

**IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE**

N side of Nine Mile Circle, 121 feet NE
of Frederick Road
1st Election District
1st Councilmanic District
(2804-2828 Nine Mile Circle)

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY

Condominium Mill Homes at Nine Mile Circle
Petitioner

* **Case No. 2009-0213-SPHA**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Brian Dolan, president of the Council of the Unit Owners of the Condominium Mill Homes at Nine Mile Circle, the legal owner of the subject property. The Petitions as filed seek Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- To determine that altering a condominium regime into fee simple lots does not qualify as a subdivision under the Baltimore County Code; and
- To approve allowing the existing units to continue to utilize the parking layout as shown on the plan.

Variance relief is also requested as follows:

- From Section 1B01.2.C.1.b of the B.C.Z.R. to allow a minimum front building setback to right-of-way or property line of 16 feet in lieu of the required 25 feet; and
- From Section 1B01.2.C.1.b of the B.C.Z.R. to allow a minimum side building face setback to tract boundary line of 0 feet in lieu of the required 15 feet; and
- From Section 1B01.2.C.1.b of the B.C.Z.R. to allow a side building face to side building face setback of 0 feet in lieu of 16 feet if less than 16 feet in height and/or 20 feet if greater than 20 feet in height; and
- From Section 1B01.2.C.1.b of the B.C.Z.R. to allow a minimum rear building face to property line setback of 0 feet in lieu of the required 30 feet; and

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[Signature]

- From Sections 1B01.2.C.1.b and 301.1 of the B.C.Z.R. to allow a minimum of 8 feet in lieu of 25 feet, and 18 feet 9 inches for open porches to right-of-way setback as indicated.

The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested relief was Brian P. Dolan, owner of a dwelling known as 2810 Nine Mile Circle and president of the Condo at Nine Mile Condominium Association. Also present were two other owners/residents at the subject property; namely, Joseph D'Addo and Susan A. Allen (hereinafter "Petitioners"). Lawrence E. Schmidt, Esquire of Gildea & Schmidt, LLC, represented Petitioners. Also appearing and testifying in support of the Petitions was David S. Thaler, principal of D.S. Thaler and Associates, Inc., the engineering and architectural firm that prepared the site plan. Also present on behalf of Baltimore County was Donald Rascoe, Deputy Director of the Department of Permits and Development Management. There were no Protestants or other interested persons present at the hearing.

Testimony and evidence offered revealed that the subject property is an irregular-shaped property located adjacent to Frederick Road (MD Route 144), near the Baltimore County/Howard County line (Patapsco River) in southwestern Baltimore County. The property is near the historic mill community known as Oella. The property is approximately 4.67 acres, split-zoned D.R.1 and D.R.3.5. The predominant zoning of the property is D.R.3.5. The property is presently improved with 11 single-family dwellings. As shown on the site plan, these dwellings are grouped near the front portion of the site, immediately adjacent to Nine Mile Circle, a public road that provides vehicular access to this community. Nine Mile Circle essentially serves as a semi-circular driveway, in that it enters into the property from Frederick Road to the east, runs across the front of the dwellings, then reconnects to Frederick Road to the west. The topography of the property is

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significant, in that the grade significantly rises from the front adjacent to Nine Mile Circle. The rear of the property is at a higher elevation and is nearly entirely wooded and not developed. The grade and environmental features of the rear of the property make it unsuitable for development.

The history of the property is also significant. As is the case with many old mill towns in Baltimore County, the subject property was developed as housing for mill workers during the 19th century. A textile mill known as Grey's Mill was located nearby. As mentioned above, there are 11 single-family dwellings on the subject property. Some are single-family detached structures and others are side-by-side attached units. Many years ago, these houses were typically occupied by workers at the textile mill.

In 1999, after the mill had long since closed, the entire tract was acquired and proposed for redevelopment. Given the historic character of the site and constraints associated with the property, this redevelopment was approved as a condominium regime. Significantly, the redevelopment of the property was not subject to the development review regulations for Baltimore County contained in B.C.C. Article 32, Title 4. Nonetheless, a plat was recorded in the Land Records for Baltimore County on April 8, 1999 at Liber 22, Foilo 76 establishing the condominium regime for these 11 units. As Mr. Thaler explained at the hearing, this redevelopment was actually a "landominium," in that the individual residents own not only their individual building unit, but a small area of real property surrounding each unit as well.

Following this approval, the houses were ultimately individually sold and occupied. The current residents formed a homeowners' association and through the instant petitions are seeking approval to allow the dissolution of the condominium regime and the creation of a community made of in-fee lots. As indicated by Petitioners present at the hearing, apparently issues related to the acquisition and pricing of homeowners' insurance and other complications have necessitated

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this request. In order to accommodate this conversion of the property from a condominium regime to a single-family, in-fee community, the instant Petitions were filed.

Considering first the Petition for Special Hearing, Petitioners' counsel, Mr. Schmidt, moved for an amendment of that Petition in open hearing. Specifically, that portion of the Special Hearing requesting a finding that the alteration of the condominium regime does not qualify as a subdivision under the Baltimore County Code was withdrawn. In lieu thereof, Mr. Schmidt indicated that Petitioners would seek a waiver of the application of the development review regulations and process, pursuant to B.C.C. Section 32-4-107(b). Pursuant thereto, the Director of the Department of Permits and Development Management (rather than the Zoning Commissioner) has the authority to waive the application of the development regulations in certain instances. A waiver request is to be made with Director Timothy Kotroco under the authority provided by this section of the B.C.C.

Although the authority to grant that waiver ultimately rests with Director Kotroco, in my view, the waiver appears appropriate and I recommend that it be granted. There is no new development, per se, in that no new construction or building is proposed. Rather, as explained above, Petitioners only seek to convert the existing community into an in-fee community. Requiring the members of this community to bear the time and expense associated with, and delay in proceeding through, the development review process seems inappropriate. Nonetheless, in view of Petitioners' election to proceed via a waiver request under B.C.C. Section 32-4-107(b), I will approve the amendment of the Petition and decline to issue any ruling on that question as presented. In open hearing, Mr. Rascoe consented to proceeding in this fashion and indicated that this process was appropriate.

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As to the other relief requested under the Petition for Special Hearing, Petitioner seeks approval to allow the existing units to continue to utilize the parking layout as shown on the site plan. In this regard, the semi-circular public road described above (Nine Mile Circle) provides access to the site from Frederick Road. This road accommodates parking for the units and essentially serves as a semi-circular driveway for the community. Although parking spaces are not specifically designated for the proposed in-fee lots, Nine Mile Circle provides appropriate access and apparently the arrangement has worked well for many years. Under the circumstances, I am persuaded to grant the Special Hearing relief requested, as it is most practical and appropriate to continue the current arrangement.

Turning next to the Petition for Variance, there are five variances requested. As is well settled, in order for variance relief to be approved, Petitioner must establish that the subject property is unique and that this unique factor drives the need for a variance request (*See, Cromwell v. Ward* 102 Md. App. 691 (1995) and *People's Counsel v. Trinity Church* 407 Md. 53, 962 A.2d 404 (2008)). There are a number of factors which support a finding of uniqueness in this case. First, the property's irregular shape is unique and unlike any property in the area. Moreover, the significant topography and environmental constraints (which limit the allowable building area) drive the need for the variances. Most significant is the historic character associated with the property. Several of the homes are 150 years old or more and as a historic mill town, the entire area has historic significance. For all of the above reasons, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests, and therefore, find the property to be unique in a zoning sense.

Insofar as the requirement for a finding of practical difficulty, it is to be noted that all of the variances seek relief for existing conditions. There is no new construction proposed and the

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variances seek to legitimize the present location of the units. Generally, the variances seek relief for setback requirements from the front, side and rear property lines. Some of the units meet the setback requirements, while others do not provide the necessary setbacks. The details of each variance as applied to each unit are shown in detail on the site plan. Not every unit requires a variance; however, relief is requested for many. In short, the need for the variances is caused by the layout of the existing community, as well as the shape and topographical features of the subject site. Adherence to the setback regulations would necessitate razing some of the historic structures. As such, I am easily persuaded that the requested variance relief should be granted in this case.

In sum, I am persuaded that the Petition for Variance requests should be granted, and that the Special Hearing relief should be approved to accommodate the existing parking arrangement. I find that Petitioners have met the requirements contained in Sections 307 and 500.7 of the B.C.Z.R. It is also significant that the requested relief is without opposition. In this regard, Petitioners produced a letter of support from the nearest community association, and no one appeared in opposition. Mr. Dolan indicated that he had also spoken with the community group for the Greater Oella Community and that organization was supportive of his request. This is an umbrella group for community organizations in the area. A series of photographs were also presented at the hearing and confirm the historic character associated with this community, which supports the relief requested. Moreover, as noted above, Mr. Rascoe supports the procedural process suggested in this case.

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioners' special hearing and variance requests should be granted.

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THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of June, 2009 that Petitioners' Special Hearing request to determine that altering a condominium regime into fee simple lots does not qualify as a subdivision under the Baltimore County Code be and is hereby WITHDRAWN and thereby DISMISSED; and

IT IS FURTHER ORDERED that Petitioners' Special Hearing request to approve allowing the existing units to continue to utilize the parking layout as shown on the site plan accepted into evidence as Petitioners' Exhibit 1 be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioners' Variance requests as follows:

- From Section 1B01.2.C.1.b of the B.C.Z.R. to allow a minimum front building setback to right-of-way or property line of 16 feet in lieu of the required 25 feet; and
- From Section 1B01.2.C.1.b of the B.C.Z.R. to allow a minimum side building face setback to tract boundary line of 0 feet in lieu of the required 15 feet; and
- From Section 1B01.2.C.1.b of the B.C.Z.R. to allow a side building face to side building face setback of 0 feet in lieu of 16 feet if less than 16 feet in height and/or 20 feet if greater than 20 feet in height; and
- From Section 1B01.2.C.1.b of the B.C.Z.R. to allow a minimum rear building face to property line setback of 0 feet in lieu of the required 30 feet; and
- From Section 1B01.2.C.1.b of the B.C.Z.R. to allow a minimum of 8 feet in lieu of 25 feet and 18'9 feet for open porches to right-of-way setback as indicated,

be and are hereby GRANTED, subject to the following:

1. Petitioners are advised that they may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. As per DEPRM Zoning Advisory Committee (ZAC) comment dated April 13, 2009, development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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[Signature]

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

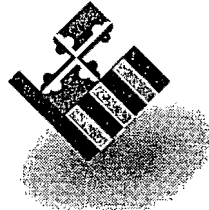

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

June 9, 2009

LAWRENCE E. SCHMIDT, ESQUIRE
GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON, MD 21204

Re: Petition for Special Hearing and Variance
Case No. 2009-0213-SPHA
Property: 2804-2828 Nine Mile Circle

Dear Mr. Schmidt:

Enclosed please find the decision rendered in the above-captioned case.

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 black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: David S. Thaler, D. S. Thaler & Associates, Inc., 7115 Ambassador Lane, P. O. Box 47428,
Baltimore, MD 21244
Brian P. Dolan, 2810 Nine Mile Circle, Catonsville MD 21228
Susan A. Allen, 2822 Nine Mile Circle, Catonsville MD 21228
Donald Rascoe, Deputy Director of the Department of Permits and Development Management
Councilman S.G. Samuel Moxley



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2804-2828 Nine Mile Circle

which is presently zoned D.R. 3.5, D.R. 1

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat 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

- 1) Special Hearing from the Zoning Commissioner to determine that altering a condominium regime into fee simple lots does not qualify as a subdivision under the Baltimore County Code and;
- 2) To approve allowing the existing units to continue to utilize the parking layout as shown on the plan.

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

I, or we, agree to pay expenses of above Special Hearing, 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.

I/We do 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 Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Sebastian A. Cross

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

The Council of Unit Owners, Condominium Mill Homes at Nine Mile Circle

Name - Type or Print

See Attached

Signature

Name - Type or Print

Signature

2810 Nine Mile Circle

410-203-1577

Address

Telephone No.

Catonsville

MD

21228

State

Zip Code

Representative to be Contacted:

Sebastian A. Cross, Gildea & Schmidt, LLC

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

1 HR

UNAVAILABLE FOR HEARING

Case No. 2009 0213 ASPH

Reviewed By

VL

Date

2/18/09

REV 9/15/98

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 2804-2828 Nine Mile Circle

which is presently zoned: D.R. 3.5, D.R. 1

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s):

SEE ATTACHMENT

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(indicate hardship or practical difficulty)

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 Variance, 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.

