

# APPENDIX A2

YAO PONE

v.

BOARD OF COUNTY COMMISSIONERS  
FOR CALVERT COUNTY, MD

\* IN THE  
\* COURT OF APPEALS  
\* OF MARYLAND  
\* Petition Docket No. 126  
\* September Term, 2020  
\*  
\* (No. C-04-CV-19-000432, Circuit  
\* Court for Calvert County)

## ORDER

Upon consideration of the petition for a writ of certiorari to the Circuit Court for Calvert County, the supplement, and the answer filed thereto, in the above-captioned case, it is this 20<sup>th</sup> day of November, 2020

ORDERED, by the Court of Appeals of Maryland, that the petition and the supplement be, and they are hereby, DENIED as there has been no showing that review by certiorari is desirable and in the public interest.

/s/ Mary Ellen Barbera  
Chief Judge

# APPENDIX A1

YAO PONE

v.

BOARD OF COUNTY COMMISSIONERS  
FOR CALVERT COUNTY, MD

• IN THE  
• COURT OF APPEALS  
• OF MARYLAND  
• Petition Docket No. 126  
September Term, 2020  
• (No. C-04-CV-19-000432, Circuit  
Court for Calvert County)

## ORDER

Upon consideration of the Motion to Reconsider Denial of Petition for Writ of Certiorari filed in the above-captioned case, it is this 29<sup>th</sup> day of January, 2021

ORDERED, by the Court of Appeals of Maryland, that the above pleading be, and it is hereby, DENIED.

/s/ Mary Ellen Barbera  
Chief Judge

# APPENDIX B1

## IN THE CIRCUIT COURT FOR CALVERT COUNTY, MARYLAND

BOARD OF COUNTY COMMISSIONERS  
FOR CALVERT COUNTY, MARYLAND

Plaintiff (Appellee)

vs.

YAO PONE

Defendant (Appellant)

DE NOVO APPEAL

Case No.: C-04-CV-19-000432

### ORDER

THIS MATTER appearing before this Court on the 6<sup>th</sup> day of March, 2020, and after the presentation of testimony and other evidence:

1. The Defendant Yao Pone owns the property at 143 Brooks Cove Drive, Lusby, Maryland 20657 (the "property" or "subject property").
2. The Defendant did perform new construction and grading on the subject property. The subject property is zoned residential-limited development area and further is located in the Critical Area.
3. The Defendant was required to obtain a permit, permit exemption and/or zoning approval prior to said construction and grading at the subject property.
4. On March 25, 2019, the Board of County Commissioners (hereinafter "County") placed a Stop Work Order on the subject property and, on March 28<sup>th</sup>, issued a Notice of Violation for the following violations of the Calvert County Zoning Ordinance ("CCZO"):

CCZO 1-7.01.C.4,5 - Stop Work  
CCZO 4-1.01 - Permits and Zoning Approval  
CCZO 8-1.04 - Limited Development Area  
CCZO 8-2.08 - Fines Penalties and Mitigation

5. Ignoring the aforesaid Stop Work Order, Defendant continued the unpermitted construction upon the subject property and, accordingly, on April 11<sup>th</sup>, 2019, the County issued an immediate citation pursuant to CCZO 1-7.01-C.4, 5 (Stop Work) and CCZO 1-7.01.C.6 (Violation of Stop Work Order).
6. Continuing to ignore the aforesaid Stop Work Order, the Defendant continued the construction upon the subject property and, accordingly, on April 18<sup>th</sup>, the County issued another immediate citation pursuant to CCZO 1-7.01-C.4, 5 (Stop Work) and CCZO 1-7.01.C.6 (Violation of Stop Work Order). Further, the County issued a citation from the March 28<sup>th</sup> Notice of Violation
7. During the inspection which led to the aforesaid citation for the violation of the Stop Work Order, the Defendant was further cited for:
  - CCZO 1-7.01.C.4,5 - Stop Work
  - CCZO 4-1.01 - Permits and Zoning Approval
  - CCZO 8-1.04 - Limited Development Area
  - CCZO 8-2.08 - Fines, Penalties and Mitigation
8. Still continuing to ignore the aforesaid Stop Work Order, the Defendant continued the construction upon the subject property and, accordingly, on May 3<sup>rd</sup>, the County issued another immediate citation pursuant to CCZO 1-7.01-C.4, 5 (Stop Work) and CCZO 1-7.01.C.6 (Violation of Stop Work Order).
9. On April 17<sup>th</sup>, an inspection of the subject property revealed the delivery of a large, unpermitted shed. On April 23<sup>rd</sup>, the County did issue a Notice of Violation for the following Ordinance sections:

- CCZO 1-7.01-04,5 - Stop Work
- CCZO 3-1.1.11.1 - Accessory Building, Structure, and Use
- CCZO 8-1.04 - Limited Development Area
- CCZO 8-1.08 - Habitat Protection Areas

On May 22<sup>nd</sup>, the County issued a citation for the above-referenced violations.

10. The Defendant has failed to correct the aforementioned zoning violations on the subject property and remains in violation of the above-cited Ordinance sections.
11. Accordingly, the Defendant's actions constitutes violations of Calvert County Zoning Ordinance and is thus liable for penalties and enforcement pursuant to the Calvert County Zoning Ordinance § 1-7 ("Enforcement of Ordinance").

