

4P-2007-0001 I

file



BALTIMORE COUNTY

MARYLAND

July 24, 2007

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

Mr. & Mrs. Dale Topper
13270 Hiltner Road
Reisterstown, Maryland 21136

RE: Declaration of Understanding Request
13270 Hiltner Road

Dear Mr. & Mrs. Topper:

Your recent request for approval of a Declaration of Understanding for an in-law suite and the above referenced location has been forwarded to me for reply. Based on our telephone conversation of July 24, 2007 and my review of the available zoning records, the following has been determined:

1. The Director of Permits and Development Management has approved the enclosed Declaration of Understanding. Approval of this declaration does not indicate approval of the proposed building permit application.
2. Please record the enclosed declaration in the County Land Records Office prior to building permit application. Save your Land Records recording receipt, as you will need that to apply for your building permit.

Please be aware that this response applies to the BCZR (Baltimore County Zoning Regulations) and does not apply to regulations enforced by other county or state agencies.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,


Donna Thompson
Planner II, Zoning Review

DT

8/16/07
Saw receipt
was recorded



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Sincerely,

A handwritten signature in cursive script that reads "Donna Thompson".

Donna Thompson
Planner II, Zoning Review

DT

TOD
7/9/07
m

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 5th day of June, 2007, by and between Dale F. Topper & Sharon E. Topper (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 13720 Hiltner Road, Reisterstown, MD 21136 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 RC8, which is the particular zone in which the property is located.

B. PDM has approved the 'Declarants' request to build an in-law addition, complete with kitchen, provided the improvement and addition are used as a single family residence. The addition will be the housing for Declarant's son and daughter-in-law with the benefit of being attached to his family. The second kitchen will be removed and the addition's living space will be taken over by the Declarants 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 party 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 be 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 their second kitchen removed.

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

WITNESS:

[Signature]

[Signature]
Declarant

[Signature]

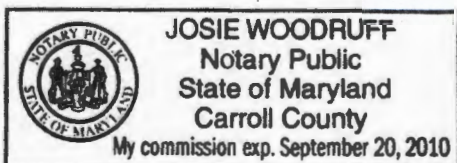
[Signature]
Declarant

State of Maryland, County of Baltimore: to wit:

I HEREBY CERTIFY that on this 3 day of JULY, 2007,
before the Subscriber, a Notary Public of the State of Maryland, personally appeared

Dale Topper + Sharon Topper,
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.



[Signature]
Notary Public

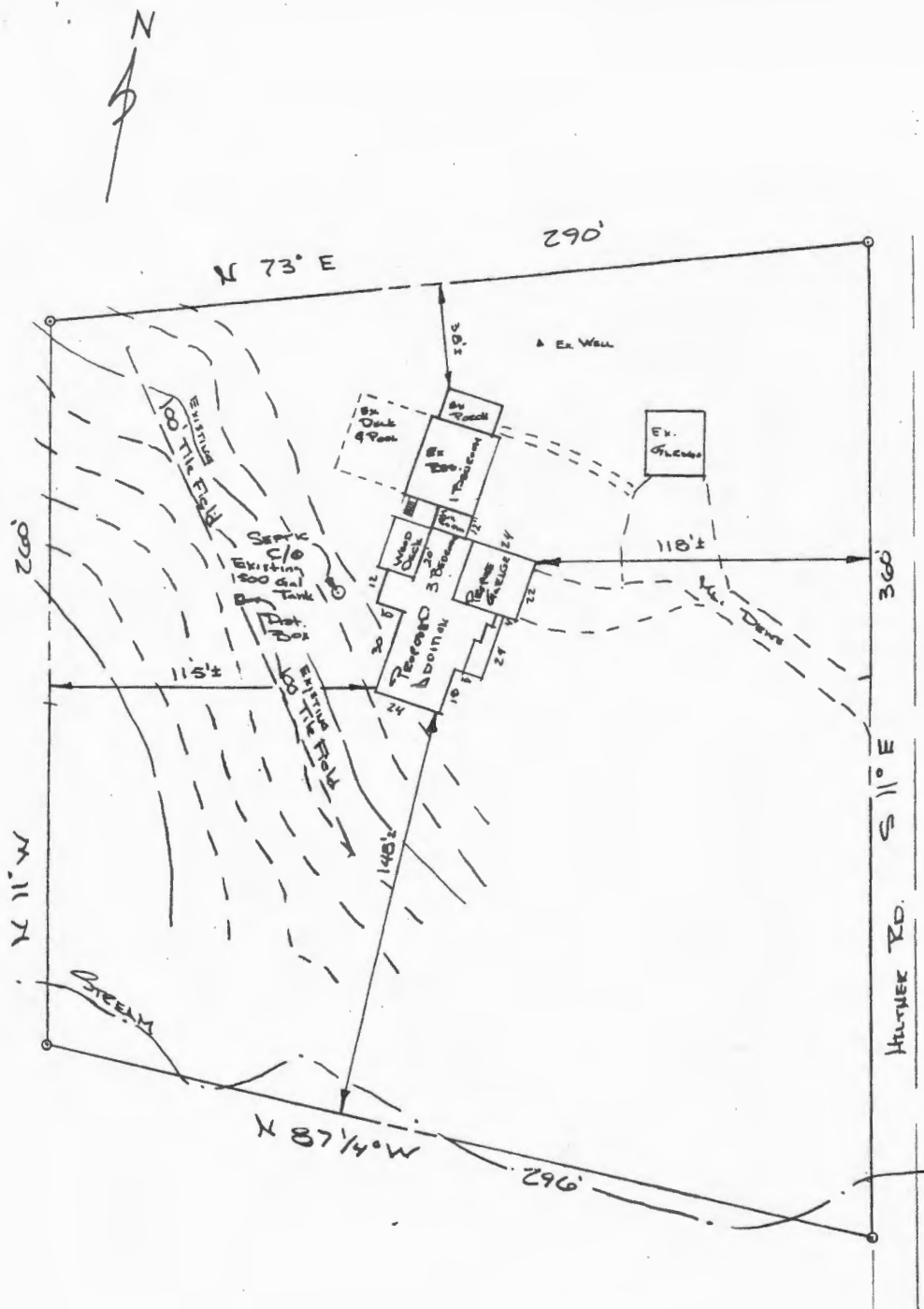
BEGINNING for the same at a stake now driven in the fourth or north 89-1/1 degrees West 635 foot line of the land which by deed dated October 18, 1956, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3037, Folio 162, was granted and conveyed by Albert Welvaert and wife to Charles W. Hiltner and wife, said point being at the distance of 15 feet from the beginning of the said line, and running thence and binding on a part of said line north 87-1/4 degrees West 296 feet to a stake; thence for lines of division now made of the fourth line of the lot now to be conveyed to Joseph R. Warnick and wife; thence parallel with and 15 feet distant from third line of the conveyance to Joseph R. Warnick and wife as aforesaid, with the use of the said 15 foot strip in common North 73 degrees East 290 feet to a stake; thence parallel with and 15 feet distant from the third line of the whole parcel conveyed by Albert Welvaert to Charles W. Hiltner and wife as aforesaid, with the use of the said 15 foot strip in common, South 11 degrees East 360 feet to the place of beginning. Containing 2 acres of land more or less. The description herein is taken from a survey made by George Bucher John, Registered Land Surveyor, on July 17, 1957.

