

IN RE: PETITION FOR SPECIAL HEARING	* BEFORE THE
W/S Brooklandwood Road, 750' S	* DEPUTY ZONING COMMISSIONER
of the c/J of Falls Road	* OF BALTIMORE COUNTY
(1004 Brooklandwood Road)	* Case No. 98-362-SPH
8th Election District	*
3rd Councilmanic District	
Elizabeth S. Mitchell	
Petitioner	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Elizabeth S. Mitchell, for property located at 1004 Brooklandwood Road, in Lutherville. The Petitioner seeks approval of a caretaker's apartment (and kitchen) within a proposed garage connected to an existing single family dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were K. Donald Proctor, Esquire, attorney for the Petitioner, and Joseph Mason, Architect and principal with Probst-Mason, Inc., the consulting firm which prepared the site plan for the subject property. Appearing as an interested party was Michael Brooks, a nearby property owner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 3.1 acres, zoned R.C.2, and is located in the Greenspring Valley area of Baltimore County. The Petitioners recently purchased the subject property and are in the process of making extensive renovations to the existing dwelling, including 3,200 sq.ft. of additional living space. Upon completion of these renovations, the dwelling will

ORDER RECEIVED FOR FILING

Date

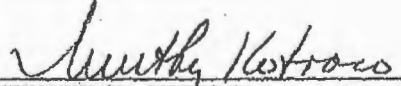
By

After due consideration of the testimony and evidence presented, I am persuaded to grant the special hearing relief. It is clear that strict compliance with the zoning regulations would result in practical difficulty and unreasonable hardship for the Petitioners and that the proposed garage with a caretaker's apartment therein and its connection to the single family dwelling, as shown on Petitioner's Exhibit 1, will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of June, 1998 that the Petition for Special Hearing to approve a caretaker's apartment (and kitchen) within a proposed garage connected to an existing single family dwelling located on R.C.2 zoned land, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

