



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

June 1, 2023

Scott Margroum – scottmargroum1115@gmail.com
742 Berrymans Lane
Reisterstown, MD 21136

RE: Petitions for Special Hearing & Variance
Case No. 2023-0067-SPHA
Property: 742 Berrymans Lane

Dear Petitioner:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul M. Mayhew", is written over a light gray circular stamp.

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure

c: Rob Neale – rob@robnweb.net
Angie Richardson – awarner@theswg.com

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(742 Berrymans Lane)		
4 th Election District	*	OFFICE OF
4 th Council District		
Scott Margroum	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	Case No. 2023-0067-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as Petitions for Special Hearing and a Variance filed by the Petitioner Scott Margroum for the property located at 742 Berrymans Lane, Reisterstown. The Special Hearing was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”) § 500.7: To construct an accessory building with a footprint greater in size than the existing dwelling.

In addition, the Petition also seeks a Variance from BCZR § 400.3: To construct an accessory building (building height 26 ft.) greater than 15 ft. in height.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), and from the Department of Environmental Protection and Sustainability (“DEPS”). Neither agency opposed the requested relief.

The Petitioner, Scott Margroum, appeared at the hearing, *pro se*. Two adjoining property owners also attended for informational purposes. After Mr. Margroum explained where he plans to construct the proposed accessory structure these neighbors stated that they have no objection to the variances.

The subject property is 12.87 ± acres and is zoned RC 4. The property was granted previous special exception and variance relief in Case No. 2012-0039-SPHXA. Mr. Margroum explained that he and his family reside on the property and that he also operates his landscaping business “Rock Hill Landscaping” out of another accessory structure on the property. He seeks to construct this 60’ x 40’ structure in order to store a 30’ recreational vehicle and numerous classic cars. The second story of the structure will be used for seasonal storage. The proposed structure is nearly 300’ from any adjoining property line.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

As noted above, the subject property has already been found to be unique in a zoning sense in Case No. 2012-0039-SPHXA. I find that if the variance and special hearing relief were denied the Petitioner would suffer practical difficulty and hardship because he would be unable to build the structure to house his vehicles. I further find that the requested relief is within the spirit and intent of the BCZR and that it will not harm the public health, safety or welfare.

THEREFORE, IT IS ORDERED, this 1st day of **June, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing under BCZR § 500.7: To construct an accessory building with a footprint greater in size than the existing dwelling is hereby **GRANTED**.

IT IS FURTHER ORDERED that the Petition for Variance from BCZR § 400.3, to construct an accessory building 26 ft. in height in lieu of the required 15 ft. in height is hereby **GRANTED.**

The relief granted herein shall be subject to the following:

- Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
- The proposed building shall not be used for commercial or residential purposes.
- There shall be no second utility meter(s).
- The Petitioner must comply with the ZAC comments from DEPS; which are attached hereto and made a part hereof.

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


PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: April 10, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0067-SPHA
Address: 742 Berrymans Lane
Legal Owner: Scott Margroum

Zoning Advisory Committee Meeting of April 10, 2023.

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

- X 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).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

Forest Conservation Regulations may be met by filing a Single Lot Declaration of Intent with Environmental Impact Review (EIR) prior to permit approval, as it appears that less than 20,000 square feet of forest would be cleared for the proposed residential accessory structure.

Reviewer: Glenn Shaffer



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 742 PENNINGTON AVE. RESTON, VA Currently Zoned R4
Deed Reference 30751 1 189 10 Digit Tax Account # 2100007513
Owner(s) Printed Name(s) SCOTT A. MARGOLIN

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ☒ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

CONSTRUCT AN ACCESSORY BUILDING GREATER IN SIZE THAN THE EXISTING HOUSE

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a Variance from Section(s) BCZR 400-3

CONSTRUCT AN ACCESSORY BUILDING GREATER THAN 15' IN HEIGHT (BUILDING HEIGHT 20')

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

BUILDING WILL BE USED TO STORE A TALL RV AND NEEDED STORAGE ON THE 2ND FLOOR

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

I/we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I/we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

SCOTT A. MARGOLIN
Name #1 - Type or Print Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #'s (Cell and Home)

Email Address

Attorney for Petitioner:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

SCOTT A. MARGOLIN
Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Case Number 2023 0067-SPHA Filing Date 3/28/23 Do Not Schedule Dates SC Reviewer SC