I/We do 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 Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Sebastian A. Cross
Name - Type or Print _____ City _____
Signature _____
Gildea & Schmidt, LLC
Company
600 Washington Avenue, Suite 200 (410) 821-0070
Address Telephone No.
Towson MD 21204
City State Zip Code

Legal Owner(s):

The Council of Unit Owners, Condominium Mill Homes at Nine Mile Circle

Name - Type or Print _____
See Attached
Signature By: _____
Name - Type or Print _____
Signature _____
9810 Nine Mile Circle 410-203-1577
Address Telephone No.
Catonsville MD 21228
State Zip Code

Representative to be Contacted:

Sebastian A. Cross, Gildea & Schmidt, LLC
Name
600 Washington Avenue, Suite 200 (410) 821-0070
Address Telephone No.
Towson MD 21204
City State Zip Code

OFFICE USE ONLY

Case No. 2009 0213 ASPH

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING

Reviewed By JL Date 2/18/09

Attachment to Petition for Variance

1. As per § 1B01.2C.1.b of the BCZR, to allow a minimum front building setback to right-of-way or property line of 16 feet in lieu of the required 25 feet;
2. As per § 1B01.2C.1.b of the BCZR, to allow a minimum side building face setback to tract boundary line of 0 feet in lieu of the required 15 feet;
3. As per § 1B01.2C.1.b of the BCZR, to allow a side building face to side building face setback of 0 feet in lieu of 16 feet if less than 16 feet in height and/or 20 feet if greater than 20 feet in height;
4. As per § 1B01.2C.1.b of the BCZR, to allow a minimum rear building face to property line setback of 0 feet in lieu of the required 30 feet;
5. As per § 1B01.2C.1.b and 301.1 of the BCZR, to allow a minimum of 8 feet in lieu of 25' and 18'9" for open porches to right-of-way setback as indicated;

September 16, 2008

0213

**PROPERTY DESCRIPTION
(for Zoning Purposes Only)**

NINE MILE HILL

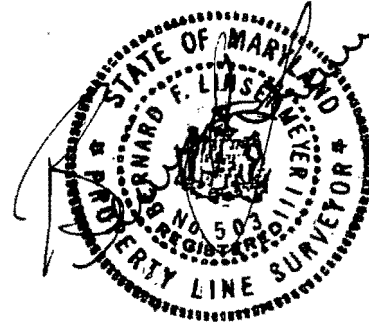
Beginning for the same at a point on the north side of Nine Mile Circle,
a variable width Baltimore County right-of-way, approximately 121 feet northeast
of its intersection with the north side of Frederick Road, a variable width State
right of way, thence running the following courses and distances:

1. North 01° 30' 15" East 22.63 feet to a point thence;
2. North 27° 03' 23" East 27.56 feet to a point thence;
3. North 54° 39' 59" East 4.35 feet to a point thence;
4. North 41° 39' 55" East 610.51 feet to a point thence;
5. South 44° 30' 44" East 132.01 feet to a point thence;
6. South 70° 25' 23" East 82.50 feet to a point thence;
7. South 49° 25' 23" East 49.49 feet to a point thence;
8. South 22° 04' 37" West 292.88 feet to a point thence;
9. South 57° 25' 23" East 44.88 feet to a point thence;
10. North 35° 34' 37" East 8.25 feet to a point thence;
11. South 58° 28' 06" East 63.11 feet to a point thence;
12. South 40° 28' 54" West 128.67 feet to a point thence;
13. North 56° 39' 56" West 24.16 feet to a point thence;

14. North 58° 18' 30" West 42.59 feet to a point thence;
15. North 64° 02' 34" West 51.10 feet to a point thence;
16. North 73° 53' 41" West 25.15 feet to a point thence;
17. North 81° 38' 18 " West 39.90 feet to a point thence;
18. North 87° 57' 40" West 26.54 feet to a point thence;
19. South 89° 30' 02" West 43.87 feet to a point thence;
20. South 84° 35' 59" West 44.61 feet to a point thence;
21. South 89° 38' 28" West 46.53 feet to a point thence;
22. South 89° 59' 22" West 44.77 feet to a point thence;
23. South 89° 53' 08" West 41.76 feet to a point thence;
24. North 89° 25' 41" West 12.55 feet to a point thence;
25. South 89° 25' 29" West 29.92 feet to a point thence;
26. South 88° 49' 07" West 41.43 feet to a point thence;
27. North 88° 22' 54" West 35.44 feet to the point of beginning.

Containing 4.3 acres more or less.

Located within the First Election District and First Councilmanic District of
Baltimore County.



NOTICE OF ZONING HEARING

The Zoning Commissioner 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: # 2009-0213-SPHA

2804-2828 Nine Mile Circle

N/side of Nine Mile Circle, 121 feet n/east of Frederick Road

1st Election District — 1st Councilmanic District

Legal Owners: Condominium Mill Homes at Nine Mile Circle

Special Hearing: to determine that altering a condominium regime into fee simple lots does not qualify as a subdivision under Baltimore County Code and to approve allowing the existing units to continue to utilize the parking layout as shown on the plan. **Variance:** to allow a minimum front building setback to right-of-way or property line of 16 feet in lieu of the required 25 feet. To allow a minimum side building face setback to tract boundary line of 0 feet in lieu of the required 15 feet. To allow a side building face to side building face setback of 0 feet in lieu of the 16 feet if less than 16 in height and/or 20 feet if greater than 20 feet in height. To allow a minimum rear building face to property line setback of 0 feet in lieu of the required 30 feet. To allow a minimum of 8 feet in lieu of 25 feet and 18.9 feet for open porches to right-of-way setback as indicated.

Hearing: Friday, April 17, 2009 at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
4/032 April 2 197929

CERTIFICATE OF PUBLICATION

4/2/2009

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/2/2009.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: 2009-0213-SPHA

Petitioner/Developer: _____

Condominium Mill Homes at Nine Mile Circle

Date of Hearing/closing: April 17, 2009

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn : Kristin Matthews

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, _____

2804-2828 Nine Mile Circle N/side of Nine Mile Circle, 121 Feet n-east of Fredrick Road

The sign(s) were posted on April 2, 2009
(Month, Day, Year)

Sincerely,

Robert Black. APRIL 4, 2009
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2009-0213-SPHA

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

Room 104 JEFFERSON BUILDING
PLACE 105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: FRIDAY, APRIL 17, 2009 AT 9:00 A.M.

REQUEST SPECIAL HEARING TO DETERMINE THAT ALTERING A CONDOMINIUM

REGIME INFO THE SIMPLE LOTS DOES NOT QUALIFY AS A SUBDIVISION UNDER THE BALTIMORE COUNTY CODE AND TO APPROVE ALLOWING THE EXISTING UNITS TO CONTINUE TO UTILIZE THE PARKING LAYOUT AS SHOWN ON THE PLAT. VARIANCE TO ALLOW A MINIMUM FRONT BUILDING SETBACK TO RIGHT-OF-WAY OR PROPERTY LINE OF 16 FEET IN LIEU OF THE REQUIRED 25 FEET. TO ALLOW A MINIMUM SIDE BUILDING FACE SETBACK TO TRACT BOUNDARY LINE OF 0 FEET IN LIEU OF THE REQUIRED 15 FEET TO ALLOW A SIDE BUILDING FACE TO SIDE BUILDING FACE SETBACK OF 0 FEET IN LIEU OF THE 16 FEET IF LESS THAN 16 IN HEIGHT AND/OR 20 FEET IN GIRT. ALLOW A MINIMUM REAR BUILDING FACE TO PROPERTY LINE SETBACK OF 16 FEET IN HEIGHT TO FACE TO PROPERTY LINE SETBACK.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 410-339-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING. UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

ZONING NOTICE

CONTINUED
CASE # 2009-0213-SPHA

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

Room 104 JEFFERSON BUILDING
105 WEST CHESAPEAKE AVENUE
TOWSON 21204

PLACE:

DATE AND TIME FRIDAY, APRIL 17, 2009 AT 9:00 A.M.

REQUEST: SETBACK OF 0 FEET IN LIEU OF THE REQUIRED 30 FEET. TO ALLOW A MINIMUM OF 8 FEET IN LIEU OF 25 FEET AND 18.9 FEET FOR OPEN PORCHES TO RIGHT-OF-WAY SETBACK AS INDICATED.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 878-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING. UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

SE
PHA

D BY

BUILDING

21204

AT 9:00 A.M.

ALTERING A CONDOMINIUM

AND A SUBSEQUENT ORDER

CAUSING DAMAGE TO

THE ROAD. VARIANCE

SET-OF-WAY OR

8 FEET TO ALLOW

ADJACENT LOT OF 0 FEET

BUILDING SET-TO-SIDE

IF LESS THAN 16 IN

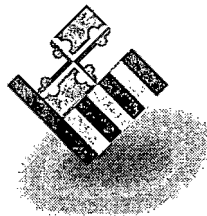
20 FEET IN HEIGHT TO

PROPERTY LINE SETBACK

SOMETIMES NECESSARY

UNDER PENALTY OF LAW

8



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

March 9, 2009
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

The Zoning Commissioner 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: 2009-0213-SPHA

2804-2828 Nine Mile Circle

N/side of Nine Mile Circle, 121 feet n/east of Frederick Road

1st Election District – 1st Councilmanic District

Legal Owners: Condominium Mill Homes at Nine Mile Circle

Special Hearing to determine that altering a condominium regime into fee simple lots does not qualify as a subdivision under the Baltimore County Code and to approve allowing the existing units to continue to utilize the parking layout as shown on the plan. Variance to allow a minimum front building setback to right-of-way or property line of 16 feet in lieu of the required 25 feet. To allow a minimum side building face setback to tract boundary line of 0 feet in lieu of the required 15 feet. To allow a side building face to side building face setback of 0 feet in lieu of the 16 feet if less than 16 in height and/or 20 feet if greater than 20 feet in height. To allow a minimum rear building face to property line setback of 0 feet in lieu of the required 30 feet. To allow a minimum of 8 feet in lieu of 25 feet and 18.9 feet for open porches to right-of-way setback as indicated.

Hearing: Friday, April 17, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Sebastian Cross, Gildea & Schmidt, 600 Washington Ave., Ste. 200, Towson 21204
Condo Mill Homes, 2810 Nine Mile Circle, Catonsville 21228

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, APRIL 2, 2009.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 2, 2009 Issue - Jeffersonian

Please forward billing to:
Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

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2804-2828 Nine Mile Circle

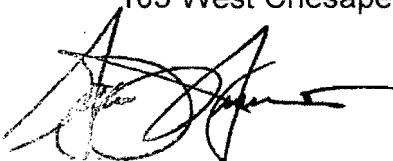
N/side of Nine Mile Circle, 121 feet n/east of Frederick Road

1st Election District – 1st Councilmanic District

Legal Owners: Condominium Mill Homes at Nine Mile Circle

Special Hearing to determine that altering a condominium regime into fee simple lots does not qualify as a subdivision under the Baltimore County Code and to approve allowing the existing units to continue to utilize the parking layout as shown on the plan. Variance to allow a minimum front building setback to right-of-way or property line of 16 feet in lieu of the required 25 feet. To allow a minimum side building face setback to tract boundary line of 0 feet in lieu of the required 15 feet. To allow a side building face to side building face setback of 0 feet in lieu of the 16 feet if less than 16 in height and/or 20 feet if greater than 20 feet in height. To allow a minimum rear building face to property line setback of 0 feet in lieu of the required 30 feet. To allow a minimum of 8 feet in lieu of 25 feet and 18.9 feet for open porches to right-of-way setback as indicated.

Hearing: Friday, April 17, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

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 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 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.

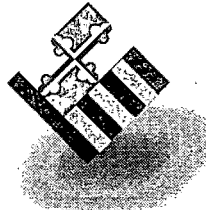
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2009-0213-^ASPH
Petitioner: The Council of Unit Owners, Condominium Mill Homes
Address or Location: 2804-~~2828~~ at Nine Mile Circle
Nine Mile Circle

PLEASE FORWARD ADVERTISING BILL TO:

Name: Gildea + Schmidt LLC
Address: 600 Washington Ave, Suite 200
Towson MD 21204
Telephone Number: 410 821-0079



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
April 9, 2009

Sebastian A. Cross
Gildea & Schmidt, LLC
600 Washington Ave. Ste. 200
Towson, MD 21204

Dear: Sebastian A. Cross

RE: Case Number 2009-0213-SPHA, 2804-2828 Nine Mile Cir.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 18, 2009. 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 that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
The Council of Unit Owners, Condominium Mill Homes



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

March 9, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 2, 2009

Item Numbers 0211,0213,0219

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

TB 4/17 9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: March 10, 2009

RECEIVED

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

MAR 11 2009

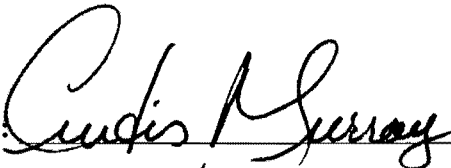
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-213- Special Hearing**

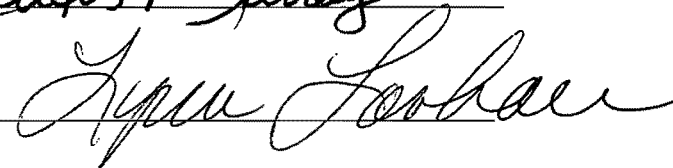
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:
CM/LL





Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: MARCH 6, 2009

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

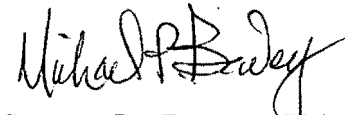
RE: Baltimore County
Item No 2009-0213-X
2804-2828 NINE MILE CIRCLE
CONDOMINIUM HILL HOMES @
NINE MILE
VARIANCE -
SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. 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 Item No. 2009-0213-X

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,


Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



TB
4-17-09

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

APR 22 2009

ZONING COMMISSIONER



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: April 13, 2009

SUBJECT: Zoning Item # 09-213-SPHA
Address 2804-2828 Nine Mile Circle
(Condominium Mill Homes at Nine Mile Circle)

Zoning Advisory Committee Meeting of March 2, 2009

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). (see additional comments)

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

If this property is subdivided it must comply with Forest Conservation Regulations (Sections 33-6-101 through 122 of the Baltimore County Code).

Reviewer: J. Russo

Date: 4/13/09

TB
4-17-09

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: April 13, 2009

SUBJECT: Zoning Item # 09-213-SPHA
Address 2804-2828 Nine Mile Circle
(Condominium Mill Homes at Nine Mile Circle)

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X _____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). **(see additional comments)**

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Additional Comments:

If this property is subdivided it must comply with Forest Conservation Regulations (Sections 33-6-101 through 122 of the Baltimore County Code).

