

USE PERMIT



IT IS ORDERED by the Director of the Department of Permits, Approvals and

Inspections of Baltimore County, this 2nd day of March, 2018,

that William Dunkerton located at
(Individual or business name)
8808 Gerst Ave, Perry Hall, 21128 should be and the
(Street address)

same is hereby granted permission to operate a: in-law apartment
renewal - this permit expires on 3/31/2020

166258
Permit (or Receipt) Number

[Signature]
Director, Permits, Approvals and Inspections

Planner's Initials: RTA

Copy of original Declaration of Understanding.
4/2002

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 8th day of APRIL, 2002 by and between WILLIAM A. DUNKERTON + ELIZABETH A. DUNKERTON (hereinafter referred to as the Declarant") and the Department of Permits and Development Management (hereinafter referred to as "PDM").

Recitals

A. The Declarant has filed an application for permit with PDM requesting approval to construct an addition to the improvements on the property located at

8808 GERST AVENUE BALTIMORE, MD 21236
and more particularly described by metes and bounds in Exhibit A (the "Property") and attached hereto and made a part hereof. The property is zoned DR 3.5, which is the particular zone in which the property is located.

B. PDM has approved the Declarant's request to build an in-law addition, complete with kitchen, provided the improvement and addition are used as a single-family residence. The second kitchen will be removed and the addition's living space will be taken over by the Declarant upon the death of the in-law, if the in-law leaves or moves from the residence, or if the Declarant moves or sells the Property, whichever occurs first.

C. As a condition to its approval of the Declarant's request, PDM has required the filing of this Declaration amongst the Land Records of Baltimore County to provide notice to any future owners, subsequent bona fide purchasers or users of this Property that no part of any improvement or addition on the Property may be used for separate living quarters and that all such improvement shall only be used as a single-family residence, unless otherwise approved by and at the discretion of PDM.

DECLARATIONS

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declarant and PDM 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.

2. The kitchen for the in-law will be constructed as part of the addition to the Property, shall be accessory uses to the principal use of the Property as a single-family residence. Living quarters for the in-law shall be used only by the in-law and not as an independent residential unit, and shall not used by any other person or for any other reason.

3. Upon the death of the in-law, if the in-law leaves or otherwise vacates, or the Declarant moves or sells the Property, whichever occurs first, the living space of the addition will be incorporated into the living space of the single-family residential unit for the exclusive use of the Declarant or subsequent purchaser or user and the second kitchen removed.

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

WITNESS:

Brian Miller

William A. Dunkerton

Declarant

Brian Miller

Elizabeth A. Dunkerton

Declarant

State of Maryland, County of Baltimore: to wit:

I HEREBY CERTIFY that on this 8th day of April, 2008, before the Subscriber, a Notary Public of the State of Maryland, personally appeared William A. Dunkerton and Elizabeth A. Dunkerton, the declarant(s) herein, known to me (or satisfactorily proven) to be the person(s) who(se) names are subscribed to the within instrument, and (th)ey acknowledged that (th)ey executed for the foregoing instrument for the purposes therein contained.

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

Brian Miller
Notary Public

My Commission Expires: 11/1/06



October 22, 2001

Description for Lot #3 Minor Subdivision
Of Thelma Mather Property Deed Ref: L1645 – F246
GERST AVENUE – BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a Concrete Monument Found at the end of the Ninth or South 31 degrees 47 minutes 30 seconds West 655.84 foot line of the land conveyed from Harvey S. Myers and Madeline H Myers, his wife to the Board of Education of Baltimore County, Maryland by deed dated May 28, 1963 and recorded among the Land Records of Baltimore County in Liber 4149, folio 14 said concrete monument also being at the beginning of the sixth or North 40 degrees 36 minutes East, 649.78 foot line of the land conveyed to Nathaniel Mather, et al by deed dated February 20, 1948 and recorded among the aforesaid Land Records in Liber 1645, folio 346, thence running and binding along said sixth line of Mather and reversly along said ninth line of the Board of Education of Baltimore County, as now surveyed in the Maryland State NAD 83 system:

1. North 31 degrees 22 minutes 03 seconds East, 303.56 feet to a point, thence leaving said line and running for three new lines of division
2. South 58 degrees 37 minutes 57 seconds East. 33-14 feet to a point, thence
3. South 86 degrees 31 minutes 02 seconds East 65.06 feet to a point, thence
4. North 30 degrees 49 minutes 57 seconds East 284.57 feet to a point on the newly dedicated right of way line of Gerst Avenue, thence running and binding along said right of way line
5. South 54 degrees 37 minutes 02 seconds East 12.04 feet to a point on and distant 25.08 feet from the beginning of the first or South 40 degrees 35 minutes West 316.00 foot line of the aforementioned deed, Mather, said point also being 290.92 feet from the beginning of the sixth or North 40 degrees 35 minutes East, 316.00 foot line of the Land conveyed from Robert C. Yentzer and Maryann A. Yentzer, his wife to Donald E. Alexander and Eunice G. Alexander, his wife by deed dated April 20, 1989 and recorded among the aforesaid Land Records in Liber 8158, folio 679, thence running and binding along said first line of Mather and reversly along said sixth line of Alexander
6. South 30 degrees 49 minutes 57 seconds West 290.92 feet to a 3 /4" iron pipe found at the end of the first line of Mather and the beginning of the sixth line of Alexander, said point also being on and distant 49.68 feet from the beginning of the sixth or South 79 degrees 11 minutes East 465.47 foot line of the Land conveyed from Michael S. Wychulis and Dianne L. Wychulis, his wife to Paul L. Hoffman by deed dated August 13. 1999 and recorded among the aforesaid Land Records in Liber 14042, folio 397, thence running and binding along the second and third lines of Mather and along part of the sixth and all of the fifth lines of Hoffman

BEGINNING _____

BEING THE SAME _____

USE PERMIT



IT IS ORDERED by the Director of the Department of Permits, Approvals and Inspections of Baltimore County, this 31ST day of MARCH, 2016

that WILLIAM DUNKERTON located at

(Individual or business name)

8808 GERST AVENUE should be and the

(Street address)

PERRY HALL, MD 21128

same is hereby granted permission to operate a: IN-LAW APARTMENT

THIS USE PERMIT EXPIRES ON 03/31/2018.

1318115

Permit (or Receipt) Number

Carl Johnson
Director, Permits, Approvals and Inspections

Planner's Initials AT

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 31st day of March 2016, by and between William A. Dunkerton and Elizabeth A. Dunkerton (hereinafter referred to as the "Declarant") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

Recitals

- A. The Declarants, who are also the owners of this property, have filed an application for a use permit for an in-law apartment within the single-family detached dwelling described below, complete with bathing and cooking facilities. The property being located at 8808 Gerst Avenue Perry Hall, Maryland 21128 and is more particularly described by metes and bounds in **Exhibit A** (The Property) and **Exhibit B** (The use permit or hearing plans) attached hereto and made a part hereof. The property is zoned DR 3.5, which is the particular zone in which the property is located.
- IN APRIL 8, 2002, THE PAI APPROVED A NEW HOUSE PLAN WITH*
- 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 William R. Dunkerton and Lois E. Dunkerton, the parents of William A. Dunkerton. 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.

DECLARATIONS

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge, the Declarant(s) 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 members 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. The use permit and this Declaration are subject to the order, conditions or restrictions of any required zoning hearing. The hearing order is to be made part of this Declaration when it is recorded in Land Records.
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 terminate, 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(s) or subsequent purchaser.

B. The Declarant(s) 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:

Jody A. Gorman
Jody A. Gorman
Joshua Gorman
Joshua Gorman

William A. Dunkerton
Declarant
Elizabeth Dunkerton
Declarant

State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this day March 31 2016 of 2016, before the Subscriber, a Notary Public of State of Maryland, personally appeared William A. Dunkerton and Elizabeth A. Dunkerton the declarants herein, who are also the owners of this property, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and who acknowledged that they 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 12, 2016

Jody A. Gorman
Notary Public



Exhibit A

Description for Lot #3 Minor Subdivision
Of Thelma Mather Property Deed Ref: L 1645 - F246
GERST AVENUE - BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a Concrete Monument Found at the end of the Ninth or South 31 degrees 47 minutes 30 seconds West 655.84 foot line of the land conveyed from Harvey S. Myers and Madeline H. Myers, his wife to the Board of Education of Baltimore County, Maryland by deed dated May 28, 1963 and recorded among the Land Records of Baltimore County in Liber 4149, folio 14 said concrete monument also being at the beginning of the sixth or North 40 degrees 36 minutes East, 649.78 foot line of the land conveyed to Nathaniel Mather, et al by deed dated February 20, 1948 and recorded among the aforesaid Land Records in Liber 1645, folio 346, thence running and binding along said sixth line of Mather and reversly along said ninth line of the Board of Education of Baltimore County, as now surveyed in the Maryland State NAD 83 system:

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3. South 86 degrees 31 minutes 02 seconds East 65.06 feet to a point, thence
4. North 30 degrees 49 minutes 57 seconds East 284.57 feet to a point on the newly dedicated right of way line of Gerst Avenue, thence running and binding along said right of way line
5. South 54 degrees 37 minutes 02 seconds East 12.04 feet to a point on and distant 25.08 feet from the beginning of the first or South 40 degrees 35 minutes West 316.00 foot line of the aforementioned deed, Mather, said point also being 290.92 feet from the beginning of the sixth or North 40 degrees 35 minutes East, 316.00 foot line of the Land conveyed from Robert C. Yentzer and Maryann A. Yentzer, his wife to Donald E. Alexander and Eunice G. Alexander, his wife by deed dated April 20, 1989 and recorded among the aforesaid Land Records in Liber 8158, folio 679, thence running and binding along said first line of Mather and reversly along said sixth line of Alexander
6. South 30 degrees 49 minutes 57 seconds West 290.92 feet to a 3/4" iron pipe found at the end of the first line of Mather and the beginning of the sixth line of Alexander, said point also being on and distant 49.68 feet from the beginning of the sixth or South 79 degrees '11 minutes East 465.47 foot line of the Land conveyed from Michael S. Wychulis and Dianne L. Wychulis, his wife to Paul L. Hoffman by deed dated August 13, 1999 and recorded among the aforesaid Land Records in Liber 14042, folio 397, thence running and binding along the second and third lines of Mather and along part of the sixth and all of the fifth lines of Hoffman

Exhibit B(1):

Received: 2/12/02 1:07PM;

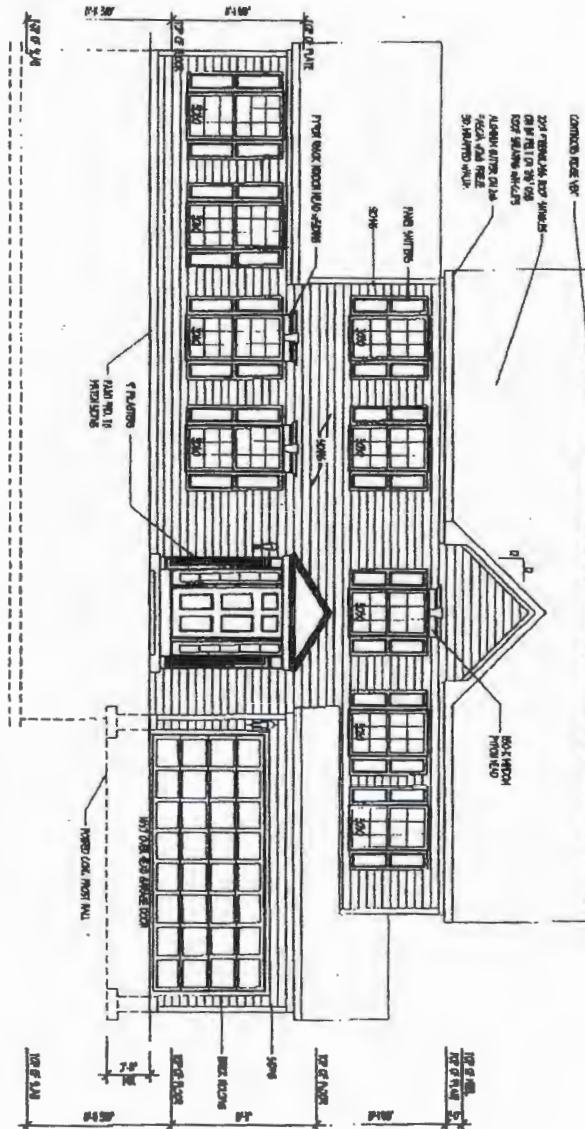
410 997 2924 -> Maryland Landmark; Page 2

Sent By: D.W. TAYLOR;

410 997 2924;

Feb-12-02 11:30;

Page 2/3



FRONT ELEVATION #1

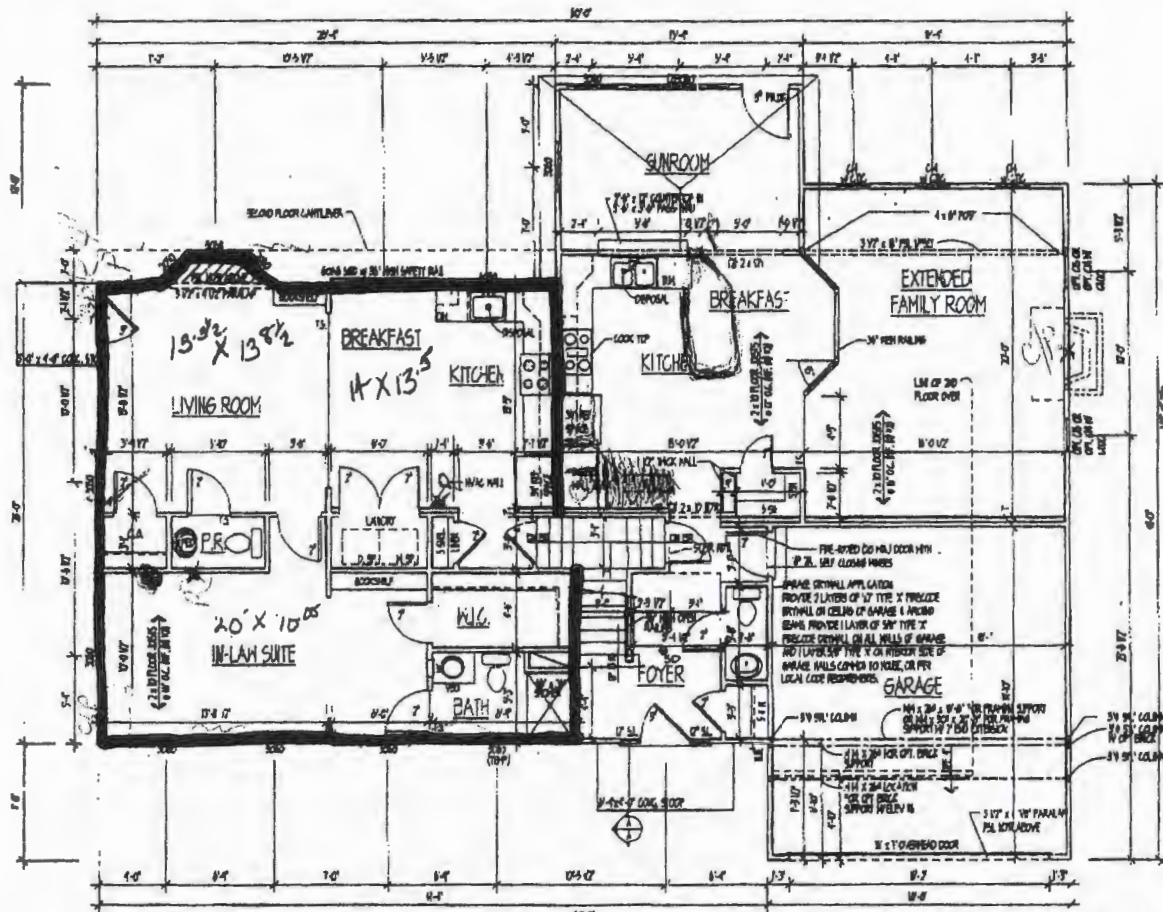
4/6/2016

Custom BRITANNY MARLE
w/ 14-lan SUITE

2.12.02

352. 26

[illegible]



FIRST FLOOR PLAN WITH IN-LAW SUITE (high lighted on left)
 IN LAW $\approx 756\text{ft}^2$

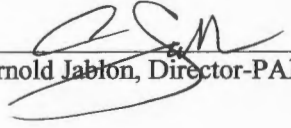
dw taylor ARCHITECT	
PROJECT: 1938	
PROJECT TITLE: MD LANDMARK NEW HOMES CUSTOM BRITANNIA MARIE	
CONTENT: FIRST FLOOR PLAN (CUSTOM LOT # 1)	
PROJECT NUMBER: 1938	DRAWING NUMBER: 3A

[illegible] $\frac{1}{4} : 1 : 0$



The Declaration of Understanding for the Accessory Apartment at 8808 Gerst Avenue Perry Hall, Maryland 21128

is approved: _____


Arnold Jablon, Director-PAI

3/31/16
Date

Clerk of the Circuit Court for
Baltimore County

County Courts Building

401 Bosley Avenue, PO BOX 6754
Towson, MD 21285-6754

(410)887-2601

=====

R - Declaration/Covenant Recording Fee	1x	20.00	20.00
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Declarant Name: DUNKERTON

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R - Surcharge	1x	40.00	40.00
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SubTotal:	60.00
Total:	60.00

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RD-Credit	60.00
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Credit Card Confirmation : 09812C
Card Number : VISA

3/31/2016 11:42 CC03-SF
1847345 /540/67

JULIE L. ENSOR
Clerk of the Court

DECLARATION OF UNDERSTANDING

UNDERSTANDING (hereinafter referred to as "Declaration") is made by and between William A. Dunkerton and Elizabeth A. Dunkerton (the "Declarant") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

Recitals

The owners of this property, have filed an application for a use permit for the construction of a single-family detached dwelling described below, including dedicated bathing and cooking facilities. The property being located at 8808 Gerst Avenue and is more particularly described by metes and bounds in **Exhibit A** (The use permit or hearing plans) attached hereto and made a part of this Declaration. The use permit is for a use in Zoning District R 3.5, which is the particular zone in which the property is located.

THE PAI APPROVED A NEW HOUSE PLAN WITH AN ACCESSORY APARTMENT. THE PAI APPROVED THE DECLARATION REQUEST TO CREATE AN ACCESSORY APARTMENT WITH DEDICATED BATHING AND COOKING FACILITIES, LOCATED ON THIS PROPERTY. THE ACCESSORY APARTMENT WILL BE THE HOUSING FOR WILLIAM R. DUNKERTON AND LOIS E. DUNKERTON, THE PARENTS OF WILLIAM A. DUNKERTON.

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 additions 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 PAI.

DECLARATIONS

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declarant(s) and PAI 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 members 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. The use permit and this Declaration are subject to the order, conditions or restrictions of any required zoning hearing. The hearing order is to be made part of this Declaration when it is recorded in Land Records.

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 terminate, 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.

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.)

(Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

1	Type(s) of Instruments	(☐ Check Box if addendum Intake Form is Attached.)			
		Deed	Mortgage	☒ Other <u>Declaration of Understanding</u>	Other _____
2	Conveyance Type Check Box	Improved Sale	Unimproved Sale	Multiple Accounts	Not an Arms-
		Arms-Length [1]	Arms-Length [2]	Arms-Length [3]	Length Sale [9]
3	Tax Exemptions (if Applicable)	Recordation			
		State Transfer			
		County Transfer			
Cite or Explain Authority					

4	Consideration and Tax Calculations:	Consideration Amount	
		Purchase Price/Consideration	\$
		Any New Mortgage	\$
		Balance of Existing Mortgage	\$
		Other:	\$
		Other:	\$
Full Cash Value:		\$	

Finance Office Use Only	
Transfer and Recordation Tax Consideration	
Transfer Tax Consideration	\$
X () %	= \$ <u>EXEMPT</u>
Less Exemption Amount	
Total Transfer Tax	= \$
Recordation Tax Consideration	\$
X () per \$500	= \$ <u>EXEMPT</u>
TOTAL DUE	\$

5	Fees	Amount of Fees		Doc. 1	Doc. 2
		Recording Charge	\$	\$	
		Surcharge	\$	\$	
		State Recordation Tax	\$	\$	
		State Transfer Tax	\$	\$	
		County Transfer Tax	\$	\$	
		Other <u>Declaration</u>	\$	\$	
		Other	\$	\$	

Agent: <u>AM</u>
Tax Bill: <u>Fyl - PD</u>
C.B. Credit: _____
Ag. Tax/Other: <u>✓</u>

6	Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOC	
		<u>11</u>	<u>2400000401</u>	<u>16530.457</u>				☐ (5)
		Subdivision Name		Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (
		Location/Address of Property Being Conveyed (2)						
		<u>8808 Gerst Avenue Perry Hall MD 21128</u>						
Other Property Identifiers (if applicable)		Water Meter Account No.						

Residential ☐ or Non-Residential ☐	Fee Simple ☐ or Ground Rent ☐	Amount:
Partial Conveyance? ☐ Yes ☐ No	Description/Amt. of SqFt/Acreage Transferred:	
If Partial Conveyance, List Improvements Conveyed:		

7	Transferred From	Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
		<u>William A. Dunkerton</u> <u>Elizabeth A. Dunkerton</u>	
		Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	Doc. 2 - Owner(s) of Record, if Different from Grantor(s)

8	Transferred To	Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
		<u>Baltimore County Permits</u>	
New Owner's (Grantee) Mailing Address			

9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)	Doc. 2 - Additional Names to be Indexed (Optional)

10	Contact/Mail Information	Instrument Submitted By or Contact Person		☐ Return to Contact Person ☐ Hold for Pickup ☐ Return Address Provided
		Name:	<u>William A. Dunkerton</u>	
		Firm		
		Address:	<u>8808 Gerst Avenue Perry Hall MD 21128</u>	
		Phone:	<u>(410) 931-2913</u>	

11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER