

M E M O R A N D U M

DATE: November 1, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0031-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on October 31, 2016. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: / Case File
Office of Administrative Hearings

IN RE: PETITIONS FOR SPECIAL HEARING *

AND VARIANCE

(5607 Ranelagh Road) *

11th Election District

6th Council District *

Kenneth K. & Whitney E. Klein

Owners *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2017-0031-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Kenneth K. & Whitney E. Klein, legal owners ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve a use permit for an accessory (in-law) apartment to be located partially within the existing single family dwelling and partially within a proposed dwelling addition. In addition, a Petition for Variance seeks to permit a proposed dwelling addition with a rear yard setback of 23 ft. in lieu of the minimum required 40 ft. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests were Kenneth & Whitney Klein and Richard Matthews. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. No substantive Zoning Advisory Committee (ZAC) comments were received.

The subject property is approximately .90 acres in size and is zoned DR-2. The property is improved with a single-family dwelling and a garage, which is connected to the dwelling by a breezeway.

ORDER RECEIVED FOR FILING

Date

9-29-16

By

Sen

SPECIAL HEARING

As discussed at the hearing, I do not believe special hearing relief is required, because the accessory apartment will be located within the principal dwelling, not a detached or freestanding accessory building or structure. B.C. Z. R. §400.4. Even so, I will grant the special hearing as requested based on the site plan, testimony and exhibits in the file.

VARIANCES

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).

Petitioners have met this test. The property has an irregular shape and is therefore unique. Petitioners would experience practical difficulty if the regulations were strictly interpreted because they would be unable to construct the proposed addition to the dwelling. Finally, as demonstrated by the lack of any opposition, I do not believe granting the requests would have a detrimental impact upon the community.

At the hearing Petitioners indicated County zoning staff suggested they also seek a variance for their garage, which was constructed several years ago and was in its current location when they purchased the property this year. As noted earlier, the garage is connected to the dwelling with a breezeway, most likely to legitimize its front yard location. In any event, the garage is situated 12 ft. from the side yard property boundary, which triggers the need for a

ORDER RECEIVED FOR FILING

Date 9-29-16

By Sen

variance for the deficient setback. The petition was amended at the hearing to include this additional variance request.

THEREFORE, IT IS ORDERED this 29th day of September, **2016**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R) to approve a use permit for an accessory (in-law) apartment to be located partially within the existing single-family dwelling and partially within a proposed dwelling addition, be and is hereby GRANTED.

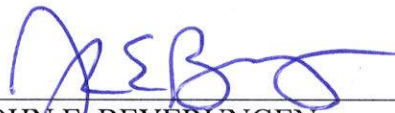
IT IS FURTHER ORDERED the petition for variance to permit a proposed dwelling addition with a rear yard setback of 23 ft. in lieu of the minimum required 40 ft. and an individual side yard setback of 12 ft. in lieu of the minimum required 25 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are 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, Petitioners would be required to return the subject property to its original condition.

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

JEB/sln



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 9-29-16

By sln



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 5607 RANELAGH RD WHITE MARSH MD 21162 which is presently zoned DR2
 Deed References: 37518, 700164 10 Digit Tax Account # 1107084010
 Property Owner(s) Printed Name(s) KENNETH K. KLEIN JR WHITNEY E. KLEIN

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

- ☒ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a use permit for an accessory (in-law) apartment to be located partially within the existing single family dwelling and partially within a proposed dwelling addition (pursuant to Bill 49-11).
- ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
- ☒ a Variance from Section(s) 1B02.3, C.1, BC2R, to permit a proposed dwelling addition with a rear yard setback of 23 feet, in lieu of the minimum required 40 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)

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded 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):

KENNETH K. KLEIN JR WHITNEY E. KLEIN
 Name #1 - Type or Print Name #2 - Type or Print

Signature #1

Signature #2

5607 RANELAGH RD WHITE MARSH MD
 Mailing Address City State

21162 443-939-1106 phoebeus48@hotmail.com
 Zip Code Telephone # Email Address

Representative to be contacted:

RICHARD MATTHEWS
 Name - Type or Print

Signature

7410 School Ave Balto Md
 Mailing Address City State

21222 410-627-9753 MCCI. RICK@yahoo.com
 Zip Code Telephone # Email Address

CASE NUMBER 2017-0031-SPA Filing Date 7/29/2016

Do Not Schedule Dates: _____ Reviewer JNP

ZONING DESCRIPTION FOR 5607 RANELAGH ROAD WHITE MARSH MD 21162

PART A

BEGINNING AT THE POINT on the south side of Ranelagh Road which is 50' R/W feet wide at the distance of +/-250' feet south east of the centerline of the nearest improved intersecting street Larch Road which is 70'R/W feet wide.

OPTION 2

BEING Lot #24, Block D, Section B in the subdivision of Darryl Gardens² as recorded in Baltimore County Plat Book #13, Folio #150 containing 31,650 square feet located in the 11th Election District, 6th Council District.

2017-0031-SPHA



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4422063

Sold To:

Kenneth & Whitney Klein - CU00558577
5607 Ranelagh Rd
White Marsh, MD 211621125

Bill To:

Kenneth & Whitney Klein - CU00558577
5607 Ranelagh Rd
White Marsh, MD 211621125

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Sep 06, 2016

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2017-0031-SPHA
5507 Ranelagh Road
S/s Ranelagh Road, 250 ft. SE of Larch Road
11th Election District - 6th Councilmanic District
Legal Owner(s) Kenneth & Whitney Klein

SPECIAL HEARING: to determine whether or not the Administrative Law Judge should approve a use permit for an accessory (in-law) apartment to be located partially within the existing single family dwelling and partially within the proposed dwelling addition. **VARIANCE:** to permit a proposed dwelling addition with the rear yard setback of 23 ft. in lieu of the minimum required 40 ft.

Hearing: Monday, September 26, 2016 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

4422063
JT 9/6/16 September 6

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

September 7, 2016

Re:

Zoning Case No. 2017-0031- SPHA

Petitioner: Kenneth & Whitney Klein

Hearing date: September 26, 2016

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at **5607 Ranelagh Road**.

The sign was posted on September 5, 2016.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2017-0031-SPHA

5607 Ranelagh Road

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204**

DATE & TIME: Monday September 26, 2016 11:00 AM

REQUEST:

**SPECIAL HEARING TO DETERMINE WHETHER OR NOT THE
ADMINISTRATIVE LAW JUDGE SHOULD APPROVE A USE
PERMIT FOR AN ACCESSORY (IN LAW) APARTMENT TO BE
LOCATED PARTIALLY WITHIN THE EXISTING SINGLE FAMILY
DWELLING AND PARTIALLY WITHIN A PROPOSED DWELLING
ADDITION.**

**VARIANCE TO PERMIT A PROPOSED DWELLING ADDITION
WITH A REAR YARD SETBACK OF 23 FT. IN LIEU OF THE
MINIMUM REQUIRED 40 FT.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.**

THE HEARING IS HANDICAPPED ACCESSIBLE

ZONING NOTICE
CASE NO. 2017-0031-S
5607 Rapp
PUBLIC

HEARING NOTICE
CASE NO. 2017-0031-SPHA
5507 Ranelagh Road
A PUBLIC HEARING WILL BE
ADMINISTERED BY

WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND
PLACE ROOM 205 JEFF-
105 W CHESAPEAKE
DATE & TIME

BY THE
JUDGE
MARYLAND
Room 205 JEFF
W. CHESAPEAKE
TE & TIME

JEFFERSON BUS
LAKE AVENUE Y
TIME: Monday 3
CIAL NO

SEP 26 1964
TOWSON, MD
BUILDING
HEARING TO DE
ADMINISTRATIVE
FED

20, 2016 11:00 AM
DETERMINE WHETHER
A LAW JUDGE IS
AN ACCESSORY
TO A PARTIAL
KILLING

...TOGETHER OR NO...
...SHOULD APPRO...
...THE LAW...
...PARTIALLY...
...ANCE TO...
...A...

TO PERMIT A PROPOSED REAR YARD SETBACK TO BE WITHIN A PERMITTED APARTMENT USE.

TO BE
SINGLE FAMILY
PROPOSED OVER
RETRACT OF 20
40 FT.

WELLING ADDITION
21 FT. IN LIEU

CONCLUSION

1-800-368-3333
 1-800-368-3333
 1-800-368-3333
 1-800-368-3333

[Faint handwritten notes at the bottom of the page]

10



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

August 24, 2016

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0031-SPHA

5607 Ranelagh Road

S/s Ranelagh Road, 250 ft. SE of Larch Road

11th Election District – 6th Councilmanic District

Legal Owners: Kenneth & Whitney Klein

Special Hearing to determine whether or not the Administrative Law Judge should approve a use permit for an accessory (in-law) apartment to be located partially within the existing single family dwelling and partially within a proposed dwelling addition. **Variance** to permit a proposed dwelling addition with a rear yard setback of 23 ft. in lieu of the minimum required 40 ft.

Hearing: Monday, September 26, 2016 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Klein, 5607 Ranelagh Road, White Marsh 21162
Richard Matthews, 7410 School Avenue, Baltimore 21222

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 6, 2016.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 6, 2016 Issue - Jeffersonian

Please forward billing to:

Kenneth & Whitney Klein
5607 Ranelagh Road
White Marsh, MD 21162

443-939-1106

NOTICE OF ZONING HEARING

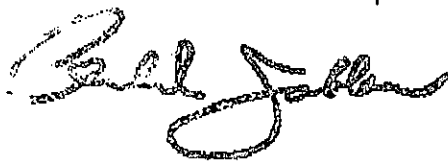
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Legal Owners: Kenneth & Whitney Klein

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Hearing: Monday, September 26, 2016 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

August 24, 2016

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0031-SPHA

5607 Ranelagh Road

S/s Ranelagh Road, 250 ft. SE of Larch Road

11th Election District – 6th Councilmanic District

Legal Owners: Kenneth & Whitney Klein

Special Hearing to determine whether or not the Administrative Law Judge should approve a use permit for an accessory (in-law) apartment to be located partially within the existing single family dwelling and partially within a proposed dwelling addition. **Variance** to permit a proposed dwelling addition with a rear yard setback of 23 ft. in lieu of the minimum required 40 ft.

Hearing: Monday, September 26, 2016 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Klein, 5607 Ranelagh Road, White Marsh 21162
Richard Matthews, 7410 School Avenue, Baltimore 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 6, 2016.**
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- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE * OF ADMINISTRATIVE
5607 Ranelagh Road; S/S Ranelagh Road, *
250' of Larch Road * HEARINGS FOR
11th Election & 6th Councilmanic Districts *
Legal Owner(s): Kenneth & Whitney Klein * BALTIMORE COUNTY
Petitioner(s) *
* 2017-031-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED
AUG 09 2016

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of August, 2016, a copy of the foregoing Entry of Appearance was mailed to Richard Matthews, 7410 School Avenue, Baltimore, Maryland 21222, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**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 fifteen (15) 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: 2017-0031-SPHA
Property Address: 5607 RANELAGH ROAD
Property Description: S/S of Ranelagh Road, 250' SE of Larch Road
Legal Owners (Petitioners): Kenneth & Whitney Klein
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Kenny & Whitney Klein
Company/Firm (if applicable): _____
Address: 5607 Ranelagh Rd. 21162
White Marsh, MD 21162
Telephone Number: 443-939-1106

No. 142810
Date: 7/29/2016

BUSINESS	ACTUAL	TIME	DNM
7/29/2016	7/29/2016	10:53:54	2

ING #902 WALKIN JEE
X RECEIPT # 975332 7/29/2016 OFLN
Opt 3 528 ZONING VERIFICATION
ID. 142810

Recept Tot \$150.00
 \$150.00 OK \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept-Obj	BS Acct	Amount
001	206	0300		6150				150.00
Total:								150.00

For: SPHA - 5607 Rancho Road
2017-0031-SPHA (Klein)

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

September 22, 2016

Kenneth K & Whitney E Klein
5607 Ranelagh Road
White Marsh MD 21162

RE: Case Number: 2017-0031 SPHA, Address: 5402 Patterson Road

Dear Mr. & Ms. Klein:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 29, 2016. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Richard Matthews, 7410 School Avenue, Baltimore MD 21222

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 8/8/16

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2017-0031-SPHA

Special Hearing Variance
Kenneth K. & Whitney E. Klein, Jr.
5607 Rinelagh Road

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Zeller'.

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: September 22, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-031

SEP 22 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 5607 Ranelagh Road
Petitioner: Kenneth K. Klein, Jr., Whitney E. Klein
Zoning: DR 2
Requested Action: Special Hearing and Variance

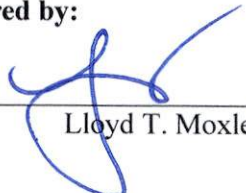
The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve a use permit for an accessory (in-law) apartment to be located partially within the existing single family dwelling and partially within a proposed dwelling addition (pursuant to Bill 49-11). The Department has also reviewed the petition for a variance from Section 1B02.3.C.1 of the BCZR to permit a proposed dwelling addition with a rear yard setback of 23 feet in lieu of the required minimum 40 feet.

A site visit was conducted on August 18, 2016.

The Department has no objection to granting the petitioned zoning relief.

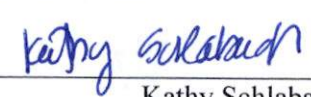
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:

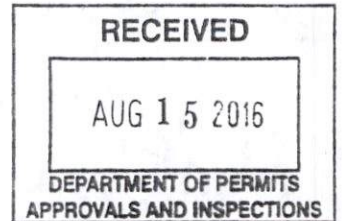


Kathy Schlabach

AVA/KS/LTM/ka

c: Ngone Seye Diop
Richard Matthews
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE



TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections **DATE:** August 12, 2016

FROM: ^{DAK}Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 15, 2016
Item No. 2017-0028, 0029, 0030, 0031, 0032, 0034, 0035 and 0037

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC08152016.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: August 12, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0031-SPHA
Address 5607 Ranelagh Road
(Klein Property)

Zoning Advisory Committee Meeting of **August 15, 2016.**

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

Reviewer: Steve Ford Date: 08-12-2016

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**



TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: September 22, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-031

INFORMATION:

Property Address: 5607 Ranelagh Road
Petitioner: Kenneth K. Klein, Jr., Whitney E. Klein
Zoning: DR 2
Requested Action: Special Hearing and Variance

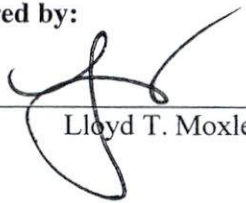
The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve a use permit for an accessory (in-law) apartment to be located partially within the existing single family dwelling and partially within a proposed dwelling addition (pursuant to Bill 49-11). The Department has also reviewed the petition for a variance from Section 1B02.3.C.1 of the BCZR to permit a proposed dwelling addition with a rear yard setback of 23 feet in lieu of the required minimum 40 feet.

A site visit was conducted on August 18, 2016.

The Department has no objection to granting the petitioned zoning relief.

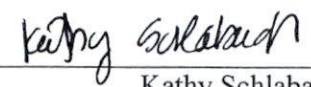
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Ngone Seye Diop
Richard Matthews
Office of the Administrative Hearings
People's Counsel for Baltimore County

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>8-12</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
<u>8-12</u>	DEPS (if not received, date e-mail sent _____)	<u>N/C</u>
_____	FIRE DEPARTMENT	_____
<u>9/22</u>	PLANNING (if not received, date e-mail sent _____)	<u>No obj'</u>
<u>8-8-16</u>	STATE HIGHWAY ADMINISTRATION	<u>No Obj'</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

9-6-15

SIGN POSTING

Date:

9-5-16

by

DOAK

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



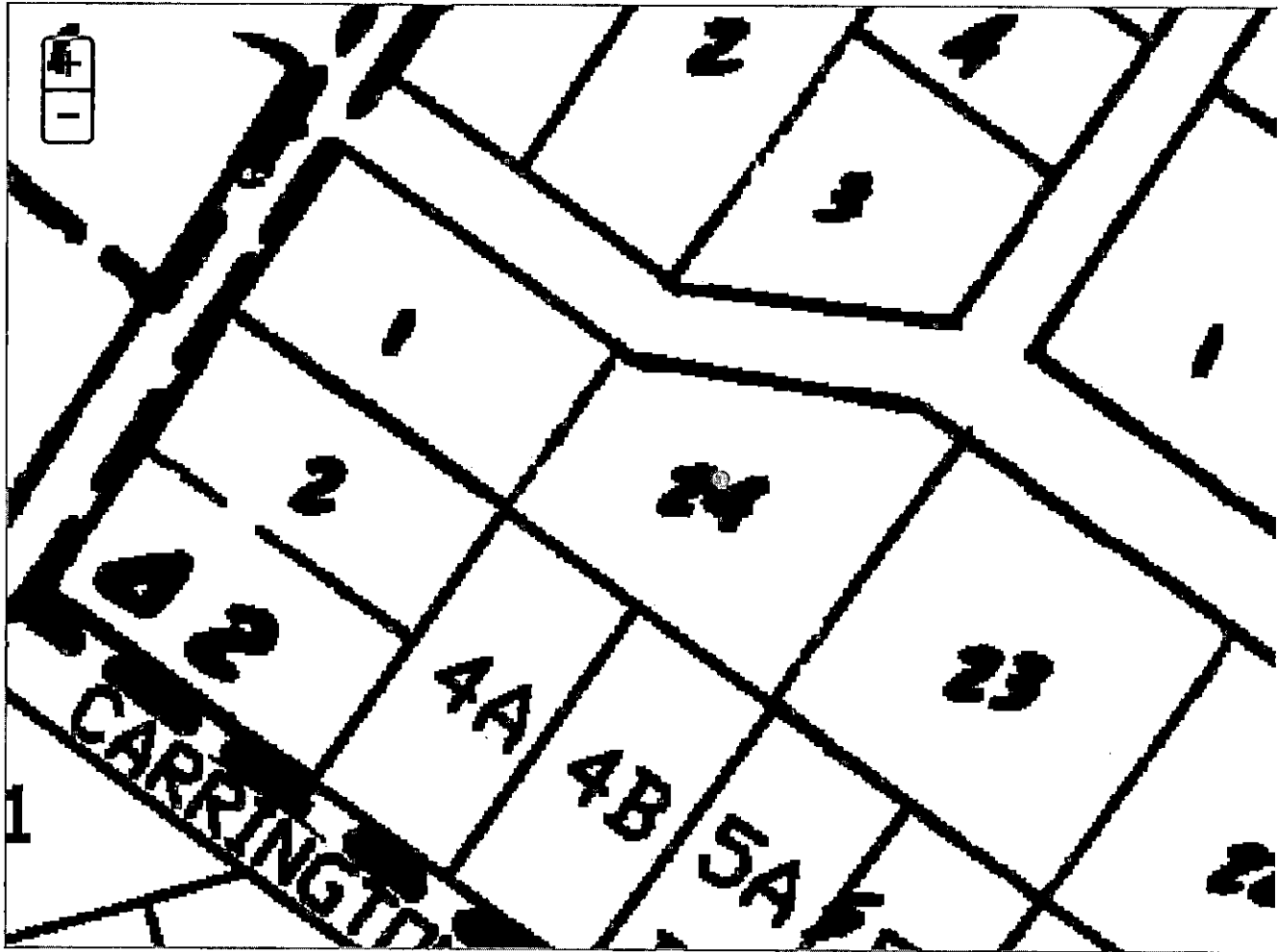
Comments, if any: _____

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 11 Account Number - 1107084010			
Owner Information					
Owner Name:	KLEIN KENNETH KURT JR KLEIN WHITNEY ELIZABETH		Use:	RESIDENTIAL YES	
Mailing Address:	5607 RANELAGH RD WHITE MARSH MD 21162-1125		Deed Reference:	/37518/ 00164	
Location & Structure Information					
Premises Address:	5607 RANELAGH RD WHITE MARSH 21162-1125		Legal Description:	208 SE PHILADELPHIA RD DARRYL GARDENS	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: 2
0073	0003	0317		0000	B D 24 2015 Plat Ref: 0013/0150
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
1963	2,368 SF		588 SF	31,650 SF	04
Stories Split Foyer	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
	YES	SPLIT FOYER	FRAME	3 full	2 Attached
Value Information					
Base Value		Value As of 01/01/2015		Phase-in Assessments As of 07/01/2016 As of 07/01/2017	
Land:	116,900	116,900			
Improvements	212,000	188,300			
Total:	328,900	305,200		305,200	305,200
Preferential Land:	0				0
Transfer Information					
Seller: ROCHE JASON		Date: 05/16/2016		Price: \$260,000	
Type: ARMS LENGTH IMPROVED		Deed1: /37518/ 00164		Deed2:	
Seller: MAYFIELD ALBERT S JR		Date: 10/31/2012		Price: \$190,000	
Type: ARMS LENGTH IMPROVED		Deed1: /32731/ 00222		Deed2:	
Seller: MAYFIELD ALBERT		Date: 11/30/1978		Price: \$46,000	
Type: ARMS LENGTH IMPROVED		Deed1: /05964/ 00564		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: Approved 06/20/2016					

Baltimore County[New Search \(http://sdat.dat.maryland.gov/RealProperty\)](http://sdat.dat.maryland.gov/RealProperty)District: **11** Account Number: **1107084010**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

CASE NAME _____
CASE NUMBER 2017-0031-
DATE 9-26-2016 SPHA

SPTA

[illegible]

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 28th day of July 2016,
by and between Kenneth K. Klein, Jr and Whitney E. Klein
(hereinafter referred to as the "Declarant") and the Department of Permits, Approvals and Inspections
(hereinafter referred to as "PAI").

Recitals

A. The Declarant(s) who is/are also the owner(s) of this property has/have filed an application for a use permit and special hearing to:

Expand existing attached accessory apartment.

The property being located at: 5607 Ranelagh Road White Marsh MD 21162
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 DR2, 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: Raymond C. Bryant and Elizabeth A Bryant (parents of Whitney E. Klein).

The other residents of the property are: Kenneth K. Klein, Jr and Whitney E. Klein.

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(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 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 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. In the Accessory Apartment in the accessory building requires removal of the kitchen and possibly other residential elements, at the discretion of PAI.

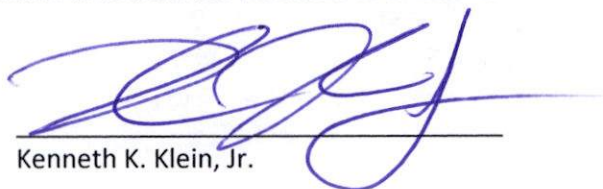
C. The Declarant(s) upon termination of the use permit will provide written notification to PAI for the closing of the Department file.

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.



Whitney E. Klein



Kenneth K. Klein, Jr.

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

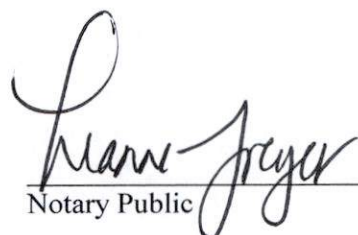
WITNESS: _____

State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this 14th day of 2016, before the Subscriber, a Notary Public of State of Maryland, personally appeared WHITNEY E. KLEIN AND KENNETH K. KLEIN, JR..

The declarant(s) herein, who is/are also the owner(s) of this property, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, and who acknowledged that he/she/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: 6/3/2019



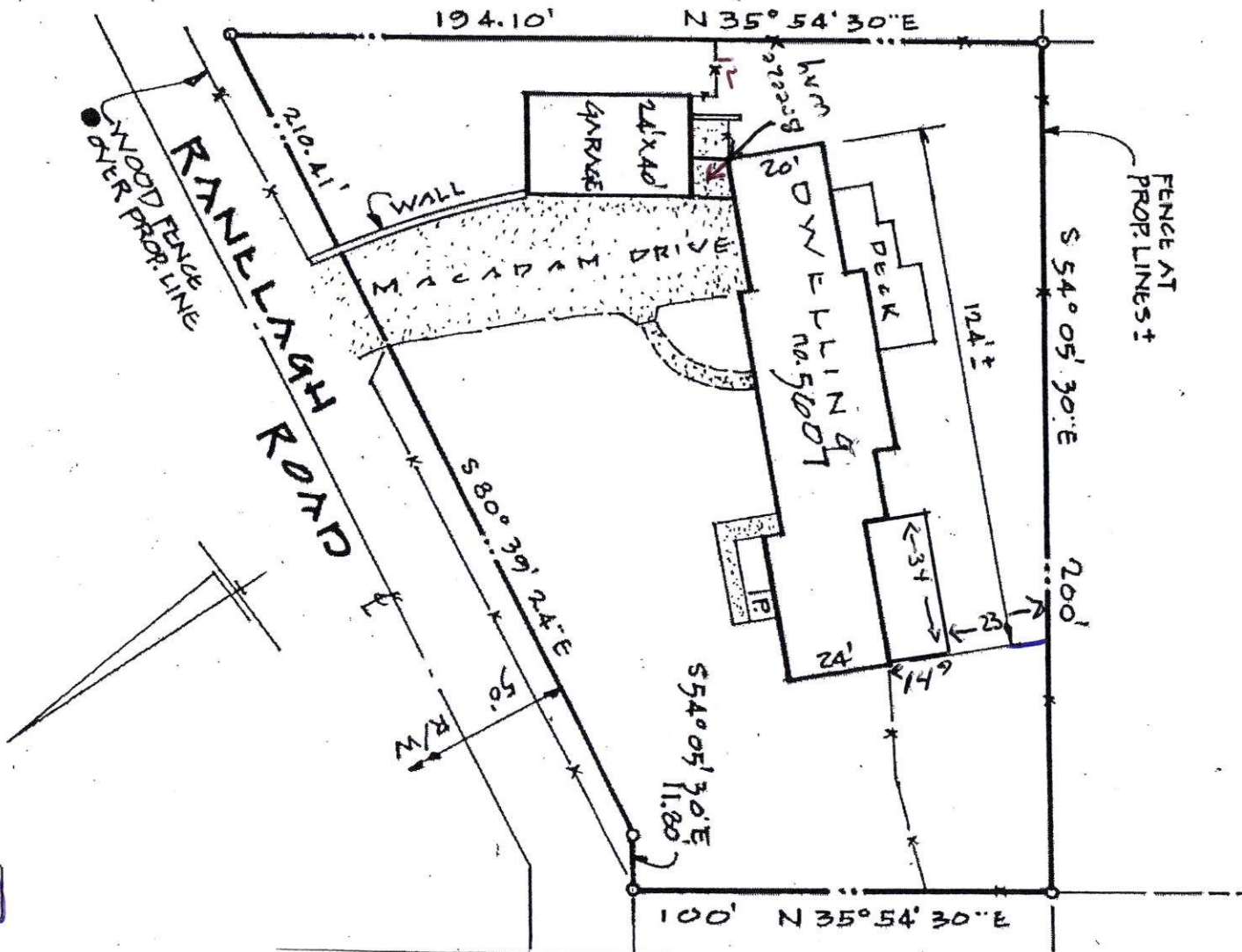
Notary Public



EXHIBIT A

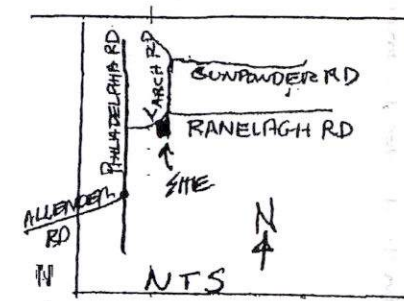
Being knows and designated as Lot. No. 24, Block D as shown on a plat entitled "Darryl Gardens No. 2" which play is recorded among the Land Records of Baltimore County in Play Book 13 at Folio 150. The improvements thereon being known as 5607 Ranelagh Road.

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING ☒ (MARK TYPE REQUESTED WITH X)
 ADDRESS 5607 RANELAGH RD WHITE MARSH MA 02116 OWNER(S) NAME(S) WHITNEY E. KLEIN & KENNETH K. KLEIN, JR
 SUBDIVISION NAME Darryl Gardens 2 LOT# 24 BLOCK# B SECTION# D
 PLAT BOOK# 13 FOLIO# 150 10 DIGIT TAX# 1107084010 DEED REF.# 0013 / 0150



PLAN DRAWN BY _____ DATE 7/29/16 SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 073A1
 SITE ZONED DR2
 ELECTION DISTRICT 1
 COUNCIL DISTRICT 5
 LOT AREA ACREAGE .90
 OR SQUARE FEET _____
 HISTORIC? NO
 IN CBCA? _____
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC X PRIVATE _____
 SEWER IS:
 PUBLIC X PRIVATE _____
 PRIOR HEARING? YES
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW
2004-0468-A
GARAGE IN
FRONT YARD

VIOLATION CASE INFO:

2017-0031-SPHA

Ex. 1

Sherry Nuffer

From: John E. Beverungen
Sent: Wednesday, September 28, 2016 12:10 PM
To: Sherry Nuffer
Subject: FW: Case#2017-0031-SPHA (5607 Ranelagh Rd)

Perhaps you can email the order to this lady

From: Whitney.E.Klein@wellsfargo.com [mailto:Whitney.E.Klein@wellsfargo.com]
Sent: Wednesday, September 28, 2016 10:14 AM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Subject: Case#2017-0031-SPHA (5607 Ranelagh Rd)

Good day Sir. My husband Kenneth and I were present at our hearing with you on Monday morning. Is it possible for you to please let me when we might receive your Final Order as the permit office will not release our building permit without it.
Thank you for your time.

WHITNEY E KLEIN

Mortgage Assistant
NMLSR ID 450806

Wells Fargo Home Mortgage | 8830 Stanford Blvd, Suite 302 | Columbia, MD 21045
MAC M4027-031
Tel 410-872-1948 | Fax 866-967-4755 | Toll-Free 800-574-9787 Ext. 1948

whitney.e.klein@wellsfargo.com

If this email was sent to you as an unsecured message, it is not intended for confidential or sensitive information. If you cannot respond to this e-mail securely, please do not include your social security number, account number, or any other personal or financial information in the content of the email. This may be a promotional email. To discontinue receiving promotional emails from Wells Fargo Bank N.A., including Wells Fargo Home Mortgage, click here NoEmailRequest@wellsfargo.com.

Wells Fargo Home Mortgage is a division of Wells Fargo Bank, N.A. All rights reserved. Equal Housing Lender. Wells Fargo Home Mortgage-2701 Wells Fargo Way-Minneapolis, MN 55467-8000



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 5607 RANELAGH RD WHITE MARSH MD 21162 which is presently zoned DR2
 Deed References: 37518, 700164 10 Digit Tax Account # 1107084010
 Property Owner(s) Printed Name(s) KENNETH K. KLEIN JR WHITNEY E. KLEIN

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. X a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a use permit for an accessory (in-law) apartment to be located partially within the existing single family dwelling and partially within a proposed dwelling addition (pursuant to Bill 49-11).

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) 1B02.3, C.1, BC2R, to permit a proposed dwelling addition with a rear yard setback of 23 feet in lieu of the minimum required 40 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)

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded 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):

KENNETH K. KLEIN JR WHITNEY E. KLEIN

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

5607 RANELAGH RD WHITE MARSH MD

Mailing Address

City

State

21162
Zip Code

443-939-1106
Telephone #

phoebeus98@hotmail.com
Email Address

Representative to be contacted:

RICHARD MATTHEWS

Name - Type or Print

Signature

7410 School Ave Balto

Mailing Address

City

State

21222
Zip Code

410-627-9753
Telephone #

MCCI. RICK@yahoo.com
Email Address

CASE NUMBER

Filing Date

Do Not Schedule Dates:

Reviewer

Pets. for SPH and Variance
Granted

JSB 9-26-2016

X 3868

Jason Seidelman

From: John E. Beverungen
Sent: Wednesday, December 21, 2016 9:57 AM
To: Jason Seidelman
Cc: Jeffrey N Perlow
Subject: RE: In-Law Apartment 2nd Meter @ 5607 Ranelagh Road

Following our meeting yesterday I reviewed the order in the above case, which approved an accessory apartment for the above-referenced property. You told me the owner has now requested to have a second utility meter for that apartment. While it would have been preferable for this to have been included within the petition, I believe the request can be honored at this juncture. There are no open zoning violations for the property, and you have indicated the required declarations have been filed among the land records. As such, I believe that granting the request would be within the spirit and intent of the original zoning approval.

John Beverungen
ALJ

2017-0031-SPHA

From: Jason Seidelman
Sent: Tuesday, December 20, 2016 1:49 PM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Subject: In-Law Apartment 2nd Meter @ 5607 Ranelagh Road

John,

Thank you for meeting with us this morning. I contacted Mr. Bryant. He is the father of property owner Whitney Klein, aka, the in-law. I have also verified that the Declaration of Understanding for the in-law apartment has been recorded: Book 38105, Page 382.

Thank you Sir,

Jason Seidelman
Planner II
Zoning Review
Baltimore County, MD
410-887-3391



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

December 21, 2016

Kenneth & Whitney Klein
5607 Ranelagh Road
White Marsh, MD 21162

RE: Spirit and Intent Request, Case # 2017-0031-SPHA, 5607 Ranelagh Road, 11th Election District

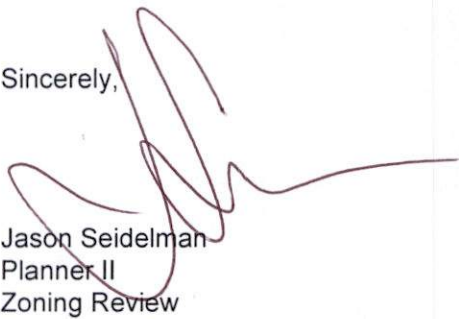
Your recent letter to Arnold Jablon, Director of Permits, Approvals and Inspections, was forwarded to me for reply. Based on the information provided therein and my review of the available zoning records, the following has been determined:

The request for a second electrical meeting has been granted by the Hearing Officer of Baltimore County. In his opinion, the request falls within the spirit and intent of the original request for an In-Law Apartment.

The foregoing is merely an informal opinion. It is not an expert or legal opinion, it is not intended to be relied on as expert or legal advice, and it is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof.

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,


Jason Seidelman
Planner II
Zoning Review

c: Zoning Hearing File # 2017-0031-SPHA
File-Spirit & Intent Letters



BALTIMORE County zoning

We would like to add a 2nd DGE meter
to

5607 Ravelough Ter
White Marsh, MD 21162

This meter to feed existing IN-LAW
apartment.

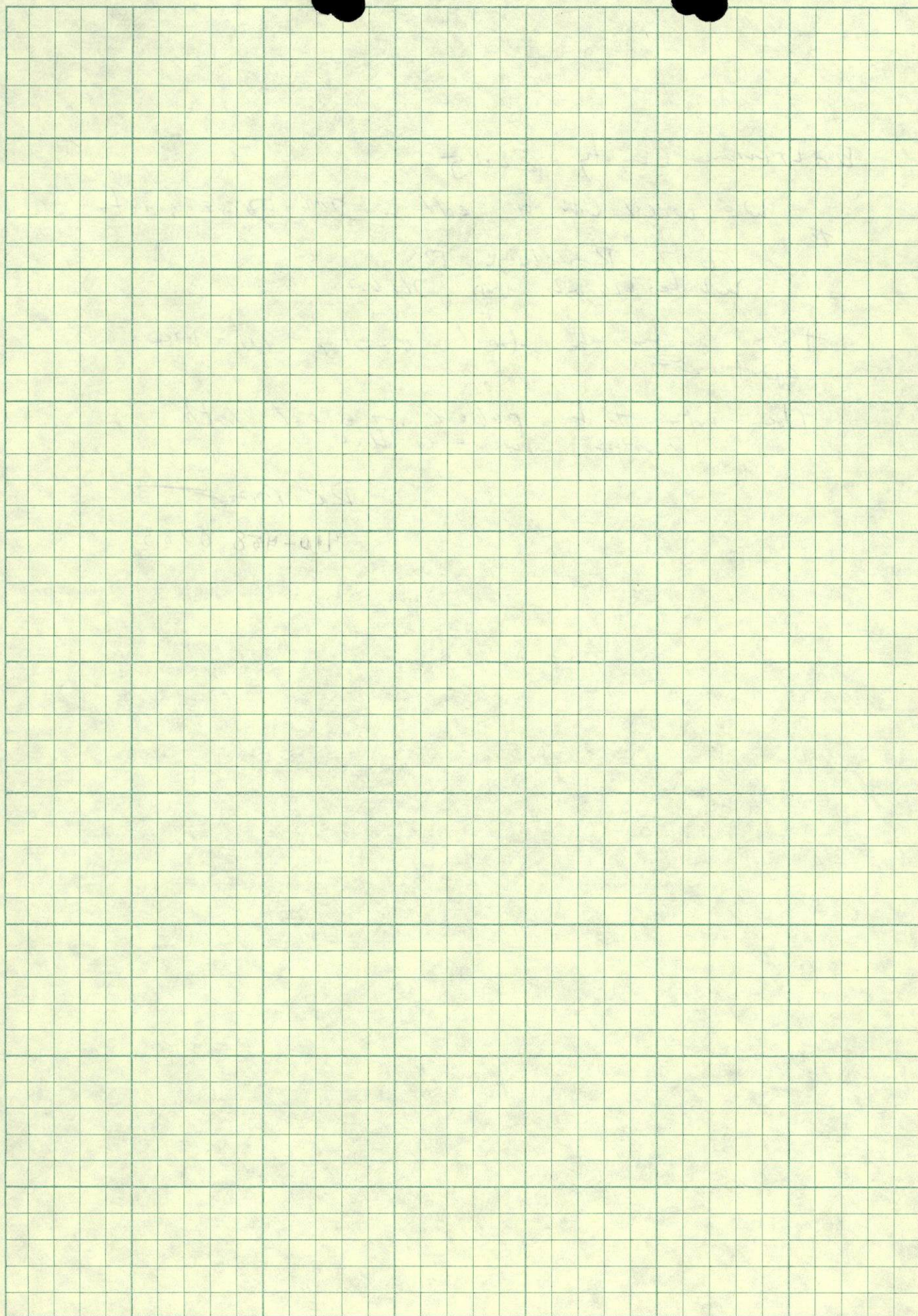
The meter to be pulled in front both
IN-LAW house or lot.

RC Bryant

410-458-0783

E-mail Chris Bryant @ VERIZON.net

2nd meter needed because existing sewer not
enough L



DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration")
 this 28th day of July 2016,
 by and between Kenneth K. Klein, Jr and Whitney E. Klein
 (hereinafter referred to as the "Declarant") and the Department of Permits, Approvals and Inspections
 (hereinafter referred to as "PAI").

Recitals

A. The Declarant(s) who is/are also the owner(s) of this property has/have filed an application for a use permit and special hearing to:

Expand existing attached accessory apartment.

The property being located at: 5607 Ranelagh Road White Marsh MD 21162
 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 DR2, 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: Raymond C. Bryant and Elizabeth A Bryant (parents of Whitney E. Klein).

The other residents of the property are: Kenneth K. Klein, Jr and Whitney E. Klein.

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(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 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 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

LR -
 Declaration/Covenant
 Recording Fee 20.00
 Declarant Name: klein
 is made on/Control #:
 LR - Surcharge 40.00
 =====
 SubTotal: 60.00
 =====
 Total: 60.00
 10/06/2016 03:11
 #703100-CC0301 - CC03-CR
 Baltimore
 County/CC03.01.03 -
 Register 03

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:

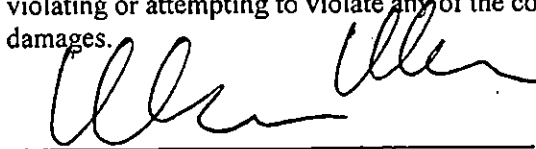
A. In the Accessory Apartment in the principal dwelling; use permit termination requires removal of the second kitchen and the former Accessory Apartment space to be occupied by the Declarant(s) or subsequent purchaser.

B. In the Accessory Apartment in the accessory building requires removal of the kitchen and possibly other residential elements, at the discretion of PAI.

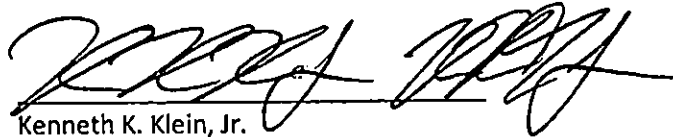
C. The Declarant(s) upon termination of the use permit will provide written notification to PAI for the closing of the Department file.

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.

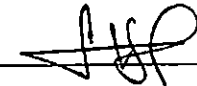


Whitney E. Klein



Kenneth K. Klein, Jr.

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~~ ^{Howard} to wit:

I HEREBY CERTIFY that on this ²⁸ day of ^{July} 20¹⁶, before the Subscriber, a Notary Public of State of Maryland, personally appeared ~~Kenneth K. Klein Jr. and Whitney E. Klein~~ ^{Kenneth K. Klein Jr. and Whitney E. Klein}.

The declarant(s) herein, who is/are also the owner(s) of this property, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, and who acknowledged that he/she/they executed for the foregoing instrument for the purposes therein contained. IN WITNESS WHEREOF, have hereunto set my hand and Notarial Seal.

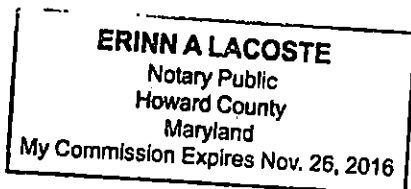
My Commission Expires:

NOV. 26, 2016

commissioned as
Erinn A. Lacoste



Notary Public



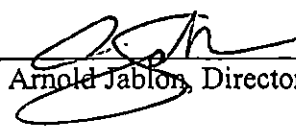


The Declaration of Understanding for the Accessory Apartment at:

5657 RANELAGH RD WHITE MARSH

Address of property

is approved: _____


Arnold Jablon, Director-PAI

10/4/16
Date

DRAFT COPY

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 28th day of July 2016,
by and between Kenneth K. Klein, Jr and Whitney E. Klein
(hereinafter referred to as the "Declarant") and the Department of Permits, Approvals and Inspections
(hereinafter referred to as "PAI").

Recitals

A. The Declarant(s) who is/are also the owner(s) of this property has/have filed an application for a use permit and special hearing to:

Expand existing attached accessory apartment.

The property being located at: 5607 Ranelagh Road White Marsh MD 21162
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 DR2, 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: Raymond C. Bryant and Elizabeth A Bryant (parents of Whitney E. Klein).

The other residents of the property are: Kenneth K. Klein, Jr and Whitney E. Klein.

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(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 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 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

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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. In the Accessory Apartment in the accessory building requires removal of the kitchen and possibly other residential elements, at the discretion of PAI.

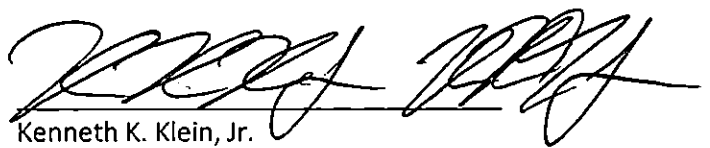
C. The Declarant(s) upon termination of the use permit will provide written notification to PAI for the closing of the Department file.

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.

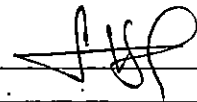


Whitney E. Klein



Kenneth K. Klein, Jr.

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~~ ^{Howard} to wit:

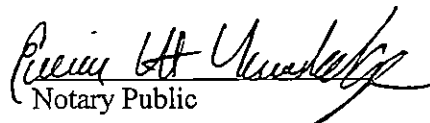
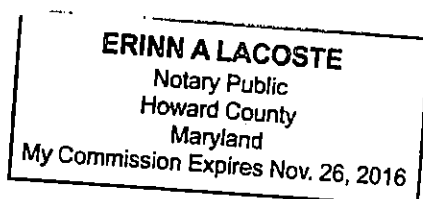
I HEREBY CERTIFY that on this 28 ^{July} day of 2016, before the Subscriber, a Notary Public of State of Maryland, personally appeared Kenneth K. Klein Jr. and Whitney E. Klein.

The declarant(s) herein, who is/are also the owner(s) of this property, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, and who acknowledged that he/she/they executed for the foregoing instrument for the purposes therein contained. IN WITNESS WHEREOF, have hereunto set my hand and Notarial Seal.

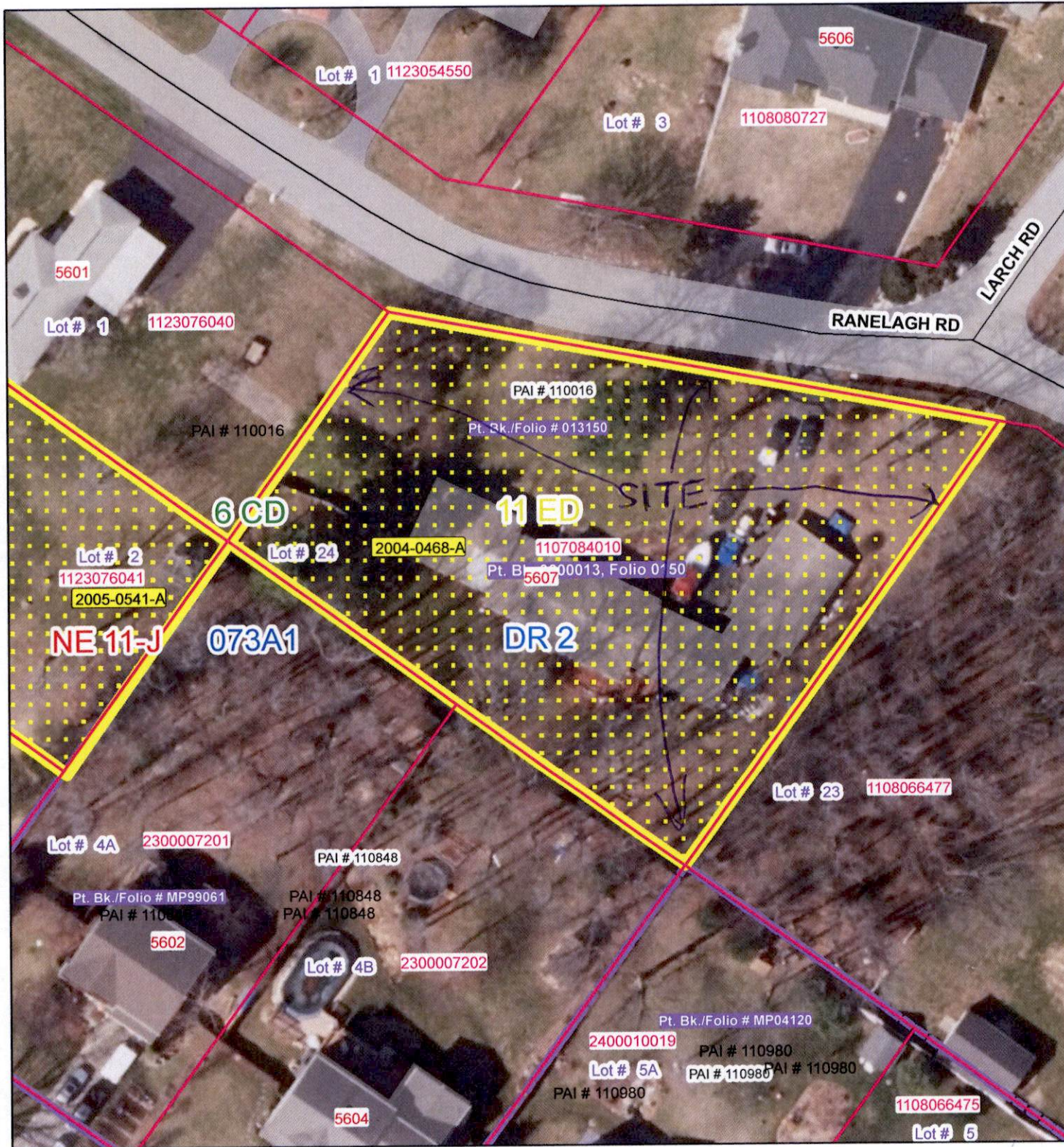
My Commission Expires:

Nov. 26, 2016

commissioned as
Erinn A. Lacoste


Notary Public

5607 Randagh Road



Publication Date: 7/21/2016



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



0 12.5 25 50 75 100 Feet

1 inch = 50 feet

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Side of Inlaw Apartment

Label pics

Rear of inlaw & main house



2017-0031-SPHA

2017-0031-5PH4



Rear of Inlaw

Rear of main house



2017-0031-SP4A

Rear of Inlaw Apartment



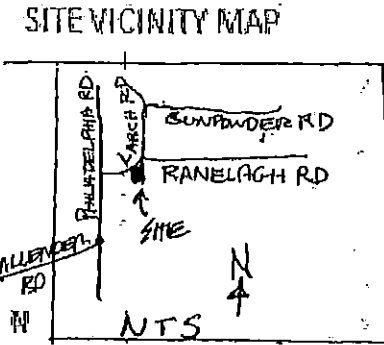
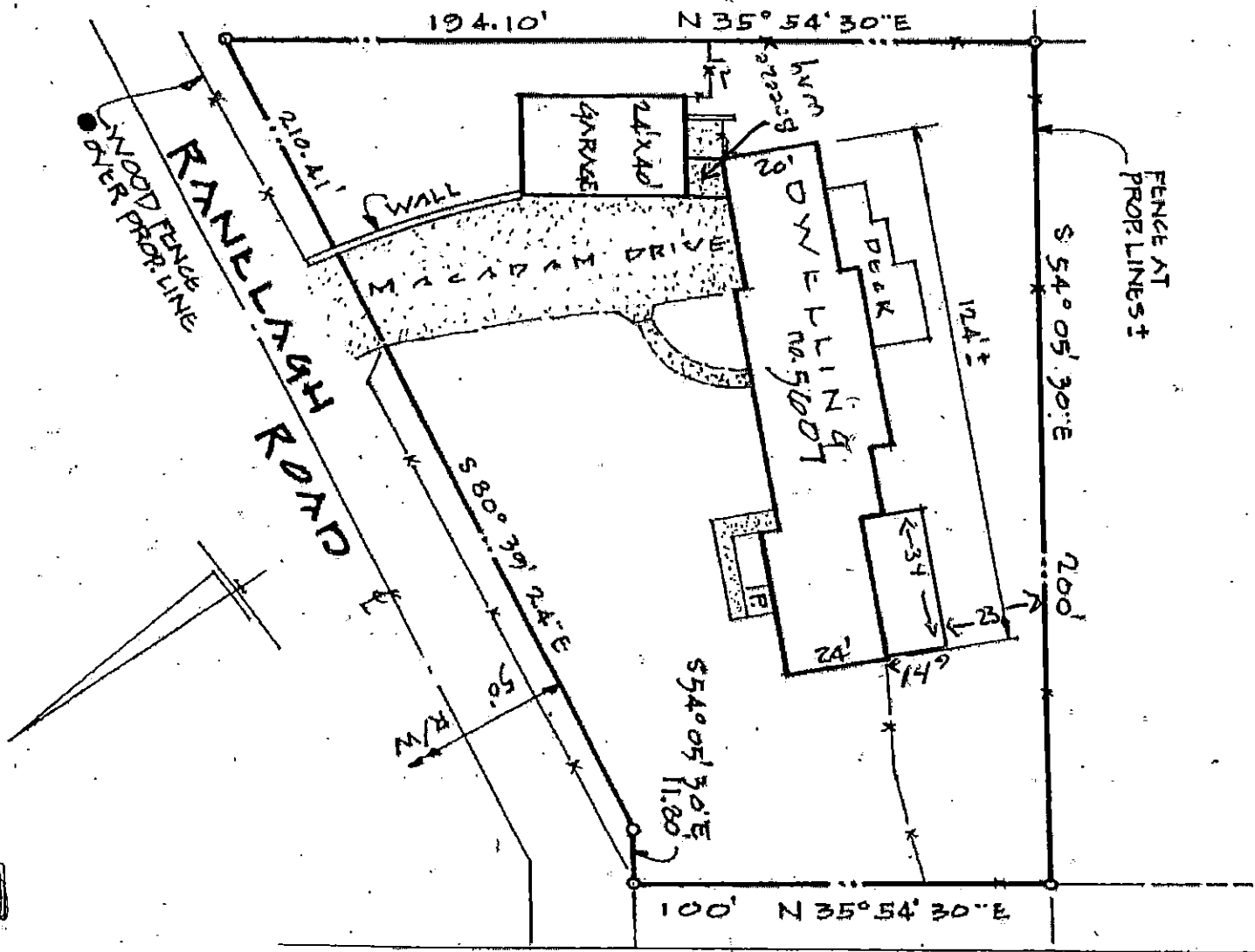
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Rear of Inlaw Apartment



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ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING ☒ (MARK TYPE REQUESTED WITH X)
 ADDRESS 5607 RANELAGH RD WHITE MARSH MA 02116 OWNER(S) NAME(S) WHITNEY E. KLEIN & KENNETH K. KLEIN JR
 SUBDIVISION NAME Darcy Gardens 2 LOT # 24 BLOCK # B SECTION # D
 PLAT BOOK # 13 FOLIO # 150 10 DIGIT TAX # 1107084010 DEED REF. # 0013 / 0150



MAP IS NOT TO SCALE
 ZONING MAP# 073A1
 SITE ZONED DR2
 ELECTION DISTRICT 11
 COUNCIL DISTRICT 5
 LOT AREA ACREAGE .90
 OR SQUARE FEET _____
 HISTORIC? NO
 IN CBGA? _____
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS: PUBLIC ☒ PRIVATE _____
 SEWER IS: PUBLIC ☒ PRIVATE _____
 PRIOR HEARING? YES
 IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW
2004-0468-A
GARAGE IN FRONT YARD
 VIOLATION CASE INFO: _____

PLAN DRAWN BY _____ DATE 7/29/16 SCALE: 1 INCH = 40 FEET

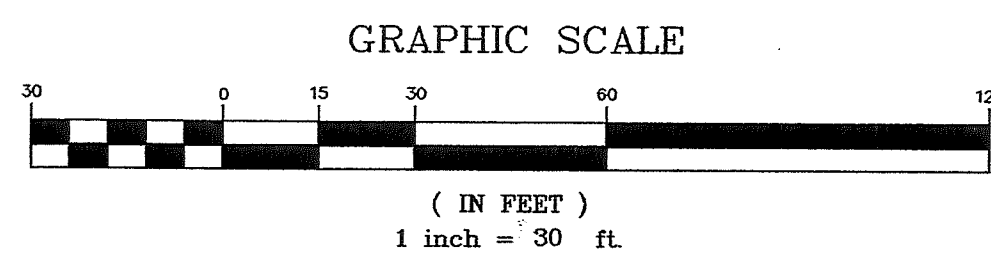
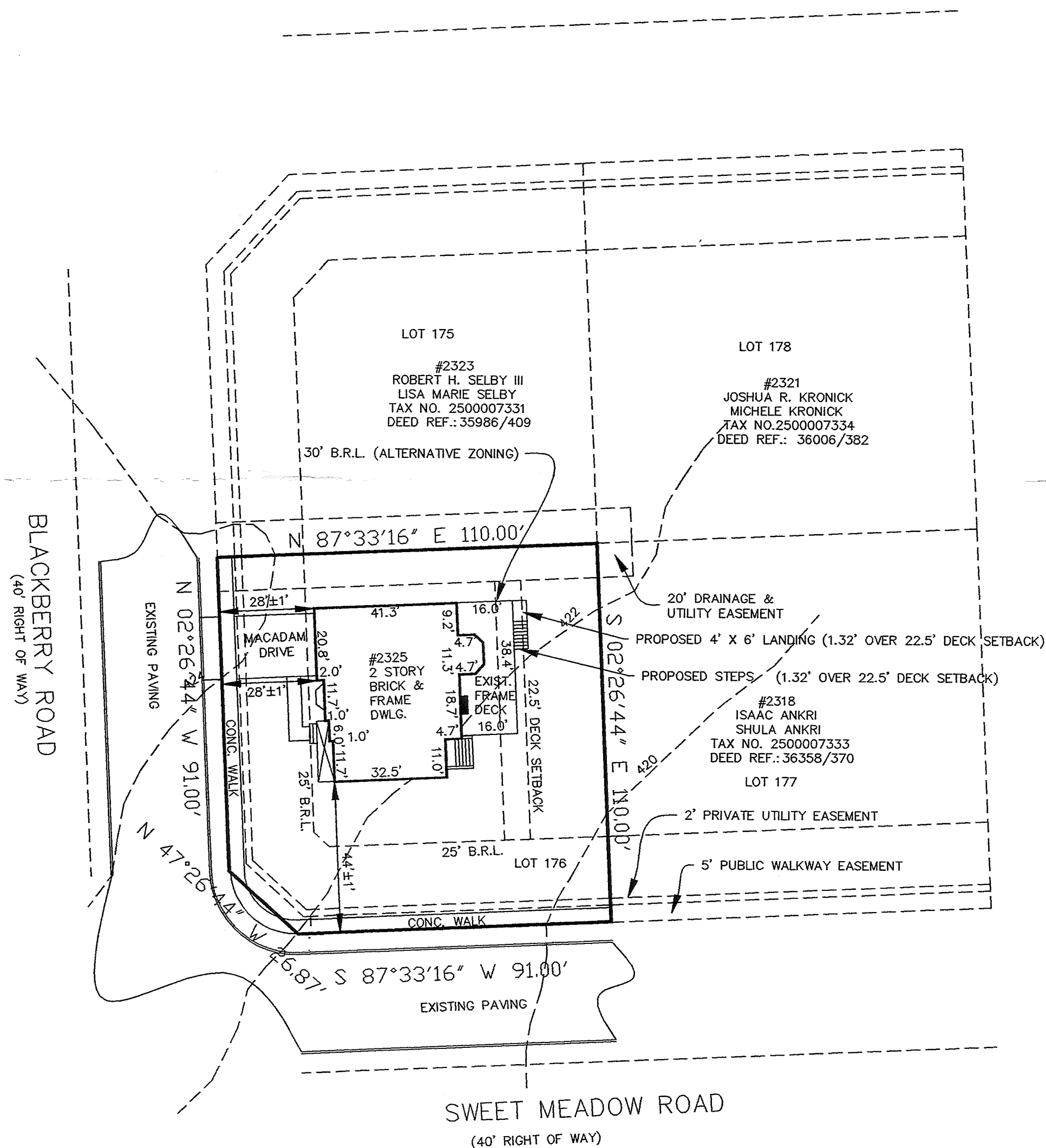
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☒ ADMINISTRATIVE VARIANCE



SPECIAL HEARING

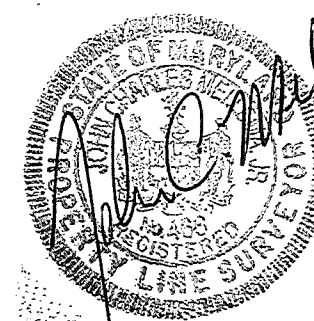


PREPARED BY:

JOHN C. MELLEMA SR., INC.
LAND SURVEYORS

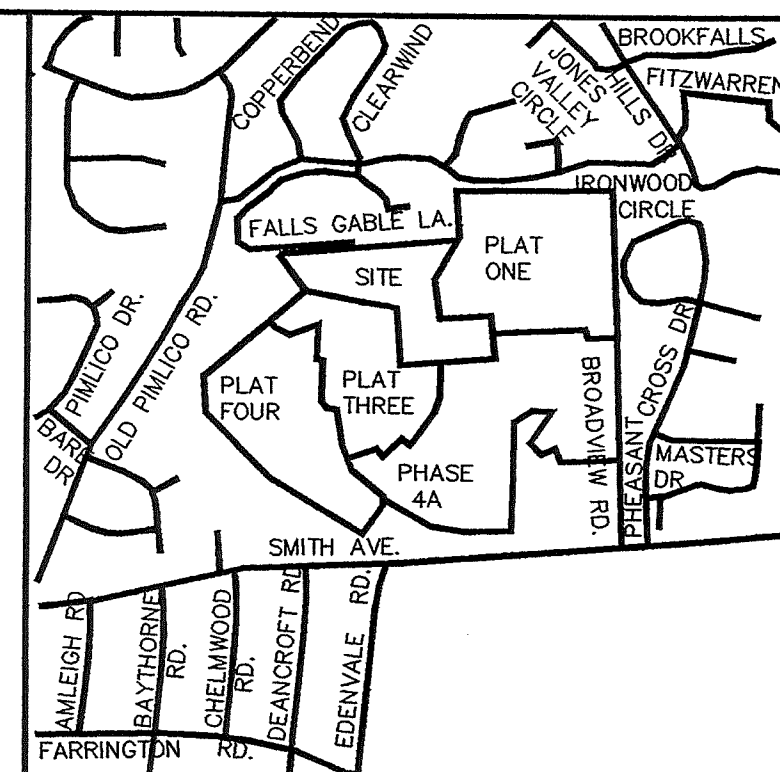
5409 EAST DR. BALTO., MD. 21227

PHONE: 410-247-7488 FAX: 410-247-2507



SITE PLAN FOR PROPOSED DECK
#2325 BLACKBERRY ROAD
LOT 176

"PLAT TWO, PHASE FOUR B, BONNIE VIEW ESTATES"
TAX MAP 0079 GRID 0002 PARCEL 0396
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=30' DATE: JULY, 2016
DEED REF.: 36519/306



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

COUNCILMANIC DISTRICT: 2
ELECTION DISTRICT: 3
ZONING: D.R. 2
1"=200' SCALE MAP: 079A1

LOT SIZE: LOT 176 = 0.274 ACRES±

	YES	NO
PUBLIC SEWER	☒	☐
PUBLIC WATER	☒	☐

CHESAPEAKE BAY CRITICAL AREA YES NO
☐ ☒

SUBDIVISION NAME: "PLAT TWO, PHASE FOUR B,
BONNIE VIEW ESTATES"
PLAT BOOK R.D.A. 79 FOLIO 112

DEED REFERENCE: 36519/306

OWNER: CHAIM S. KAHN
ESTHER D. KAHN
#2325 BLACKBERRY ROAD
BALTIMORE MD. 21209

TAX NO. 2500007332
DATE: OCTOBER, 2015
SCALE: 1"=30'



11

PHONE: 410-247-7488 FAX: 410-247-2507