Reviewer: J. Russo

Date: 4/13/09

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 9, 2009
Item No. 2009-0213-SPHA

DATE: March 3, 2009

We have no objection to granting variances No. 1 through No. 5.

Regarding special hearing request No. 1, first, we do not believe that the Zoning Commissioner, when not acting as the Hearing Officer in a development case, has jurisdiction to interpret a development regulation.

Second, in the development regulations, 32-4-101(p) (2), "development" means the subdivision of property. Under 32-4-101 (yy), "subdivision" means the division of property into two or more lots.

Third, these are not lots of record as defined in 32-4-101 (z) because there was no approved development plan. As an aside, if these *were* lots of record, this special hearing request would not have been made.

Fourth, development regulation 32-4-271 (a) requires that a plat be prepared in accordance with the approved development plan for any subdivision. Conversely, recording a plat pursuant to an approved development plan creates lots of record.

Therefore, based on the foregoing, creating lots of record is subject to the development regulations.

Regarding the special hearing request #2, the parking spaces can remain as shown; however, they should be paved with the County's standard paving section.

DAK:CEN:lrk
cc: File
ZAC-ITEM NO 2009-0213-SPHA-03092009

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
2804-2828 Nile Mile Circle; N/S Nine Mile	*	ZONING COMMISSIONER
Circle, 121' NE of Frederick Road		
1 st Election & 1 st Councilmanic Districts	*	FOR
Legal Owner(s): Condominium Mill Homes		
at Nine Mile Circle	*	BALTIMORE COUNTY
Petitioner(s)	*	09-213-SPHA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel 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/ documentation filed in the case.

RECEIVED

MAR 11 2009

.....

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 11th day of March, 2009, a copy of the foregoing Entry of Appearance was mailed to Sebastian A. Cross, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Note to WCR and to file:

Mr. Cross, the filing attorney stated that this plan had been reviewed at the Director of PDM's level and it was understood that it was to be filed this way. These are condo units and there are multiple variances. The numbers requested are "as close as" variances. I am not going to argue with a filing plan/petition that the attorney assured me had TK's intake approval as presented.

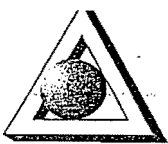
John Lewis
Planner II

Hearing Officer,

Since the request as filed is non-specific as to how many buildings or which buildings need a specific relief, The zoning office requests that, if granted, the order would be specific, by building or lot, to eliminate any possible confusion, or involvement of the hearing officer in the permit process.

A handwritten signature in black ink, appearing to read "W. Carl Richards Jr.", is written over a faint, stylized outline of a building or structure.

**W. Carl Richards Jr.
Zoning Supervisor**



RESIDENTIAL REALTY GROUP, INC.

the community management specialists



THE CONDOMINIUM MILL HOMES AT NINE MILE HILL, INC.

NOTICE OF SPECIAL MEETING

Pursuant to the Maryland Condominium Act and the Condominium By-Laws, notice is hereby given of a SPECIAL MEETING OF THE UNIT OWNERS OF THE **CONDOMINIUM MILL HOMES AT NINE MILE HILL, INC.** to be held on Friday, February 6th, 2009, at 7:30, P.M., at 2810 Nine Mile Circle, Catonsville MD 21228.

The purpose of the Special Meeting will be to discuss and vote on the filing of:

- 1) a Petition for Variance; and
- 2) a Petition for a Special Hearing.

If approved, these Petitions will be filed with the appropriate authorities in Baltimore County to further the intended goal of terminating the condominium regime and converting the Units to fee simple Lots and the Common Elements to a Homeowners or Community Association property.

Copies of the proposed Petitions are attached hereto. The filing of these administrative proceedings must be approved by the Unit Owners by a majority vote, and if so approved, the appropriate officers of the Condominium Association will execute the documents in final form and cause them to be filed with the County with the Owners' consents. In the Consent Ballots, the Unit Owners are also requested to give their consent to allow the Condominium officers to represent the Unit Owners at any administrative hearings in this matter. In order to signify your approval, please complete both of the attached Proxy/Consent Ballots which will be filed with the Petitions.

3600 Crondall Lane • Suite 103
Owings Mills, Maryland 21117
(410) 654-4444
(410) 654-5666 Fax
1-800-464-0550



P.O. Box 22838
West Palm Beach, Florida 33416-2838
1-800-464-0550

Email: info@residential-realty.com

PROXY

THE CONDOMINIUM MILL HOMES AT NINE MILE HILL, INC.

(I) (WE) Pamela Wright Earl Wright
(Complete names of all owners)

the owners of 2804 Nine Mile Circle Catonsville MD 21228
(Address)

being member(s) in good standing of THE CONDOMINIUM MILL HOMES AT NINE MILE HILL,
INC. do hereby grant (my) (our) proxy to Condominium Officers,

for purposes of establishing a quorum and to cast (my) (our) vote on business coming before

the Special Meeting of the Association to be held on Friday, February 6th, 2009, at
7:30, P.M., at 2810 Nine Mile Circle, Catonsville MD 21228 or at any adjournment thereof.

CONSENT BALLOT

(I) (WE) expressly direct our Proxy to vote as follows on the Petition for Special Hearing:

(I) (WE) vote in favor of ✓ against _____ the filing the Petition for Special
Hearing and hereby authorize the appropriate Officers of the Condominium to cause such
Petition to be filed and to act on my (our) behalf at any administrative or legal proceedings
regarding same.

IN WITNESS WHEREOF, the undersigned has (have) executed this Proxy and Consent
Ballot the 2 day of February, 2009.

Earl Wright
Name

P-9
Name

2804 Nine Mile Circle
Address

CASE NAME 09-213-SPH
CASE NUMBER NINE MILE HILL
DATE 4/15/17

CASE NAME 09-213-SPH
CASE NUMBER NINE MILE HILL
DATE 4/15/17

[illegible]

Case No.:

2009-0213-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Plot	
No. 3	Letter of support	
No. 4	photos 4A-H	
No. 5	additional photos	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

S 12.000
W 47.750

LEGEND	
OUTLINE OF PLAT	———
DRIVEWAYS AND PARKING AREAS	———
UTILITY EASEMENTS	———
BUILDING ADDRESS NUMBER SHOWN THUSLY [4900], ETC.	
CONCRETE	▨
BRICK	▩
COVERED PORCH	▧

PROPERTY OF
BALTIMORE COUNTY, MD
LIBER 8120, FOLIO 643

PROPERTY OF
CHRISTOPHER FOX
LIBER 9175, FOLIO 223

S 12.250
W 47.250

G/C/E
Area This Sheet = 81,784 Sq.Ft.
Total Area = 137,473 Sq.Ft.

PROPERTY OF
BALTIMORE COUNTY, MD
LIBER 8120, FOLIO 643

STATE
HIGHWAY
142
80
HARLAND
DRIVE

S 12.250
W 47.750

N79°55'04"W 381.24'

MATCH LINE ONLY - NOT A LOT LINE

MATCH LINE SEE SHEET 2

S.M. 22-77

Filed for record
S.M. 22 FOLIO 77
Date APR 8 1999

Test:
Reginald M. ...
Clerk

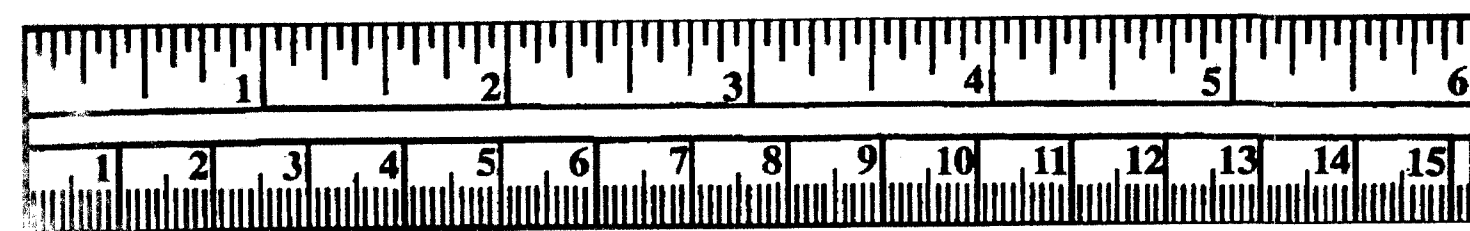
PLAT OF
CONDOMINIUM SUBDIVISION
THE CONDOMINIUM MILL HOMES
AT 9 MILE HILL
1ST ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
TAX MAP No. 100 PARCELS 1248 & 1056 GRID 15
DATE: DECEMBER 8, 1998

0' 30' 45' 60'
Scale: 1" = 100'

SHEET 3 OF 6

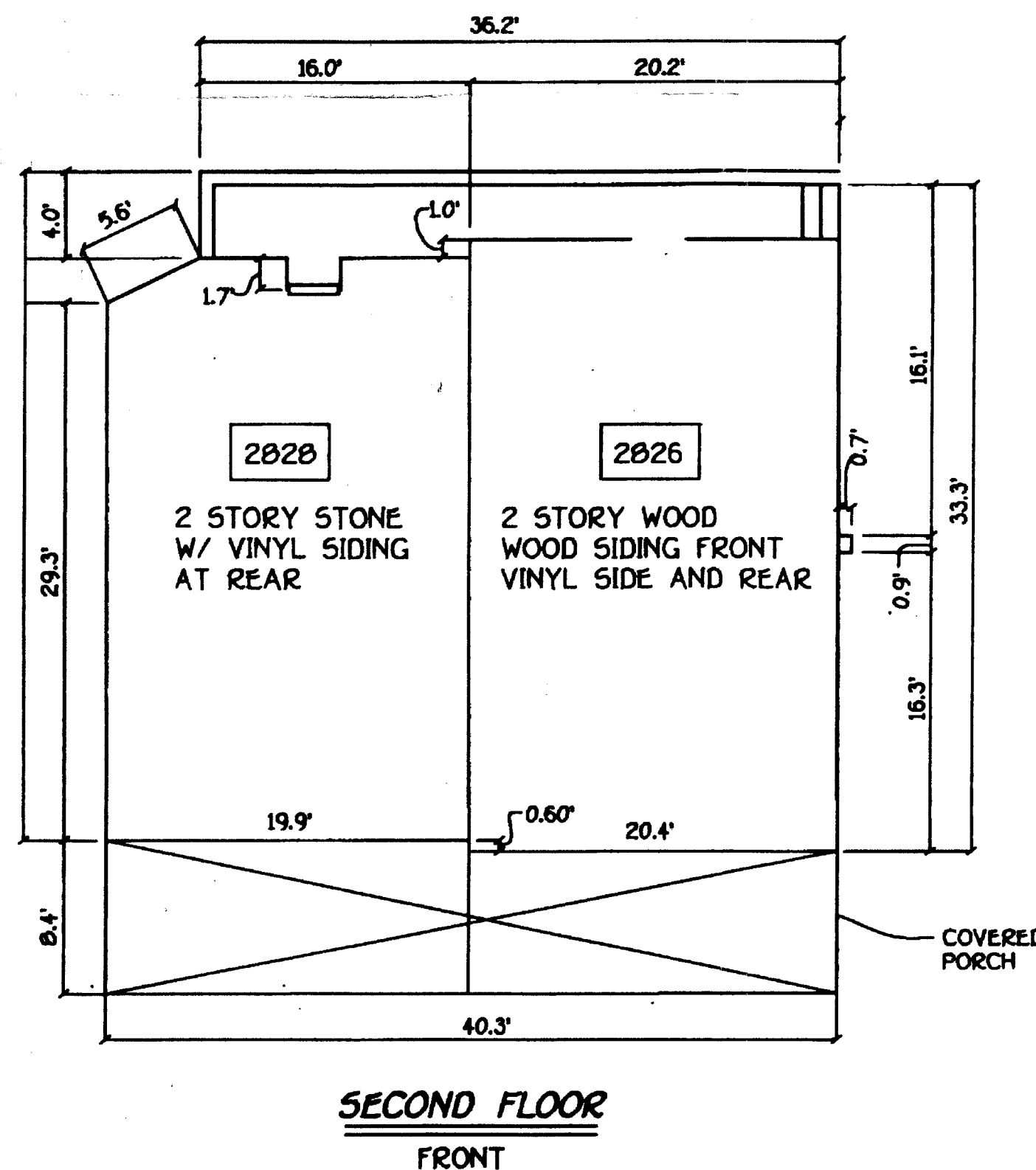
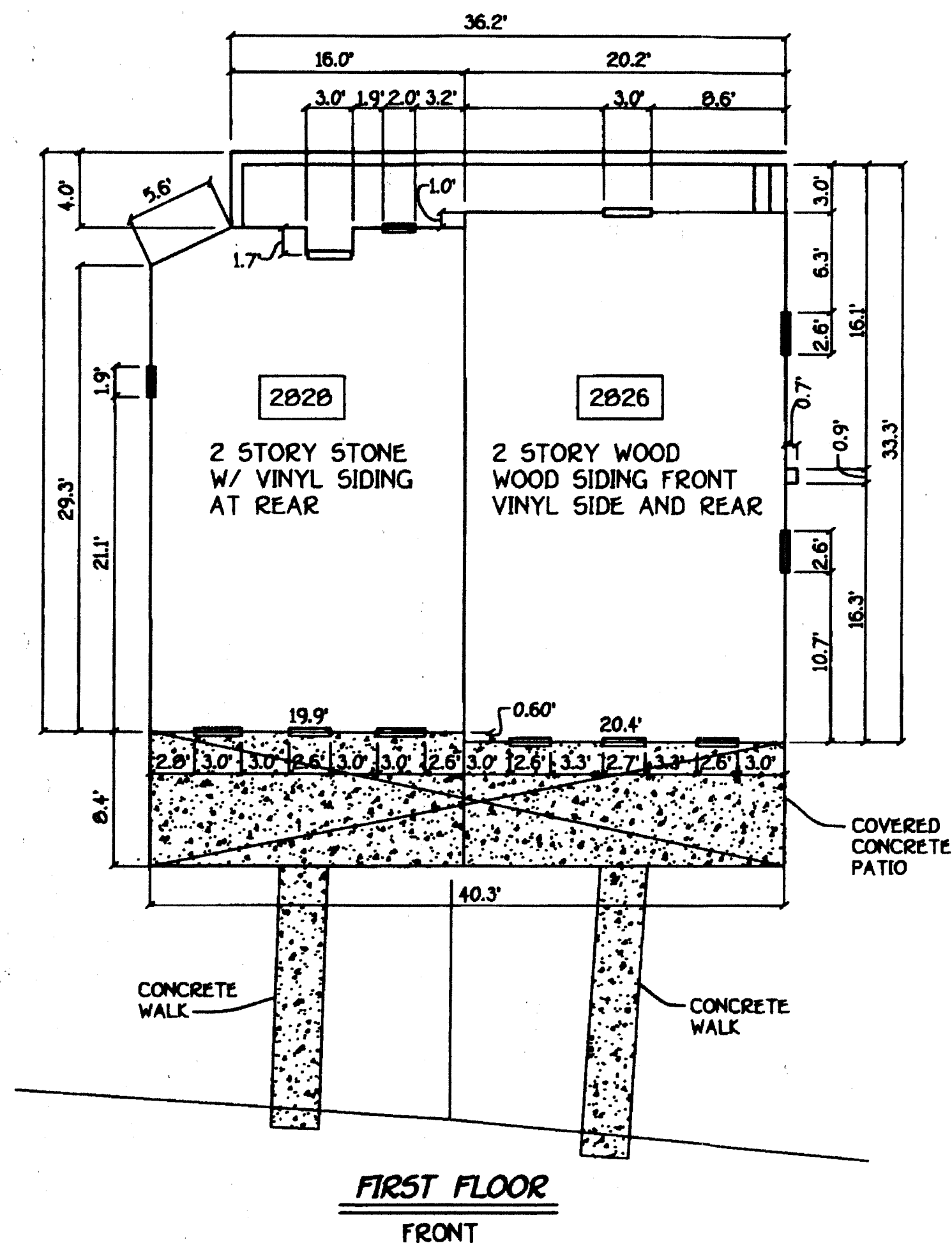
FISHER, COLLINS & CARTER, INC.
CIVIL ENGINEERING CONSULTANTS & LAND SURVEYORS
CENTENNIAL SQUARE OFFICE PARK - 10272 BALTIMORE NATIONAL PIKE
ELLICOTT CITY, MARYLAND 21042
(410) 461-2255