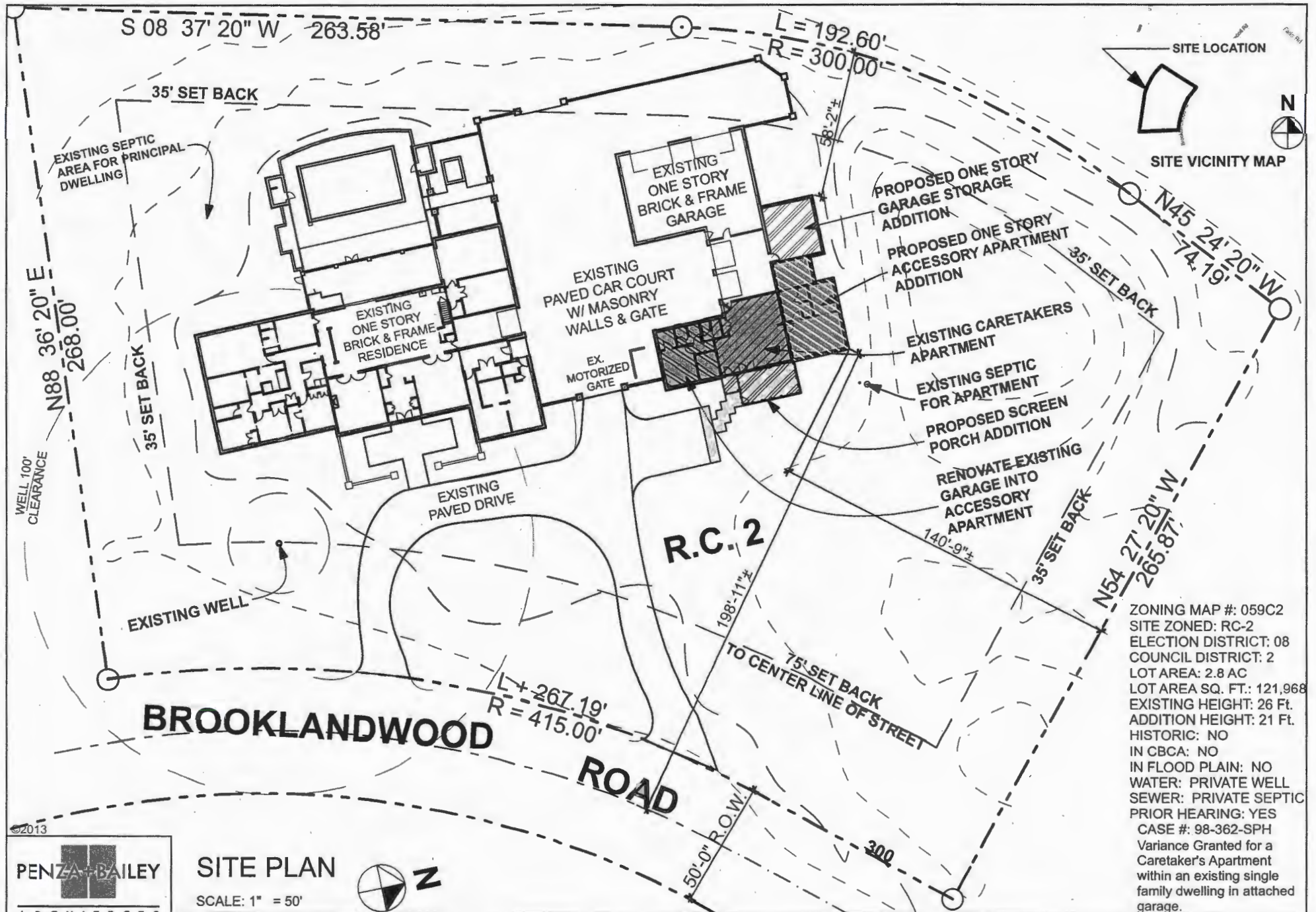

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

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Date 6/8/98

By [Signature]



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SITE PLAN

SCALE: 1" = 50'



ADDRESS: 1004 BROOKLANDWOOD
OWNER: ELIZABETH S. MITCHELL
SUBDIVISION NAME: BROOKLANDWOOD FARMS
LOT: 9
PLAT BOOK #: 18 FOLIO #: 130

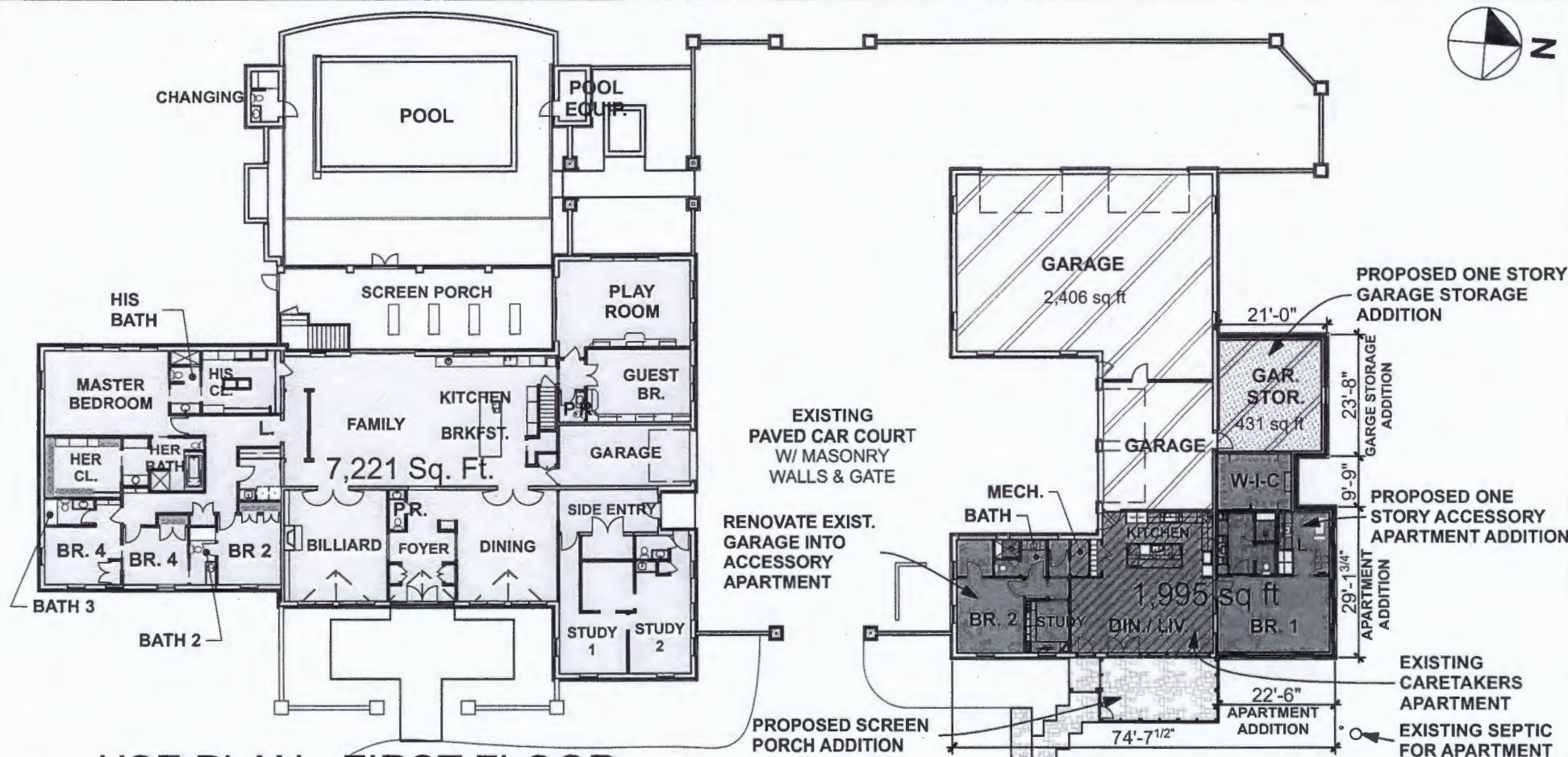
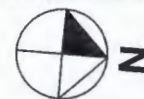
10-DIGIT TAX #: 0806058111