**THEREFORE**, it is this 6<sup>th</sup> day of March, 2020, by the Circuit Court of Maryland for Calvert County, **HEREBY**

**ORDERED**, that the Defendant YAO PONE, within thirty (30) days of this Order, shall **CORRECT** the aforesaid zoning violations by (1) obtaining an after-the-fact grading permit restoring the subject property to its original condition prior to the unpermitted construction and grading, (2) obtaining a demolition permit for the removal of any unpermitted construction, and (3) removing any unpermitted construction on the subject property; and it is further,

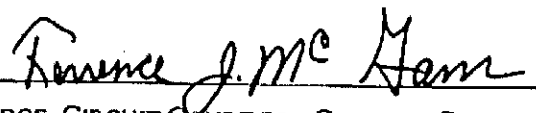
**ORDERED**, that the Defendant shall be fined \$2,500 for said violations in accordance with Section 1-7.01.D of the Calvert County Zoning Ordinance and shall remit payment of said \$2,500 fine to the Calvert County Attorney's Office within 30 days of this Order; and it is further

**ORDERED**, that the aforesaid fine amount shall be reduced to judgment in favor of the Plaintiff against the Defendant; and it is further

**ORDERED**, that if the Defendant fails to comply with any of the terms and conditions contained in this Order, the Defendant's failure(s) shall constitute contempt and thus liable for penalties of \$200 each day until the Defendant comes into compliance with this Order; and it is further; and it is further,

**ORDERED**, that Plaintiff is permitted to inspect the subject property at any time upon reasonable notice to the Defendant to ensure that Defendant is in compliance with the Zoning Ordinance and this Order pertaining to the above-captioned matter; and it is further,

**ORDERED**, that the Court shall retain jurisdiction over this matter for the purpose of enforcing this Order and granting such other and further relief as may be required.

  
JUDGE, CIRCUIT COURT FOR CALVERT COUNTY  
TERRENCE J. MCGANN

Copies: To All Parties.

# APPENDIX B2

## IN THE DISTRICT COURT OF MARYLAND FOR CALVERT COUNTY

BOARD OF COUNTY COMMISSIONERS  
FOR CALVERT COUNTY, MARYLAND

Plaintiff

vs.

YAO PONE

Defendant

Case No.: D-041-CV-19-008346

### ORDER

THIS MATTER appearing before this Court on the 24<sup>th</sup> day of September, 2019, and after the presentation of testimony and other evidence, this Court hereby finds that:

1. The Defendant owns the property at 143 Brooks Cove Drive, Lusby, Maryland 20657 (the "property" or "subject property").
2. The Defendant did perform new construction and grading on the subject property. The subject property is zoned residential-limited development area and further is located in the Critical Area.
3. The Defendant was required to obtain a permit, permit exemption and/or zoning approval prior to said construction and grading at the subject property.
4. On March 25, 2019, the Board of County Commissioners (hereinafter "County") placed a Stop Work Order on the subject property and, on March 28<sup>th</sup>, issued a Notice of Violation for the following violations of the Calvert County Zoning Ordinance ("CCZO"):

CCZO 1-7.01.C.4,5 - Stop Work  
CCZO 4-1.01 - Permits and Zoning Approval  
CCZO 8-1.04 - Limited Development Area  
CCZO 8-2.08 - Fines Penalties and Mitigation

On May 22<sup>nd</sup>, the County issued a citation for the above-referenced violations.

10. The Defendant has failed to correct the aforementioned zoning violations on the subject property and remains in violation of the above-cited Ordinance sections.
11. Accordingly, the Defendant's actions constitutes violations of Calvert County Zoning Ordinance and is thus liable for penalties and enforcement pursuant to the Calvert County Zoning Ordinance § 1-7 ("Enforcement of Ordinance").

**THEREFORE**, it is this 24<sup>th</sup> day of September, 2019, by the District Court of Maryland for Calvert County, **HEREBY**

**ORDERED**, that the Defendant YAO PONE, within thirty (30) days of this Order, shall **CORRECT** the aforesaid zoning violations by (1) obtaining an after-the-fact grading permit restoring the subject property to its original condition prior to the unpermitted construction and grading, (2) obtaining a demolition permit for the removal of any unpermitted construction, and (3) removing any unpermitted construction on the subject property; and it is further,

**ORDERED**, that the Defendant shall be fined \$2,500 for said violations in accordance with Section 1-7.01.D of the Calvert County Zoning Ordinance and shall remit payment of said \$2,500 fine to the Calvert County Attorney's Office within 30 days of this Order; and it is further

**ORDERED**, that the aforesaid fine amount shall be reduced to judgment in favor of the Plaintiff against the Defendant; and it is further



**ORDERED**, that if the Defendant fails to comply with any of the terms and conditions contained in this Order, the Defendant's failure(s) shall constitute contempt and thus liable for penalties of \$100 each day until the Defendant comes into compliance with this Order, and it is further, and it is further,

**ORDERED**, that Plaintiff is permitted to inspect the subject property at any time upon reasonable notice to the Defendant to ensure that Defendant is in compliance with the Zoning Ordinance and this Order pertaining to the above-captioned matter, and it is further,

**ORDERED**, that the Court shall retain jurisdiction over this matter for the purpose of enforcing this Order and granting such other and further relief as may be required.



*Michelle R. Saunders*  
JUDGE, DISTRICT COURT OF MARYLAND  
Michelle R. Saunders