FILE NAME: 30266CP3.DWG

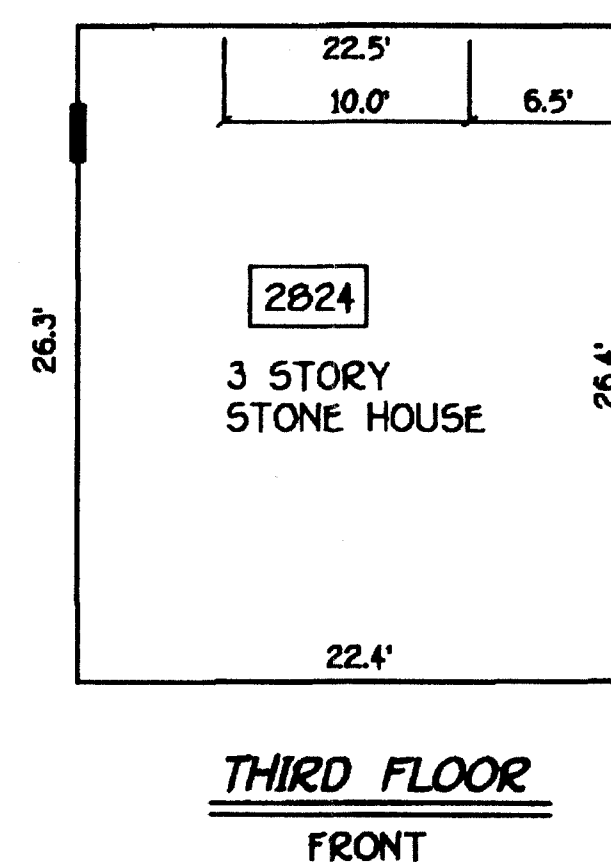
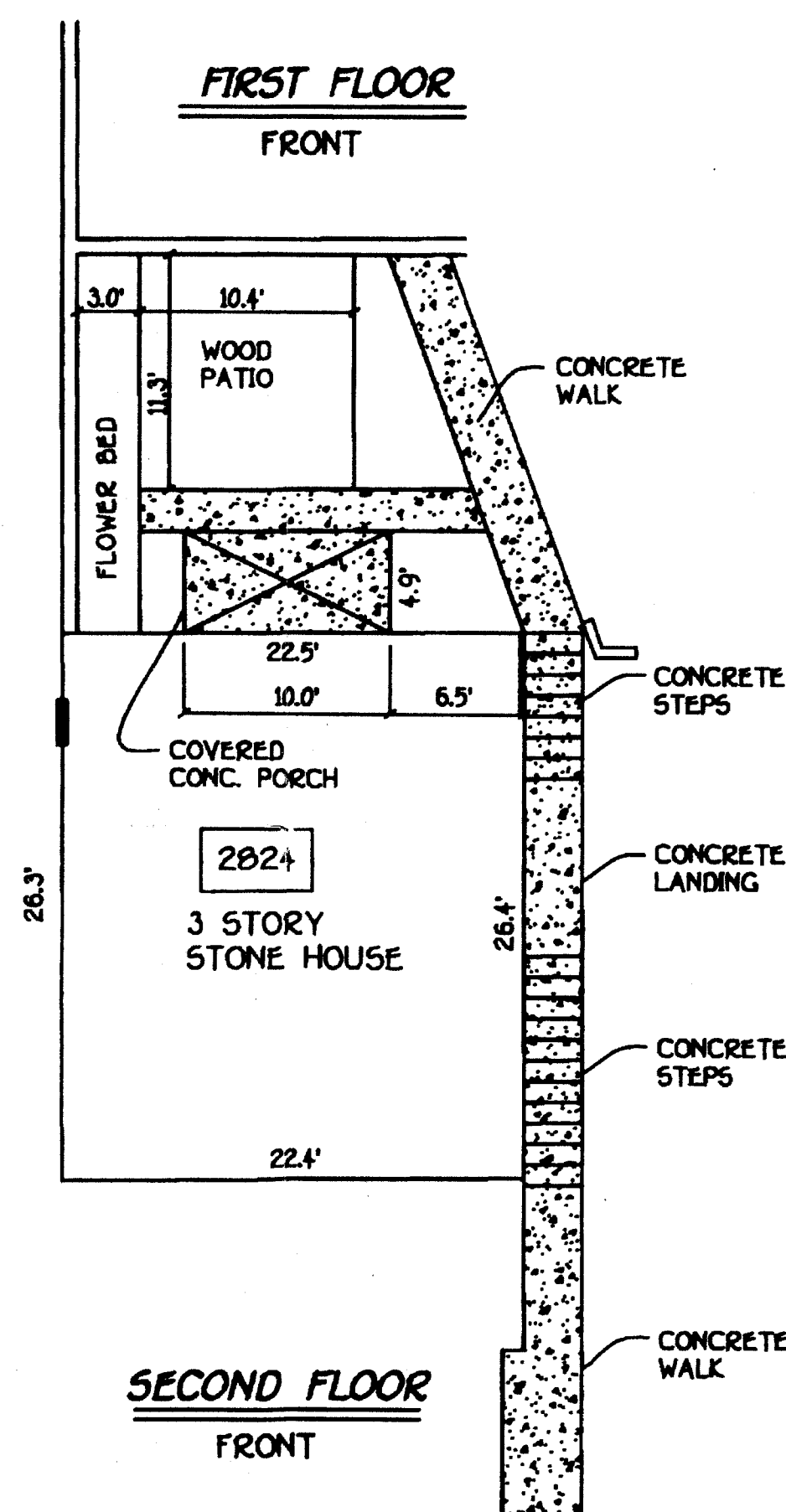
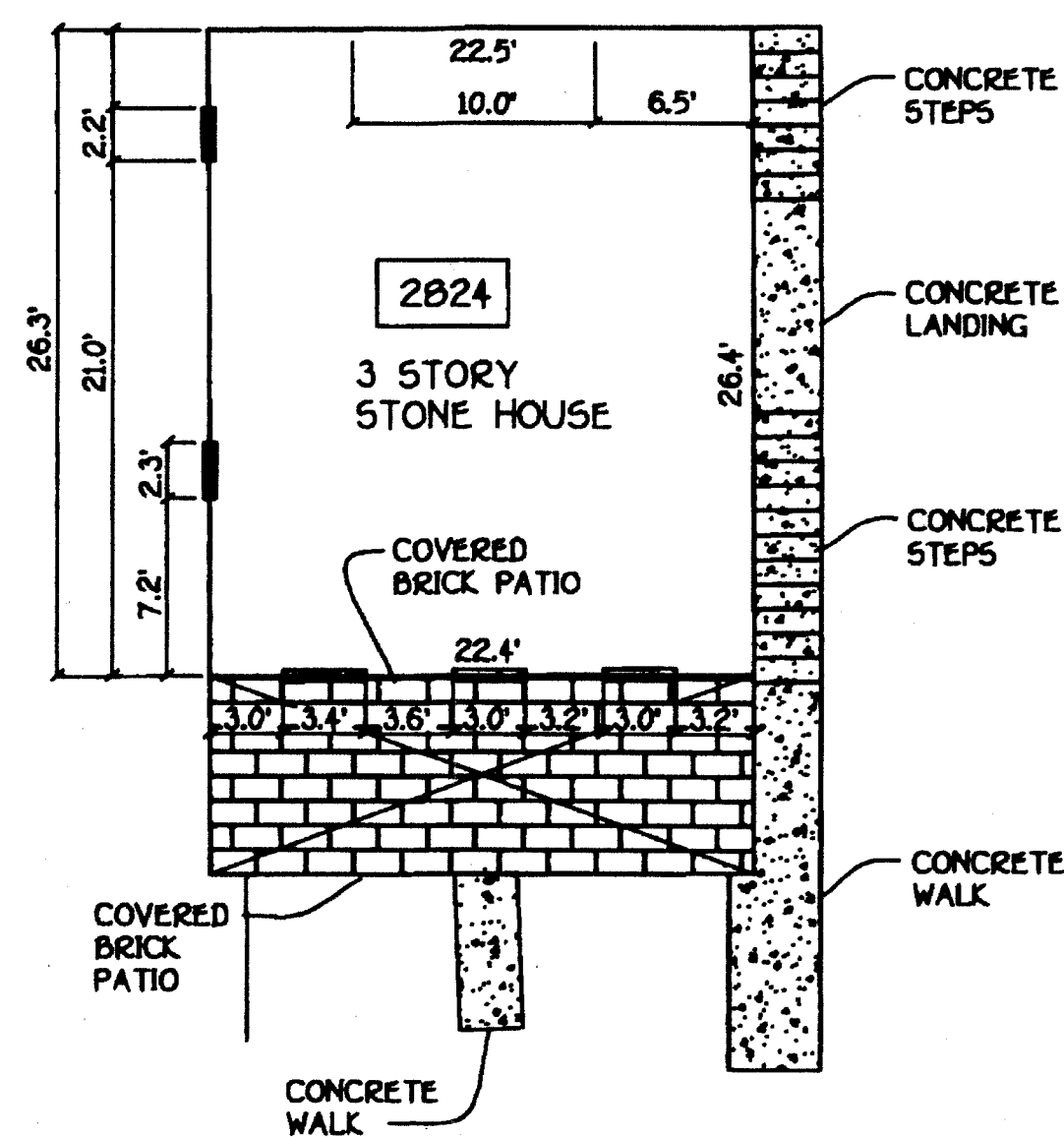