Revised 7/2022

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

2023-0067-SPM

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/ neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.*

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2023-0067-SPHA

Property Address: 742 Berryman Lane

Legal Owners (Petitioners): SCOTT MARGRUM

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): _____

Address: _____

Telephone Number: 443-520-9092

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration	
Special Tax Recapture: None			
Account Identifier:	District - 04 Account Number - 2100007513		
Owner Information			
Owner Name:	MARGROUM SCOTT A	Use: RESIDENTIAL	
		Principal Residence: NO	
Mailing Address:	1206 ROCK HILL RD PASADENA MD 21122-	Deed Reference: /30751/ 00187	
Location & Structure Information			
Premises Address:	742 BERRYMANS LN REISTERSTOWN 21136-	Legal Description: 12.872 AC 742 BERRYMANS LA 700FT SE BERRYMANS LA	
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:	0067 0010 0532 4020017.04 0000 2022 Plat Ref:		
Town: None			
Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use	2000 2,826 SF 12.8700 AC 04		
StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements	2 YES STANDARD UNITSIDING/4 2 full/ 1 half 1 Attached		
Value Information			
	Base Value	Value	Phase-in Assessments
		As of	As of
		01/01/2022	07/01/2022
Land:	134,500	134,500	
Improvements	342,900	411,200	
Total:	477,400	545,700	500,167
Preferential Land:	0	0	522,933
Transfer Information			
Seller: ALTVATER FRANK W	Date: 04/27/2011	Price: \$555,000	
Type: ARMS LENGTH IMPROVED	Deed1: /30751/ 00187	Deed2:	
Seller: PIETTE CRAIG	Date: 03/01/1993	Price: \$110,000	
Type: ARMS LENGTH IMPROVED	Deed1: /09632/ 00727	Deed2:	
Seller: WEISS TIMOTHY S	Date: 09/26/1988	Price: \$91,000	
Type: ARMS LENGTH IMPROVED	Deed1: /07981/ 00530	Deed2:	
Exemption Information			
Partial Exempt Assessments: Class	07/01/2022	07/01/2023	
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00
Special Tax Recapture: None			
Homestead Application Information			
Homestead Application Status: Denied			
Homeowners' Tax Credit Application Information			
Homeowners' Tax Credit Application Status: No Application Date:			

2023-0067-SPH/B

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 222667

Date: 3/28/23

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		0150				\$150.00

50

Rec From: Rock Hill Lawn and Landscape
 For: 742 Berrymans

Total: \$150.00

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

CASHIER'S VALIDATION

50

ROCK HILL LAWN & LANDSCAPE LLC
 742 BERRYMAN'S LANE
 REISTERSTOWN, MD 21136
 (443) 520-9092

M&T Bank

8900

7-11/520

DATE 3/27/23

PAY TO THE ORDER OF

Baltimore County
 One Hundred Fifty

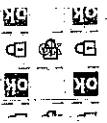
\$ 150.00

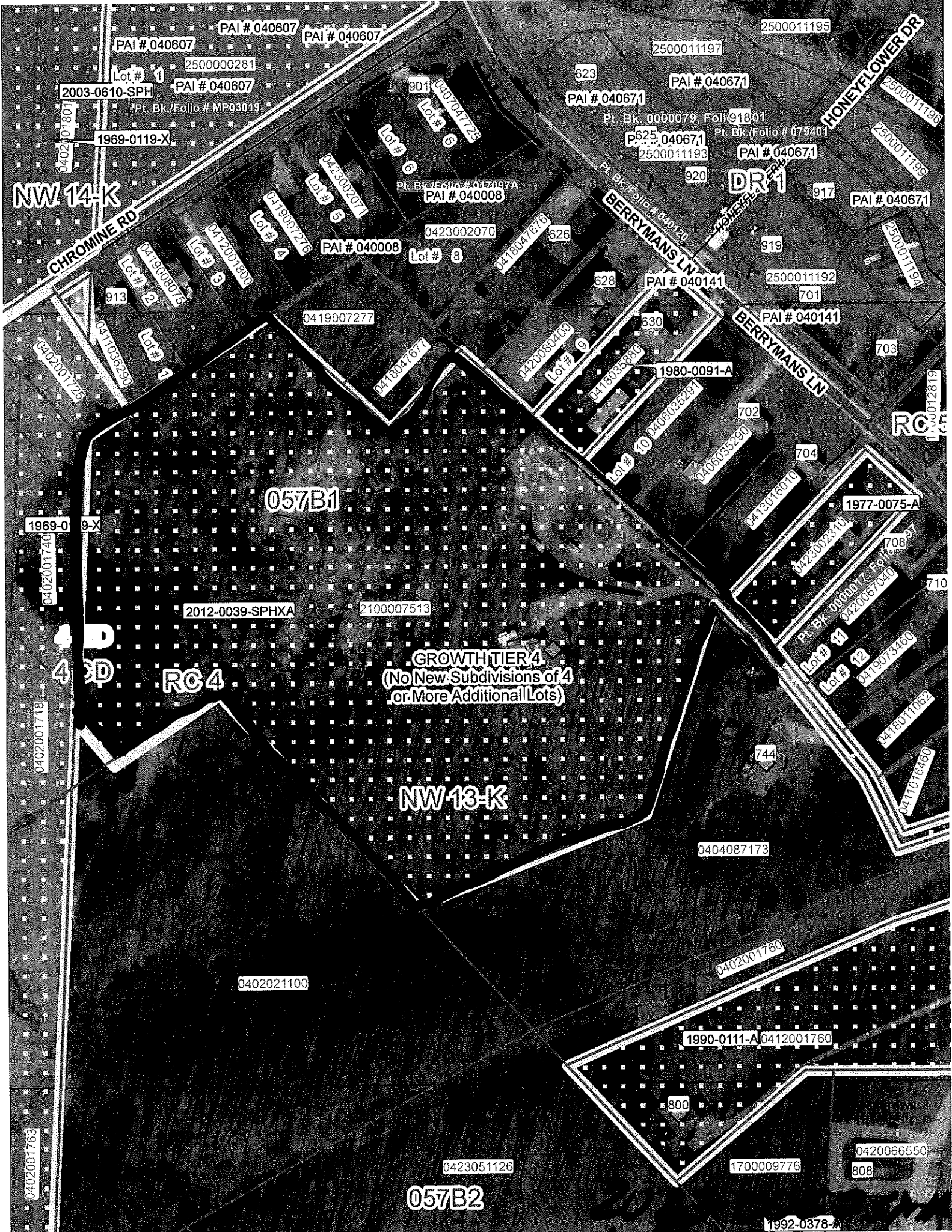
DOLLAR S

FOR

2023 HO HOA
 & VARIANCE

John Mayan





PAI # 040607 PAI # 040607 PAI # 040607

Lot # 1
2500000281
PAI # 040607
Pt. Bk./Folio # MP03019
2003-0610-SPH
1969-0119-X

NW 14-K

CHROMINE RD

Lot # 6
Lot # 5
Lot # 4
Lot # 3
Lot # 2
Lot # 1
0419008075
0412001800
0419007276
0419007277
0418047677
0412001725
0411036290
0402001725
0402001740
0402001718

Pt. Bk./Folio # 040120
PAI # 040008

0423002070

PAI # 040008

Lot # 8

0418047678

623
PAI # 040671

Pt. Bk. 0000079, Folio 01801

PAI # 040671
2500011193

Pt. Bk./Folio # 079401

PAI # 040671

DR1

917

PAI # 040671

919

2500011192

PAI # 040141

PAI # 040141

628

0420080400
Lot # 9

630

1980-0091-A

Lot # 10

0406033290

0406033290

702

704

0413016010

1977-0075-A

0423002310

Pt. Bk. 0000017, Folio 01801

Lot # 11

0420067040

Lot # 12

0419073460

0418011062

0411016460

RC5

710

RC4

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

NW 13-K

0402021100

0404087173

0402001760

1990-0111-A 0412001760

800

0423051126

1700009776

0420066550

808

057B2

1992-0378-A

CHROMINE ROAD

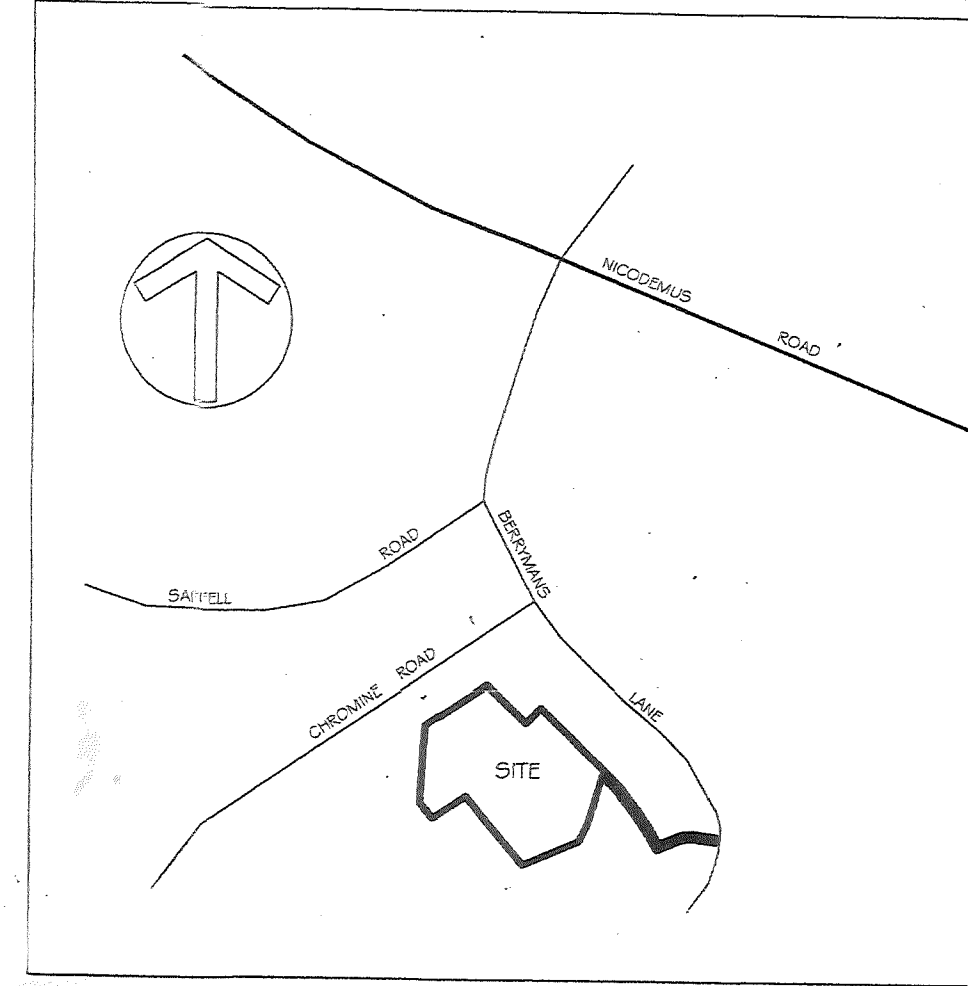
① DENOTES LOT NUMBERS ACCORDING TO A RECORD PLAT ENTITLED 'EDWARD H. BURKE PLAT' RECORDED AT 17197

DEED NORTH

BERRYMAN'S LANE

SITE DATA:
1) OWNERS: SCOTT MARGROUM
2) OWNERS ADDRESS: 1206 ROCK HILL ROAD PASADENA, MARYLAND 21122
3) OWNERS TELEPHONE NO.: 443-520-9092
4) TAX ACCOUNT NUMBER: 2100007513
5) TAX MAP: 57 PARCELS: 532
6) DEED REFERENCES: 307511187
7) GROSS AREA: 12.872 ACRES
8) ZONING MAP: 057B1
9) ZONING: RC-4
9) THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CBCA.

11) PREVIOUS HEARINGS OR PERMITS: NONE
12) NO HISTORICALLY SIGNIFICANT STRUCTURES ON THE SUBJECT PROPERTY.
13) THE SUBJECT SITE IS SERVED BY PRIVATE WELL AND SEPTIC.
14) THE SUBJECT SITE DOES NOT LIE WITHIN A DEFICIENT BASIC SERVICE AREA.
15) AMENITY OPEN SPACE: NONE REQUIRED
16) F.A.R. = 0
17) PARKING:
REQUIRED: 1 PER EMPLOYEE
PROVIDED: 10 EMPLOYEE SPACES
18) IMPERVIOUS SURFACE AREA:
ALLOWED: 550 FOR X / 10% = 55,070 SF.
EXISTING: 39,234 SF.
19) ZONING VIOLATIONS: (CASE NO. CO 0092738)
ILLEGAL USE LAWN AND LANDSCAPE BUSINESS IN RC-4 ZONE AND HOME OCCUPATION. THE PARKING OF COMMERCIAL VEHICLES AND EQUIPMENT.
20) PROPOSED USE: RESIDENTIAL WILDLANDSCAPE SERVICE OPERATION.
21) HOURS OF OPERATION:
6AM - 5PM MONDAY - FRIDAY



VICINITY MAP
SCALE: 1" = 1,000'

SPECIAL EXCEPTION REQUESTS:

1. A LANDSCAPE SERVICE OPERATION IN ACCORDANCE WITH BCZR § 403.3.B.1.1, 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.

VARIANCE REQUESTS:

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. 403.3.B.1.1 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. 403.3.B.1.1, 404.1.B AND 404.1.C OF THE BCZR TO PERMIT THE EXISTING STRUCTURE WITH A SETBACK OF 45 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.

SPECIAL HEARING REQUESTS:

1. THE EXISTING COMPACTED CRUSHED BITUMINOUS CONCRETE SURFACE IN LIEU OF A DURABLE AND DUSTLESS SURFACE AS PROVIDED IN BCZR § 403.3.A.2; AND
2. TO APPROVE A MODIFIED PARKING PLAN PURSUANT TO BCZR SECTION 403.12; AND
3. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

LICENSE EXPIRATION DATE: 7/3/2012

BC&E RIGHT-OF-WAY
250' WIDE

QUARRY

FOREST BUFFER EASEMENT
14063/525

PROPOSED
40'X60' 2 STORY
ACCESSORY STRUCTURE

EXISTING DECKS
& POOL

EX. SEPTIC
RESERVE AREA

FOREST BUFFER EASEMENT
14063/525

ENSOR
8132/123
TAX ID: 0402021100

HYNSON
12703/669
TAX ID: 040427173

PARK
30731/625
TAX ID: 0418011062

PARK
34250/444
TAX ID: 0411010467

NOTE:
THE INFORMATION SHOWN HEREON WAS BASED IN PART ON A DISTRICT PLAN PREPARED BY
TOSCHKE & ASSOCIATES, INC. DATED NOVEMBER 11, 2008, ENTITLED 'PRELIMINARY SITE PLAN'.
LOCATION SURVEY PREPARED BY FREEDOM SURVEYING, INC. DATED FEBRUARY 28, 2010.
BALTIMORE COUNTY OFFICIAL RECORDING MAP (OTRM) INFORMATION MAY BE OBTAINED BY
CONTACTING THE COUNTY AND AERIAL MAPPING FROM GOOGLE EARTH. THE INFORMATION SHOWN
HEREON, AND THE CONTENT OF THIS PLAN, ARE NOT TO BE USED FOR ANY OTHER PURPOSE THAN
FOR THE PREPARATION OF A ZONING PETITION FOR THE SPECIFIED REQUESTS. USE OF
THIS PLAN FOR OTHER PURPOSES WILL BE DONE AT USER'S OWN RISK.

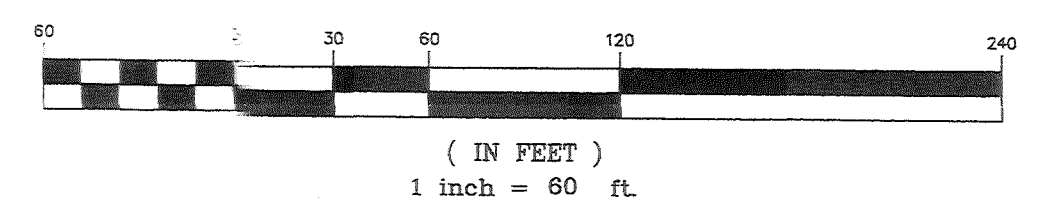
PLAN TO ACCOMPANY A ZONING PETITION
FOR SPECIAL EXCEPTION, VARIANCE & SPECIAL HEARING
742 BERRYMAN'S LANE

BALTIMORE COUNTY
MARYLAND
4th ELECTION DISTRICT 4th COUNCILMANIC DISTRICT

LINE TABLE		
LINE	BEARING	LENGTH
L1	S33°15'22"E	5.00
L2	S02°55'22"E	28.25

DRAWN BY: SCOTT MARGROUM
3/25/23

GRAPHIC SCALE



LEGEND:
→ TRAFFIC FLOW