

EXHIBIT B

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(12852 Stone Eagle Road)		
10 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
Scott and Michelle Krosnowski	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2013-0234-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Scott and Michelle Krosnowski. The Petitioners are requesting Variance relief pursuant to Section 1A01.3.B.2 (1972 RSC) of the Baltimore County Zoning Regulations ("B.C.Z.R), to permit an addition (In-Law Apartment) with a side setback of 17' in lieu of the required 50' to any lot line. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 21, 2013, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general

welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

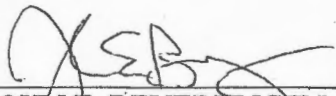
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 15th day of May, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 1A01.3.B.2 (1972 RSC) of the Baltimore County Zoning Regulations ("B.C.Z.R), to permit an addition (In-Law Apartment) with a side setback of 17' in lieu of the required 50' to any lot line, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for any appropriate permits 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 such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The relief granted herein pertains only to the side yard setback requirements of the RC 6 zone. The administrative special hearing procedure can only be utilized for variances of height and area regulations. As such, approval for an in-law apartment will require a use permit and/or special hearing in the OAH, as set forth in Baltimore County Council Bill No. 49-11.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

Declaration of Understanding

This declaration of understanding (hereinafter referred to as "Declaration") is made on this 10th day of April , 2013 by and between Michelle and Scott Krosnowski and the Department of Permits (hereinafter referred to as "PIA")

Recitals

- A- We would like to add an addition to our current home to include an in law apartment as well as a garage for our use. The property is located at 12852 Stone Eagle Road Phoenix MD 21131 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 RC-6 which is the particular zone in which the property is located.
- B- 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 Carol J. Carty who is Michelle Carty Krosnowski's Mother. The other occupants of the property are Michelle Carty Krosnowski (wife), Scott Carroll Krosnowski (husband), Kendall Michelle Clark (daughter of Michelle Krosnowski) and Grayson Scott Krosnowski (son of Scott and Michelle Krosnowski). All but Carol Carty live in upstairs bedrooms in the current structure. 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 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 the PIA

Declaration of Understanding page 2

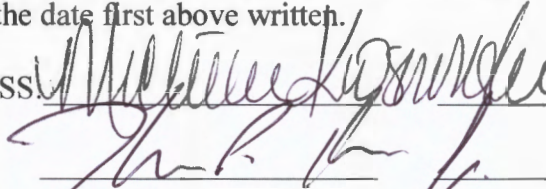
NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge, the Declarants and PIA hereby declare as follows:

- 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(s) 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 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 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. The Declarant(s) upon termination of the use permit will provide written notification to PAI for the closing of the Department file.
- 4-There is no four..
- 5-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.
- 6-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.

Declaration of Understanding page 3

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

WITNESS



State of Maryland, County of Baltimore to wit:

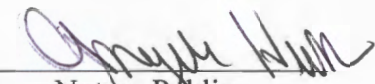
I HEREBY CERTIFY that on this 11th day of April 2013, before the Subscriber, a Notary Public of State of Maryland, personally appeared.

The declarant(s) herein, who are 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:

12.2.14



Notary Public

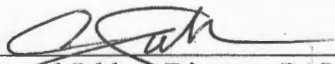




The Declaration of Understanding for the Accessory Apartment at:

Address of property

is approved: _____


Arnold Jablon, Director-PAI

4/6/13
Date

DECLARATION

"EXHIBIT A"

Lot 7 mck
2 of
BEING KNOWN AND DESIGNATED as ~~Parcel 8~~ in block B as shown on the Plat of ~~Section 2-B~~ Eagles Nest, which Plat is recorded among the Plat Records of Baltimore County in Plat Book 0000035, folio 82

The improvements thereon being known as No. 12852 Stone Eagle Road.

BEING THE SAME lot of ground which by Deed dated February 8, 2011 and recorded among the Land Records of Baltimore County in Liber 30482, folio 127, was granted and conveyed by Fotis Zografos unto Scott and Michelle Krosnowski, the Grantors herein.

SCOTT & MICHELLE KROSNOWSKI

12852 STONE EAGLE DR

BALTIMORE COUNTY MD

EXISTING & PROPOSED FLOOR
PLANS

- NOTES: 1) THE ACCESSORY (IN-LAW)
APARTMENT WILL NOT HAVE
SEPARATE UTILITY METERS
- 2) EXISTING HOUSE SQUARE FOOTAGES:

1ST FL. - 2,894.17

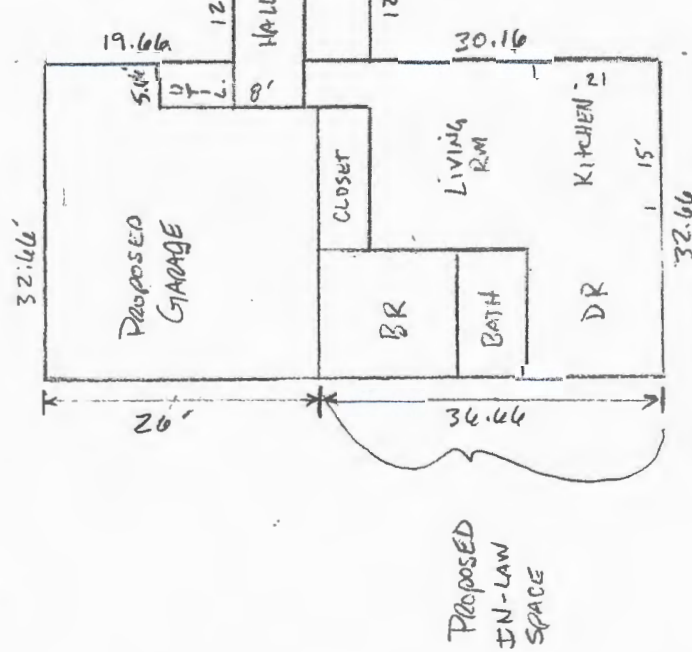
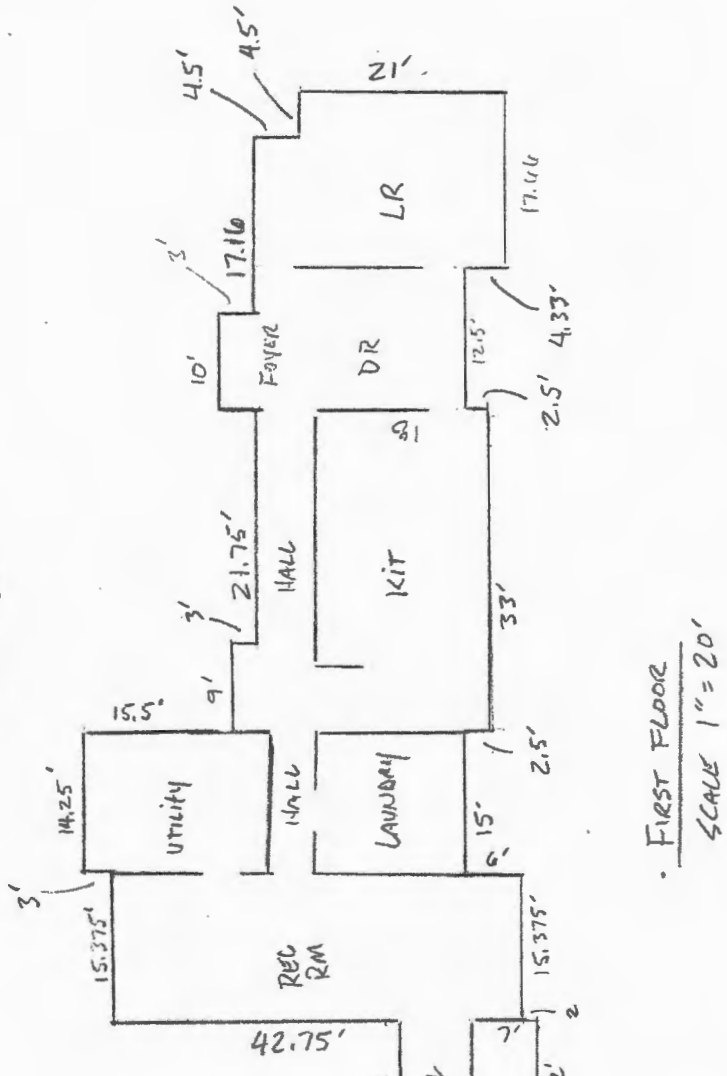
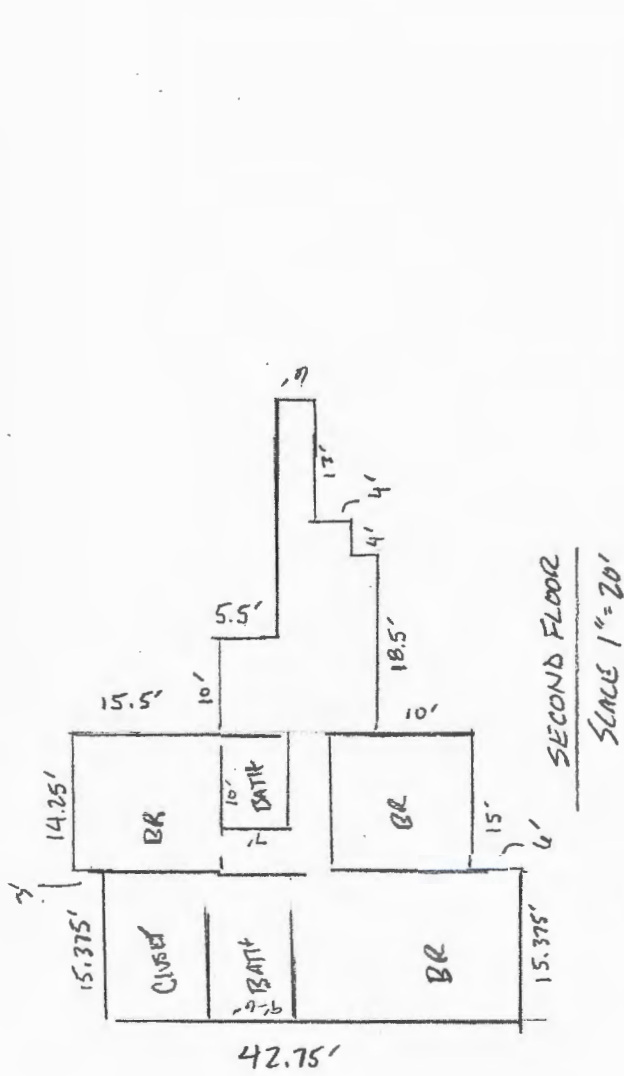
2ND FL. - 1,561.28

PROPOSED - 141.28

TOTAL LIVING AREA - 4,314.17

3) PROPOSED IN-LAW SQUARE FOOTAGE:

TOTAL LIVING AREA - 1,281.31



ASSIGNED COORDINATES		EAST		NORTH	
10	100000	100000	100000	100000	100000
20	100000	100000	100000	100000	100000
30	100000	100000	100000	100000	100000
40	100000	100000	100000	100000	100000
50	100000	100000	100000	100000	100000
60	100000	100000	100000	100000	100000
70	100000	100000	100000	100000	100000
80	100000	100000	100000	100000	100000
90	100000	100000	100000	100000	100000
100	100000	100000	100000	100000	100000

COORDINATE VALUES BASED ON 1983 NAD 83 DATA		EAST		NORTH	
10	100000	100000	100000	100000	100000
20	100000	100000	100000	100000	100000
30	100000	100000	100000	100000	100000
40	100000	100000	100000	100000	100000
50	100000	100000	100000	100000	100000
60	100000	100000	100000	100000	100000
70	100000	100000	100000	100000	100000
80	100000	100000	100000	100000	100000
90	100000	100000	100000	100000	100000
100	100000	100000	100000	100000	100000

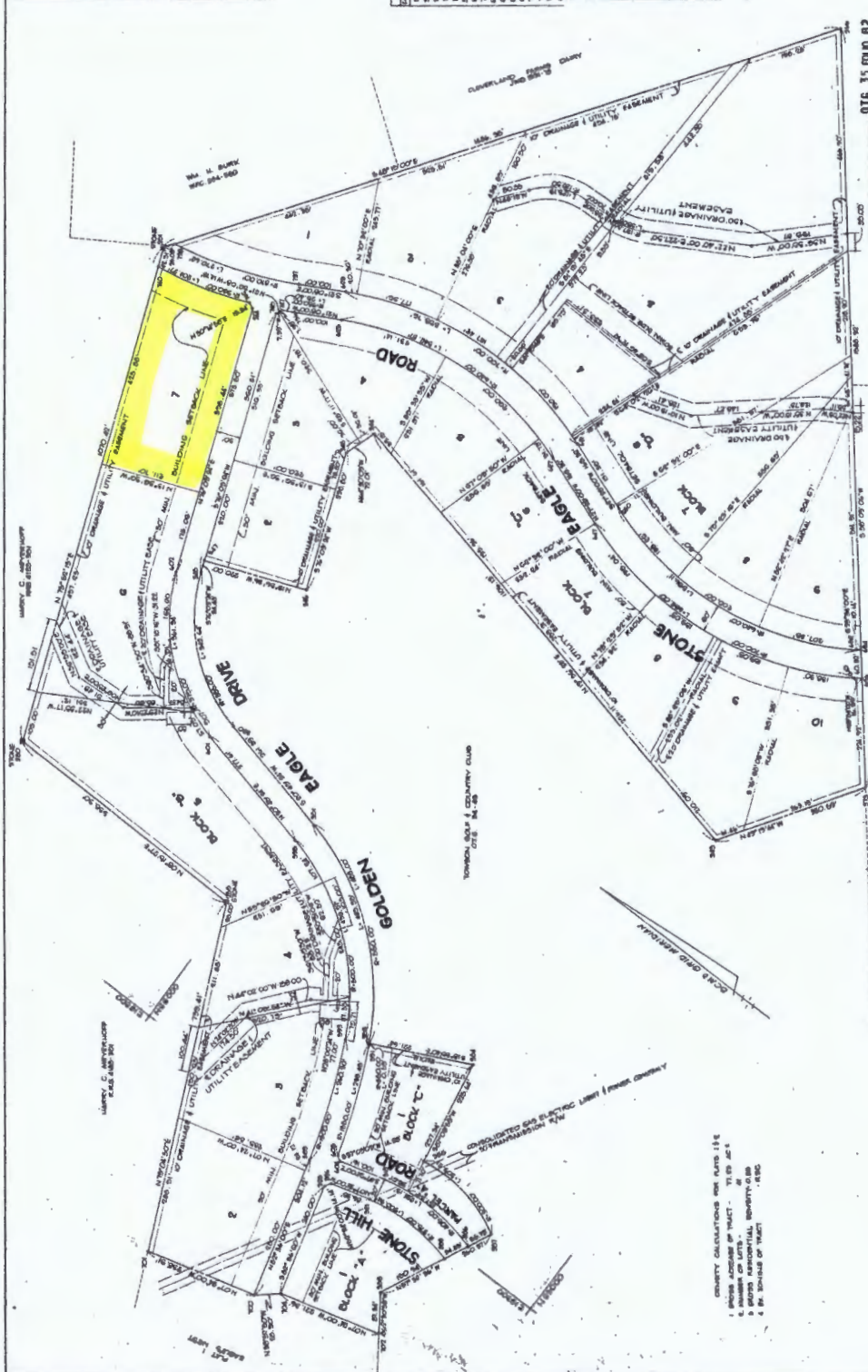
NOTE: THE ABOVE COORDINATE VALUES ARE BASED ON THE 1983 NAD 83 DATA. THE COORDINATE VALUES FOR THE 1983 NAD 83 DATA ARE LISTED IN THE TABLE ABOVE.