MSA SSM 1265-1144-3

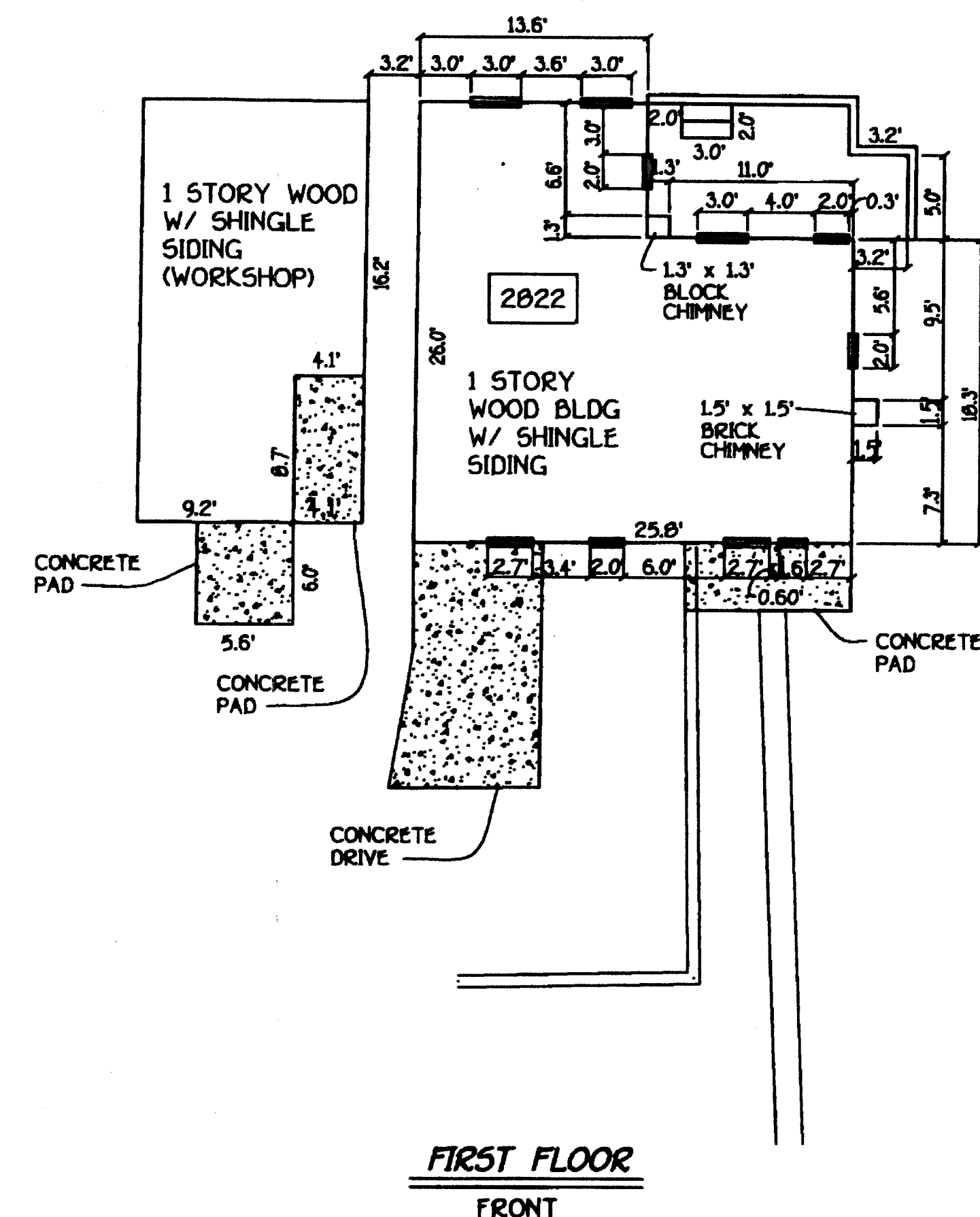
22-77



#2020 & 2026 NINE MILE CIRCLE



#2024 NINE MILE CIRCLE



#2022 NINE MILE CIRCLE

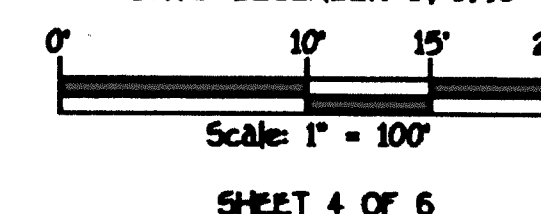
PLAT RECORDING TOTAL 15.00
Resd B002 Rcp 47578
SH BC Rik 1684
Apr 08, 1999 11:12 am

S.M. 22-78

Filed for record
S.M. 22 FOLIO 78
Date APR 8 1999

Test: *Signature*
Clerk

PLAT OF
CONDOMINIUM SUBDIVISION
THE CONDOMINIUM MILL HOMES
AT 9 MILE HILL
1ST ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
TAX MAP No. 100 PARCELS 1240 & 1056 GRID 15
DATE: DECEMBER 8, 1998

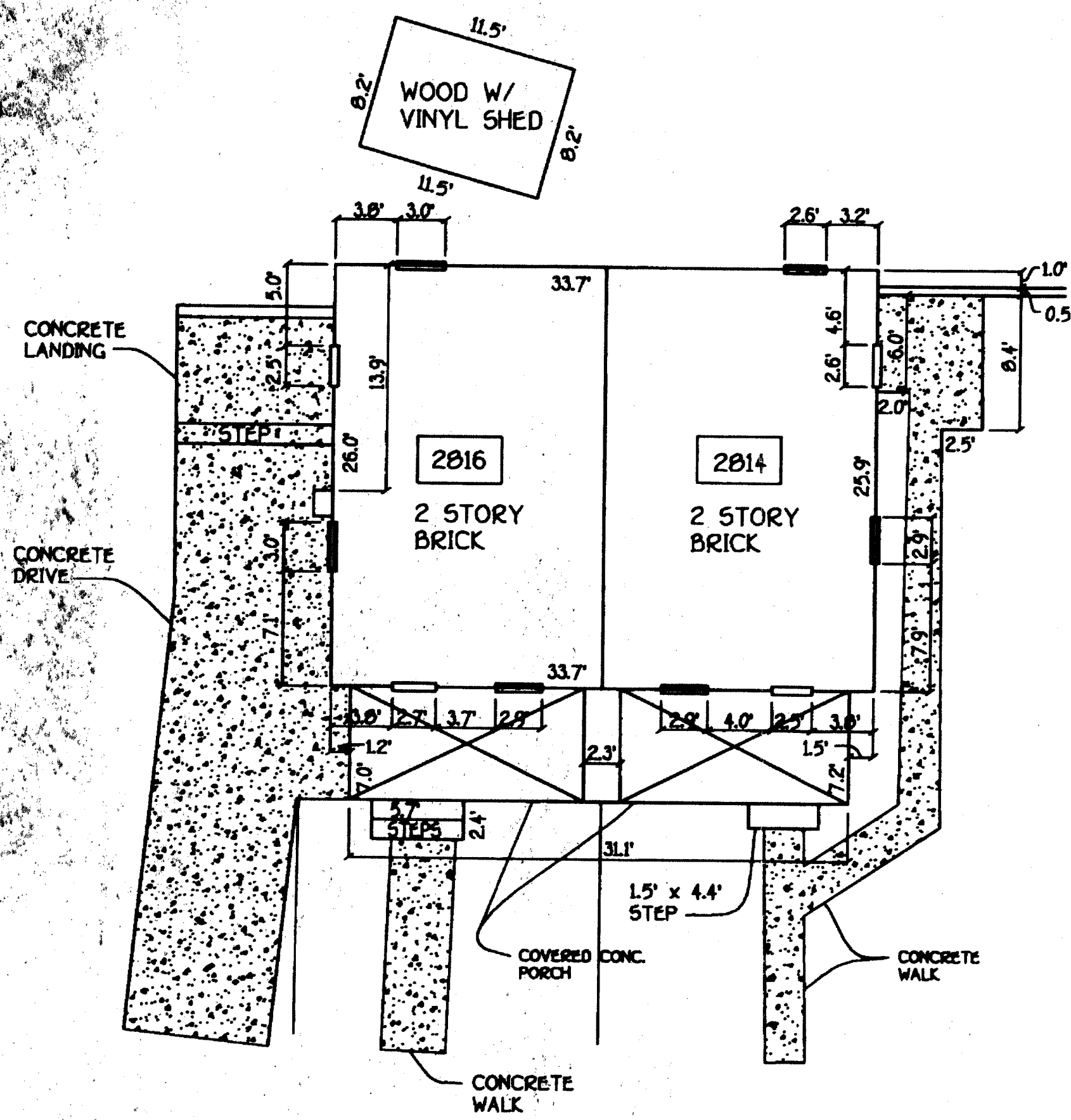


MSA SSU 1265-1144-4

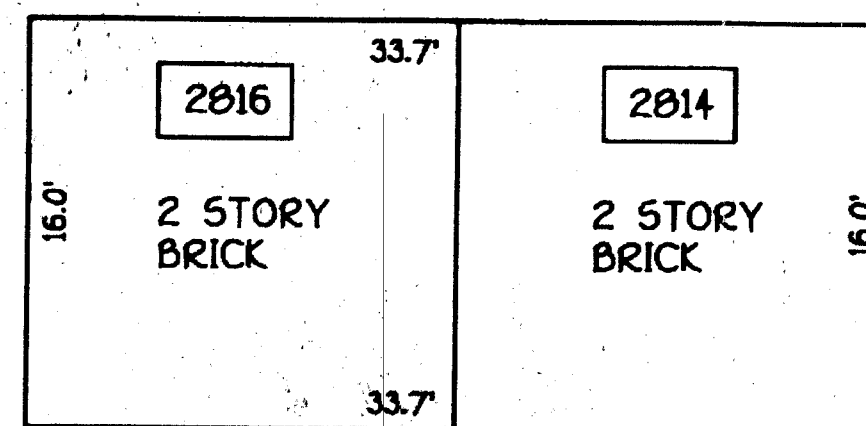
22-78

FISHER, COLLINS & CARTER, INC.
CIVIL ENGINEERING CONSULTANTS & LAND SURVEYORS
CENTRAL SQUARE OFFICE PARK - 10772 BALTIMORE NATIONAL PIKE
ELLCOTT CITY, MARYLAND 21042
(410) 481-2855
Drawing Name: 30288CP4.DWG

