

# USE PERMIT



IT IS ORDERED by the Director of the Department of Permits, Approvals and Inspections of Baltimore County, this 13 day of September, 2022,

that MARY BOJAN located at  
(Individual or business name)  
12808 Kanes Rd should be and the  
(Street address)

same is hereby granted permission to operate a: \_\_\_\_\_

ACCESSORY IN-LAW APARTMENT

(Renewal Required Every Two Years)

218545/9028T2D3KAGK5 C.P.T.  
Permit (or Receipt) Number Director, Permits, Approvals and Inspections

Planner's Initials CF

Revised 10/17/11

UP 2022-0002-IL

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 20<sup>th</sup> day of July, 2022, by and between Mary A. Bojan Trust (hereinafter referred to as the "Declarant") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

Recitals

A. The Declarant, who is also the owner of this property, has filed an application for a use permit to construct an accessory apartment within a proposed new single-family dwelling.

The property is located at 12808 Kaness Road, Glen Arm, Maryland 21057 and is more particularly described by metes and bounds in Exhibit A (the "Property") and Exhibit B (the Site Plans) attached hereto and made a part hereof. The Property is zoned RC 5, which is the particular zone in which the Property is located.

B. The Department of Permits, Approvals and Inspections 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 Mary A. Bojan, mother/grandmother of the primary residents. The other residents of the Property are Amanda Wittelsberger (daughter), Eric Wittensberger (son-in-law), Connor Wittelsberger (grandchild) and Maeve Wittelsberger (grandchild). Declarant understands that 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 PAI and/or Baltimore County's Administrative Law Judges.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declarant and PAI hereby declare as follows:

1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit. The kitchen for the Accessory Apartment will be constructed as part of the Property and shall be accessory to the principal use of the Property as a single-family residence. The Accessory Apartment shall house only the immediate family member listed in this Declaration and it is not to be used as an independent residential unit, nor 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

LR -  
Declarant Name: BOJAN  
Recording Fee: 20.00  
Recording Date: 08-22  
Recording Time: 08:58  
Recording Office: CC03-ML  
Recording Office Address: 67038 CC0301 -  
Recording Office Phone: 410-386-2022  
Recording Office Fax: 410-386-2022  
Recording Office Email: cc03-01.02 -

#16578938



zoning hearing. The hearing order is to be made part of this Declaration when it is recorded in the 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 may require removal of the second kitchen and the former Accessory Apartment to be occupied by the Declarant or subsequent purchaser.

B. The Declarant, upon termination of the use permit, will provide written notification to PAI for the closing of the Department File.

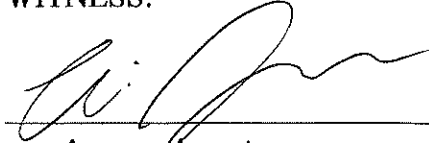
4. The covenants, conditions, and restrictions stated above shall run with and bind the Property and shall be enforceable by Baltimore County, Maryland and by the owners of all or any portion of the Property.

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.

**[SIGNATURES CONTAINED ON FOLLOWING PAGES]**

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

WITNESS:


  
\_\_\_\_\_  
Alexandra Jones

  
\_\_\_\_\_  
Declarant

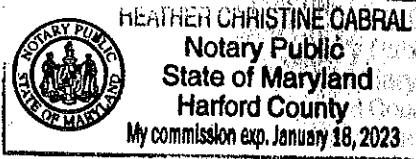
State of Maryland, County of Baltimore, to wit:

I HEREBY CERTIFY that on this 3<sup>RD</sup> day of June, 2022, before the Subscriber, a Notary Public of the State of Maryland, personally appeared Mary Bojan, the declarant herein, who is also the owner of this property, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and who acknowledged that she executed the foregoing instrument for the purposes therein contained.

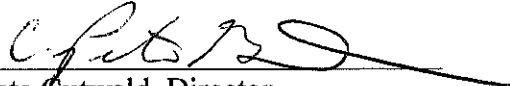
IN WITNESS WHEREOF, have hereunto set my hand and Notarial Seal.

  
\_\_\_\_\_  
Notary Public

My Commission expires January 18, 2023



[SIGNATURES CONTINUE ON FOLLOWING PAGE]

By:   
**C. Pete Gutwald, Director**  
**Department of Permits, Approvals**  
**and Inspections**

# EXHIBIT A



57 WEST TIMONIUM ROAD  
SUITE 210  
TIMONIUM, MD 21093  
PHONE: (410) 252-4444  
WWW.POLARISLC.COM

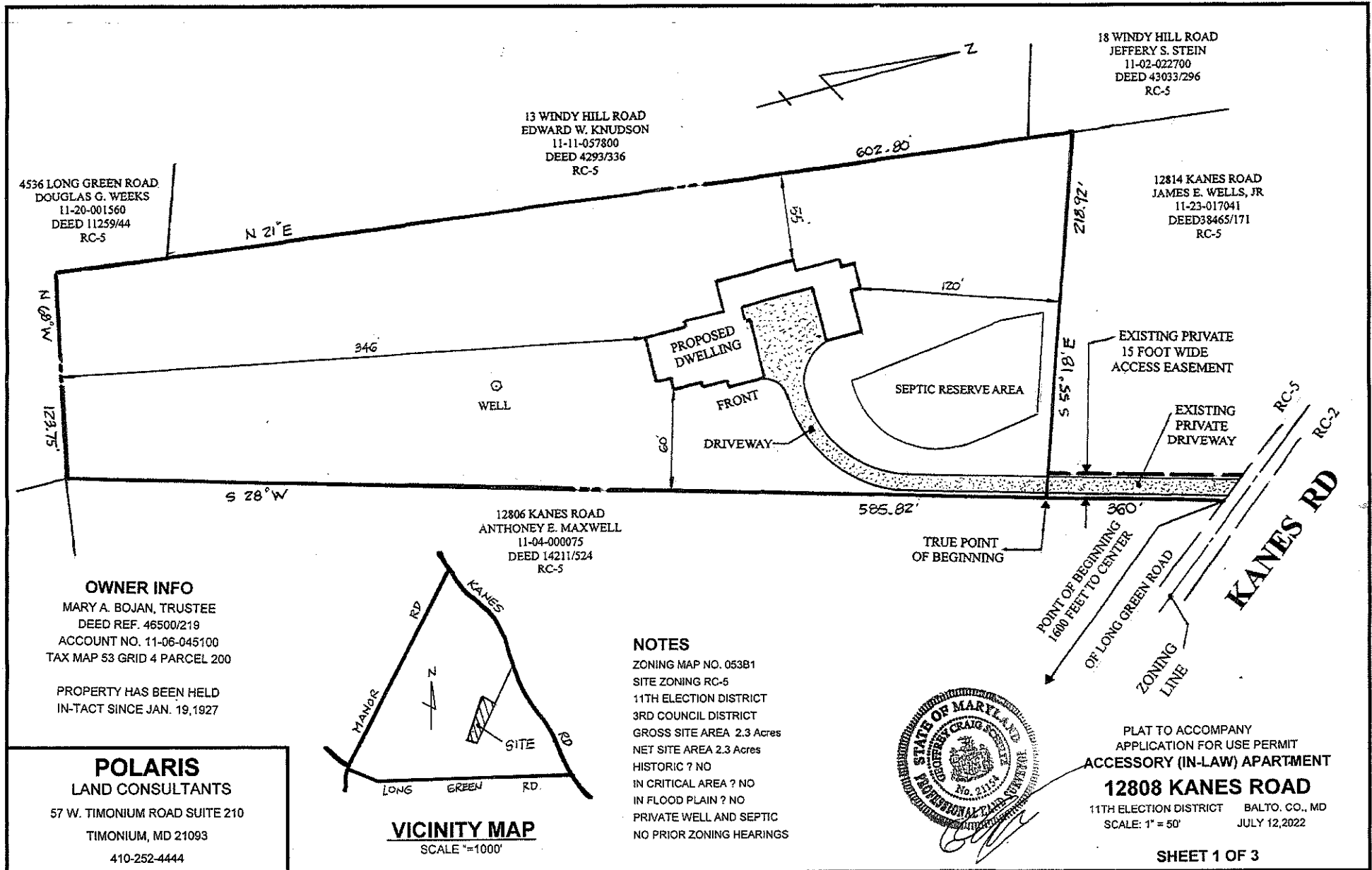
Zoning Description of  
12808 Kanes Road  
11<sup>th</sup> Election District  
3<sup>rd</sup> Councilmanic District  
Baltimore County, MD



Beginning at a point on the West side of Kanes Road at the distance of 1600 feet more or less Northwest of the center of Long Green Road, thence running S 28° W 3690 feet to the True Point of beginning, thence running 1) S 28° W 585.82 feet, 2) N 68° W 123.75 feet, 3) N 21° E 602.80 feet, and 4) S 55° 18' E 218.92 feet to the place of beginning.

Containing 2.3 acres of land as recorded in deed Liber 46500\219.

# EXHIBIT B



4536 LONG GREEN ROAD  
 DOUGLAS G. WEEKS  
 11-20-001560  
 DEED 11259/44  
 RC-5

13 WINDY HILL ROAD  
 EDWARD W. KNUDSON  
 11-11-057800  
 DEED 4293/336  
 RC-5

18 WINDY HILL ROAD  
 JEFFERY S. STEIN  
 11-02-022700  
 DEED 43033/296  
 RC-5

12814 KANES ROAD  
 JAMES E. WELLS, JR.  
 11-23-017041  
 DEED38465/171  
 RC-5

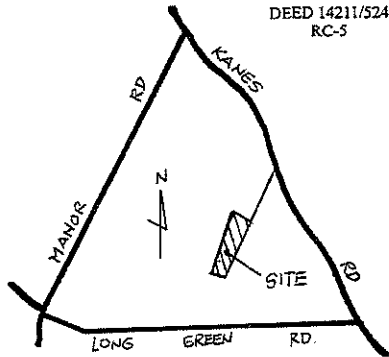
12806 KANES ROAD  
 ANTHONY E. MAXWELL  
 11-04-000075  
 DEED 14211/524  
 RC-5

**OWNER INFO**  
 MARY A. BOJAN, TRUSTEE  
 DEED REF. 46500/219  
 ACCOUNT NO. 11-06-045100  
 TAX MAP 53 GRID 4 PARCEL 200

PROPERTY HAS BEEN HELD  
 IN-TACT SINCE JAN. 19, 1927

**POLARIS**  
**LAND CONSULTANTS**

57 W. TIMONIUM ROAD SUITE 210  
 TIMONIUM, MD 21093  
 410-252-4444



**NOTES**

- ZONING MAP NO. 053B1
- SITE ZONING RC-5
- 11TH ELECTION DISTRICT
- 3RD COUNCIL DISTRICT
- GROSS SITE AREA 2.3 Acres
- NET SITE AREA 2.3 Acres
- HISTORIC ? NO
- IN CRITICAL AREA ? NO
- IN FLOOD PLAIN ? NO
- PRIVATE WELL AND SEPTIC
- NO PRIOR ZONING HEARINGS



PLAT TO ACCOMPANY  
 APPLICATION FOR USE PERMIT  
 ACCESSORY (IN-LAW) APARTMENT

**12808 KANES ROAD**

11TH ELECTION DISTRICT BALTO. CO., MD  
 SCALE: 1" = 50'  
 JULY 12, 2022

**SHEET 1 OF 3**

4536 LONG GREEN ROAD  
DOUGLAS G. WEEKS  
11-20-001560  
DEED 11259/44  
RC-5

13 WINDY HILL ROAD  
EDWARD W. KNUDSON  
11-11-057800  
DEED 4293/336  
RC-5

18 WINDY HILL ROAD  
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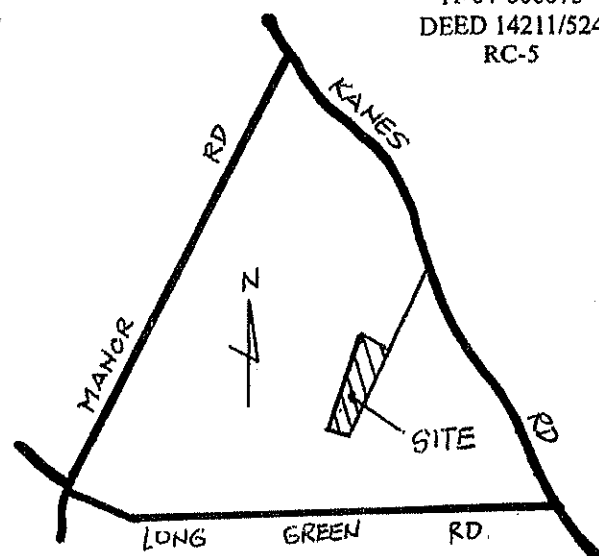
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DEED 38465/171  
RC-5

12806 KANES ROAD  
ANTHONEY E. MAXWELL  
11-04-000075  
DEED 14211/524  
RC-5

**OWNER INFO**  
MARY A. BOJAN, TRUSTEE  
DEED REF. 46500/219  
ACCOUNT NO. 11-06-045100  
TAX MAP 53 GRID 4 PARCEL 200

PROPERTY HAS BEEN HELD  
IN-TACT SINCE JAN. 19,1927

**POLARIS**  
LAND CONSULTANTS  
57 W. TIMONIUM ROAD SUITE 210  
TIMONIUM, MD 21093  
410-252-4444



**VICINITY MAP**  
SCALE " = 1000'

**NOTES**

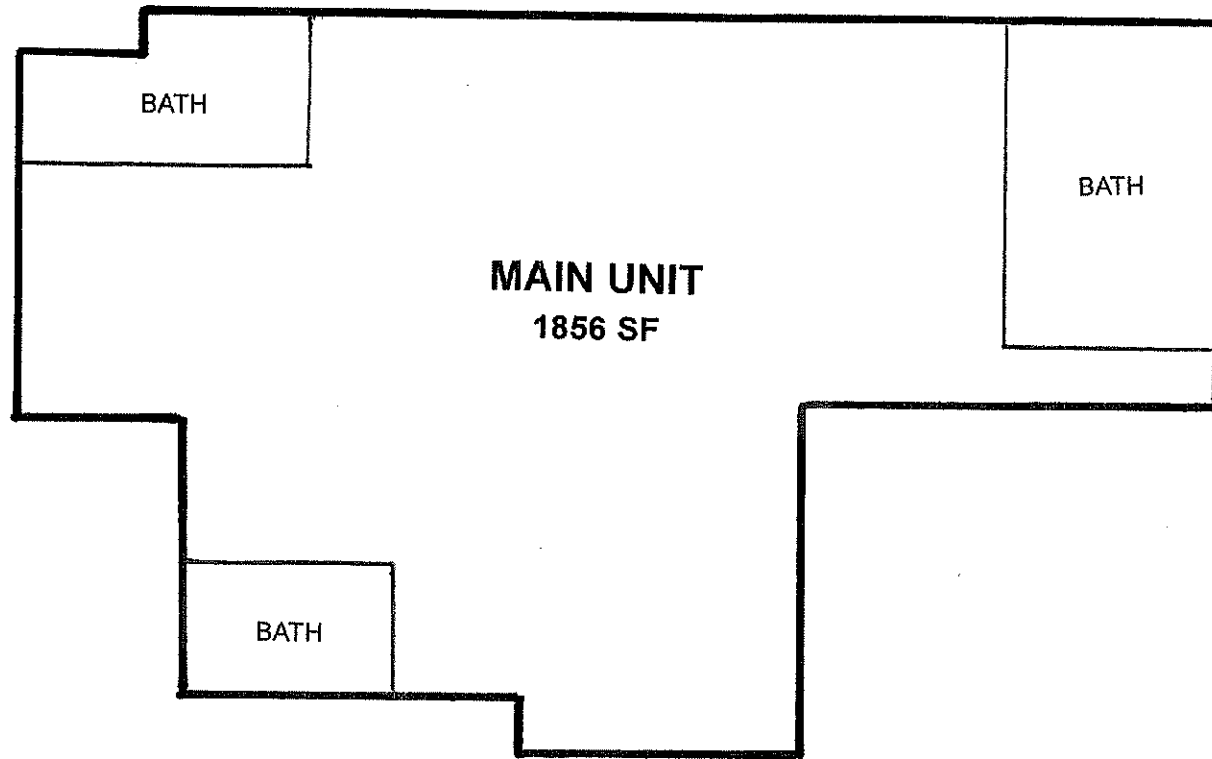
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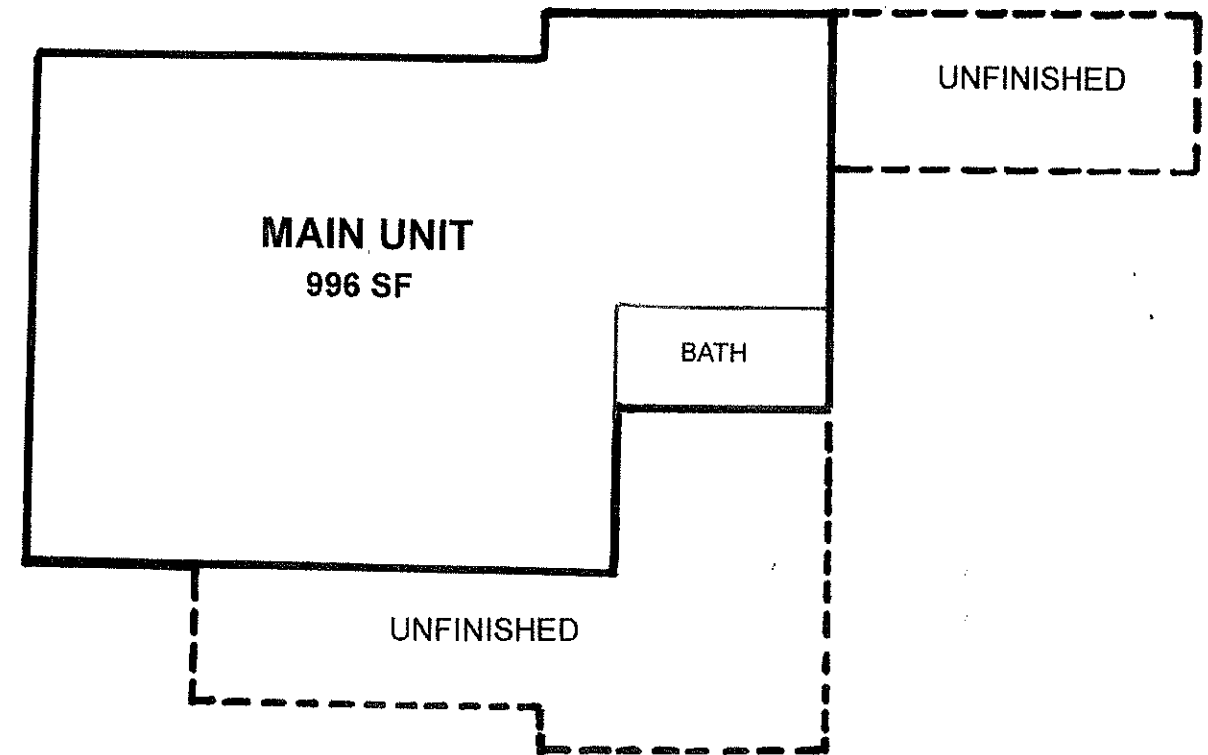
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11TH ELECTION DISTRICT BALTO. CO., MD  
SCALE: 1" = 50' JULY 12, 2022



**SECOND FLOOR**  
SCALE: 1"=10'



**BASEMENT**  
SCALE: 1"=10'

**POLARIS**  
LAND CONSULTANTS  
57 W. TIMONIUM ROAD SUITE 210  
TIMONIUM, MD 21093  
410-252-4444



PLAT TO ACCOMPANY  
APPLICATION FOR USE PERMIT  
ACCESSORY (IN-LAW) APARTMENT

**12808 KANES ROAD**  
11TH ELECTION DISTRICT BALTO. CO., MD  
SCALE: 1" = 50' JULY 12, 2022