PLAT 9 EAGLE'S NEST

10TH ELECTION DISTRICT BALTIMORE COUNTY, MD
JAN. 6, 1978
SCALE: 1" = 100'

MATZ, CHILDS & ASSOCIATES
1020 CROWNELL BRIDGE ROAD
BALTIMORE, MARYLAND 21204

CONVEYED BY INSTRUMENT 133K-3642
RECORDED IN INSTRUMENT 133K-3642



016.35 FOLD 82
RECEIVED FOR RECORD
MAY 13 1978 AT
BALTIMORE COUNTY CLERK'S OFFICE

DEVELOPER
C.E. LAND COMPANY, INC.
110 WEST DALL DRIVE
TIMONUM, MD 21093

DATE: 5/10/78
BY: [Signature]

133K-3642

NOTE: THE ABOVE COORDINATE VALUES ARE BASED ON THE 1983 NAD 83 DATA. THE COORDINATE VALUES FOR THE 1983 NAD 83 DATA ARE LISTED IN THE TABLE ABOVE.

OWNERS CERTIFICATE:
I, the undersigned, being the owner of the above described property, do hereby certify that the above described property is the same as that described in the foregoing plat and that the same is the same as that described in the foregoing plat.

NOTE: THE ABOVE COORDINATE VALUES ARE BASED ON THE 1983 NAD 83 DATA. THE COORDINATE VALUES FOR THE 1983 NAD 83 DATA ARE LISTED IN THE TABLE ABOVE.

NOTE: THE ABOVE COORDINATE VALUES ARE BASED ON THE 1983 NAD 83 DATA. THE COORDINATE VALUES FOR THE 1983 NAD 83 DATA ARE LISTED IN THE TABLE ABOVE.

NOTE: THE ABOVE COORDINATE VALUES ARE BASED ON THE 1983 NAD 83 DATA. THE COORDINATE VALUES FOR THE 1983 NAD 83 DATA ARE LISTED IN THE TABLE ABOVE.

NOTE: THE ABOVE COORDINATE VALUES ARE BASED ON THE 1983 NAD 83 DATA. THE COORDINATE VALUES FOR THE 1983 NAD 83 DATA ARE LISTED IN THE TABLE ABOVE.

NOTE: THE ABOVE COORDINATE VALUES ARE BASED ON THE 1983 NAD 83 DATA. THE COORDINATE VALUES FOR THE 1983 NAD 83 DATA ARE LISTED IN THE TABLE ABOVE.

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

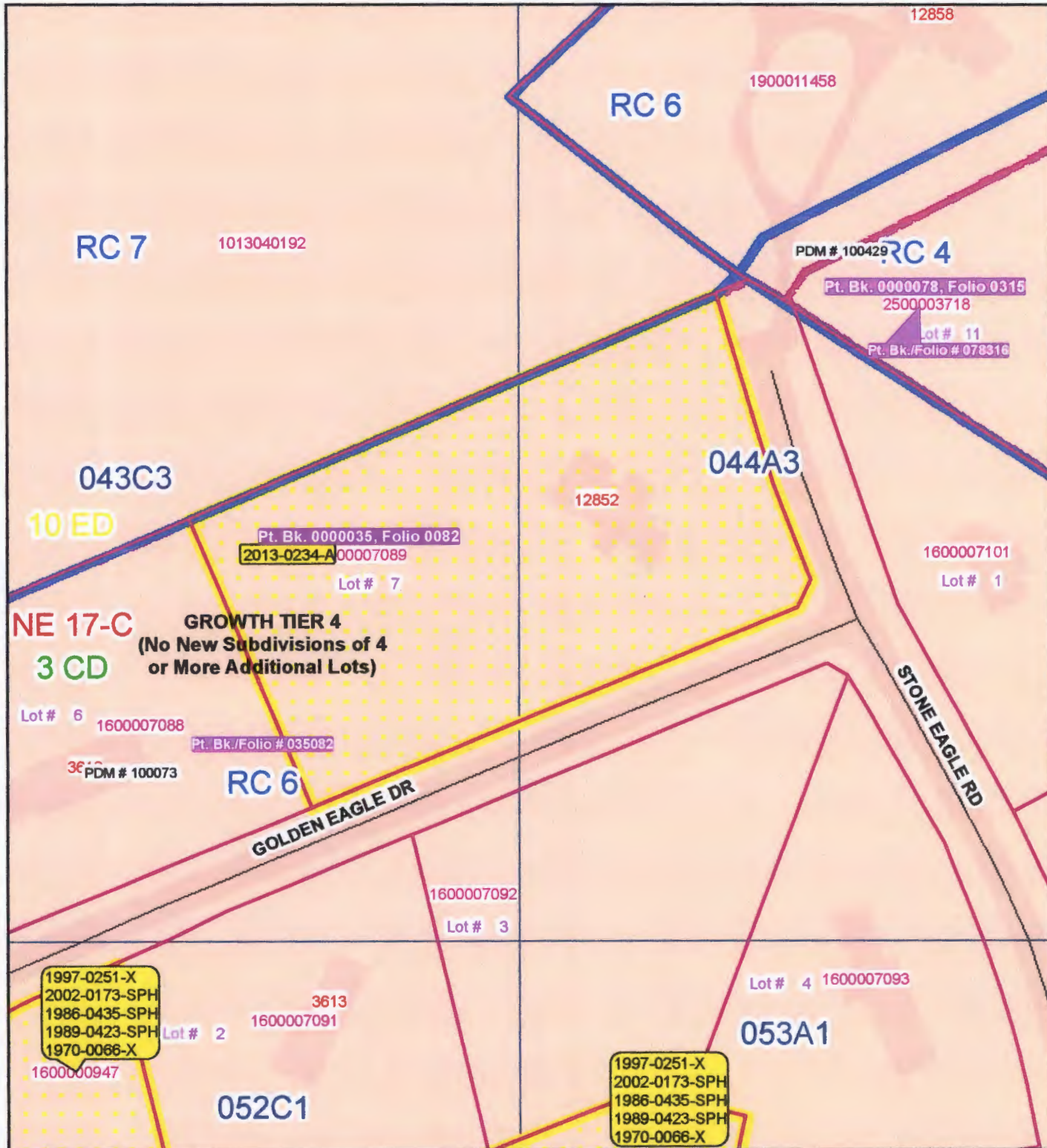
DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

DATE: 5/10/78
BY: [Signature]

12852 Stone Eagle Road



Publication Date: 5/31/2013



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 25 50 100 150 200 Feet

1 inch = 100 feet

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

No.

099607

Date:

June 5 2013

PAID RECEIPT

BUSINESS REVIEW LINE
6/06/2013 6:05:2013 10:29:56
REC 0002 000101 0004 001
RECEIPT # 000000 6/05/2013
5 300 DURING VERIFICATION
099607
Receipt for \$60.00
\$60.00 CH \$60.00 CH
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	306	0000		6100				\$60.00

Total:

\$60.00

Rec
From:

For:

declaration of understanding

12852 Stone Eagle - Sch

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**