trailer or to my snowmobile trailers. BCZR §415 clearly only applies to residential trailers and mobile homes that involve an occupancy permit. Moreover, since my two snowmobile trailers have aluminum constructed chassis, the Baltimore County definition of a trailer does not apply to my two snowmobile trailers.

In view of the above facts and the applicable law, I respectfully submit that I am not in violation of any Baltimore County Codes or Zoning Regulations regarding my utility trailer and snowmobile trailers, as cited by Inspector # 79. I respectfully request all violations regarding my trailers be dismissed.

Respectfully submitted,

Daniel J. Salak,