

MITCHELL J. KELLMAN 03-90
SUSAN JANISKI-KELLMAN
PH. 410-998-9118
3907 ESGARTH WAY
OWINGS MILLS, MD 21117

7-7575/2520

6232

DATE 4/2/2021

PAY TO THE
ORDER OF

Baltimore County

\$ 100.00

One hundred exactly

DOLLARS

Security Features
Included.
Details on Back.

Your Finances. Our Promise.

Baltimore County Employees
Federal Credit Union

Towson, MD 21204

MEMO

Higbee Use Permit

MP

252075757101011483021 6232

GRAYSTONE

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

No. 205093

Date: 4/13/21

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
601	800	0000		6650					100

Total: 100.

Rec

From:

Mitchell J Kellman

For:

7 Colonial Oaks Ct

In-law Apartment

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

Use Permit - Assign Accessory
GH (In-Law) Apartment
21-607 Use Permit Number



501 Fairmount Avenue, Suite 300, Towson, Maryland 21286 p: 410 296 3333 f: 410 296 4705 www.dmw.com

A TEAM OF URBAN PLANNERS, LANDSCAPE ARCHITECTS, ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

To: Mr. Jeff Perlow, Acting Supervisor Date: 4/2/21
Baltimore County Zoning Review Office, PAI Job No: 21010
111 West Chesapeake Ave, Room 111 Attention: In-Law Apartment Use Permit
Towson, MD 21204 Reference: 7 Colonial Oaks Court
Application

We are sending you: ☒ Attached ☐ Under Separate Cover ☒ via: Hand delivered
☐ Shop Drawings ☐ Samples Plans
☐ Specifications ☐

Copies	Date	Number	Description
6	4/2/21	1 sheet	Site Plan (Exhibit B)
6	4/2/21	1 sheet	Property Description (Exhibit A)
1	4//2/21	2 sheets	Apartment Floorplan
1		1	Draft Declaration of Understanding
	4/2/21	1	Check for \$100 for Use permit Fee

These are transmitted as checked below:

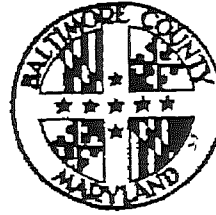
x For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
x For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
As requested ☐ Return for corrections ☐ Return _____ corrected for prints
For review and comment ☐

Remarks: Jeff,
Submitted are the required documents for the Apartment Use Permit Application.
Please let us know if you have any questions.
Thanks much

cc: _____

Signed:  Mitch Kellman

USE PERMIT



IT IS ORDERED by the Director of the Department of Permits, Approvals and Inspections of Baltimore County, this 19 day of May, 2021, that James & Kathryn Higbee located at 7 Colonial Oaks Ct should be and the

(Individual or business name)
(Street address)

same is hereby granted permission to operate a: AN IN-LAW apartment
for: 7 Colonial Oaks Ct
(up-2021-0001-TL)

205093
Permit (or Receipt) Number

C. P. R.
Director, Permits, Approvals and Inspections

Planner's Initials G. H.

AZRAEL | FRANZ

SCHWAB LIPOWITZ & SOLTER

Jonathan A. Azrael
Keith S. Franz
Paul J. Schwab, III
Judson H. Lipowitz
John R. Solter, Jr.
Carley Wilbourne

May 4, 2021

HAND DELIVERED TO OFFICE OF FINANCE DROP BOX

Circuit Court for Baltimore County
Land Record Division
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Declaration of Understanding
7 Colonial Oaks Court, Baltimore County, Maryland

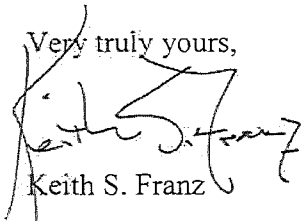
Dear Clerk:

In order to record the Declaration of Understanding approved by the Baltimore County Department of Permits, Approvals and Inspections on April 26, 2021, I am enclosing with this letter the following documents:

1. Copy (notarized) of the Declaration of Understanding (original was retained by the Department of Permits);
2. Four (4) copies of the Land Instrument Intake Sheet;
3. Check in the amount of \$60.00 payable to the Clerk of the Court;
4. Self-addressed stamped return envelope.

If you have any questions about this letter or need any additional information, please contact me.

Very truly yours,



Keith S. Franz

KSF/alw
Enclosures

PI Dept\KSF\CHESDEL\HIGBEE\Baltimore County Clerk Ltr 5-4-21.docx

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.
(Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

1	Type(s) of Instruments	(☐ Check Box if addendum Intake Form is Attached)						
		☐ Deed	☐ Mortgage	☒ Other Declaration of Understanding	☐ Other _____			
		☐ Deed of Trust	☐ Lease					
2	Conveyance Type Check Box	☐ Improved Sale Arms-Length [1]	☐ Unimproved Sale Arms-Length [2]	☐ Multiple Accounts Arms-Length [3]	☒ Not an Arms-Length Sale [9]			
3	Tax Exemptions (if applicable)	☐ Recordation ☐ Declaration of Understanding ☐ State Transfer ☐ County Transfer						
	Cite or Explain Authority							
4	Consideration and Tax Calculations	Consideration Amount			Finance Office Use Only Transfer and Recordation Tax Consideration			
		Purchase Price/Consideration	\$ 0.00		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	\$			
5	Fees	Amount of Fees		Doc. 1	Doc. 2	Agent		
		Recording Charge	\$ 40.00		\$			
		Surcharge	\$ 20.00		\$	Tax Bill:		
		State Recordation Tax	\$		\$	C.B. Credit:		
		State Transfer Tax	\$		\$			
		County Transfer Tax	\$		\$	Ag Tax/Other:		
		Other	\$		\$			
		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	
		10	20-00-002956	43969/00372	0044	0385	(5)	
		Subdivision Name		Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)
				34		2	0053/0019	
		Location/Address of Property Being Conveyed (2)						
		Declaration of Understanding - 7 Colonial Oaks Court, Jacksonville, MD 21131						
		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)			
		Baltimore County, <u>James Higbee, James Jones</u>						
		<u>James Higbee, Kathryn Higbee</u>						
		Doc. 1 – Owner(s) of Record, if Different from Grantor(s)			Doc. 2 – Owner(s) of Record, if Different from Grantor(s)			
8	Transferred To	Doc. 1 – Grantee(s) Name(s)			Doc. 2 – Grantee(s) Name(s)			
		<u>BALTO CO</u>						
		New Owner's (Grantee) Mailing Address						
9	Other Names to Be Indexed	Doc. 1 – Additional Names to be Indexed (Optional)			Doc. 2 – Additional Names to be Indexed (Optional)			
10	Contact/Mail Information	Instrument Submitted By or Contact Person					☒ Return to Contact Person	
		Name: Keith S. Franz, Esquire					☐ Hold for Pickup	
		Firm: Azrael, Franz, Schwab, Lipowitz & Solter, LLC					☐ Return Address Provided	
		Address: 101 E. Chesapeake Ave., Fifth Floor						
		Towson, Maryland 21286						
		Phone: (410) 821-6800						
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER							

up -2021- 000

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 19th day of April, 2021 by and between Joanna Higbee, Jamie Young, James Higbee and Kathryn Higbee (hereinafter referred to as the "Declarant") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

Recitals

A. The Declarants who are also the owners of this property have filed an application for a use permit for approval of an existing "in-law" apartment (under a new owner's name) within the existing single family dwelling and located above the existing attached garage.

The property being located at 7 Colonial Oaks Court 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 RC5, 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 James and Kathryn Higbee, parents of Joanna Higbee. The other residents of the property are Joanna Higbee and Jamie Young, daughter and son-in-law of James and Kathryn Higbee, co-owners of the property. 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 acknowledged, 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

up-2021-00076

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up -2021- 000 IL
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Clerk of the Circuit Court for
Baltimore County

County Courts Building

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

(410)887-2601

LR - Declaration/Covenant Recording Fee
1x 20.00 20.00

Declarant Name: HIGBEE

LR - Surcharge

1x 40.00 40.00

SubTotal: 60.00
Total: 60.00

REV-Check-WFB 60.00
Number : 36208

05/06/2021 12:31
#14903450/537/67

CC03-ML

JULIE L. ENSOR
Clerk of the Court

IN RE: PETITION FOR ADMIN. VARIANCE
NE side of Colonial Oaks Court, 807
feet SE of c/l of Manor Oak Road
10th Election District
3rd Councilmanic District
(7 Colonial Oaks Court)

Bradley and Barbara A. Miller
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* BALTIMORE COUNTY
*
* CASE NO. 08-029-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Bradley and Barbara A. Miller for property located at 7 Colonial Oaks Court. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side setback of as little as 40 feet in lieu of the required 50 feet for an addition to a single family dwelling. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to create additional living and storage space by constructing a 2-story addition. Due to the architectural characteristics of the existing dwelling, location of the septic reserve area and topography of the site, the location as shown on the site plan is the only practical location for the proposed improvement to be constructed.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The ZAC comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 28, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

FROM RECEIVED FOR FILED

8-16-07
P3

WD 2021-0001-IL

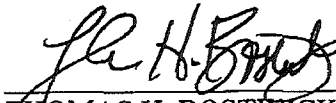
The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, 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 Petitioner.

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, by the Deputy Zoning Commissioner for Baltimore County, this 16th day of August, 2007 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side setback of as little as 40 feet in lieu of the required 50 feet for an addition to a single family dwelling be and is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

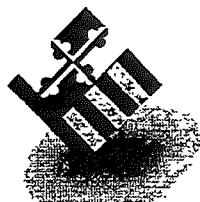
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz
FROM RECEIVED FOR FILES

8-16-07

pz



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 16, 2007

BRADLEY AND BARBARA A. MILLER
7 COLONIAL OAKS COURT
JACKSONVILLE MD 21131

Re: Petition for Administrative Variance
Case No. 08-029-A
Property: 7 Colonial Oaks Court

Dear Mr. and Mrs. Miller:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

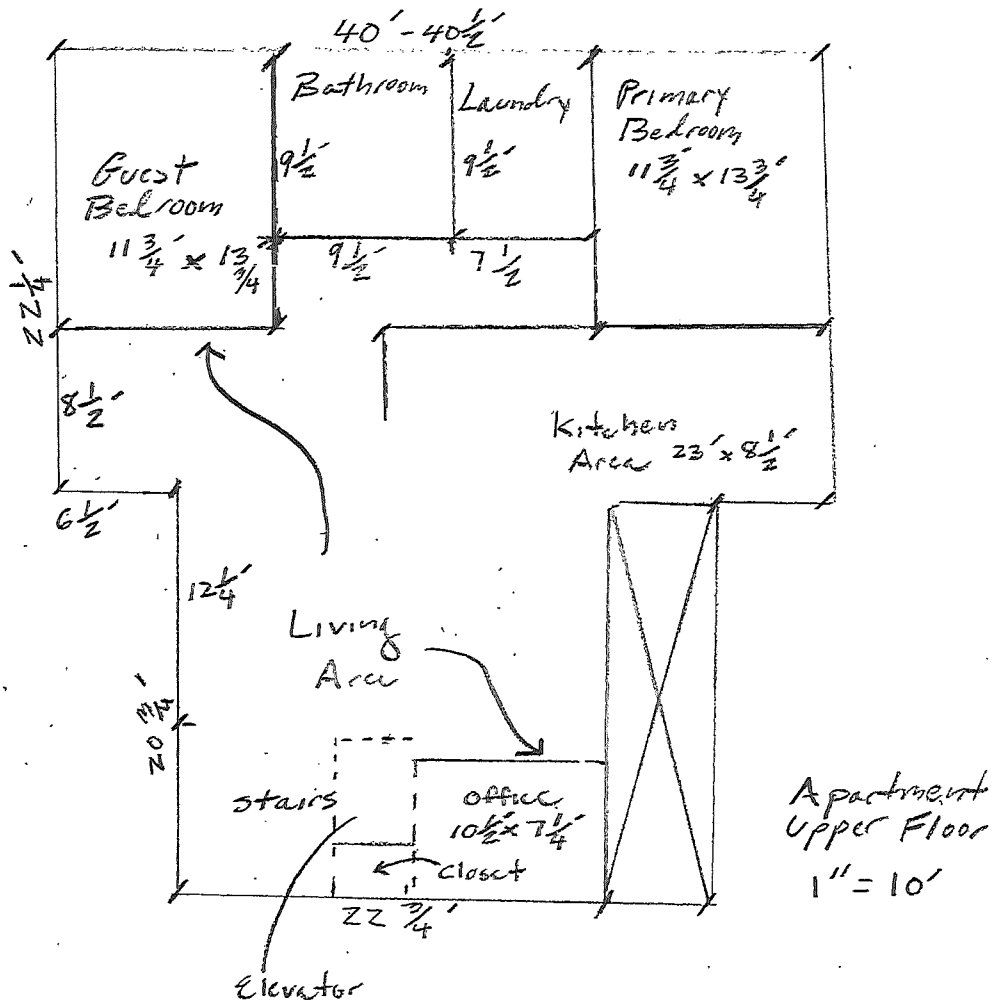
A handwritten signature in dark ink, appearing to read "Th. H. Bostwick".

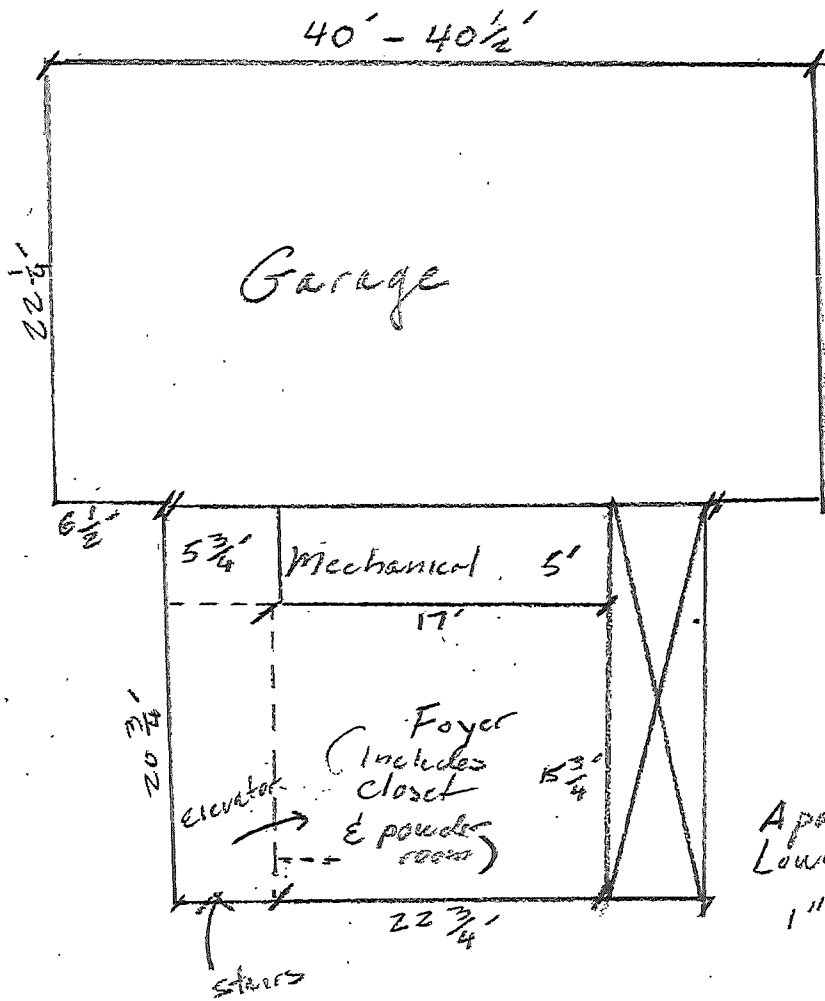
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood MD 21040





Apartment
Lower Floor (includes foyer
only)

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Apartment has been constructed as part of the Property since 2007 and has been and shall continue to 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. Of the Accessory Apartment in the principal dwelling, use permit termination requires removal of the second kitchen and the former Accessory Apartment space to be occupied by the Declarant(s) or subsequent purchaser.

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

4. The covenants, conditions, and restrictions stated above shall run with and bind the Property and shall be enforceable by Baltimore County, MD and by the owners of all or any portion of the Property.

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

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

WITNESS:

Christine R. Roffer

Christine R. Roffer

Joanna Higbee

Jamie Young

Christine R. Hoffer
Christine R. Hoffer

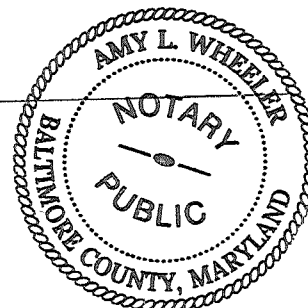
James A. Higbee
James Higbee
Kathryn Higbee
Kathryn Higbee

State of Maryland, County of Baltimore to wit:

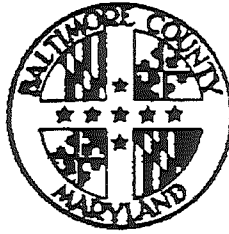
I HEREBY CERTIFY that on this 19th day of April, 2021, before the Subscriber, a Notary Public of the State of Maryland, personally appeared James Higbee, Kathryn Higbee, Joanna Higbee and Jamie Young, the declarant(s) herein, who are also the owner(s) of this property, known to me (or satisfactorily proven) to be the person(s) whose name(s) 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.

Amy L. Wheeler
Notary Public



My Commission Expires: 9-1-2022



The Declaration of Understanding for the Accessory Apartment at:

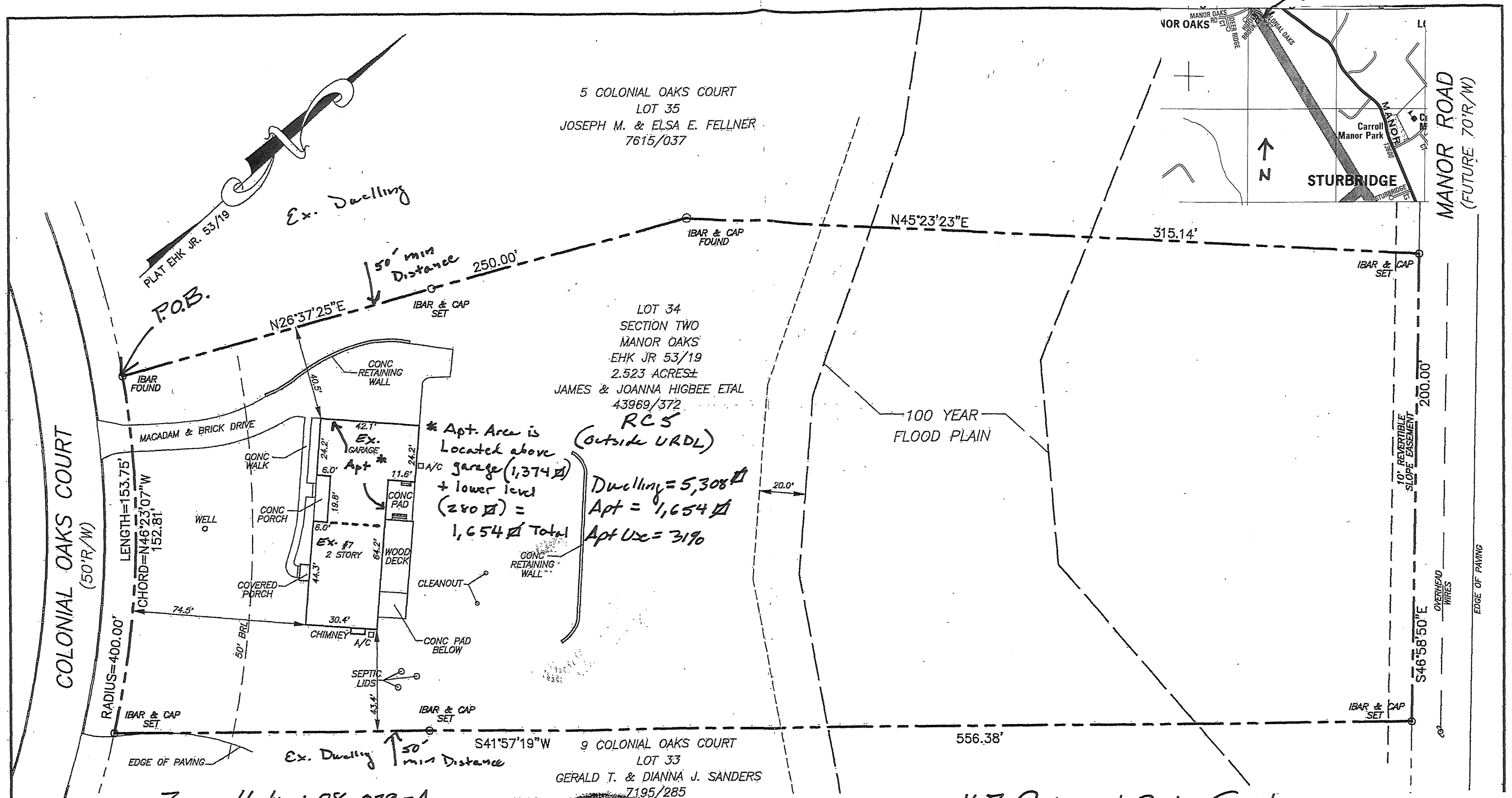
7 Colonial Oaks Court
Address of property

is approved: *[Signature]*

4/26/21
Date

Department of Permits, Approvals and Inspections

Exhibit B



Zoning History: 08-029-A
Aug 16, 2007, the Deputy Zoning
Commissioner granted a side
setback as little as 40 feet in
lieu of 50 feet, subject to the
30-day appeal period.

#7 Colonial Oaks Court
Plan To Accompany Use Permit Application
For An "In-Law" Apartment

Electron District 10
Councilmanic District 3

$$1'' = 40'$$

4p-2021-0001-IL