



City of College Park
240-487-3500
www.collegeparkmd.gov

City Hall
4500 Knox Road
College Park, MD 20740-3390

City Manager
240-487-3501

City Clerk
240-487-3501

Finance
240-487-3509

Human Resources
240-487-3533

Parking Enforcement
240-487-3520

Planning
240-487-3538

Youth & Family Services
4912 Nantucket Road
College Park, MD 20740-1458

240-487-3550

Seniors Program
301-345-8100

Public Services
4601-A Calvert Road
College Park, MD 20740-3421

Code Enforcement
240-487-3570

Public Works
9217 51st Avenue
College Park, MD 20740-1947

240-487-3590

Public Services Department
May 26, 2016

Douglas A. Shontz
4707 Fordham Road
College Park, MD 20740-3726

Re: Appeal of Case Number 16-00001166

Dear Mr. Shontz:

Your request for a waiver of Section 125-10 (J) of the Code of the City of College Park has been received and forwarded to the Advisory Planning Commission (APC).

A hearing regarding your request has been scheduled for **Thursday, June 2, 2016 at 7:30 p.m.** The meeting will take place in Council Chambers of City Hall at 4500 Knox Road in College Park. You are hereby invited to attend this meeting and present any information relevant to your case.

Should you have any questions concerning this matter, please contact us at 240-487-3570.

Sincerely,


Jeannette M. Ripley, Manager
Code Enforcement Division

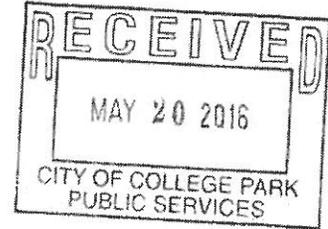
JMR:saf

cc: Via Certified Mail Receipt No. 7014 2120 0002 3536 0664
CEO Allen-Smith
Advisory Planning Commission

Douglas Shontz
4707 Fordham Rd., College Park, MD 20740

17 May 2015

Advisory Planning Commission (APC)
City of College Park
College Park, MD



Dear Members of the APC:

I am writing to appeal from a notice I received, dated May 10, 2016, Case Number 16-00001166. There are multiple problems with this case, and any of the reasons stated below is sufficient to rescind it.

First, the notice (copy attached) provides no information as to the nature of the alleged violation. The "Violation Description" states, "Failure to cut/remove all tall grass, weeds, briar, brush and/or dead trees." The notice has provided no evidence, no notice, and no information as to what actions would potentially be required on my part.

Second, Robert Ryan, Director of Public Services, expressed an alarming disregard for the law and due process. When I spoke to Mr. Ryan about this matter by telephone, he said he would issue a retroactive notice with different information. This is illegal and fraudulent. The notice cannot be subsequently modified to fit some legal requirement after an obvious failure has been identified.

Third, the notice does not take into account what is "intentionally" planted. It is clear that the Issuing Officer does not have any education in botany or horticulture, and is unqualified to make such determinations.

Fourth, the notice does not provide any accommodation of the reality of weather. As the Members of the APC are aware, we have received three straight weeks of measurable rain. This prevents anyone with a full-time job from engaging in the simplest of outdoor activities. The Issuing Officer needs to account for these realities.

Fifth, I am currently under the care of multiple physicians for serious medical conditions. These conditions have rendered me partially handicapped, and I am under strict orders from the physicians to not engage in most activities. This notice does not make reasonable accommodation for people with physical limitations, like me. Further, the significant expense associated with treating these conditions has placed significant financial burden on me, such that I cannot be reasonably expected to pay someone to perform work for me on my property.

Any of the above reasons is sufficient to rescind this notice, and I urge you to do so. Thank you for your consideration.

Sincerely,

Department of Public Services
City of College Park
Inspector's Notes
to the
Advisory Planning Commission Hearing
June 2, 2016

Appellant

Douglas A. Shontz
4707 Fordham Road
College Park, MD 20740

Subject Property/Premise Address:

4707 Fordham Road

Request:

A waiver of Chapter 125, Section 10, Subsection J

Background:

1. During routine patrol of the neighborhood, CEO Allen-Smith observed tall grass and weeds at the subject property. CEO Allen-Smith issued a notice of violation to the appellant under Code Enforcement Case Number 16-00001166. Upon reinspection, it was noted by CEO Allen-Smith that the violation was abated and the case was placed in abeyance.
2. Mr. Shontz called the Public Services office after receiving the notice. CEO Allen-Smith was away from the office. Director Ryan spoke to Mr. Shontz. Director Ryan did not have a copy of the Notice of Violation at hand, and asked Mr. Shontz what was cited? Mr. Shontz read the "Violation Description" line, which quotes the City Code. Mr. Shontz stated that the notice did not tell him what he had to do. He did not refer to the line "Corrective Action Required: Cut tall grass and weeds." Director Ryan advised that the notice was probably for tall grass. Mr. Shontz stated that he had remediated the violations. Mr. Ryan asked if he had cut the grass. Mr. Shontz repeated that he had remediated the violation. Mr. Shontz demanded a written confirmation that the violation had been corrected. This is not the normal procedure when a reinspection shows that a violation has been abated. Director Ryan confirmed with CEO Allen-Smith on May 14, 2016 that the grass had been cut and mailed an annotated copy of the original notice with "cut tall grass and weeds" highlighted and the note "confirmed corrected 14 May 16" and initialed RWR.
At no time did Director Ryan tell Mr. Shontz, as alleged in paragraph three of his letter to the Advisory Planning Commission that "a retroactive notice with different information" would be sent to him. This paragraph of the Shontz letter is, at best, in error.
3. A letter of appeal from the occupant was received at the Department of Public Services on May 20, 2016, within the prescribed period to appeal the Notice of Violation.
4. As the tall grass violation notice issued on May 10, 2016 was abated by the reinspection on May 14, 2016, the appeal receive on May 20, 2016 is moot. No municipal infraction

citation was ever issued. Staff processed the request for appeal so that the allegations made in Mr. Shontz's letter could be corrected on the record with the APC

Observations:

1. The subject property, built in 1917, is located in the R-55 (single-family, detached residential) zone and developed with a one and one-half story, 1,260 square foot structure.
2. The site is identified on Tax Map 42, Grid D1, Subdivision 3280 (College Park-Elmore Powers Addition) as Lot 3 on Plat A-1441.
3. Surrounding properties are also in the R-55 zone and developed similarly.

Respectfully Submitted



Keelah Allen-Smith
Code Enforcement Officer



DEPARTMENT OF PUBLIC SERVICES NOTICE
 4601-A CALVERT ROAD ❖ COLLEGE PARK, MD 20740-3421
 TELEPHONE: 240-487-3570 ❖ FACSIMILE: 301-864-7965
www.collegeparkmd.gov

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FIRST NOTICE SECTION 125-10(J)
 72 HOUR COMPLIANCE REQUIRED FOR TALL GRASS AND WEEDS

POSTED
 5/12

PROPERTY OWNER/AGENT:
 DOUGLAS A. SHONTZ
 4707 FORDHAM RD
 COLLEGE PARK, MD 20740

DATE OF NOTICE: May 10, 2016

CASE NUMBER: 16-00001166

SUBJECT PROPERTY: 4707 FORDHAM RD
 COLLEGE PARK MD 20740-0000

VIOLATION DATE: May 10, 2016 @ 5:02 p.m.

FIRST REINSPECTION DATE: May 14, 2016

VIOLATION DESCRIPTION: Failure to cut/remove all tall grass, weeds,
 briar, brush and/or dead trees.

*Compliment Connected
 14 May 16
 [Signature]*

CORRECTIVE ACTION REQUIRED: Cut tall grass and weeds

ISSUING OFFICER: Keelah Allen-Smith #238

DIVISION MANAGER: Jeannie M. Ripley

Section 125-10(J) of the Code of the City of College Park requires that the violation be fully corrected within the time specified or a civil citation may be imposed for non-compliance and the City may abate this violation and redeem all costs through a lien on the property. You have the right to appeal this notice to the City's Advisory Planning Commission, provided that a written appeal is received at the Department of Public Services within ten (10) calendar days from the date of this first notice.

NO FURTHER NOTICE WILL BE ISSUED FOR ANY REPEAT VIOLATION DURING THE 12-MONTH PERIOD FOLLOWING ISSUANCE OF THIS NOTICE.