



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

June 7, 2024

Lemuel Benjamin, Rent, II – benrentii@gmail.com
3804 Perry Hill Road
Perry Hall, MD 21128

RE: Petition for Variance
Case No. 2024-0057-A
Property: 3804 Perry Hall Road

Dear Mr. Rent:

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 blue ink, appearing to be "DJB", is written over a blue circular stamp or seal.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm
Enclosure

c: Lemuel Benjamin Rent, III – benrentiii@gmail.com
Code Enforcement - paenforce@baltimorecountymd.gov



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 3804 Perry Hall Rd, Perry Hall MD 21128 Currently Zoned Residential
Deed Reference 136901 100480 10 Digit Tax Account # 111068290
Owner(s) Printed Name(s) Lemuel Benjamin Rent II

(SELECT THE HEARING(S) BY MARKING X 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

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

3. X a **Variance** from Section(s)

BCZR: 400.3 → To permit an existing accessory structure to have a height of 16 feet 4 inches in lieu of the maximum permitted height of 15 feet.

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)

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 _____

Attorney for Petitioner:

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

Lemuel Benjamin Rent II
Name #1 - Type or Print _____ Name #2 - Type or Print _____
[Signature] _____
Signature #1 _____ Signature #2 _____
3804 Perry Hall Rd Perry Hall MD
Mailing Address _____ City _____ State _____
21128 1443-695-9756 lbenrentii@gmail.com
Zip Code _____ Telephone #'s (Cell and Home) _____ Email Address _____

Representative to be contacted:

Lemuel Benjamin Rent III
Name - Type or Print _____
[Signature] _____
Signature _____
414 S. Steptoe Rd Aberdeen MD
Mailing Address _____ City _____ State _____
21001 443-469-3219 lbenrentiii@gmail.com
Zip Code _____ Telephone # _____ Email Address _____

Case Number 2024-0057-A Filing Date 3, 1, 24 Do Not Schedule Dates _____ Reviewer JS

3804 Perry Hall Road

(11-11-068290)

2024-0057-A

Property Description

Located on the northeast side of Perry Hall Road (45' row), approximately 980 feet +/- from the intersection with Pepper Hill Road (50' row).

Being known and designated as Lot 8-A, as shown on the Plat of Perry Hall Manor, Section 8, which Plat is recorded among the Land Records of Baltimore County in Plat Book GLB No. 20, page 129. The improvements thereon being known as No. 3804 Perry Hall Road.



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Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

Lemuel Benjamin Rent II
Name #1 - Type or Print _____ Name #2 - Type or Print _____
[Signature] _____
Signature #1 _____ Signature #2 _____
3804 Perry Hall Rd Perry Hall MD
Mailing Address _____ City _____ State _____
21128 1443-695-9756 1benrentii@gmail.com
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:

Lemuel Benjamin Rent II
Name - Type or Print _____
[Signature] _____
Signature _____
414 S. Stepney Rd Aberdeen MD
Mailing Address _____ City _____ State _____
21001 443-469-3219 1benrentiii@gmail.com
Zip Code _____ Telephone # _____ Email Address _____

Case Number 2024-0057-A Filing Date 3, 1, 24 Do Not Schedule Dates _____ Reviewer JS

3804 Perry Hall Road

(11-11-068290)

2024-0057-A

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

No. 22941

Date: 3/5/24

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6.50					\$ 75.00
Total:									\$ 75.00

Rec From: RENT, AND

For: 2024-0057-A

3804 PERRY HALL RD.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

7-11 520 6416		2596
LEMUEL B. RENT II 3804 PERRY HALL RD. PERRY HALL, MD 21128-9742		DATE March 1, 2024
PAY TO THE ORDER OF	Baltimore County MD.	\$ 75.00
SEVENTY FIVE		00/100 DOLLARS
M&T Bank		
MEMO variance	Lemuel Murtha	
10520001131		175167951 2596

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: 2024-0057 - A
Property Address: 3804 PERRY HALL ROAD
Legal Owners (Petitioners): LEMUEL BENJAMIN RENT, 2ND
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): LEMUEL BENJAMIN RENT, 3RD
Address: 414 S. STEPNEY ROAD
ABERDEEN, MD 21001

Telephone Number: 443-469-3219

*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.

Revised 3/2022

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
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Special Tax Recapture: None

Account Identifier: District - 11 **Account Number -** 1111068290

Owner Information

Owner Name:	RENT LEMUEL B 2ND	Use:	RESIDENTIAL
Mailing Address:	3804 PERRY HALL RD PERRY HALL MD 21128-9742	Principal Residence:	YES
		Deed Reference:	/13690/ 00480

Location & Structure Information

Premises Address:	3804 PERRY HALL RD PERRY HALL 21128-9742	Legal Description:	3804 PERRY HALL RD PERRY HALL MANOR
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Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0063 0016 0410 11050046.04 0000 B 8A 2024 **Plat Ref:** 0020/ 0129

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1960	1,430 SF		1.7400 AC	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1 1/2	YES	STANDARD UNIT	BRICK/ 4	2 full	1 Attached		

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2024	07/01/2023	07/01/2024
Land:	107,400	116,500		
Improvements	159,900	211,300		
Total:	267,300	327,800	267,300	287,467
Preferential Land:	0	0		

Transfer Information

Seller: RENT LEMUEL B,2ND	Date: 04/22/1999	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /13690/ 00480	Deed2:
Seller: BRENNEMAN DONALD	Date: 11/17/1980	Price: \$65,000
Type: ARMS LENGTH IMPROVED	Deed1: /06230/ 00410	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