DEED REF #: 8013BLD (0012396 239)

SITE PLAN

DATE: OCT. 1, 2013

Z1-1



1

USE PLAN - FIRST FLOOR

SCALE: 1" = 30'



EXISTING PRINCIPLE DWELLING AT FIRST FLOOR = 7,221 Sq. Ft.

PROPOSED ACCESSORY APARTMENT WITHIN EXISTING DWELLING = 1,995 Sq. Ft. or 23% OF EXISTING PRINCIPAL DWELLING WHICH IS LESS THAN THE MAXIMUM 2,000 Sq. Ft. & LESS THAN 33% MAX. OF THE PRINCIPAL DWELLING

NOTE: BOTH PRINCIPLE DWELLING AND ACCESSORY APARTMENT SHALL HAVE ELECTRIC UTILITY SERVICE ON THE SAME METER.

SQUARE FOOT ESTIMATES AT RESIDENCE:

HOUSE EXISTING FIRST FLOOR = 7,221 SQ. FT.
HOUSE EXISTING LOWER LEVEL = 1,531 SQ. FT.
TOTAL EXISTING MAIN RESIDENCE: 8,752 SQ. FT.

EXISTING APARTMENT = 737 SQ. FT.
PROPOSED APARTMENT ADDITION = 773 SQ. FT.
PROPOSED CONVERSION OF GARAGE TO APARTMENT = 485
TOTAL PROPOSED APARTMENT = 1,995 SQ. FT.

TOTAL EXISTING GARAGE = 2,891 SQ. FT.
PROPOSED GARAGE STORAGE ADDITION = 431 SQ. FT.
GARAGE CONVERSION TO LIVING = (-485 SQ. FT.)
TOTAL PROPOSED GARAGE = 2,887 SQ. FT.

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WOLFF: BROOKLANDWOOD

1004 BROOKLANDWOOD ROAD
LUTHERVILLE, MD 21093

FIRST FLOOR USE PLAN

DATE: OCT. 1, 2013

Z1-2

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 8th day of October 2013, by and between Elizabeth S. Mitchell (hereinafter referred to as the "Declarant") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

Recitals

- A. The Declarant who is also the owner of this property has filed an application for a use permit to include an accessory apartment for herself in the existing caretaker's apartment and proposed additions within an existing single-family dwelling on this property, while the Declarant's daughter's family will occupy the main residence. The 1,995 square foot Accessory Apartment will be located on the Northeast end of the first floor of the structure adjacent to the existing shared garage.