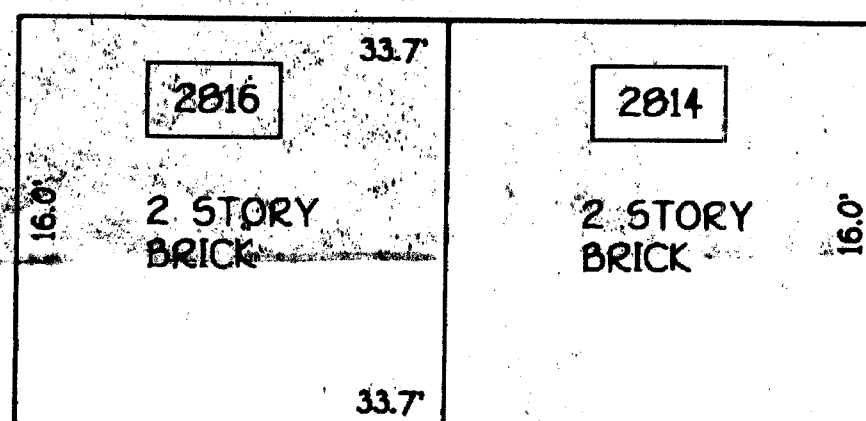




FIRST FLOOR
FRONT

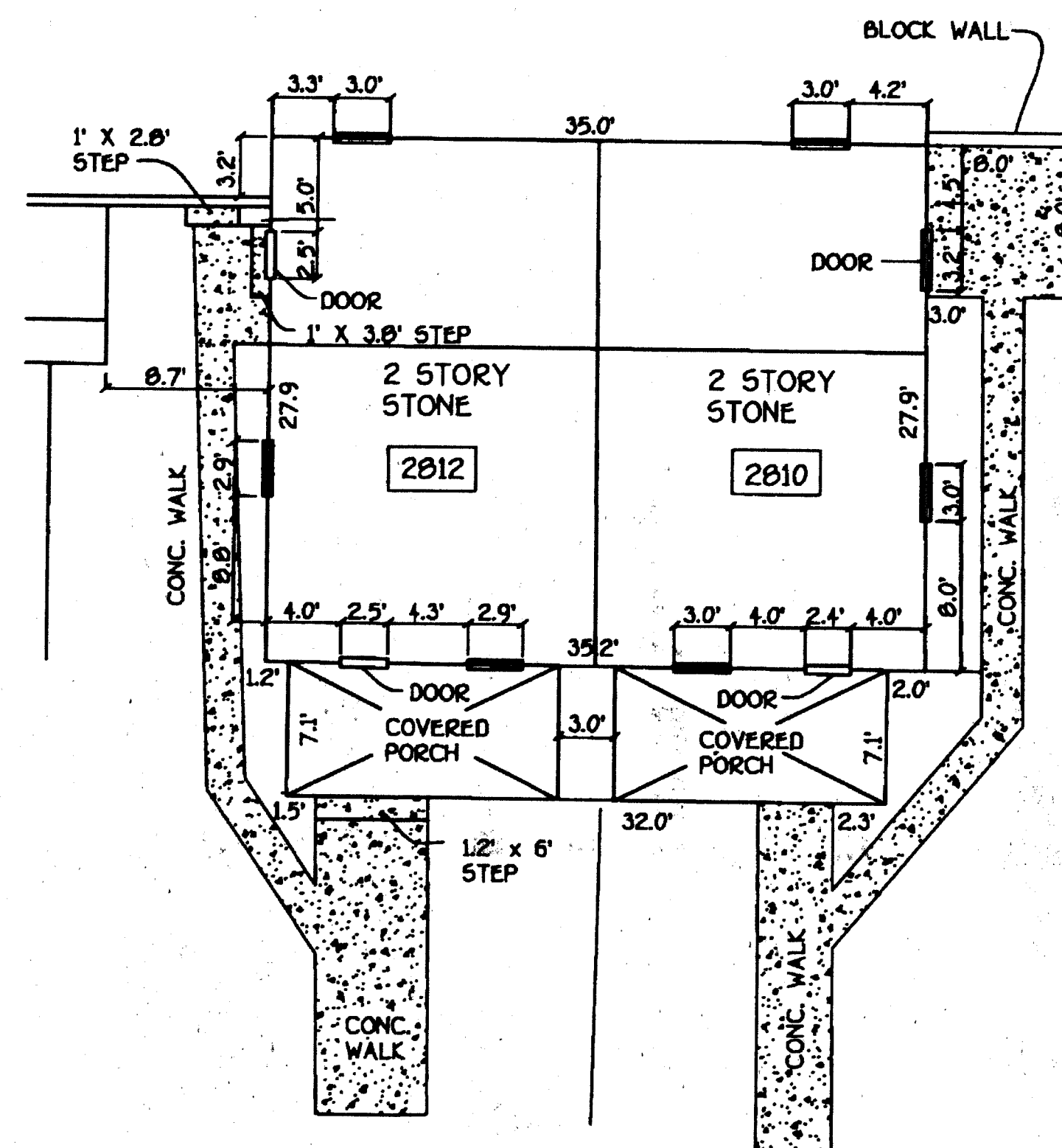


SECOND FLOOR
FRONT

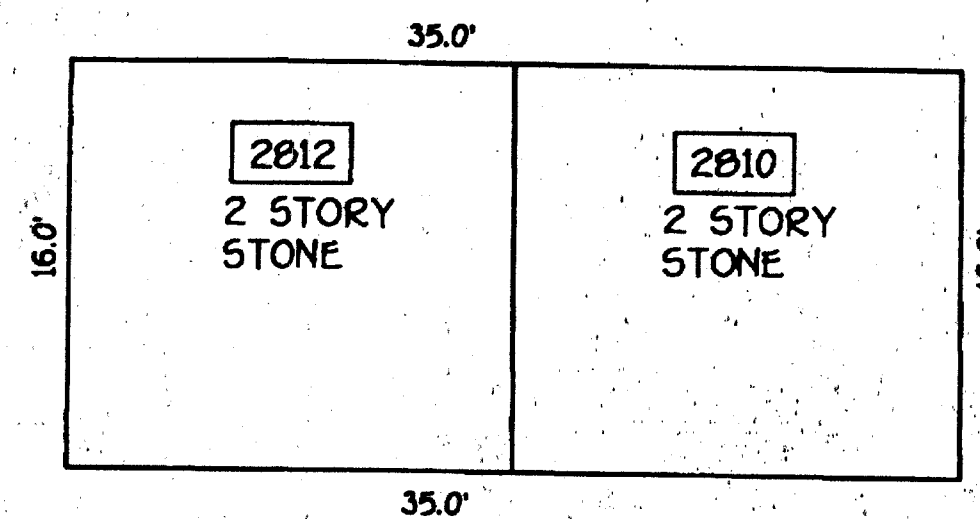


THIRD FLOOR
FRONT

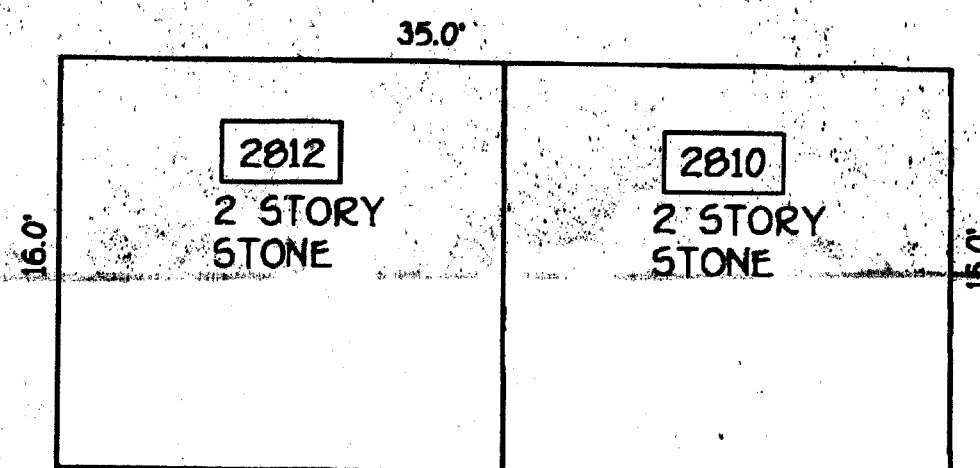
#2016 & 2014 NINE MILE CIRCLE



FIRST FLOOR
FRONT

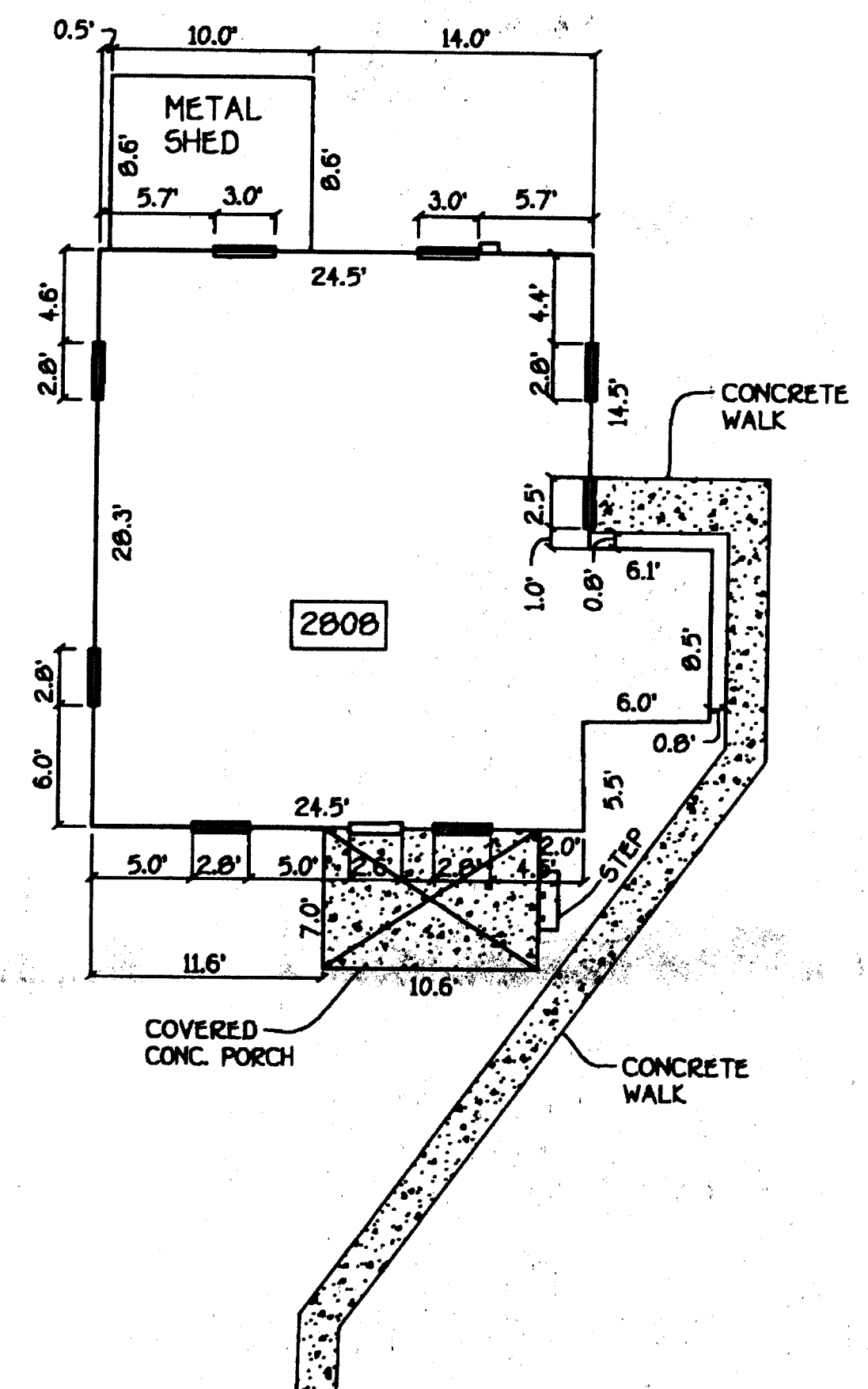
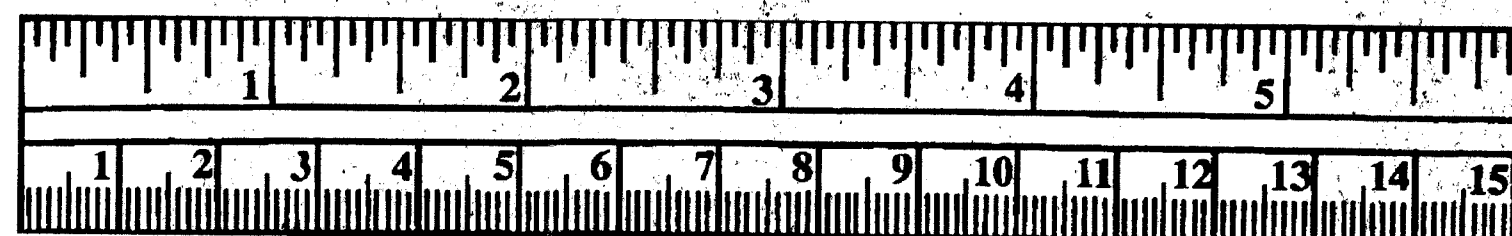


SECOND FLOOR
FRONT



THIRD FLOOR
FRONT

#2012 & 2010 NINE MILE CIRCLE



FIRST FLOOR
FRONT

#2008 NINE MILE CIRCLE

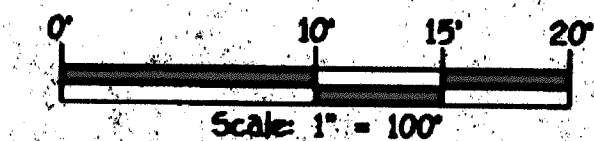
PLAT RECORDING TOTAL 15.00
Reel 8002 RCP 47578
SM BC BIK 1685
Apr 80+ 1999 11:12 am

S.M. 22-79

Filed for record
SM 22 FOLIO 79
Date APR 8 1999

Test: *Signature*
Clerk

PLAT OF
CONDOMINIUM SUBDIVISION
THE CONDOMINIUM MILL HOMES
AT 9 MILE HILL
1ST ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
TAX MAP No. 100 PARCELS 1240 & 1056 GRID 15
DATE: DECEMBER 0, 1990



Scale: 1" = 100'

SHEET 5 OF 6

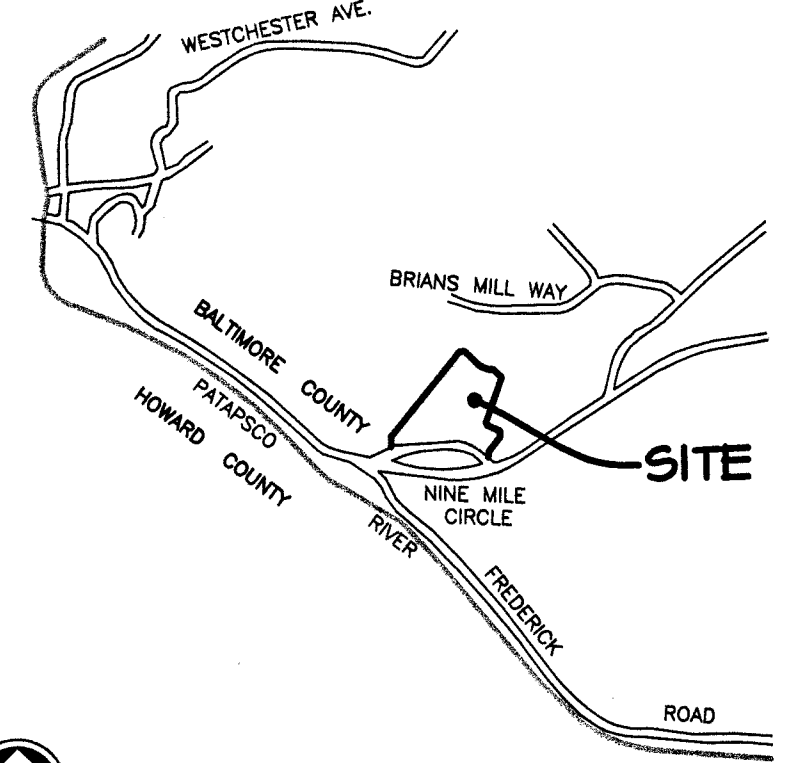
FISHER, COLLINS & CARTER, INC.
CIVIL ENGINEERING CONSULTANTS & LAND SURVEYORS

CENTENNIAL SQUARE OFFICE PARK - 10772 BALTIMORE NATIONAL PIKE
ELLSWORTH CITY, MARYLAND 21042
(410) 481-2800

Drawing Name: S020005.DWG

MSA SSM 065-1144-5

22-79



VICINITY MAP SCALE: 1"=1000'

1. DEVELOPMENT NAME: NINE MILE HILL
2. APPLICANT:
BRIAN DOLAN
2810 NINE MILE CIRCLE
BALTIMORE, MD 21228-5465
3. PLAN PREPARED BY:
D.S. Thaler & Associates, Inc.
1115 AMBASSADOR ROAD
P.O. BOX 41428
BALTIMORE, MARYLAND 21244
ATTN: Stacey A. McArthur, R.L.A.
(410) 444-3647
4. PROPERTY OWNERS & REFERENCES:

OWNERS NAME	ADDRESS	PARCEL	LOT	TAX ACCOUNT #	DEED REFERENCE	HELD SINCE	TAX MAP-GRID	ADC MAP
The Condominium Homes at 9 Mile Hill, Inc.	3600 Crondall Lane, Suite 103 Covington, MD 21113-2235	1331		23000005831	22742 / 1	MAY 1941	100/ 15	40-05
Jeffrey M. & Dorella D. Waters	12665 Emory Farm Lane Sykesville, MD 21154-5531	1331	1	23000004486	11274 / 439	MAY 1941	100/ 15	40-05
Jeffrey M. & Dorella D. Waters	12665 Emory Farm Lane Sykesville, MD 21154-5531	1331	2	23000004481	11274 / 430	MAY 1941	100/ 15	40-05
Elizabeth Oliver	5811 Ivy League Drive Baltimore, MD 21228-5345	1331	3	23000004486	20241 / 495	MAY 1941	100/ 15	40-05
Susan A. Allen	2823 Nine Mile Circle Catonville, MD 21228-5465	1331	4	23000004485	26474 / 239	MAY 1941	100/ 15	40-05
Joseph Daddio	2816 Nine Mile Circle Catonville, MD 21228-5465	1331	5	23000004484	22104 / 405	MAY 1941	100/ 15	40-05
James K. & Sabrina Miller	2814 Nine Mile Circle Catonville, MD 21228-5465	1331	6	23000004483	26419 / 91	MAY 1941	100/ 15	40-05
Laura Lopez	6442 Sunbelt Drive Frederick, MD 21702-2446	1331	7	23000004482	20458 / 365	MAY 1941	100/ 15	40-05
Brian P. Dolan & Kathleen M. Fisher	2810 Nine Mile Circle Catonville, MD 21228-5465	1331	8	23000004481	25220 / 221	MAY 1941	100/ 15	40-05
James J. & Cheryl H. Hook	2808 Nine Mile Circle Catonville, MD 21228-5465	1331	9	23000004480	19649 / 511	MAY 1941	100/ 15	40-05
Chastar H. Overlock, 3rd	2806 Nine Mile Circle Catonville, MD 21228-5465	1331	10	23000004479	11267 / 341	MAY 1941	100/ 15	40-05
Earl J. & Pamela A. Wright	15665 Meadow Walk Hoodtown, MD 21111-1131	1331	11	23000004478	16525 / 460	MAY 1941	100/ 15	40-05

5. GENERAL DATA:
Election District: 1st
Census Tract: 401503
Comprehensive District: 1st
Watershed: Patapsco River
Regional Planning District: 323
Seawashed: 11
6. SITE INFORMATION:
A. Acreage: 4.3 AC (NET)
4.81 AC (GROSS) EST. 1.51 AC x 30' R/W = 0.31
B. Existing Zoning: DR-1
DR-3.5
C. Density:
Allowed:
DR-1 = 0.25 AC/1 Unit
DR-3.5 = 4.07 AC/1 Unit
Existing: 11 Single Family Units
D. Parking:
Required: 2 spaces/unit or 22 spaces
Existing: 17 spaces
7. UTILITIES: Public water and sewer are provided.
8. USE: The existing use is Residential.
The proposed use is Residential.
9. This property has been held intact since (see Note 4, according to deeds).
10. Maximum building height allowed is 50 feet.
11. The site is not located within a deficient zone per Baltimore County 2008 Basic Services Maps, Water Supply Area Map, Sewage Area Map and Transportation Map. Adopted 4.21.08, per Bill 20-08.
12. There has no zoning case history found on file.
13. Future signs shall conform with BCZR Section 450 and all zoning policies.

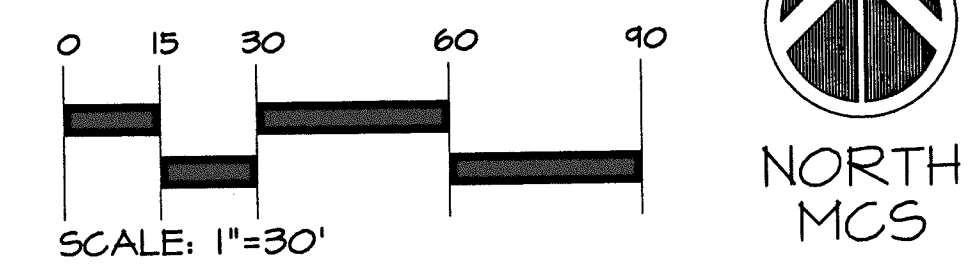
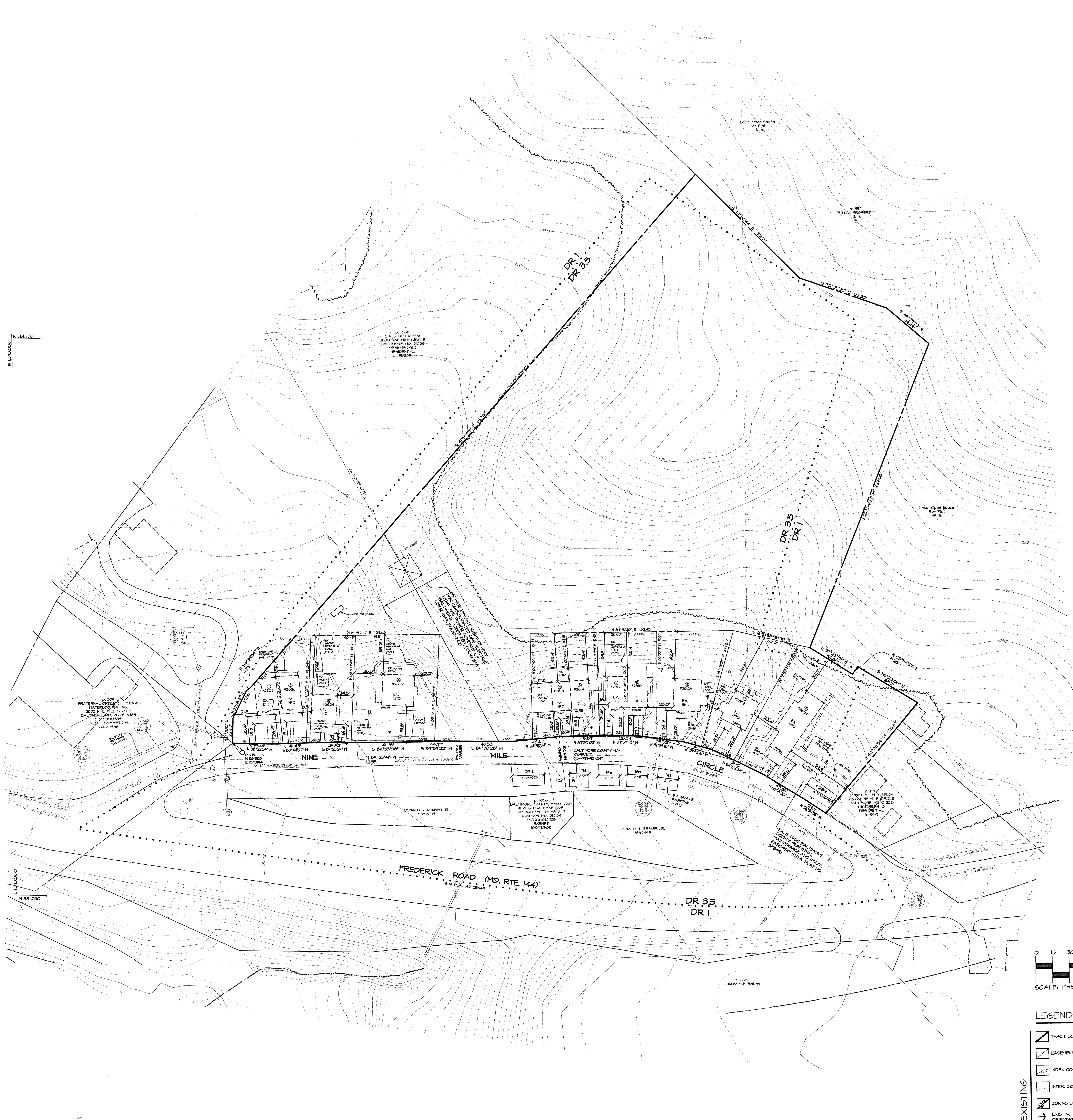
Variance Requests

1. As per § 1801.2C.1b of the BCZR, to allow a minimum front building setback to right-of-way or property line of 10 feet in lieu of the required 25 feet.
2. As per § 1801.2C.1b of the BCZR, to allow a minimum side building face setback to tract boundary line of 0 feet in lieu of the required 15 feet.
3. As per § 1801.2C.1b of the BCZR, to allow a side building face to side building face setback of 0 feet in lieu of 10 feet if less than 8 feet in height and/or 20 feet if greater than 20 feet in height.
4. As per § 1801.2C.1b of the BCZR, to allow a minimum rear building face to property line setback of 0 feet in lieu of the required 30 feet.
5. As per § 1801.2C.1b and 3011 of the BCZR, to allow a minimum of 8 feet in lieu of 25' and 18' for open porches to right-of-way setback as indicated.

Special Hearing

1. To determine that altering a condominium regime into fee simple lots does not qualify as a subdivision under the Baltimore County Code.
2. To approve allowing the existing units to continue to utilize the parking layout as shown on the plan.

N 581750
E 137950



LEGEND

- TRACT BOUNDARY
- EASEMENT
- INDEX CONTOUR
- INTER. CONTOUR
- ZONING LINE
- EXISTING FRONT ORIENTATION
- ROAD
- STORM DRAIN
- TREES
- LIGHT
- UTILITY POLE

PROJECT NAME:
NINE MILE HILL

PLAN TITLE:
PLAT TO ACCOMPANY
ZONING PETITION

COUNCILMANIC DISTRICT: 1
ELECTION DISTRICT: 1

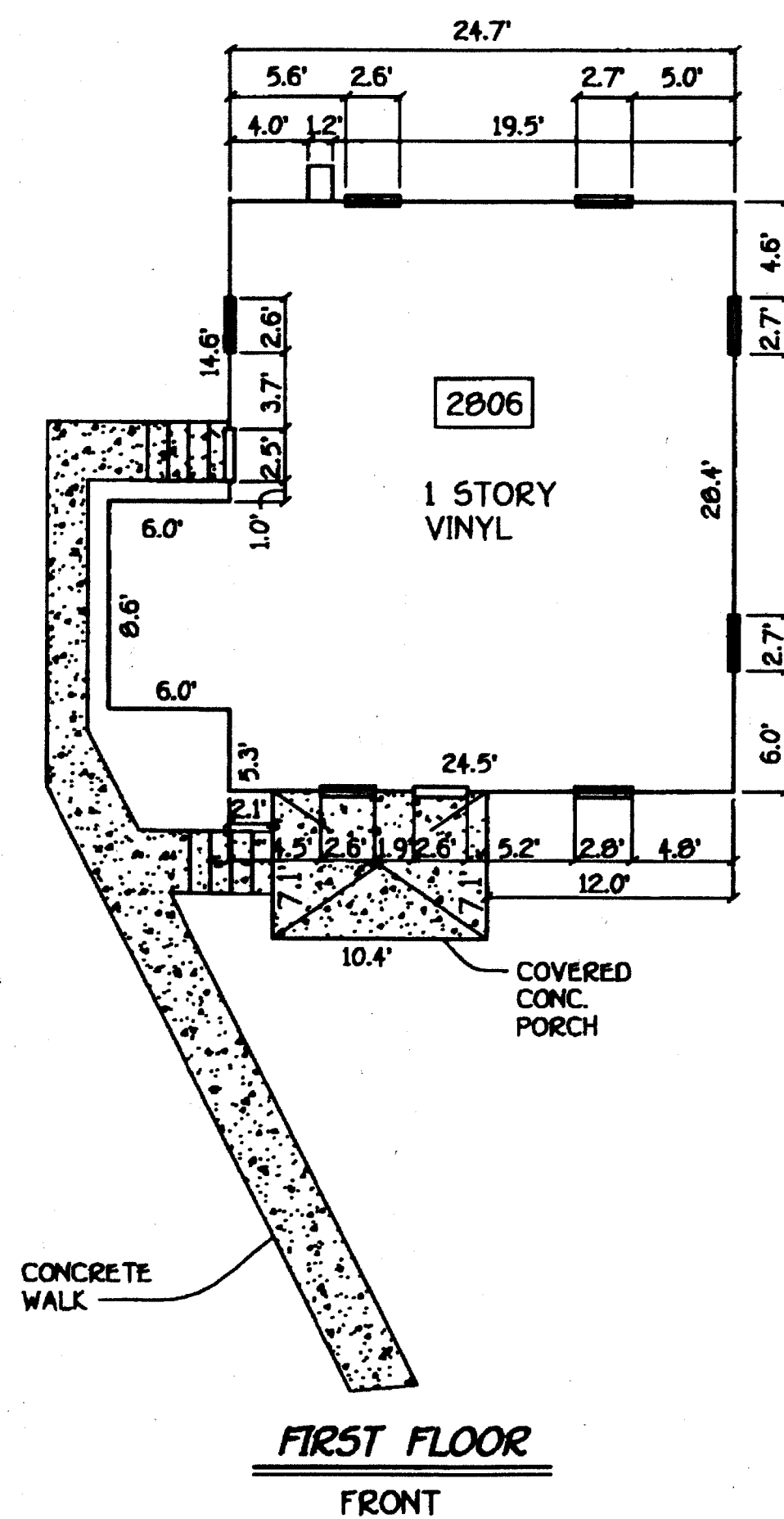
APPLICANT:
BRIAN DOLAN
2810 NINE MILE CIRCLE
BALTIMORE, MD 21228-5465

PETITIONER'S
EXHIBIT NO. NO. 1

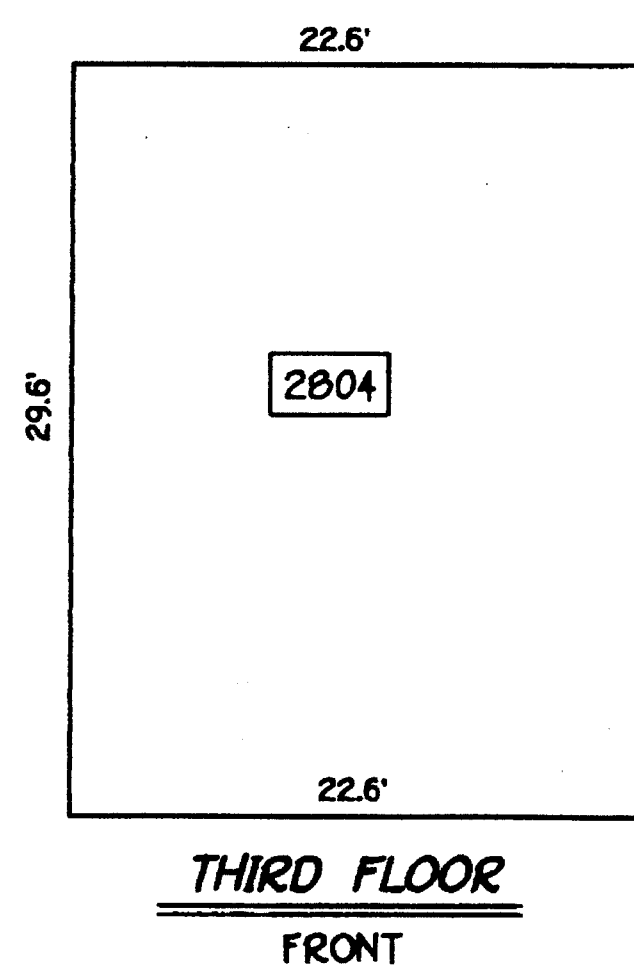
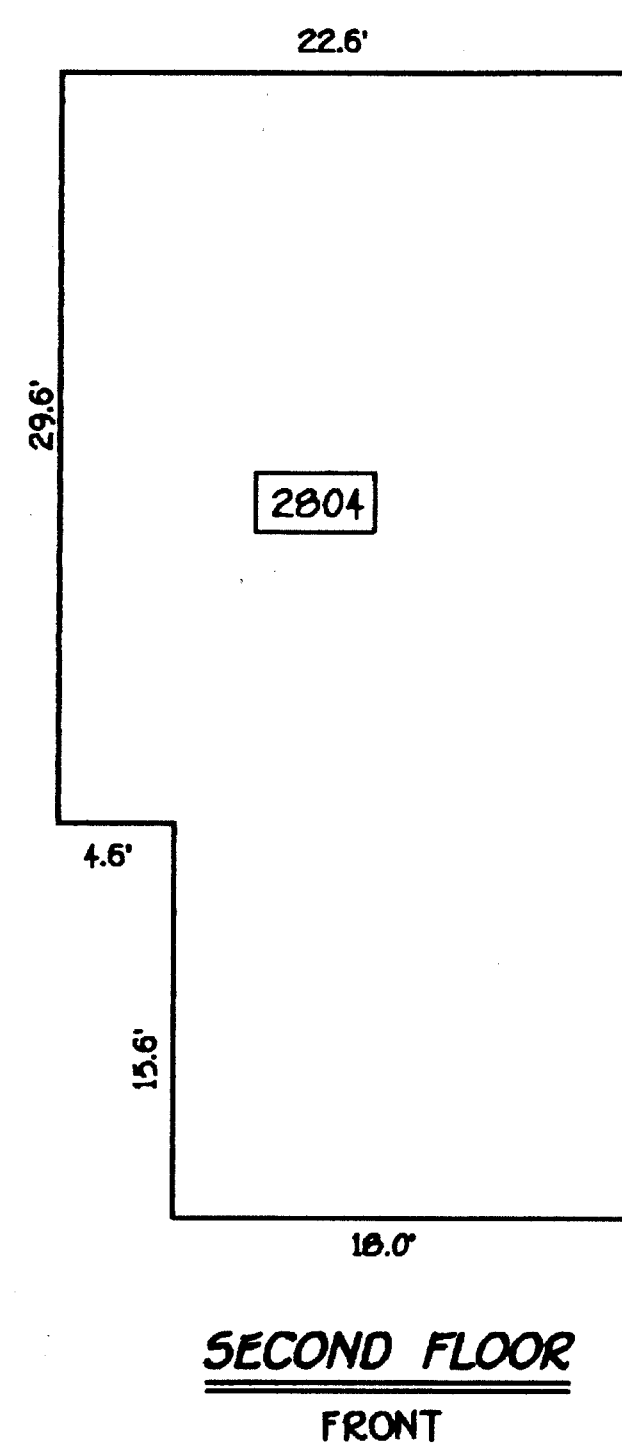
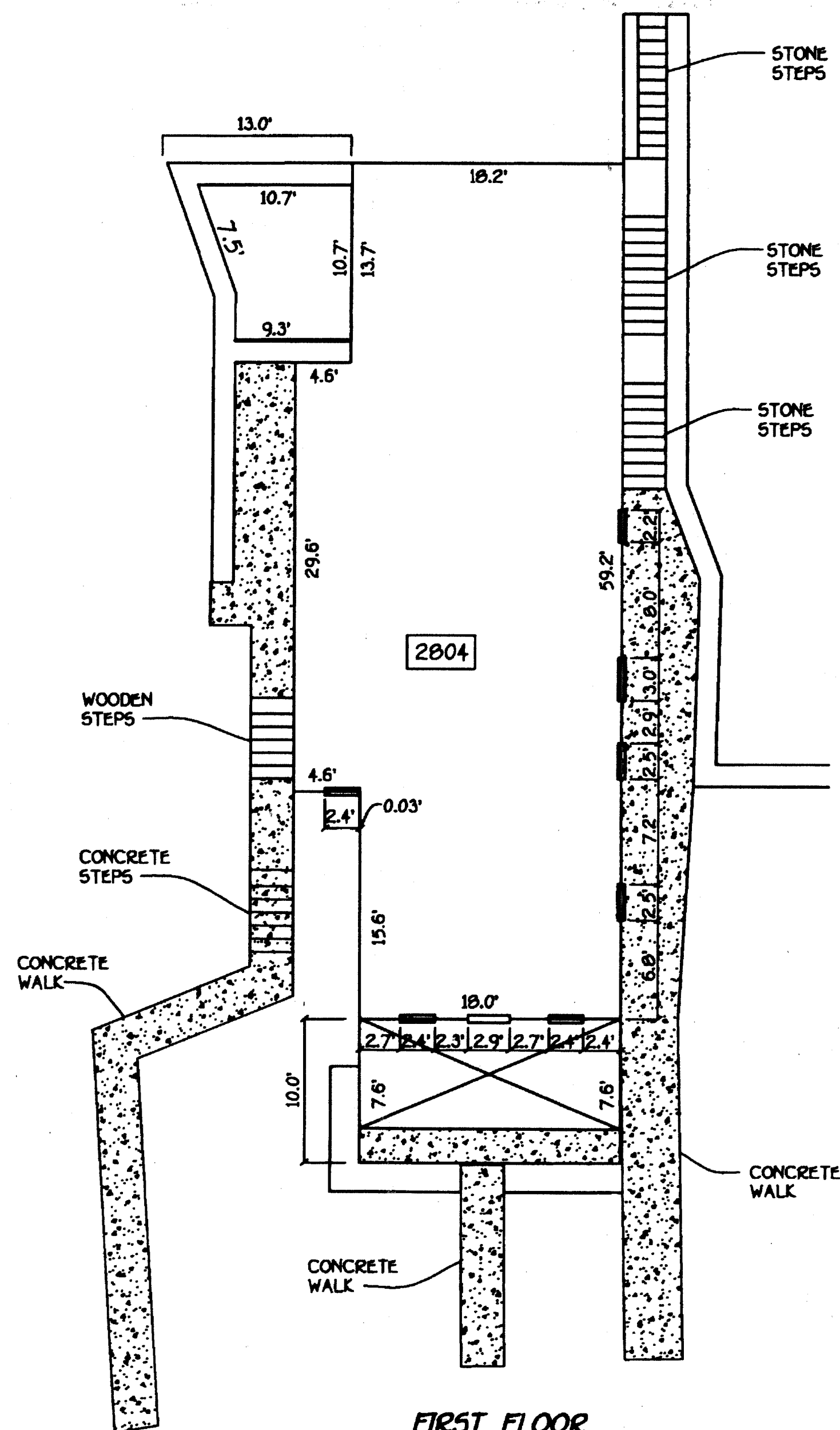
D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS
LANDSCAPE ARCHITECTS
SURVEYORS
LAND PLANNERS

1115 AMBASSADOR ROAD
P.O. BOX 41428
BALTIMORE, MARYLAND 21244-1428
(410) 444-3647, (410) 444-3647

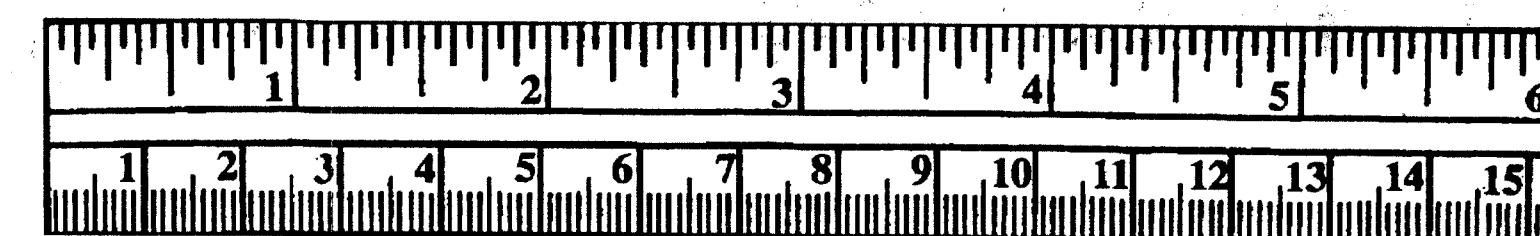
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SCALE: 1"=30'
C.I.: 2'
PROJ. NO.: 03114
SHEET 1 OF 1



#2806 NINE MILE CIRCLE



#2804 NINE MILE CIRCLE



PLAT RECORDING TOTAL 15.00
Rest: 15.00
SM RC 47578
Apr 80, 1999 1686
11:13

S.M. 22-80

Filed for record

22 FOLIO 80

Date APR 8 1999

PETITIONER'S

EXHIBIT NO. 2

Test:

Signature
Clerk

PLAT OF
CONDOMINIUM SUBDIVISION
THE CONDOMINIUM MILL HOMES
AT 9 MILE HILL
PHASE 1

1ST ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

TAX MAP No. 100 PARCELS 1246 & 1056 GRID 15

DATE: DECEMBER 8, 1998



Scale: 1" = 100'

SHEET 6 OF 6

FISHER, COLLINS & CARTER, INC.
CIVIL ENGINEERING CONSULTANTS & LAND SURVEYORS
CENTENNIAL SQUARE OFFICE PARK - 18272 BALTIMORE NATIONAL PIKE
ELICOTT CITY, MARYLAND 21042
(410) 481-2855

Drawing Name: 30286CP6.DWG

MSA SSU1265-1144-6

22-80

Paradise Hill
Association
4/11/09

Paradise Hill Home Owners Association
April 11, 2009

Officers

Dave Nelson

Bill Doyle

Clay Aler

Sheila Vidmar

Nancy Cornnell

Brian Dolan
2810 Nine Mile Circle
Catonsville MD 21228

PETITIONER' S

EXHIBIT NO. 3

Dear Brian,

The Paradise Hill HOA boards of directors are supporting you in your effort to change your community's designation from that of 'condo' to a fee simple lot. We understand the financial hardship your community members have been under due to the condominium designation. We support your development and believe that it can only better the region.

If there is anything we can do to show our continued support for this change, please let me know.



Nancy Cornnell
Secretary
Paradise Hill Home Owners Association

136 Starhill Lane
Catonsville MD 21228
410-418-8187



PETITIONER'S

EXHIBIT NO. 4A-H



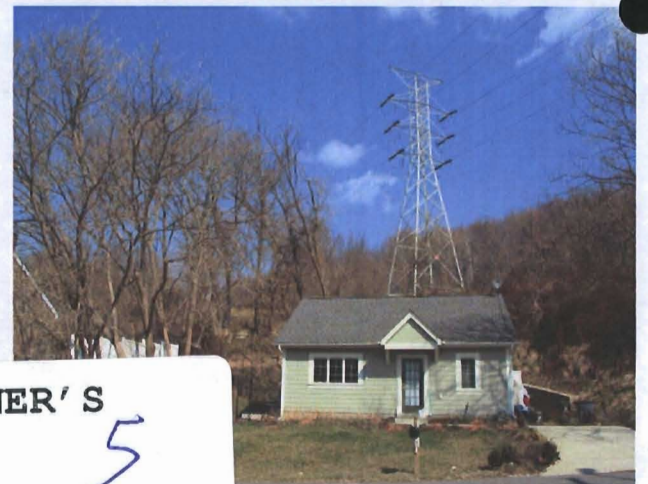












PETITIONER'S

EXHIBIT NO.

5



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