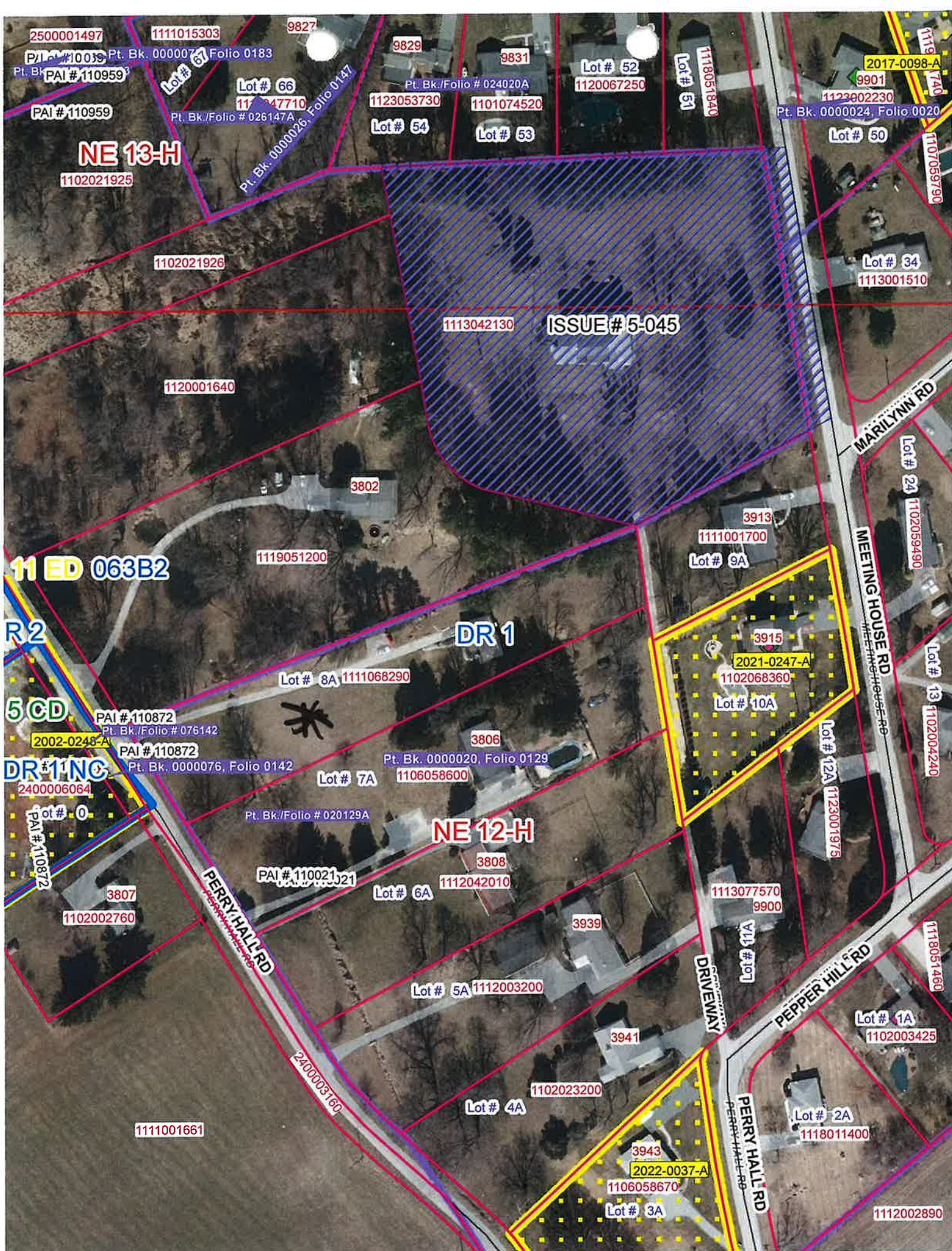
Homestead Application Information

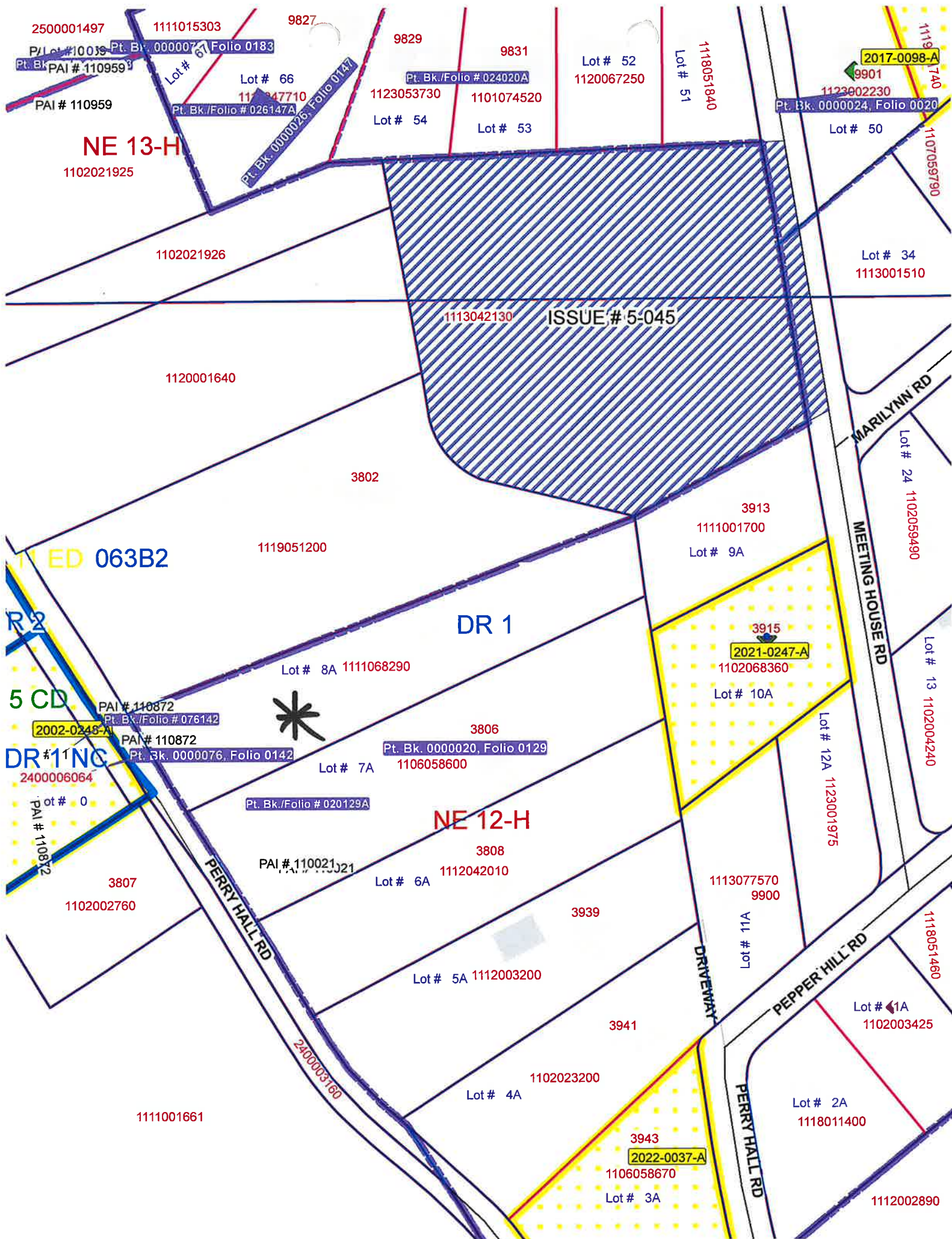
Homestead Application Status: Approved 03/26/2010

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

2024-0057-4





(2024-0057-A)

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. CB2300667 Property No. 1111068290 Zoning: _____

Name(s): LEMUEL B RENT

Address: 3804 PERRY HALL RD, PERRY HALL, MD 21228

Violation Location: 3804 PERRY HALL RD, PERRY HALL, MD 21228

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BALTIMORE COUNTY, MARYLAND-ZONING REGULATIONS
ARTICLE 4-SPECIAL REGULATIONS / SECTION 400-ALLEGORY
BUILDINGS IN RESIDENCE ZONES 400.3-HEIGHT

THE HEIGHT OF ALLEGORY BUILDINGS, EXCEPT AS NOTED IN
SECTION 300, SHALL NOT EXCEED 15 FEET.

BALTIMORE COUNTY BUILDING CODE BALTIMORE COUNTY COUNCIL BILL 40-15
PART 115 INSPECTIONS. PART 115.1 REQUIRED INSPECTIONS

NO INSPECTIONS ASSOCIATED WITH ISSUED PERMIT R23-03087
OWNER HAS 30 DAYS TO APPLY FOR HEIGHT VARIANCE.

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: FEB. 23 2024 DATE ISSUED: JAN 23 2024

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION
SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1,000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR
90 DAYS IN JAIL, OR BOTH.

INSPECTOR: JOHN JAMES "Bill" PRINT NAME: JOHN JAMES #150

STOP WORK NOTICE

PURSUANT TO INSEPCION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS
ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION
OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE: _____ DATE ISSUED: _____

INSPECTOR: _____ PRINT NAME: _____

COPIES: PINK - AGENCY, YELLOW - VIOLATION SITE, GOLD - DEFENDANT, WHITE - INSPECTOR



(2024-0057-A)

Department of Permits, Approvals & Inspections Complaint Report

Record Id: CB2300667

<u>Record ID</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Received Date</u>	<u>Status</u>	<u>Compliance Date</u>	<u>Hearing Date</u>
CB2300667	John James	10/09/2023	10/09/2023	Monitor		

Complaint Description: My neighbor has constructed a two story commercial metal building in his back yard. You can see the building from two streets away. It is extremely large and no variance signs were ever posted. It is right next to the Perry Hall Mansion and can be seen best from the access road going to the Mansion.

R23-0387 No inspection

<u>Property</u>	<u>Owner</u>	<u>Complainant</u>
3804 PERRY HALL RD PERRY HALL, MD 21128-9742 Tax Id: 1111068290	RENT LEMUEL B 2ND 3804 PERRY HALL RD PERRY HALL, MD 21128-9742	Marcy Chemelli 3915 Meeting Road Perry Hall MD, 21128 4435276159 marcy4139@yahoo.com

Inspection Details

<u>Inspector</u>	<u>Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>	<u>Complied On</u>
John James	10/20/2023	Initial Inspection	Monitor	Monitor	
John James	01/24/2024	Re-Inspection	Monitor	Monitor	
John James	02/23/2024	Re-Inspection	Monitor	Monitor	
John James		Re-Inspection	Scheduled		

Lien Information - No Lien

Comments Detail

10/20/2023: 10/12/23 Took pictures and will call the owner to get inspections. Also spoke to complainant and told her the same and let her know I will get back to her.
10/19/23 Spoke to the owner. He will be setting up inspections soon. ***BJ/lk
1/24/2024: 1/23/24 Posted and mailed correction notice. Owner has 30 days to apply for variance. R/C 2/22/24 BJ/DS
2/23/2024: 2/22/24 Owner has applied for a variance. R/C 3/21/24 ***BJ/lk

Inbox Create

Summary	Main	Address	People	Contractor	DataGroup	Workflow	InspReq	Condition	Flags	Rel Docs	Fees
Payment	Notes										

▼ Type/Subtype: R-NEW - ACCSTRCT

Number: R23-03087

Status: ISSUED

Main

Case Description: Residential New

Status Code: ISSUE

Subtype Desc: Accessory Structure

Location: 3804 PERRY HALL RD, PERRY HALL, MD, 21128

Tag:

Initiated By: benrentii@gmail.com 5/3/2023

Expiration: 9/18/2024

Facility Id:

Level Id:

X, Y: -8511412.361, 4783192.425

* APPROVED
BUILDING
PERMIT,
(14' HEIGHT)

Map Layer	Map Layer Field	Value
URA PERMIT REVIEW PARCELS	TAXPIN	1111068290
URA PERMIT REVIEW PARCELS	GIS_LU_CODE	SFD
URA PERMIT REVIEW PARCELS	DISTRICT	11
URA PERMIT REVIEW PARCELS	FLOOD_100YR_ZONE	NO
URA PERMIT REVIEW PARCELS	HISTORIC_DISTRICT	NO
URA PERMIT REVIEW PARCELS	PAI_HOLD	NO
URA PERMIT REVIEW PARCELS	BSM_FAILING_TRAFFIC_SHEDS	NO
URA PERMIT REVIEW PARCELS	BSM_SEWER_DEFICIENT_AREA	NO
URA PERMIT REVIEW PARCELS	BSM_WATER_DEFICIENT_AREA	NO
URA PERMIT REVIEW PARCELS	BQBNR_AREA	NO
URA PERMIT REVIEW PARCELS	CBCA	NO
URA PERMIT REVIEW PARCELS	RESIDENTIAL_DESIGN_REV_AREA	NO
URA PERMIT REVIEW PARCELS	COMMERCIAL_DESIGN_REV_AREA	NO
URA PERMIT REVIEW PARCELS	COMM_REVITALIZATION	NO
URA PERMIT REVIEW PARCELS	CZMP_ISSUE	NO

URA PERMIT REVIEW PARCELS	LANDMARK_LIST	NO
URA PERMIT REVIEW PARCELS	MARTINST_AIRPORT_RESTR	NO
URA PERMIT REVIEW PARCELS	MIDDLEL_BIRD_AREA_PLAN	NO
URA PERMIT REVIEW PARCELS	PATTERN_BOOK	NO
URA PERMIT REVIEW PARCELS	POSSIBLE_FLOOD_HZRD	NO
URA PERMIT REVIEW PARCELS	POSSIBLE_REPLACEMENT_DWELLING	NO
URA PERMIT REVIEW PARCELS	S_PERRYHALL_AREA	NO
URA PERMIT REVIEW PARCELS	DOWNTOWN_TOWSON	NO
URA PERMIT REVIEW PARCELS	MICROWAVE_TOWER_PATH	NO
URA PERMIT REVIEW PARCELS	URDL	URBAN
URA PERMIT REVIEW PARCELS	ZONING_HISTORY_CASES	NO
URA PERMIT REVIEW PARCELS	ZONING_DISTRICTS	NO



Permit Card



Add Comment

Sort

no comments

- View Documents
- Open OnBase Plan Review
- Import Documents
- Create OnBase Plan Review Project

Address

			<u>Object</u>	<u>Asset Type</u>	<u>Asset ID</u>	<u>Address</u>		
☐	☒		38386	ADDRESS POINTS	6364A	3804 PERRY HALL RD		
Size: 10		Go		1		Found: 1	Displaying 1 to 1	

People

			<u>Role Code</u>	<u>Name</u>	<u>City</u>		
☐	☒		APPLICANT	Lemuel B Rent	Perry Hall		
☐	☒		OWNER	Lemuel B Rent	Perry Hall		
☐	☒		CONTRACTOR	Lemuel B Rent	Perry Hall		
☐	☒		CONTACT	Lemuel B Rent III	Aberdeen		
Size: 10		Go		1		Found: 4	Displaying 1 to 4

Contractor

			<u>Type</u>	<u>Business Name</u>	<u>Name</u>	<u>City</u>		
☐	☒		CONTRACTOR	OWNER ACTING AS GENERAL ...				
Size: 10		Go		1		Found: 1	Displaying 1 to 1	

Data Group

Grand Sum: 0

 R-ACCSTRUC :

Residential Accessory Structure Info

Group Sum

Sum Flag

Describe Proposed Work

Comment: Construct detached steel garage on rear property of sfd. 30'x25'x14'=750sf.
Accessory structure letter attached.

What is the existing use of the property?SFD

What is the proposed use? SFD W/DETACHED GARAGE

Estimated Cost of Materials and Labor3000.00

Is this permit application related to an existing permit?N

If the permit application is related, please provide the permit number(s).

Comment:

Type Of Structure Garage

What is the Location of the Accessory Structure on the Property?Rear

What is the Size of the Accessory Structure (SQ FT)?750.00

Is there an Existing Principal Dwelling on the Property?Y

Is this Accessory Structure Enclosed?Y

Foundation Type Concrete

Type Of Construction Structural Steel

Type Of Heating Fuel NA

Central Air N

Type Of Sewage Disposal for the PropertyPrivate

Is the Sewage Disposal Existing or Proposed?Existing

Type Of Water Supply for the Property Private

Is the Water Supply Existing or Proposed? Existing

Will the Accessory Structure be connected to water or sewer? N

Is the Property Under Private or Public Ownership? Private

What is the Ownership Use of the Property? Owner Occupied

Corner Lot N

Is this property a Baltimore County Landmark or within a Baltimore County Historic District? N

Width: What is the width of the accessory structure from the widest point (FT)? 30.00

Height: What is the highest point of the accessory structure (FT)? 14.00

Depth: What is the depth of the accessory structure from front to back (FT)? 25.00

Front Set Backs - Front: Provide the distance from the property line to the accessory structure (FT) 458.00

Left Side Set Backs: Provide the distance from the property line to the accessory structure (FT) 59.00

Right Side Set Backs: Provide the distance from the property line to the accessory structure (FT) 15.00

Rear Set Backs: Provide the distance from the property line to the accessory structure (FT) 103.00

Workflow

All v



☐ Yes

☐ No

☒ All



☐ Yes

☐ No

☒ All



Waive



	Description	Result	Target End	Completed	M
	Intake Application	ACCEPT	5/17/23 4P	5/12/23 10A	1
	Fees Paid?	COMPLETE	5/12/23 10A	5/16/23 12P	2

PLN - General Planning Revi...	WAIVE				
EPS - Development Coordinat...	APPROVED ✓	5/30/23 12A	5/16/23 1P	3	
EPS - Environmental Impact ...	APPROVED ✓	5/30/23 12A	5/19/23 11A	3	
EPS - GWM Review	RESUBMIT ✓	5/30/23 12A	5/16/23 12P	3	
PAI - Zoning Review	APPROVED ✓	5/30/23 12A	5/17/23 11A	3	
All Technical Reviews Resul...	RESUBMIT ✓	6/5/23 11A	5/19/23 4P	4	
Intake Application Resubmit...	RESUBMIT ✓	6/5/23 4P	7/5/23 11A	5	
Intake Application Resubmit...	ACCEPT ✓	7/19/23 11A	9/18/23 10A	5	
PLN - General Planning Revi...	WAIVE ✓	10/2/23 10A	9/18/23 10A	6	
EPS - Development Coordinat...	APPROVED ✓	10/2/23 10A	9/18/23 3P	6	
EPS - Environmental Impact ...	APPROVED ✓	10/2/23 10A	9/18/23 3P	6	
EPS - GWM Review	APPROVED ✓	10/2/23 10A	9/18/23 10A	6	
PAI - Zoning Review	APPROVED ✓	10/2/23 10A	9/18/23 3P	6	
All Technical Reviews Resul...	APPROVED ✓	10/2/23 3P	9/19/23 5P	7	
Issue Permit	ISSUED ✓	10/3/23 5P	9/19/23 5P	8	
Building Footing Inspection	☐			9	
Foundation Damp Proofing In...	☐			9	
Slab Inspection	☐			9	
Monolithic Slab Pour includ...	☐			9	
Partial Framing Inspection	☐			9	
Final Framing Inspection	☐			9	
Partial Insulation Inspecti...	☐			9	
Final Insulation Inspection	☐			9	
Fireplace Throat Inspection	☐			9	
General - Information Inspe...	☐			9	
Building Final Inspection	☐			9	

InspReq

No Entries Found

+

Condition

No Entries Found

+

Flags

No Entries Found

+

Add attachment...

Remove all attachments

**ACCESSORY STRUCTURE LETTER.pdf**

26.32 KB

Attached by mneubeck@baltimorecountymd.gov

05/4/2023 10:28 AM

**GIS_3804 PERRY HALL RD.pdf**

84.42 KB

Attached by ctsai@baltimorecountymd.gov

05/12/2023 9:56 AM

**R23-03087_Approved Plan Set.pdf**

7.42 MB

Attached by cwapi

09/19/2023 5:38 PM

**Issued_Permit_R23-03087.pdf**

74.46 KB

Attached by PLLADMIN

09/19/2023 5:39 PM



Fees

☐		<u>Code</u>	<u>Fee Description</u>	☒	<u>Amount</u>	<u>Paid</u>	- +
☐		R-ACCSTRUC	Residential Accessory Structure Fee	☐	85.00	85.00	
☐		R-OCCUPAS	Occupancy Fee (Accessory Structure)	☐	12.00	12.00	
		Re-Calculate Fees			97.00	97.00	

Size: 50

Go

Found: 2

Displaying 1 to 2

Payment

☐				<u>Tender</u>	<u>Reference</u>	<u>Fee Code</u>	<u>Deposit Code</u>	<u>Date</u>	<u>Paid</u>	+
☐	☒			EPAYMENT	AK1AA40FC71F	R-ACCSTRUC		5/15/2023	85.00	
☐	☒			EPAYMENT	AK1AA40FC71F	R-OCCUPAS		5/15/2023	12.00	
									97.00	

Size: 10

Go

Found: 2

Displaying 1 to 2

Notes

☐		<u>Code</u>	<u>Notes</u>	<u>Created</u>	<u>Modified</u>	+
☐	☒		ORIGINAL SCOPE OF WORK: excavation and pouring o...	5/12/2023		
☐	☒		Called the applicant and explained that they nee...	7/18/2023		

Size: 100

Go

Found: 2

Displaying 1 to 2







2074-0057-A



BALTIMORE COUNTY CIRCUIT COURT (Subdivision Recs, Map Plat Book G.L.B. 30, p. 129, M&A, 51236, 1125. Date available 1954/12/09. Printed 02/11/2024.

OWNERS CERTIFICATE

We hereby certify the requirements set forth in section 72A, 72B, 72C added to ARTICLE 17, ANNOTATED CODE OF MARYLAND (1947 SUPPLEMENT) as they concern the making of this plat have been complied with, signed by: OWNERS OF THE LAND SHOWN HEREON
BY John H. Gontrium Shirley M. Gontrium DATE Oct 13, 1954
OF John H. Gontrium, 311 W. House St., Baltimore, Md. DATE Oct 13, 1954
The streets and/or the roads as shown hereon and the mention therein of deeds are for the purpose of description only and the same are not intended to be dedicated to public use, the fee simple to the beds therot is expressly reserved in the Grantors of the deed, to which this plat is attached, their heirs and assigns.

APPROVED AS TO ALIGNMENT & LOCATION OF ROADS

BY Calvin J. Duggan DATE Dec 2, 1954
ROADS ENGINEER OF BALTO. CO. MD.

APPROVED BY PLANNING COMMISSION OF BALTO. CO. MD.

DIRECTOR William B. Warriner DATE Dec 15, 1954

APPROVED BY DEPUTY STATE & CO. HEALTH OFFICER

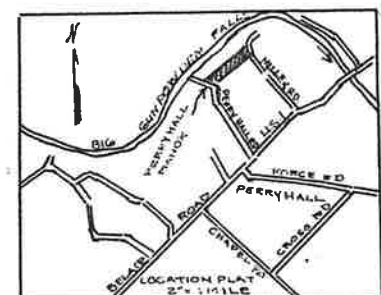
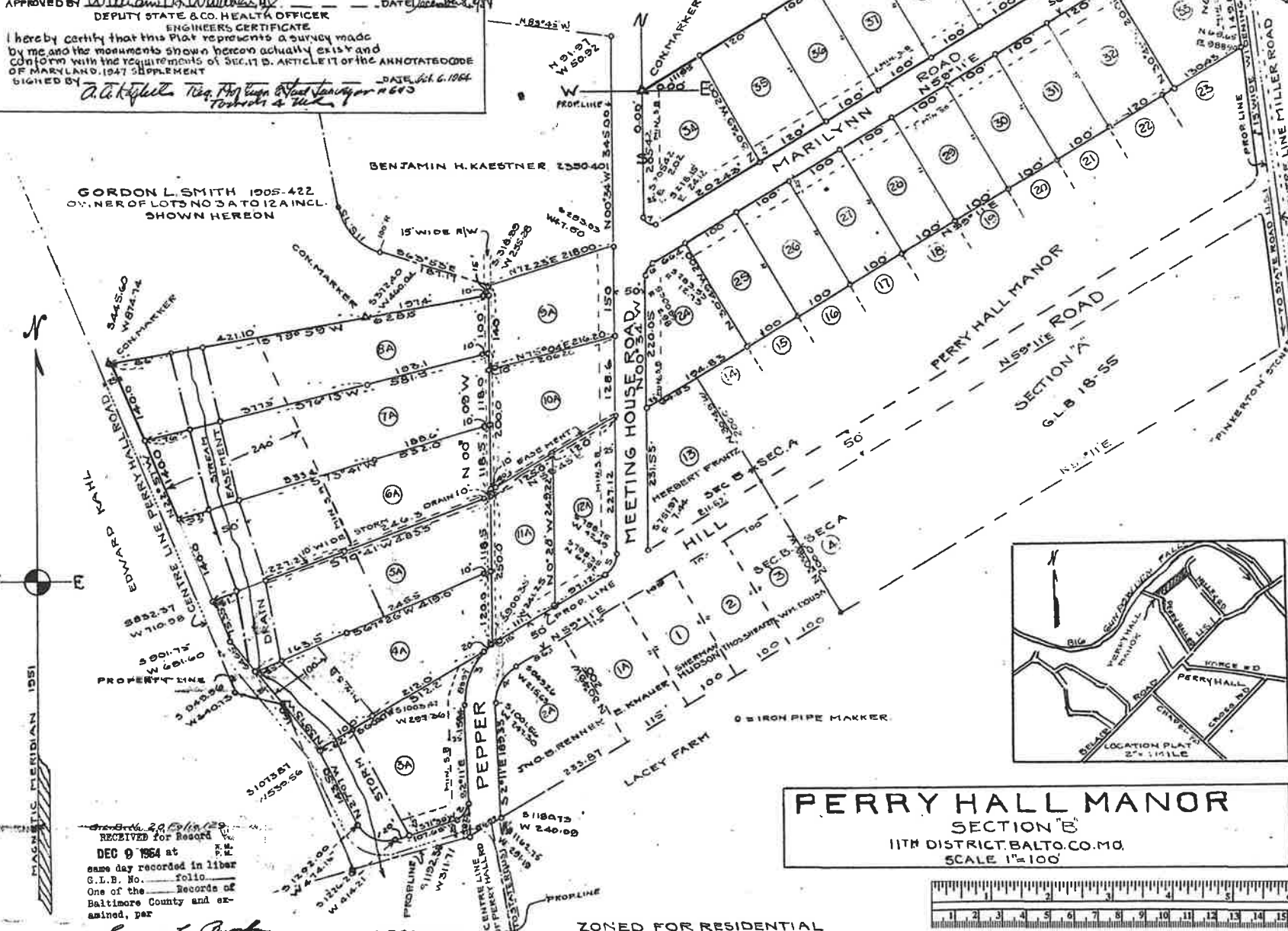
ENGINEER'S CERTIFICATE

I hereby certify that this Plat represents a survey made by me and the monuments shown hereon actually exist and conform with the requirements of SEC. 17 D. ARTICLE 17 of the ANNOTATED CODE OF MARYLAND, 1947 SUPPLEMENT
SIGNED BY A. C. Kipke Reg. Prof. Eng. & Surveyor No. 643 DATE Dec 6, 1954
Toronto, Ont. & U.S.A.

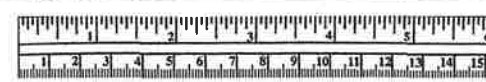
CURVE DATA						
NO.	RADIUS	Δ	ARC	FOIST	LCORD	BEARING
1	50	81°14'	70.87	42.88	65.10	N 61°44'W
2	30	73°50'	38.67	22.34	34.00	S 56°35'W
3	115	61°22'	124.87	68.24	117.51	S 28°30'W
4	65	61°22'	68.24	38.53	66.50	S 28°30'W
5	40	50°45'	41.47	22.88	39.86	N 23°18'30"E
6	20	50°45'	20.10	11.48	19.27	N 23°18'30"E
7	15	120°15'	31.41	26.11	26.01	S 55°23'30"W
8	400	23°08'	161.61	81.88	160.40	N 70°45'E
9	450	23°08'	181.69	92.11	180.46	N 70°45'E
10	650	23°08'	262.44	133.06	260.65	N 70°45'E
11	15	65°54'	23.56	14.98	21.20	N 57°21'E
12	15	65°54'	23.56	14.98	21.25	S 55°38'E

JOHN H. GONTURIUM 2562-200
OWNER OF LOTS NO. 24 TO 42 INCL.
SHOWN HEREON
CON. MARKER

COORDINATES ASSUMED BASED ON THE
MAGNETIC MERIDIAN OF 1951

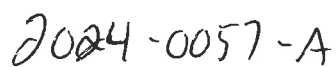


PERRY HALL MANOR
SECTION "B"
11TH DISTRICT, BALTO. CO. MD.
SCALE 1"=100'



RECEIVED FOR RECORD
DEC 9 1954 at
same day recorded in lib.
G.L.B. No. folio
One of the Records of
Baltimore County and ex-
amined, per
Brown & Rydger
FESCHUITZ
ZONED FOR RESIDENTIAL

2024-0057-A



2024-0057-A

IN RE: PETITION FOR VARIANCE
(3804 Perry Hall Road)
11th Election District
5th Council District
Lemuel Benjamin Rent, II
Legal Owner

Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS OF
* BALTIMORE COUNTY
* **CASE NO. 2024-0057-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Lemuel Benjamin Rent, II (“Petitioner”) for the property located at 3804 Perry Hall Road, Perry Hall, Baltimore County, Maryland (the “Property”). Petitioner requests variance relief from Baltimore County Zoning Regulations (“BCZR”) § 400.3 to permit an existing accessory structure to have a height of 16 feet 4 inches in lieu of the maximum permitted height of 15 feet.

A public hearing was conducted on May 29, 2024, using the virtual platform WebEx in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioner appeared *pro se* with the assistance of his son, Lemuel Benjamin Rent, III, in support of the Petition. There were no Protestants or other interested persons who participated in the hearing.

The following exhibits were received from county agencies and admitted into the record:
(1) Zoning Advisory Committee (“ZAC”) comments from the Department of Planning (“DOP”);
(2) Department of Environmental Protection Sustainability (“DEPS”) comments; and
Development Plans Review (“DPR”) comments. County reports do not indicate any objection to the requested relief.

Findings of Fact

On May 2, 2023, Mr. Rent applied for a building permit to construct a 14-foot tall accessory structure in the rear of his property. Permit No. R23-03087 was issued on September 18, 2023, to “construct detached steel garage on rear property of sfd 30'x25'x14'=750sf.” The accessory structure was constructed according to approved specifications. At some point after construction was completed but before final inspections, Baltimore County Code Enforcement responded to a constituent complaint for an unpermitted “two-story commercial metal building.” Upon investigation of the complaint, PAI determined that the accessory structure was built to a height of 16 feet 4 inches, 2 feet 4 inches in excess of the height proposed under the approved plans, and 1 foot 4 inches in excess of the maximum permitted height of an accessory structure in a residential zone. The building inspector on-site did not note any commercial use of the structure. Because the height of the accessory structure exceeded the height of 14 feet as stated in the plans, and because BCZR §400.3 prohibits accessory structures in residential zones to exceed 15 feet in height, Code Enforcement issued Citation Case No. CB2300667. The variance relief requested in this case is intended to cure the permit violation.

The Property is approximately 1.74 acres in land area and is zoned DR 1. The Property is sloped with the single-family home located in the mid-rise, and the rear yard is screened from neighboring lots by extensive mature tree cover. The Property is improved with a detached single-family dwelling and existing accessory structure. The Site is surrounded primarily by single-family detached dwellings of similar size and acreage. The Property enjoys substantial yard setbacks from adjacent lots and structures. The intended use of the accessory structure is for storage accessory to the single-family home.

Petitioner testified that the original plans called for a height of only 14 feet, but when it was determined that 10-foot tall doors were necessary to accommodate the storage of a tractor on site, the resulting roof elevation needed to be raised to accommodate the 10-foot tall doors, resulting in a total height of 16 feet 4 inches. Mr. Rent testified that he was not aware this modification violated the building permit or BCZR §400.3.

Conclusions of Law

The Petition requests variance relief from BCZR 400.3 to permit an accessory building (barn/garage) with a height of 16 feet 4 inches in lieu of the maximum permitted height of 15 ft. Pursuant to BCZR § 307.1, "...the [Administrative Law Judge] shall have ...the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare..." 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).

The Property's sloped terrain, significant vegetative cover, and substantial setbacks on all sides make this property unique with respect to any adverse impacts from the existing accessory

structure's height, particularly in light of the minimal variance requested. For these reasons, I find that this property is unique and that special circumstances or conditions exist that are peculiar to this property where strict compliance with the Zoning Regulations for Baltimore County with respect to maximum accessory building height would result in practical difficulty, as the intended permitted use functionally requires the minimal variance requested. I also find that the requested variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare. The barn is sited in the rear yard away from neighboring residences and largely obscured from view from public roads and adjacent lots and will have no adverse impact on adjacent lots in strict harmony with the spirit and intent of the BCZR.

THEREFORE, IT IS ORDERED, this 7th day of **June 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR, § 400.3 to permit an existing accessory structure to have a height of 16 ft., 4 inches in lieu of the maximum permitted height of 15 ft., be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. 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;
2. Petitioner and subsequent owners shall not convert the accessory structure into a dwelling unit or apartment. The detached garage shall not contain any sleeping quarters, living area, bathroom facilities or kitchen facilities;
3. The detached accessory building shall not have a separate utility or electric connection, except as recommended or required by utility or electric providers for technical or safety reasons; and

4. The detached accessory structure shall not be used for commercial or industrial purposes.

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



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB/dlm

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: March 18, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0057-A
Address: 3804 PERRY HALL RD
Legal Owner: Lemuel Benjamin Rent

Zoning Advisory Committee Meeting of March 18, 2024.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Additional Comments:

Reviewer: Earl D Wrenn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: March 14, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0057-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPR: No comment

DPW-T: No Exception taken.

Landscaping: No comment.

Recreations & Parks: No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 3/18/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0057-A

INFORMATION:

Property Address: 3804 Perry Hall Road
Petitioner: Lemuel Benjamin Rent III
Zoning: DR 1
Requested Action: Variance

The Department of Planning has reviewed the petition for the following:

Variance - From Section 400.3 of the Baltimore County Zoning Regulations to permit an existing accessory structure to have a height of 16' 4" in lieu of the maximum permitted height of 15'.

The subject site is an approximately 1.74 acre property in the Perry Hall area. It is improved with a single family detached dwelling, a stone drive, and a 25' by 30' accessory structure, which is the subject of this Zoning Variance request. Per County GIS software, the dwelling has a front yard setback of approximately 383'; per the site plan submitted with the Petition, the accessory structure is setback approximately 458' from the public right of way.

The site is primarily surrounded with single family detached dwellings. The nearby dwellings at 3802, 3806, 3808, 3839, and 3941 Perry Hall Road have deep front yard setbacks similar to that of the subject site. Northeast of the subject site is the Perry Hall Mansion, a Baltimore County Final Landmark. A nearby property (3915 Meeting House Road) was the subject of Zoning Case 2021-0247-A, which granted Variance relief to permit a proposed accessory structure (a pavilion) in the side yard in lieu of the required rear yard and to allow a height of 18' in lieu of the maximum permitted 15'.

The site is within the boundary of the Perry Hall Community Plan, adopted February 22nd, 2011. The Plan provides background information on the Perry Hall area, a vision plan for the area, and a variety of recommendations for within the Plan area boundary, but does not provide any guidance relevant to the petition at hand.

The accessory structure was the subject of Building Permit R23-03087 and two Code Complaints: CB2300660 and CB2300667. The Building Permit was for the construction of a detached steel garage on the rear of the property. The permit details list the size of the structure as 30' x 25' with a height of 14'. The permit was issued on September 19th, 2023. The Workflow on Cityworks shows that the accessory structure passed both the Building Footing Inspection and the Final Framing Inspection. The Final Building Inspection has yet to be resulted as of the date of these comments. Code Complaint CB2300660 was for the construction of an accessory structure over 15' in height and is marked as Closed on Citizen

Access. Code Complaint CB2300667 was for the construction of a large accessory structure without a Variance and is marked as a Monitor status on Citizen Access.

The Department of Planning contacted the Petitioner via email on March 12th, 2024 seeking information on the increased height from the time of permitting to the time of the Zoning Variance request. In a March 13th, 2024 reply, the Petitioner explained that the property belongs to his father and the accessory structure is a barn-type structure for tractor storage. The Petitioner explained that the barn door was originally proposed to be 9' tall, however, it was determined after a consultation with the manufacturer that the property owner would be better off with a 10' tall door to accommodate the 8.5' rollover protective structure (ROP) of the tractor; the property owner and Petitioner were not aware that increasing the door height would increase the overall height of the structure until after final payment.

The accessory structure is set back over 450' from the public right-of-way and allows for the property owner to properly store his tractor. This request is also not uncommon. For those reasons, the Department of Planning has no objections to the requested relief.

For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Lemuel Benjamin Rent III
Ainsley Pressl, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

CERTIFICATION OF POSTING

RE: Case No. 2024-0057-A

Petitioner: Lemuel Benjamin Rent

Hearing Date: 5/29/24

Baltimore County Department of
Permits, Approvals and Inspections
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s)
were posted conspicuously on the property located at _____

3804 Perry Hall Rd.-front of property, south side looking SE (1 of 4)

3804 Perry Hall Rd.-front of property, south side looking NW (2 of 4)

3804 Perry Hall Rd.-front of property, north side looking SE (3 of 4)

3804 Perry Hall Rd.-front of property, north side looking NW (4 of 4)

on 5/8/24

Sincerely,

Richard E. Hoffman (signed) 5/8/24

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

Certification of Posting

Case Number: 2024-0057-A

Sign Posting Date: 5/8/24



3804 Perry Hall Road-front south side property-looking SE (1 of 4)

Richard E. Hoffman (signed) 5/8/24

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Zoning Hearing Plan for Variance X for Special Hearing _____ Mark Type Requested with (X)
Address 3804 PERRY HALL RD. Owners(s) Name(s) LEMUEL B. RENT II/JR
Subdivision Name PERRY HALL MANOR Lot # 8A Block # N/A Section # B
Plat Book # 20 Folio # 129 10 Digit Tax # 1111068290 Deed Reference# 13690100480

See ATT# 1 for to scale
SITE PLAN

Site Vicinity Map



MAP IS NOT TO SCALE

Zoning Map # 063B2

Zoning Residential

Election District 11

Council District 5

Lot Area Acreage 1.74 AC

Lot Square Footage 75,794.43F

Historic (Yes or No) NO

CBCA (Yes or No) NO

Flood Plain (Yes or No) NO

Utilities - Mark with (X)

Water is:

Public _____ Private X

Sewer is:

Public _____ Private X

Prior Hearing (Yes or No) NO

If (Yes) list Case Number(s)

and order result(s) below:

Violation Case Number(s)

CB2300667

N

Plan Drawn By L. Ben Rent III Date 2/21/24 Scale: 1 inch = 50' Feet

2024-0057-A

ATT # 1

SCALE: 1" = 50'

PERRY HALL MANOR
SECTION 'B'
LOT NO. 8A E.L.B. 20/129
OWNER: LEMUEL B. RENT II
3804 PERRY HALL RD. 21128
2024-0057-A