The property being located at 1004 Brooklandwood Road and is more particularly described by the property description in **Exhibit A** (The Property) and **Exhibit B** (The Site Plan is Z1-3) attached hereto and made a part hereof. The property is zoned RC-2, which is the particular zone in which the property is located.

- B. PAI (or) The Administrative Law Judge has approved the Declaration request to create an Accessory Apartment complete with dedicated bathing and cooking facilities, located on this owner-occupied property.

The accessory apartment will be the housing for:

Elizabeth S. Mitchell (Declarant) (also Mother to Kim Wolff, listed below).

The other residents are:

Kim Wolff (Daughter to Declarant) & John Wolff (Husband to Kim); Nolan T., Lincoln, A. and Mitchell J. Wolf (Kim & John's three sons) within the South end of First floor.

The use permit must be renewed with PAI every two years by filing a renewal on a PAI approved form, to be dated from the month of the initial approval.

- C. As a condition of approval of the Declarant's request, Bill No. 49-11 requires the filing of this Declaration among the Land Records of

Baltimore County, to provide notice to any future owners, subsequent bona fide purchasers or users of the Property that no part of any improvements or addition on the Property may be used for separate living quarters and that all such improvements shall only be used as a single-family residence, unless otherwise approved by and at the discretion of PIA.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge, the Declarant and PIA hereby declare as follows:

1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit. The kitchen for the Accessory Apartment will be constructed as part of the Property and shall be accessory to the principal use of the property as a single-family residence. The Accessory Apartment shall house only the immediate family member listed in this Declaration and it is not to be used as an independent residential unit, nor is it to be used for compensation, and it shall not be used by any other person or for any other reason.
2. Once the Accessory Apartment is no longer occupied by the persons named in this Declaration or if the property is sold, or the use permit has not been renewed within the 2 year temporary use permit time limit, the use permit shall be terminated, and any proposed changes in occupancy to the Accessory Apartment by the property owner or subsequent purchaser shall require a new request for a use permit.
3. Upon use permit termination:
 - A. In the Accessory Apartment in the principal dwelling, use permit termination requires removal of the second kitchen and the former Accessory Apartment space to be occupied by the Declarant or subsequent purchaser.
 - B. The Declarant upon termination of the use permit will provide written notification to PAI for the closing of the Department file.
4. The covenants, conditions, and restrictions stated above shall run with and bind the Property and shall be enforceable by Baltimore County, MD and by the owners of all or any portion of the Property.

5. Enforcement of the Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of the covenants, either to restrain the violation or to recover damages.

IN WITNESS WHEREOF, the parties hereto have duly executed this Declaration under seal on the date first above written.

WITNESS: Kimberly M. Wolff X Elizabeth Mitchell

State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this 8th day of 2013, before the Subscriber, an Notary Public of the State of Maryland, personally appeared

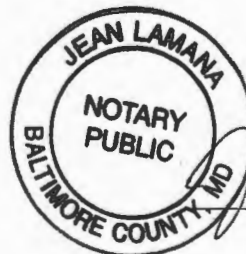
ELIZABETH S. MITCHELL

The declarant herein, who is the owner of this property, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and who acknowledged that she executed for the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, have hereunto set my hand and Notarial Seal.

My Commission Expires:

July 2, 2017



Jean Lamana
Notary Public
JEAN LAMANA

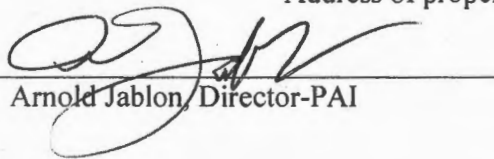


The Declaration of Understanding for the Accessory Apartment at:

1004 BROOKLAND WOOD ROAD

Address of property

is approved:


Arnold Jablon, Director-PAI

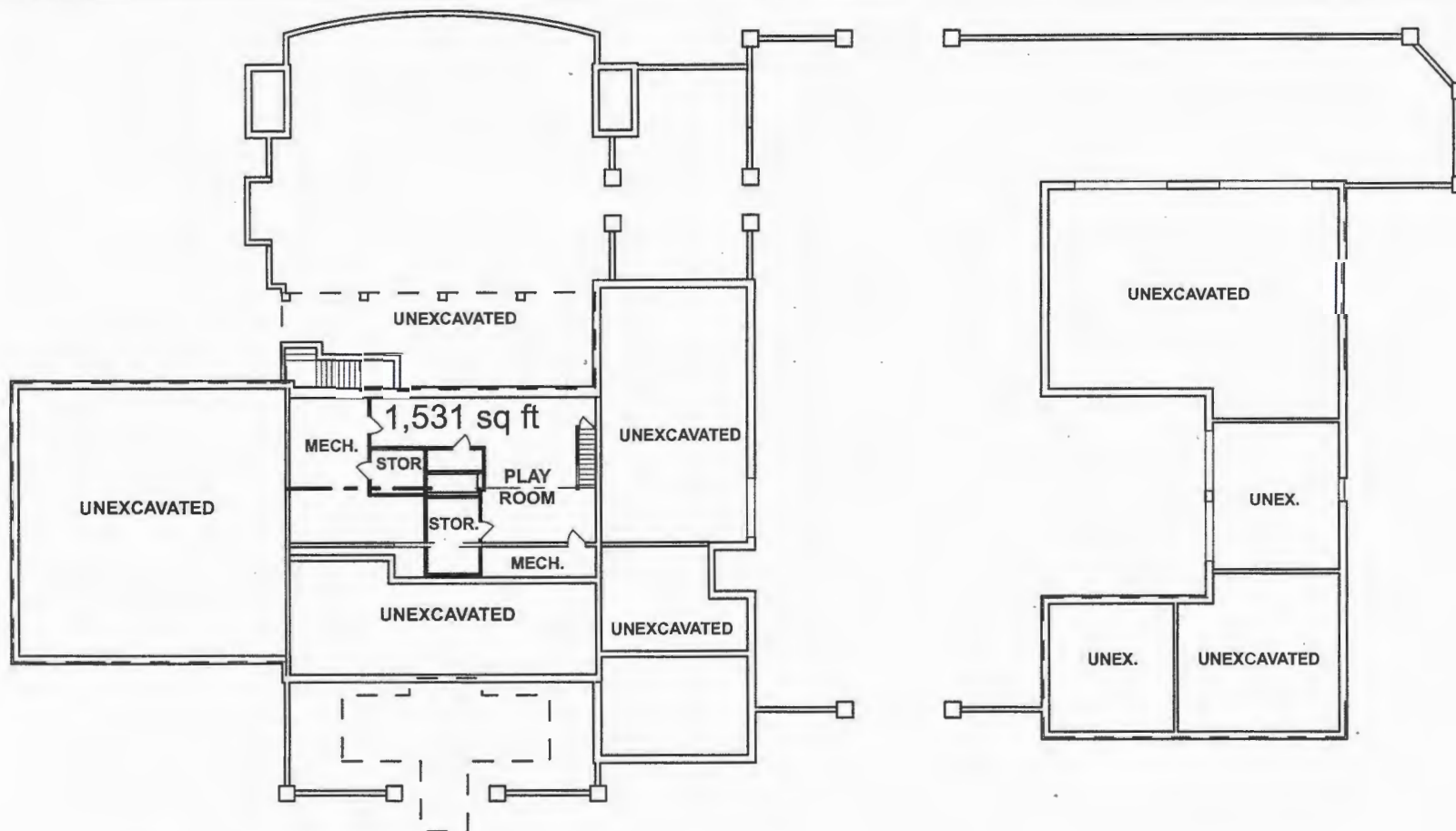
10/10/2013
Date

EXHIBIT A

BEING KNOWN AND DESIGNATED as Lot Nine (9), Section One, as shown on a Plat Entitled "BROOLKANDWOOD FARMS", which Plat is duly recorded among the Land Records of Baltimore County, Maryland in Plat Book G.L.B. No. 18, folio 130.

The improvements thereon being known as 1004 Brooklandwood Road, Baltimore, Maryland 21093.

BEING the same parcel of ground which by deed dated July 21, 1964 and recorded among the Land Records of Baltimore County, Maryland in Liber RRG No. 4331, folio 279 was granted and conveyed by James N. Krauter and Catherine A. Krauter unto John K. Frost and Moira A. Frost as Tenants by the Entireties. The said John K. Frost departed this life while still married to the said Moira A. Frost on or about August 29, 1990 thereby vesting absolute fee simple in and to the herein described property unto Moira A. Frost the Grantor herein as survivor.