TOGETHER with and especially a right-of-way for ingress and egress 15 feet wide running South 11 degrees East from the place of beginning to Glens Falls Road, with the right to install and maintain public utilities along said right-of-way.

The improvements thereon being known as 13720 Hiltner Road.

BEING all and the same property which by Deed dated September 11, 1959, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3618, folio 121, was granted and conveyed by Charles W. Hiltner and wife unto the said Marion F. Allphin and Lilly N. Allphin, his wife, in fee simple. The said Marion F. Allphin has heretofore departed this life thereby vesting title absolutely in the Grantor herein.

TOGETHER WITH the buildings and improvements thereupon erected, made, or being and all and every the rights, alleys, ways, waters, privileges, appurtenances, and advantages to the same belonging anyway appertaining.



PROPOSED SITE PLAN

DALE & SHARON TOPPER
13270 HUTNER ROAD
KEISTERSTOWN MD 21136
BALTIMORE CO.,

Liber: 3618 Folio: 121

SCALE 1"=50'.0

ALFORD HOMES INC.
410-876-6609

Department of Permits
And Development Management
Of Baltimore County

WITNESS:

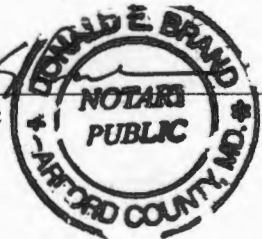
[Signature] By: Timothy Kotroko
Director

Hartford
State of Maryland, County of ~~Baltimore~~: to wit:

I HEREBY CERTIFY that on this 25th day of July,
2007, before the Subscriber, a Notary Public of the State of Maryland, personally
appeared Timothy M. Kotroko,
the Director of the Department of Permits and Development Management herein, known
to me (or satisfactorily proven) to be the person whose name is subscribed to the within
instrument, and he acknowledged that he executed for the foregoing instrument for the
purposes therein contained.

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

[Signature]
Notary Public



My Commission Expires:

12-1-2007

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☐ County: _____

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)

1	Type(s) of Instruments	☐ Check Box if addendum Intake Form is Attached			
		Deed	Mortgage	☒ Other <u>DEC</u>	Other _____
2	Conveyance Type Check Box	Improved Sale	Unimproved Sale	Multiple Accounts	Not an Arms-Length Sale
		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		Finance Office Use Only	
		Purchase Price/Consideration \$		Transfer Tax Consideration \$	
		Any New Mortgage \$		X () % = \$	
		Balance of Existing Mortgage \$		Less Exemption Amount - \$	
		Other: \$		Total Transfer Tax = \$	
		Other: \$		Recordation Tax Consideration \$	
		Full Cash Value: \$		X () per \$500 = \$	
				TOTAL DUE \$	
				Agent: <u>[Signature]</u>	
				Tax Bill:	
		C.B. Credit:			
		Ag. Tax/Other:			

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. LOG	
			04-01-036500					☐ (5)
		Subdivision Name		Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)
		Location/Address of Property Being Conveyed (2)						
		13720 Hittner Rd.						
		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)
		Dale F. Topper Sharon E. Topper	
8	Transferred To	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)
		Dept. Permits & Dev. Mgmt	
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:	Dale & Sharon Topper	
		Firm		
		Address:	13720 Hittner Rd.	
		Phone:	()	

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

Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.)

FD SURE 1 20.00
RECORDING FEE 20.00
TOTAL 40.00
Rec'd 16075
LL Rik 1728
16, 2007 12:12 PM