

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE *
W/side of Berryman's Lane, 1,560' SE of *
c/line of Chromine Road *
4th Election District *
4th Councilmanic District *
(742 Berrymans Lane) *
Scott A. Margroum *
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
CASE NO. 2012-0039-SPHXA

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings for Baltimore County pursuant to Petitions for Special Hearing, Special Exception and Variance for the property located at 742 Berrymans Lane. The Petitions were filed by Jason T. Vettori, Esquire with Smith, Gildea & Schmidt, LLC. Special Hearing relief is requested from the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit the following:

1. The existing compacted crushed bituminous concrete surface in lieu of a durable and dustless surface as provided by B.C.Z.R. Section 409.8.A.2; and
2. A modified parking plan pursuant to B.C.Z.R. Section 409.12, and
3. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Petitioner is also requesting Special Exception relief to permit a landscape service operation in accordance with B.C.Z.R. Sections 1A03.3.B.11, 4041.1 and 404.2; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County. In addition, Petitioner is requesting Variance relief in accordance with B.C.Z.R. for the following:

1. From Section 400.1 to permit accessory buildings to be located other than in the rear yard;

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Date

By

9-29-11

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2. From Section 400.3 to permit an accessory building with a height of 20 feet in lieu of the maximum height of 15 feet;
3. Sections 1A03.3.B.11 and 404.1 to permit the existing internal roadway with a setback of 0 feet from any property line in lieu of the required 25 feet;
4. Sections 1A03.3.B.11, 404.1.B and 404.1.C to permit the existing structure with a setback of 48 feet from the property line in lieu of the required 50 feet; and
5. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Appearing at the hearing on behalf of the Applicant were Kenneth J. Wells, a professional property line surveyor with kj Wells, Inc., who prepared the site plans of the property, and Lawrence E. Schmidt, Esquire, representing the Applicant. Mr. Margroum, owner of the property also appeared. There were no Protestants in attendance.

Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review, dated August 26, 2011, and recommends the following:

"The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

Per Zoning Regulation 409.4a, driveways shall be at least 20 feet wide. We feel strongly that, since this driveway is used in common with the home at 744 Berrymans Lane, the driveway should be widened to 20 feet from Berrymans Lane to the point where use-in-common ends.

In most cases, compacted, crushed bituminous concrete (millings) can be considered durable and dustless, and we would recommend granting the requested variance. However, "gravel" is noted on plan. Any gravel areas must be paved with durable dustless surfaces consisting of bituminous concrete, concrete, or millings."

Testimony and evidence offered at the hearing demonstrated that the property which is the subject of this request consists of 12.872 acres, more or less, zoned R.C.4. The subject property is located on the west side of Berrymans Lane in the Reisterstown area of Baltimore County. The

improvements of the property are more particularly shown on Petitioner's Exhibit 1, the site plan of the property which was prepared by Mr. Kenneth Wells.

A review of the site plan indicates that the property is irregularly shaped and has an access strip from the main portion of the property out to Berrymans Lane. This fee simple access strip is approximately 30 feet in width and is improved with an existing 10 foot wide gravel driveway. The driveway is shared by the adjacent property owner, Mr. and Mrs. Hynson.

Testimony offered by Mr. Scott Margroum indicated that he purchased the subject property in April, 2011. As the site plan indicates, the property is improved with a two-story residential frame dwelling wherein Mr. Margroum lives with his wife and children. In addition to the dwelling, the property is also improved with a small one-story accessory structure located in the front yard of the dwelling as well as a 1-½ story metal building which is approximately 3,200 square feet. Mr. Margroum testified that this property was used by the prior owner in a commercial fashion. The prior owner, for many years, operated a street sweeping business from the subject site. The street sweeping equipment was kept and maintained in the 1-½ story metal building while the prior owner resided in the subject dwelling. Mr. Margroum, whose business was previously located in Anne Arundel County, has purchased the property and hopes to operate his landscape service operation business from the subject site just as the previous owner operated his street sweeping business from the property.

Mr. Margroum further testified that he operates Rock Hill Landscaping and has relocated his business to this property and has been operating from this site for the past many months. He testified that he has not had any problems with his neighbors and submitted into evidence as Petitioner's Exhibit 4 a petition of support signed by many residents of the surrounding

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Date

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community, including Mr. and Mrs. Hynson, who are his adjacent property owners and also share his common driveway.