1

USE PLAN - BASEMENT

SCALE: 1" = 30'



EXISTING PRINCIPLE DWELLING AT BASEMENT = 1,531 Sq. Ft.

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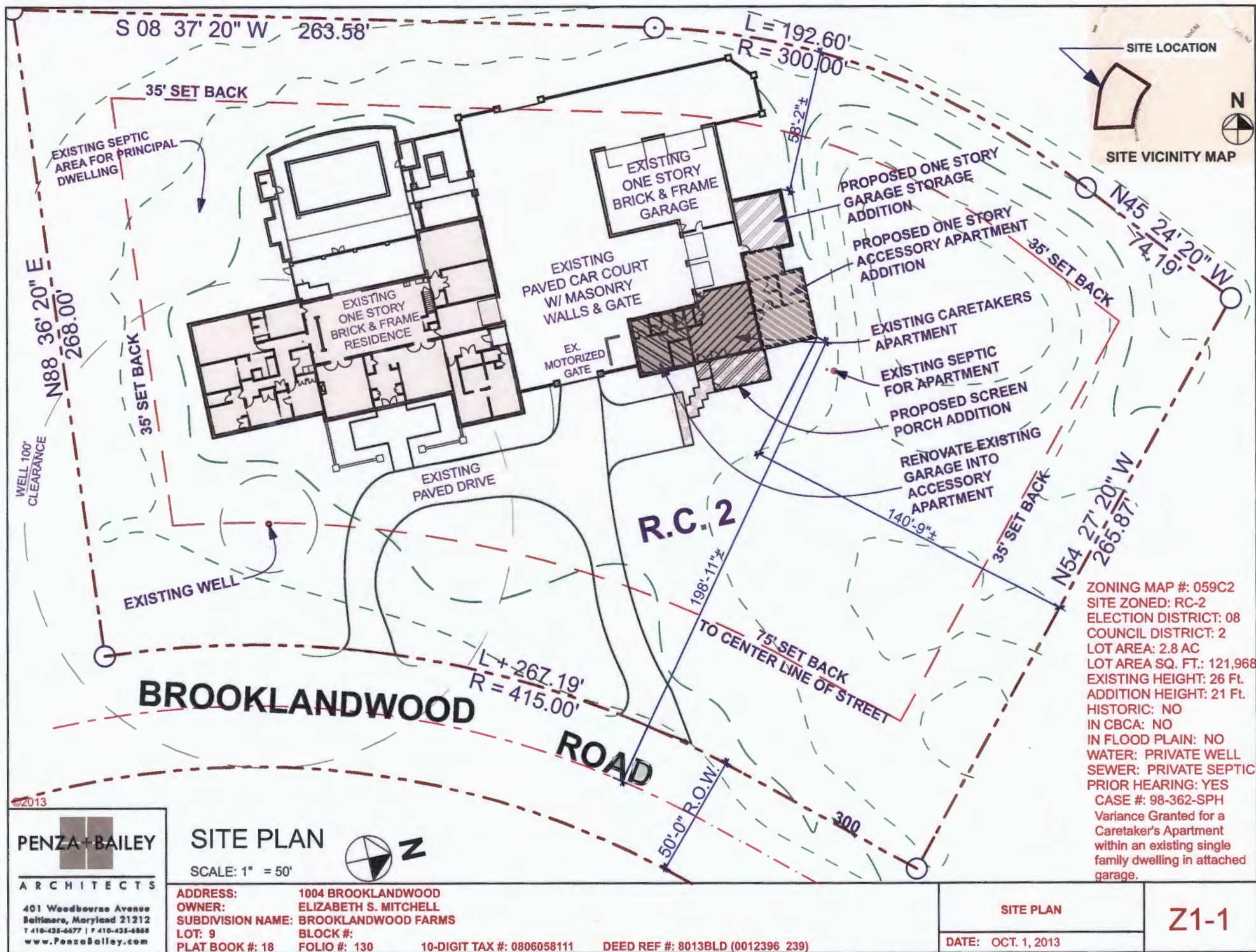
WOLFF: BROOKLANDWOOD

1004 BROOKLANDWOOD ROAD
LUTHERVILLE, MD 21093

BASEMENT USE PLAN

DATE: OCT. 1, 2013

Z1-3

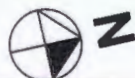


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SCALE: 1" = 50'



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OWNER: ELIZABETH S. MITCHELL
SUBDIVISION NAME: BROOKLANDWOOD FARMS
LOT: 9
PLAT BOOK #: 18
BLOCK #:
FOLIO #: 130

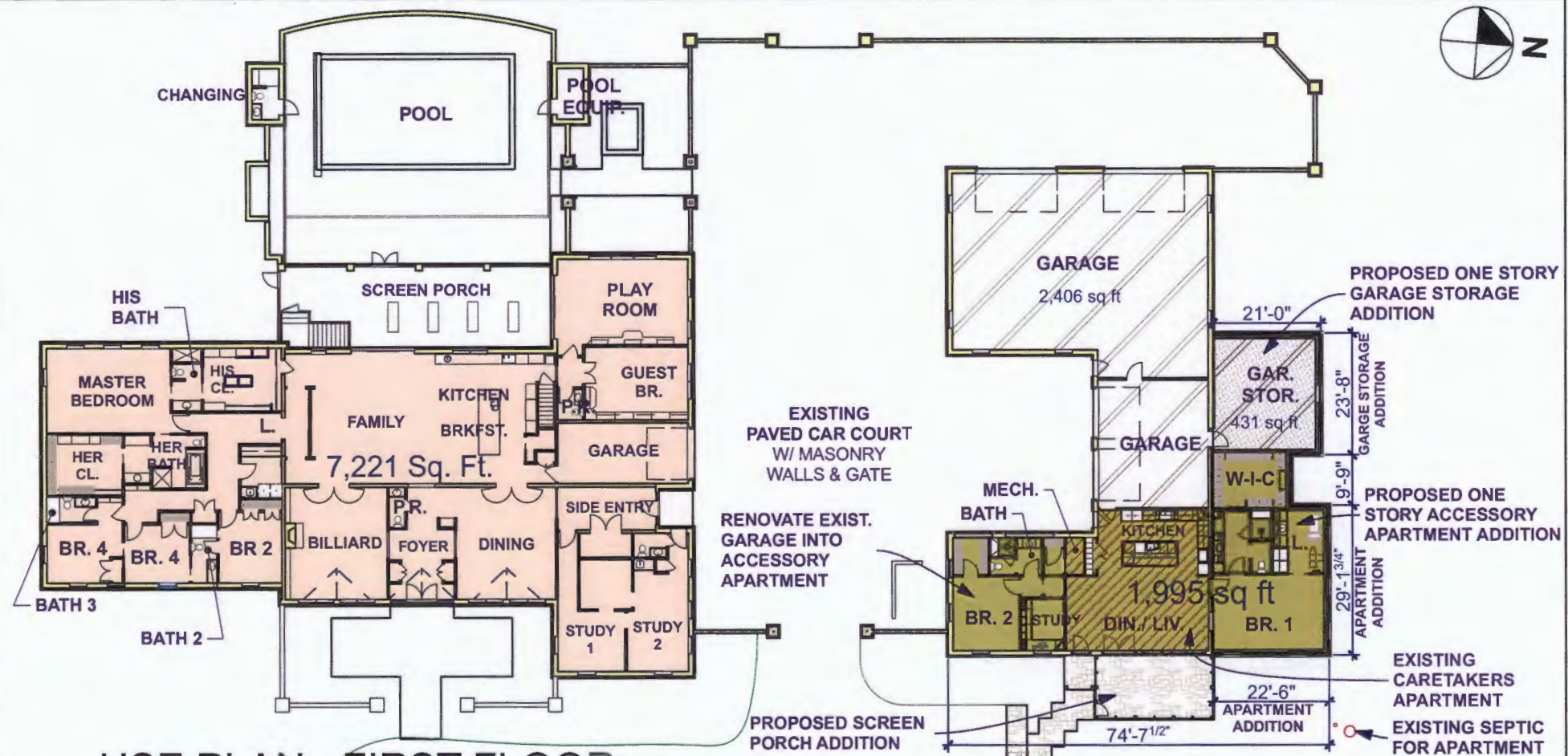
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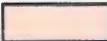
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Z1-1



1 USE PLAN - FIRST FLOOR

SCALE: 1" = 30'