While the property is quite large comprising approximately 12.872 acres, it is but a small portion which will shall be utilized pursuant to the special exception request as a landscape service operation, pursuant to Sections 1A03.3.B.11, 404.1 and 404.2 of the B.C.Z.R. The area identified on Petitioner's Exhibit 1, which constitutes the special exception request, comprises approximately 1.8 acres, and is outlined and highlighted in green magic marker. This highlighted green area is the only area upon which Mr. Margroum is requesting to operate his landscaping business. The remaining 11 acres of the land shall be continued to be utilized pursuant to the R.C.4 regulations.

In essence, Mr. Margroum is requesting to substitute his landscape service operation business for the street sweeping business which previously operated on the property for many years. Perhaps the commercial use of this property in the past explains why there is no opposition to this request today. The Petitioner's business, Rock Hill Lawn and Landscape, employs eight employees at this time, one of whom is Mr. Margroum's mother. The business operates five days a week, Monday through Friday, 6:00 AM to 5:00 PM. Further testimony revealed that seven or eight employees arrive at the business each morning for the purpose of picking up equipment for the day's work. At the present time, the Petitioner keeps and maintains the following equipment on the property in connection with his landscaping business. He owns three pick-up trucks, one dump truck, one bucket truck, one stake body truck, two knuckle boom trucks, four landscape trailers, two enclosed trailers, one chipper, one older tractor and various smaller pieces of equipment that are kept and stored within the 3,200 square feet metal building. The Petitioner

proposes to keep his company at this size and does not intend any large-scale expansions in the future.

After considering the testimony and evidence offered at the hearing and the lack of opposition thereto and the petition of support from the surrounding neighbors, and given the small nature of this landscape service operation, I find that granting the special exception is appropriate.

The Petitioner had the burden of adducing testimony and evidence which shows that the use meets the prescribed standards and requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations. The Petitioner has shown that the use is conducted without real detriment to the neighborhood and does not adversely affect the public interest. The facts and circumstances do not show that the use at this particular location described by Petitioner's Exhibit 1 has any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The use is not detrimental to the health, safety, or general welfare of the locality, nor tends to create congestion in roads, streets, or alleys therein, nor is it inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the B.C.Z.R.

In addition to the special exception relief, the Petitioner is also requesting special hearing relief to allow the existing driveway to exist in its current condition. That is, the driveway has always been a gravel and stoned type driveway and has always been 10 feet in width. It has functioned well in the past as a shared driveway with the Hynson family even though the prior owner of this property, Mr. Frank Altvater, owned and operated a street sweeping business from the site. There is no need to change that driveway configuration at this time as I'm sure it will continue to function appropriately with the landscaping business, which has been on the site for

several months. Given the narrowness of the driveway, the Petitioner did agree to provide a pull-off area along the driveway in case two cars were to meet along the driveway and one had to pull to the side. Therefore as a condition of approval, the Petitioner shall be required to provide a small bypass lane along the driveway to allow two cars to pass. In addition to the request to allow the driveway to be compacted crushed bituminous concrete surface in lieu of durable and dustless surface, the Petitioner has also requested a modified parking plan for his landscape service operation. It should be noted that the property in question will not be storing any items for sale nor will any members of the public have reason to come to this property. The parking design and layout is for the current employees of the site and functions well. Accordingly, the special hearing shall be granted to allow the driveway to exist as it is with the addition of the pull-off area and the parking design and layout should be approved. Accordingly, the special hearing shall be granted.

Finally, the Petitioner is requesting variance relief to allow the one-story accessory structure and the 1-½ story metal building to be situated in the front yard of the property. As stated previously, the Petitioner has purchased the subject property in an as-is condition. All of the structures have existed on the property since prior to the time that Mr. Margroum purchased the site. The metal building and small storage shed have always been situated in the front yard of this property and the variance to allow them to remain that way shall be granted. In addition, the larger metal building stands 20 feet in height as it was built that way many years ago. Again, the variance to allow that building to be 20 feet in height shall be granted. Additional variance relief is needed in that the driveway at certain portions along the fee simple access strip to Berrymans Lane comes within 0 feet from the property line in lieu of the required 25 feet. As this is an existing condition, which has existed for many years, the variance to allow that driveway to remain in that fashion shall be approved. Lastly, the 1-½ story metal building was constructed on

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the site 48 feet from the adjacent property line in lieu of the required 50 feet. Again as an existing condition, the variance to approve it shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this matter held, and after considering the testimony and evidence offered,

IT IS ORDERED this 29th day of September, 2011, by this Administrative Law Judge, that the Petition for Special Hearing to permit the following:

1. The existing compacted crushed bituminous concrete surface in lieu of a durable and dustless surface as provided by B.C.Z.R. Section 409.8.A.2; and
2. A modified parking plan pursuant to B.C.Z.R. Section 409.12,

be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a landscape service operation in accordance with B.C.Z.R. Sections 1A03.3.B.11, 4041.1 and 404.2, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief for the following:

1. From Section 400.1 to permit accessory buildings to be located other than in the rear yard;
2. From Section 400.3 to permit an accessory building with a height of 20 feet in lieu of the maximum height of 15 feet;
3. Sections 1A03.3.B.11 and 404.1 to permit the existing internal roadway with a setback of 0 feet from any property line in lieu of the required 25 feet; and
4. Sections 1A03.3.B.11, 404.1.B and 404.1.C to permit the existing structure with a setback of 48 feet from the property line in lieu of the required 50 feet,

be and is hereby GRANTED;

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Date

9-29-11

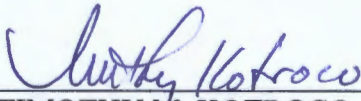
By

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The relief granted herein shall be subject to the following:

1. Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall be required to provide a pull-off area along the gravel driveway between Berrymans Lane and the entrance to the Hynson residence.
3. The special hearing and special exception granted herein is for a Landscape Service Operations the size and scale as presented at the hearing before me. Any expansion of this business or adding any additional driveable pieces of equipment over and above what was identified in the body of this Order shall require that a "spirit and intent" letter be requested of the Zoning Review Office for approval by this Office or, if appropriate, by way of a future public hearing.

Any appeal of this decision must be made within thirty (30) days of the date hereof.



TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date

9-29-11

By

123

TMK:dlw



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

September 29, 2011

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

**Re: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION
AND VARIANCE**

W/side of Berryman's Lane, 1,560' SE of c/line of Chromine Road
4th Election District - 4th Councilmanic District
(742 Berrymans Lane)
Scott A. Margroum - Petitioner
CASE NO. 2012-0039-SPHXA

Dear Mr. Schmidt:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/dlw
Enclosure

c: Dave Kirby, Code Enforcement, Department of Permits, Approvals and Inspections



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 742 Berrymans Lane

which is presently zoned RC 4

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

(This box to be completed by planner)

See attached.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Jason T. Vettori

Name - Type or Print

Signature

Smith, Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200 (410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Scott A. Margroum

Name - Type or Print

Signature

Name - Type or Print

Signature

742 Berrymans Lane

(443) 520-9092

Address

Telephone No.

Reisterstown

MD

21136

City

State

Zip Code

Representative to be Contacted:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name

600 Washington Avenue, Suite 200 (410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No.

2012-0039-SPHXA

REV 9/15/98

ORDER RECEIVED FOR FILING

UNAVAILABLE FOR HEARING

Reviewed By

A-TSUI

Date

8/11/11

Date

9-29-11

By

ATTACHMENT TO PETITION FOR SPECIAL HEARING

742 Berrymans Lane

1. The existing compacted crushed bituminous concrete surface in lieu of a durable and dustless surface as provided in BCZR § 409.8.A.2; and
2. A modified parking plan pursuant to BCZR § 409.12; and
3. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

2012-0039-SPHXA



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property
located at 742 Berrymans Lane

which is presently zoned RC 4

Deed Reference: 30751 / 187 Tax Account # 2100007513

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

See attached.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Jason T. Vettori

Name - Type or Print

Signature

Smith, Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200 (410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Scott A. Margroum

Name - Type or Print

Signature

Name - Type or Print

Signature

742 Berrymans Lane

(443) 520-9092

Address

Reisterstown

MD

Telephone No.

21136

City

State

Zip Code

Representative to be Contacted:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name

600 Washington Avenue, Suite 200 (410) 821-0070

Address

Towson

MD

Telephone No.

21204

City

State

Zip Code

Case No. 2012-0039-SPHXA

REV 07/27/2007 ORDER RECEIVED FOR FILING

Date

9-29-11

Bv

OW

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

ATSEI

Date

8/11/11

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

742 Berrymans Lane

1. A landscape service operation in accordance with BCZR § 1A03.3.B.11, 404.1 and 404.2; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

2012-0039. SPHXA



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 742 Berrymans Lane
which is presently zoned RC 4

Deed Reference: 30751 / 187 Tax Account # 2100007513

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See attached.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

To be presented at hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Jason T. Vettori
Name - Type or Print _____

Signature _____

Smith, Gildea & Schmidt, LLC

Company
600 Washington Avenue, Suite 200 (410) 821-0070

Address _____ Telephone No. _____

Towson MD 21204

City _____ State _____ Zip Code _____

Legal Owner(s):

Scott A. Margroum

Name - Type or Print _____

Signature _____

Name - Type or Print _____

Signature _____

742 Berrymans Lane (443) 520-9092

Address _____ Telephone No. _____

Reisterstown MD 21136

City _____ State _____ Zip Code _____

Representative to be Contacted:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name
600 Washington Avenue, Suite 200 (410) 821-0070

Address _____ Telephone No. _____

Towson MD 21204

City _____ State _____ Zip Code _____

Case No. 2012-0039-SPHXA

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by A TSUI Date 8/11/11

REV 9/20/07 ORDER RECEIVED FOR FILING

Date 9-29-11

By 100

ATTACHMENT TO PETITION FOR VARIANCE

742 Berrymans Lane

1. 400.1 of the BCZR to permit accessory buildings to be located other than in the rear yard; and
2. 400.3 of the BCZR to permit an accessory building with a height of 20 feet in lieu of the maximum height of 15 feet; and
3. 1A03.3.B.11 and 404.1 of the BCZR to permit the existing internal roadway with a setback of 0 feet from any property line in lieu of the required 25 feet; and
4. 1A03.3.B.11, 404.1.B and 404.1.C of the BCZR to permit the existing structure with a setback of 48 feet from the property line in lieu of the required 50 feet; and
5. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

2012-0039-SPHXA

kjWellsInc

Land Surveying and Site Planning

Telephone: (410) 592-8800
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

August 9, 2011

Zoning Description 742 Berrymans Lane Baltimore County Maryland 4th Election District 4th Councilmanic District

Beginning at a point located on the west side of Berrymans Lane (road width 21 feet) and 1,560 feet southeast from the centerline of Chromine Road (road width 18 feet), thence

- 1) *South 02 degrees 38 minutes 23 seconds East 28.25 feet*
- 2) *North 82 degrees 44 minutes 23 seconds West 114.36 feet*
- 3) *Arc to the left having a radius = 160.95 feet and a length = 84.55 feet*
- 4) *South 67 degrees 09 minutes 37 seconds West 121.93 feet*
- 5) *North 30 degrees 19 minutes 13 seconds West 121.23 feet*
- 6) *North 34 degrees 43 minutes 23 seconds West 98.30 feet*
- 7) *North 38 degrees 05 minutes 43 seconds West 149.89 feet*
- 8) *North 46 degrees 35 minutes 23 seconds West 108.14 feet*
- 9) *South 16 degrees 50 minutes 36 seconds West 252.27 feet*
- 10) *South 27 degrees 45 minutes 31 seconds West 107.35 feet*
- 11) *South 67 degrees 46 minutes 34 seconds West 318.00 feet*
- 12) *North 40 degrees 19 minutes 23 seconds West 455.00 feet*
- 13) *South 56 degrees 44 minutes 37 seconds West 208.73 feet*
- 14) *North 40 degrees 19 minutes 23 seconds West 103.27 feet*
- 15) *North 03 degrees 10 minutes 37 seconds East 400.79 feet*
- 16) *North 56 degrees 44 minutes 37 seconds East 81.45 feet*
- 17) *South 33 degrees 15 minutes 23 seconds East 5.00 feet*
- 18) *North 56 degrees 44 minutes 37 seconds East 300.00 feet*
- 19) *South 46 degrees 35 minutes 23 seconds East 278.52 feet*
- 20) *North 43 degrees 24 minutes 37 seconds East 109.86 feet*
- 21) *South 46 degrees 35 minutes 23 seconds East 590.00 feet*
- 22) *South 38 degrees 05 minutes 43 seconds East 152.48 feet*
- 23) *South 34 degrees 43 minutes 23 seconds East 100.00 feet*
- 24) *South 30 degrees 19 minutes 13 seconds East 100.26 feet*
- 25) *North 67 degrees 09 minutes 37 seconds East 100.00 feet*
- 26) *Arc to the right having radius = 185.95 feet and a length = 97.68 feet*
- 27) *South 82 degrees 44 minutes 23 seconds East 108.00 feet*

2012-0039 SPHXA

to the place of beginning as recorded in a Deed Liber 30751 folio 187. Containing 12.872 acres or 560,704 square feet of land more or less.



2012-0039 - SPHXA

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2012-0039-SPHXA

742 Berrymans Lane

W/side of Berryman's Lane, 1560 feet s/east of the centerline of Chromine Road

4th Election District — 4th Councilmanic District

Petitioners: Scott Margroum

Special Hearing: to permit the existing compacted crushed bituminous concrete surface in lieu of a durable & dustless surface; for a modified parking plan and for such other and further relief as may be deemed necessary by the Administrative Law Judge. **Special Exception** for a landscape service operation and for such other and further relief as may be required by the Administrative Law Judge. **Variance** to permit accessory buildings to be located other than in the rear yard; to permit an accessory building with a height of 20 ft. in lieu of the maximum height of 15 ft.; to permit the existing internal roadway with a setback of 0 ft. from any property line in lieu of the required 25 ft.; to permit the existing structure with a setback of 48 ft. from the property line in lieu of the required 50 ft. and for such other and further relief as may be required by the Administrative Law Judge.

Hearing: Monday, September 12, 2011 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

08/25/ August 25

284826

CERTIFICATE OF PUBLICATION

8/25/, 2011

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/25/, 2011.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wickinson

LEGAL ADVERTISING

TK 9/12
1:30

RE: Case No.:

Scott Margroum

Date of Hearing/Closing: _____

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

742 Berrymans Lane

August 27, 2011

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

August 27, 2011

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

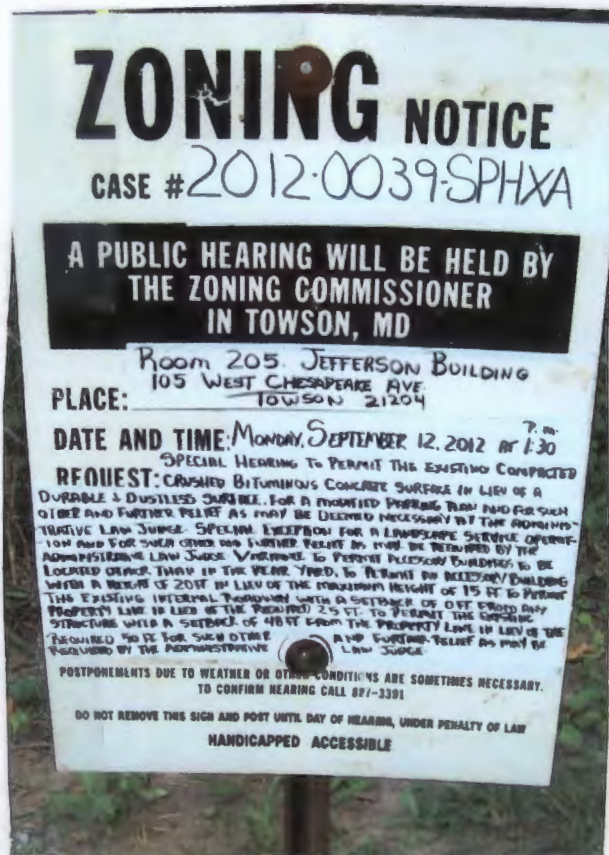
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



TK 9/12
1:30

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

SEP 13 2011

OFFICE OF ADMINISTRATIVE HEARINGS



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: September 13, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-039-SPHXA
Address 742 Berrymans Lane
(Margroum Property)

Zoning Advisory Committee Meeting of August 22, 2011.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code). – *Glenn Shaffer; Environmental Impact Review*
2. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). – *Glenn Shaffer; Environmental Impact Review*
3. Any future development plan or permits for this project will require review by Environmental Impact Review and may necessitate submission of items required to comply with the regulations cited above. – *Glenn Shaffer; Environmental Impact Review*
4. Any future building permits on this site will require review by Groundwater Mgmt. – *Dan Esser; Groundwater Management*

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SPECIAL EXCEPTION AND VARIANCE *
742 Berrysmans Lane; W/S Berrymans Lane, * ADMINISTRATIVE LAW
1560' SE c/line of Chromine Road *
4th Election & 4th Councilmanic Districts * JUDGE FOR
Legal Owner(s): Scott Margroum *
Petitioner(s) * BALTIMORE COUNTY
* 2012-039-SPHXA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

AUG 29 2011

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of August, 2011, a copy of the foregoing Entry of Appearance was mailed to Jason Vettori, Esquire, Smith, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

CO0092798
742 Berrysman Lane

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: September 1, 2011

TO: W. Carl Richards, Jr.

FROM: Lionel van Dommelen, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No: 2012-0039-SPHXA
Legal Owner/Petitioner: Scott A. Margroum
Property Address: 742 Berrymans Ln
Location Description: W/S of Berrysman Lane; 1560 feet Southeast of the
centerline of Chromine Rd

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date: **David Kirby**

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Case No: CO0092798
Correction Notices
Citation
Photographs

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Kaitlyn Heinbach in Room 213 in order that the appropriate action may be taken relative to the violation case.

LvD/kh
C: David Kirby; Code Enforcement Officer



CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER CO 0092798	PROPERTY TAX ID 2100007513	DATE ISSUED 7/13/10
NAME(S): FRANK W. ALTVAER JACQUELINE L. ALTVAER		
MAILING ADDRESS 742 BELLYMANS LN		
CITY REISTERSTOWN	STATE MD	ZIP CODE 21136
VIOLATION ADDRESS SAME		
CITY BALTIMORE	STATE MARYLAND	ZIP CODE

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RESIDENTIAL ZONE CLASSIFICATION

- ☐ DR1 ☐ DR2 ☐ DR3.5 ☐ DR5.5 ☐ DR10.5 ☐ DR16
☐ RC2(1A01) ☐ RC4(1A03) ☐ RC20 & 50 (1A05) ☐ RC6(1A07)
☐ RC3(1A02) ☐ RC5(1A04) ☐ RCC (1A06) ☐ RC7 (1A08)
☐ OTHER: _____

NON-RESIDENTIAL CLASSIFICATION

- ☐ BL (230) ☐ BR (236) ☐ BM (233)
☐ MR (240) ☐ ML (253) ☐ MH (256)
☐ OTHER: _____

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

AUTHORITY TO ENFORCE ZONING REGULATIONS: 32-3-102; 32-3-602; 32-3-603; 32-4-114

- | | |
|---|--|
| ☐ 101; 102.1: Definitions; general use | ☐ 415A: License/ remove untagged recreation vehicle |
| ☐ 1B01.1: DR Zones-use regulations | ☐ 415A: Improperly parked recreation vehicle |
| ☐ 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s) | ☐ 415A: One recreational vehicle per property |
| ☐ 1B01.1D: Remove open dump/ junk yard | ☐ 410: Illegal Class II trucking facility |
| ☒ 431: Remove commercial vehicle(s) | ☐ 400: Illegal accessory structure placement |
| ☒ 101; 102.1: Remove contractors equip. storage yard | ☐ 1B02.1; 270; 421.1: Illegal kennel. Limit 3 dogs |
| ☐ 101; 102.1; ZCPM: Cease service garage activities | ☐ 102.5: Residential site line violation /obstruction |
| ☐ 402: Illegal conversion of dwelling | ☐ 408B: Illegal rooming/ boarding house |
| ☒ 101; 102.1; ZCPM: Illegal home occupation | ☐ BCC: 32-3-102; 500.9 BCZR; ZCPM:
Violation of commercial site plan and/or zoning order |

BALTIMORE COUNTY CODE (B.C.C.)

- | | |
|--|--|
| ☐ 13-7-112: Cease all nuisance activity | ☐ 35-2-301: Obtain building/ fence/ sign permit |
| ☐ 13-7-115: County to abate nuisance & lien costs | ☐ 13-2-601: Remove all obstruction(s) at street, alley, road |
| ☐ 13-7-310: Remove all trash & debris from property | ☐ 13-7-310(2): Remove bird seed / other food for rats |
| ☐ 13-7-312: Remove accumulations of debris, materials, etc | ☐ 32-3-102: Violation of development plan/ site plan |
| ☐ 13-7-201(2): Cease stagnant pool water | ☐ IBC 115; BCBC 115: Remove/ Repair unsafe structure board and secure all openings to premise |
| ☐ 12-3-106: Remove animal feces daily | ☐ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height |
| ☐ 35-5-208(a)(c): Seal exterior openings from rodents & pests | |
| ☐ 13-4-201(b)(d): Store garbage in containers w/tight lids | |

OWNER OCCUPIED HOUSING (B.C.C.)

- | | |
|---|--|
| ☐ 35-5-302(a)(1): Unsanitary conditions. | ☐ 35-5-302(a)(2): Store all garbage in trash cans |
| ☐ 35-5-302(a)(3): Cease _____ infestation from prop. | ☐ 35-5-302(b)(1): Repair exterior structure |
| ☐ 35-5-302(b)(1)(2): Repair decorative trim, cornices, etc | ☐ 35-5-302(b)(1)(3): Repair exterior extentions |
| ☐ 35-5-302(b)(1)(4): Repair chimney & similar extentions | ☐ 35-5-302(b)(1)(5): Repair metal/wood surfaces |
| ☐ 35-5-302(b)(1)(6): Repair defective door(s) / window(s) | ☐ 35-5-302(b)(1)(7): Repair defective fence |

INVESTMENT PROPERTY (B.C.C.)

- | | |
|--|--|
| ☐ 35-2-404(a)(1)(i): Remove hazardous or unsafe condition | ☐ 35-2-404(a)(1)(ii): Repair ext. walls / vertical members |
| ☐ 35-2-404(a)(1)(iii): Repair roof or horizontal members | ☐ 35-2-404(a)(1)(iv): Repair exterior chimney |
| ☐ 35-2-404(a)(1)(v): Repair ext. plaster or masonry | ☐ 35-2-404(a)(1)(vi): Waterproof walls/ roof /foundations |
| ☐ 35-2-404(a)(1)(vii): Repair exterior construction (see below) | ☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris |
| ☐ 35-2-404(a)(1)(3): Repair /remove defective exterior sign(s) | ☐ 35-2-404(a)(4)(ii): Board & secure. Material to match building color of structure |

OTHER VIOLATIONS OR REMARKS:

ILLEGAL LAWN & LANDSCAPE BUSINESS
(ROCK HALL) IN RC 4 ZONE. BUSINESS CONSISTS
OF COMMERCIAL VEHICLES, EQUIPMENT, EMPLOYEES, ETC.

NOTE: Proof of Required Pavedwork Filed with Baltimore
COUNTY would be SUFFICIENT.

☒ NOTICE POSTED AND MAILED
POTENTIAL FINE: ☒ \$200 ☐ \$500 ☐ \$1000 per day, per violation and to be placed as a lien upon your tax bill.

COMPLIANCE DATE: **8.12.11** INSPECTOR NAME: **DAVID W. KIRBY**
PRINT NAME (Rev 9/05)

AGENCY

To: Code Enforcement Dept

Re: 742 Berrymans Lane, Reisterstown, MD 21136 – Rock Hill Lawn & Landscape

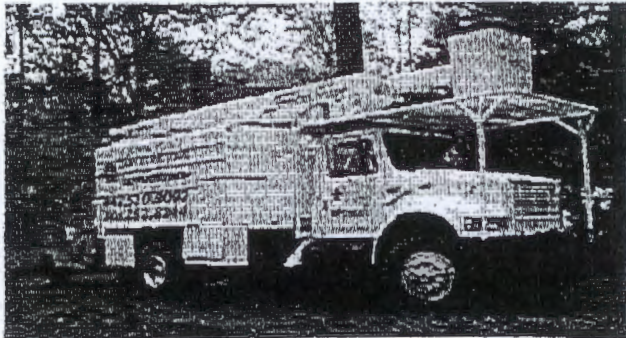
Within the last month the above referenced business has been parking and running their trucks from 742 Berrymans Lane , Reisterstown. The home was just sold recently and the last couple of weeks have become very noisy in the area – along with commercial vehicles being run and moved back and forth.

This area is a residential location(RC4 zoned) and now has become a storage area for numerous large trucks (like pictured below) along with other commercial equipment. The equipment starts up at 6:00am in the morning and it is a constant stream of equipment running including the weekends. Based on the information provided on your website (see below) this is a definite violation of zoning laws.

What are typical residential zoning violations?

commercial vehicle parking

use of property to store contractor's equipment



Please have someone visit this location as soon as possible before it gets any further out of hand.

Thank you .

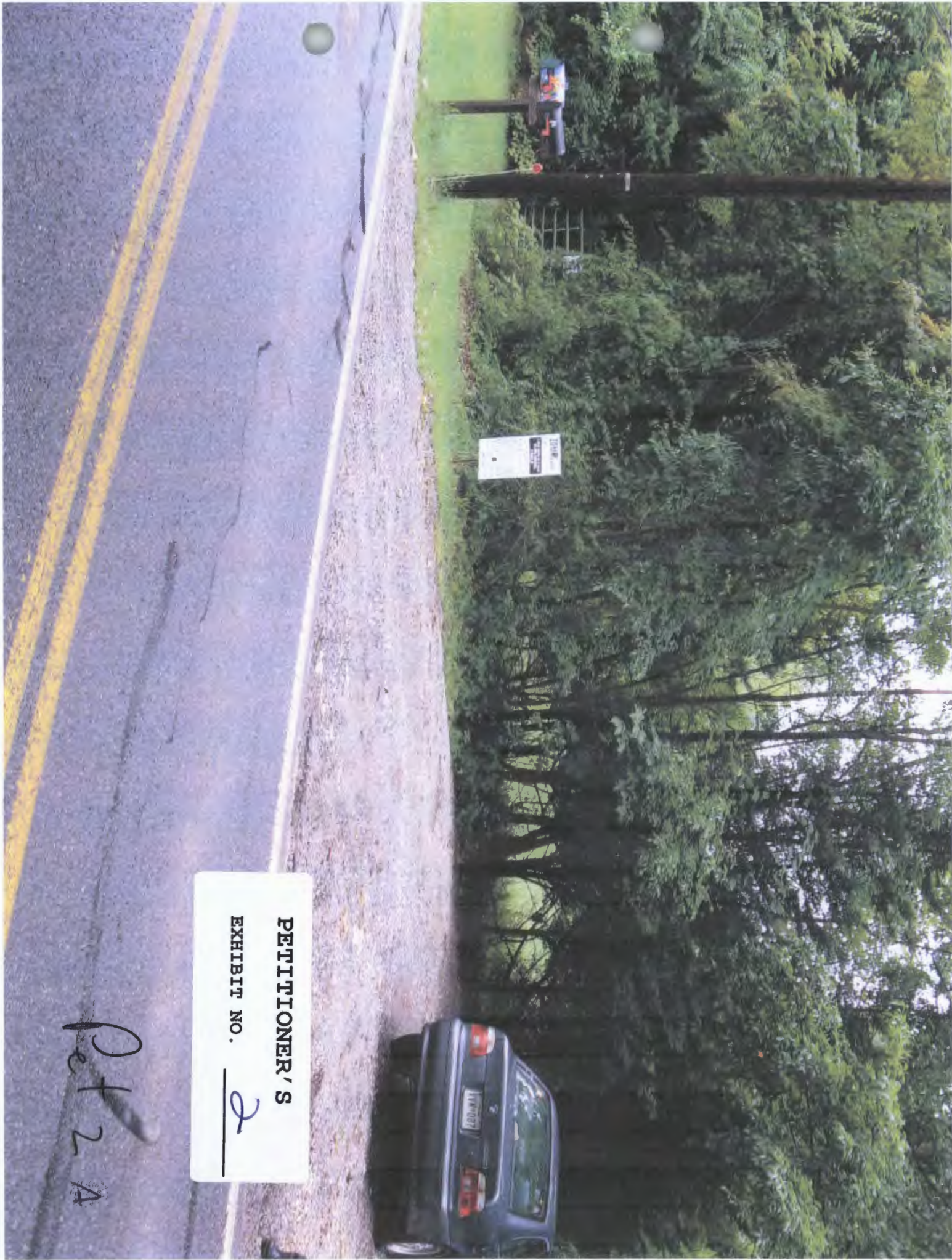
Case No.: 2012-0039-SPHXA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan of the Property	
No. 2	Photos of Site	
No. 3	3A Aerial of property 3B Aerial of property	
No. 4	Petition from Neighbors	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO.

2

Pet 2 A



Pet 2 K



Imagery Date: 8/29/2010

742 Berrymans Ln, Reisterstown, MD 21136

39°26'18.82" N 76°50'14.62" W elev. 669 ft

©2010 Google

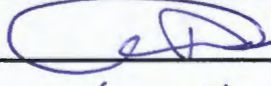
Eye alt 3131 ft

Plot 3A

Community Support for Petition Case #2012-0039-SPHXA

We are neighbors in support of the petition for special exception to allow Rock Hill Lawn & Landscape, LLC to continue their base of operations from 742 Berrymans Lane, Reisterstown, MD 21136.

There has been little to no negative impact or disruption on our community from Rock Hill Lawn & Landscape, LLC operations'.

Name	Address	Phone#
Michael Richardson	630 Berrymans Ln.	410-526-3861
Russ Dijck	624 Berrymans Ln.	443-677-0294
Clarence Cook	704 Berrymans LA.	504 -410-504-3658
	718 Berrymans Lane	443-789-9794
W. H. Park	714 Berry Lane	
ROBERT NIXON	717 BERRYMAN'S LA.	410-526-0742
Joseph Hyinson	744 Berrymans La	410-833-7302
Jane Hyinson	744 Berrymans Lane	410 833-7302

Thank You for our consideration in this matter.

Berrymans Lane Community

Pet 4