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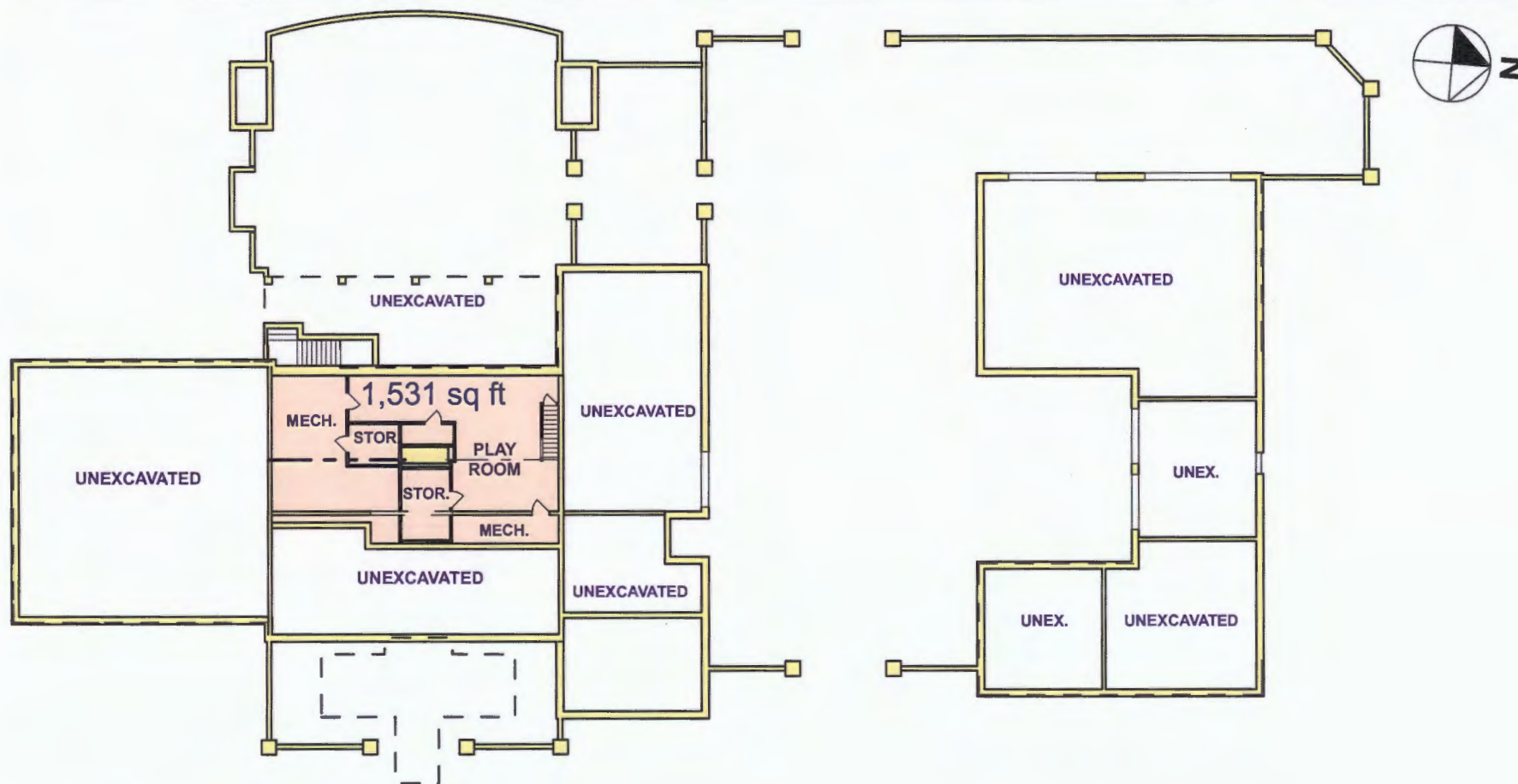
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FIRST FLOOR USE PLAN

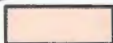
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Z1-2



1 USE PLAN - BASEMENT

SCALE: 1" = 30'



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BASEMENT USE PLAN

DATE: OCT. 1, 2013

Z1-3

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

No. 105086

Date: 10/9/13

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6130					11.00

Total: 11.00

Rec
From:

For:

1004 BROOKLAND WOOD RD

DECLARATION OF UNDERSTANDING

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION