

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, MIDWAY ENTERPRISES, INC., legal owner 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 405.4 A2a to permit a canopy to set back 11'-6" from R/W and 31'-6" from center-line of street instead of 10' and 35' respectively.

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

In order to provide shelter for the service station operator and the motoring public it is necessary to have the canopy project at least 6' over the pump island. This necessitates that the canopy be 11'-6" from the R/W instead of the required 10'.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser James H. Griffith, Esq.
Address 6902 Holabird Ave., 21222

Norman F. Summers, Esquire
Petitioner's Attorney
Address 4715 Leeds Avenue 21227

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day

of March, 1972, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of March, 1972, at 10:00 o'clock

Alvin D. Stenna
Zoning Commissioner of Baltimore County.
(over)

Description of Property

7700 German Hill Road District No. 12

Beginning for the same at the intersection of the East side of Plainfield Avenue and the Northeast side of German Hill Road and running thence binding on the East side of Plainfield Avenue, North 07 degrees 33 minutes East 101.27 feet to the Northern most property line, thence binding on said Northern property line, North 82 degrees 22 minutes East 120 feet to the Eastern most property line, thence binding on said Eastern property line South 07 degrees 33 minutes East 155.40 feet to the Northeast side of German Hill Road, thence binding on said Northeast side of German Hill Road North 57 degrees 00 minutes West 124.39 feet to a 25' radius, 26.11 feet to the place of beginning.

Said property being known and designated as Lots Nos. 65, 66, 67, 68, 69 and 70 on Plat of Section 1, Plainfield.

WILLIAM S. BALDWIN
ATTORNEY AT LAW
10 WEST THEODORE STREET
TOWSON, MARYLAND 21204
(PLAT 3-2000)

April 10, 1972

S. Eric DiNenna, Zoning Commissioner
for Baltimore County
Jefferson Building
Towson, Maryland 21204

RE: MIDWAY ENTERPRISES, INC.
Petition for Variance from Section 405.4
E/S Plainfield Avenue, NE/S 7700 German
Hill Road, 12th Election District

Dear Commissioner:

Please enter my appearance as attorney for the Petitioner in the above captioned case.

I have spoken with Norman F. Summers, Esquire, the attorney who originally filed the case and he advised me that as soon as I enter my appearance, he will strike his.

I will appreciate it if you will forward me all copies of comments, hearing dates, etc.

Very truly yours,

William S. Baldwin
William S. Baldwin

WSB/mjs

CC: Norman F. Summers, Esquire
Mr. Byron B. Barton, III

NORMAN F. SUMMERS
ATTORNEY & COUNSELLOR AT LAW
1015 L. ST. SE
ATLANTA, GEORGIA 30334

April 11, 1972

S. Eric DiNenna, Zoning Commissioner
for Baltimore County
Jefferson Building
Towson, Maryland 21204

Re: Midway Enterprises, Inc.
Petition for Variance
from Section 405.4
E/S Plainfield Avenue,
NE/S 7700 German Hill Rd.
12th Election District

Dear Commissioner DiNenna:

In connection with the above captioned matter, since Mr. William S. Baldwin has entered his Appearance as Attorney for the Petitioner herein, I would, at this time, like to withdraw my Appearance as Attorney for the Petitioner in this matter.

Thanking you for your cooperation herein, I am

Sincerely yours,

Norman F. Summers
Norman F. Summers

NFS/cab
CC: William S. Baldwin, Esquire
Mr. Byron B. Barton, III

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

April 28, 1972

COUNTY OFFICE BLDG.
111 S. Calverton Ave.
Towson, Maryland 21204

OLIVER L. MYERS
Chairman

MEMBERS

BUREAU OF ENGINEERING

DEPARTMENT OF TRAFFIC ENGINEERING

STATE ROAD COMMISSION

BUREAU OF PLANNING

DEPARTMENT OF PUBLIC PLANNING

BUREAU OF EDUCATION

BOARD OF EDUCATION

DEPARTMENT OF RECREATION

DEPARTMENT OF SOCIAL SERVICES

DEPARTMENT OF HEALTH

DEPARTMENT OF FIRE

DEPARTMENT OF WATER

DEPARTMENT OF AIRPORTS

DEPARTMENT OF PARKS

DEPARTMENT OF LAND

DEPARTMENT OF UTILITIES

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF PUBLIC WORKS

DEPARTMENT OF PUBLIC SAFETY

DEPARTMENT OF PUBLIC DEFENSE

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC UTILITIES

DEPARTMENT OF PUBLIC TRANSPORTATION

DEPARTMENT OF PUBLIC DEFENSE

William S. Baldwin, Esq.,
24 W. Penna. Avenue
Towson, Maryland 21204

RE: Type of Hearing: Variance from
Section 405.4A2a canopy setback
Location: E/S Plainfield Ave., NE/S
Petitioner: Midway Enterprises, Inc.
12th District
Item 159

Dear Sirs:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

The subject property is located on the northeast corner of German Hill Road and Plainfield Avenue, in the 12th Election District of Baltimore County. The property is currently improved with an existing, however, closed service station building. There is a Gulf service station on the northwest corner of German Hill and Plainfield, and a Shell station on the southwest corner. The southeast corner is improved with a Twin Kiss ice cream and carry out shop. There are residential dwellings on both the north side and the east side of the site. Curb and gutter exist at this location.

BUREAU OF ENGINEERING:

No additional public highway improvements or utilities are involved. This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this item.

FIRE DEPARTMENT:

This Department has no comment on the proposed site.

BOARD OF EDUCATION:

No bearing on student population.

William S. Baldwin, Esq.,
Item 159
Page 2
April 28, 1972

DEPT. OF TRAFFIC ENGINEERING:

The proposed canopy must be constructed in such a manner that it does not interfere with sight distance on either Plainfield Avenue or German Hill Road.

HEALTH DEPARTMENT:

No health hazard is anticipated since this item covers a canopy setback and metropolitan water and sewer are available.

ZONING ADMINISTRATION DIVISION:

The site plan submitted appears to meet the requirements of "Bill 40" for compliance to the service station regulations. However, the plan should be revised prior to the hearing and indicate the Election District and the type and size of lighting that will be provided, as well as the location and size of the three permitted ancillary signs.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Oliver L. Myers
OLIVER L. MYERS, Chairman

OLM:jjs:js

Enc.

PETITION MAPPING PROGRESS SHEET

FUNCTION	Well Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, GC, CA										
Reviewed by: <u>JEB</u>										
Previous case:										

Revised Plans:
Change in outline or description Yes
Map No

William S. Baldwin, Esq.,
24 W. Penna. Avenue
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

Item 159

County Office Building
100 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing

this 28th day of March, 1972

Alvin D. Stenna
S. ERIC DINENNA,
Zoning Commissioner

Petitioner: Midway Enterprises, Inc.

Petitioner's Attorney: William S. Baldwin

Reviewed by Alvin D. Stenna
Chairman,
Advisory Committee

JUN 29 1972

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts due to the location of existing improvements on the site and the irregular shape of the boundary lines, strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner

the above Variance should be had; and it further appearing that by reason of the granting of the Variances requested not adversely affecting the health, safety, and general welfare of the community, a Variance to permit a Canopy to setback one foot six inches (1'6") from the right-of-way and thirty feet six inches (30'6") from the center line of the street instead of the required ten feet (10') and thirty-five feet (35') respectively should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 23rd day of May, 1972, that the herein Petition for a Variance should be and the same is granted, from and after the date of this Order to permit a Canopy to setback one foot six inches (1'6") from the right-of-way and thirty feet six inches (30'6") from the center line of the street instead of the required ten feet (10') and thirty-five feet (35') respectively subject to the approval of a site plan by the Deputy Zoning Commissioner of Baltimore County Bureau of Public Services and the Office of Planning and Zoning.

and it appearing that by reason of

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 1972, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

PETITION FOR A VARIANCE

FOR A CANOPY
1800 BALTIMORE

WOMEN'S Fashion Co. Variance for a Canopy, Northeast corner of Eastman Avenue and Greenleaf Avenue, Towson, Md.

DATE: 5-11-72, Monday, May 11, 1972 at 10:00 A.M.

Public Hearing Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the following petition for a Variance from the Zoning Regulations of Baltimore County to permit a Canopy to setback one foot six inches (1'6") from the right-of-way and thirty feet six inches (30'6") from the center line of the street instead of the required ten feet (10') and thirty-five feet (35') respectively.

The Zoning Regulations to be varied are as follows: Section 405.412b - Setbacks - No canopy shall be set back less than 17 1/2 feet from each side of way or less than 35 feet from each centerline.

All that parcel of land in the Twelfth District of Baltimore County, known as Lot 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 11, 1972.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once a week at one time, successive weeks before the 22nd day of May, 1972, the first publication appearing on the 15th day of May, 1972.

THE JEFFERSONIAN
L. Frank Smith
Manager.

Cost of Advertisement, \$.

PETITION FOR A VARIANCE

FOR A CANOPY

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CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222 May 8, 1972

THIS IS TO CERTIFY, that the annexed advertisement of Eric Dilemma, Zoning Commissioner of Baltimore County in matter of petition of Midway Enterprises, Inc. was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week, successive weeks before the 5th day of May, 1972; that is to say, the same was inserted in the issues of May 4, 1972

Kimbel Publication, Inc.

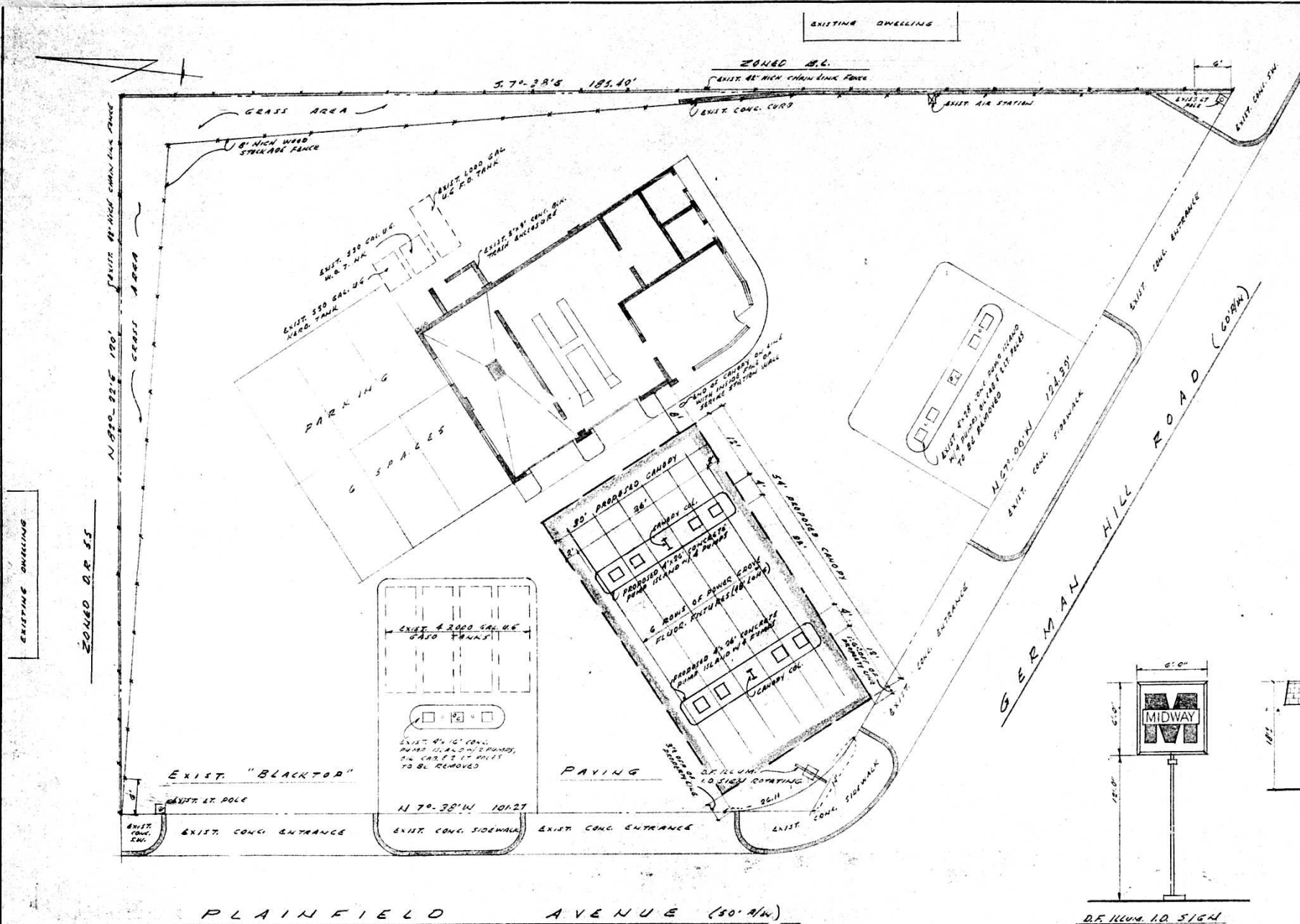
Publisher.
By: L. Frank Smith

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 127 Date of Posting 5-9-72
Posted for Henry M. May 22, 1972, 8:16 a.m.
Petitioner Midway Enterprises, Inc.
Location of property 6730 Holabird Ave. Dundalk, Md. 21222
Location of Sign 1 Sign Posted on Western of Eastern Ave. Street
Remarks
Posted by Paul H. New Signature Date of return 5-11-72

BALTIMORE COUNTY MARYLAND No. 3639
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE May 19, 1972 ACCOUNT 01-662
AMOUNT \$10.25
DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER
Midway Enterprises, Inc.
6730 Holabird Ave.
Dundalk, Md. 21222
Advertising and posting of property
#72-261-A 4925 REC

BALTIMORE COUNTY, MARYLAND No. 2167
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE April 28, 1972 ACCOUNT 01-662
AMOUNT \$25.00
DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER
Midway Enterprises, Inc.
6730 Holabird Ave.
Dundalk, Md. 21222
Advertising and posting of property
#72-261-A 2500 REC



NOTES FROM ZONING APPLICATION PLAT

ACCESS: DO-15
 NO OF DO-15S ON FRONT STREET = 2
 2.65' 130' 880' WIDTH
 ACTUAL DTS WIDTH = 138.39'

PARKING
 PARKING SPACES REQ'D 3/BAY = 6
 PARKING SPACES PROVIDED = 6

LIGHTING
 UNDER CANOPY = 6 ROWS OF 8' HIGH 100W POWER GROVE (IN)
 YACHTLIGHTS 1000 W. INCANDESCENT (IN/OUT)
 ALL LIGHTS TO BE SHIELDED FROM ADJACENT PROPERTIES
 AUXILIARY USES 405.12

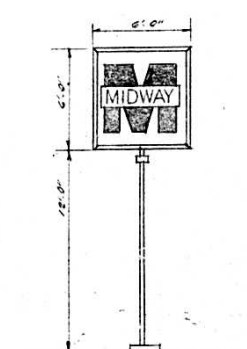
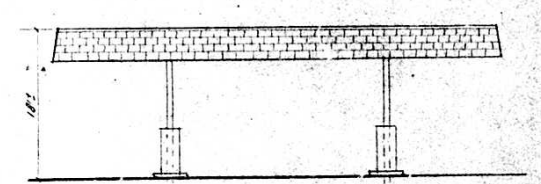
1. VEHICLE REPAIR SERVICES
2. SALE OF CIGARETTES, CIGARS, SOFT DRINKS ETC FROM VENDING MACHINES
3. TIRE SALES AND INSTALLATION
4. SALE OF SMALL AUTO PARTS & ACCESSORIES
5. MINOR ACCESSORY USES

LANDSCAPING
 5% OF TRACT = 855.4
 TOTAL LANDSCAPING = 855.4
 LANDSCAPING CONSIST OF GRASS

AREA REQUIREMENTS
 TWO DISCREET ISLANDS WITH 6 DISCREET ISLANDS CAPABLE OF HANDLING 6 CARS AT ANY TIME
 TOTAL SERVILING SPACES = 6
 TOTAL SERVILING BAYS = 6
 TOTAL BAYS AND SPACES = 6
 STA AREA REQ'D = 12,500' (15,000' & 12,000'
 TOTAL AREA REQ'D = 12,500' (15,000' & 12,000'
 TOTAL AREA OF TRACT = 17,170'

ZONING STATUS
 EXISTING ZONING PARCEL = B-1
 EXISTING DISTRICT = C-15

12TH ELECTION DISTRICT



DATA PLOTTED FROM SURVEY MADE BY:
 H. LLOYD WALLACE, SURVEYOR & CIVIL ENG.
 DATED JUNE 12, 1967
 OUTLINE OF PROPERTY REFLECTS NEW DIMENSIONS
 AS INDICATED IN DESCRIPTION

NOTE:
 NO ADDITIONAL SIGNS EXISTING
 OR PROPOSED

PETITION FOR ZONING VARIANCE (MARCH 12, 1978)
 PERMIT TO ERECT A 30' x 36' ALUM. CANOPY OVER Kiosk AND ISLANDS WITH A 116" FRONT YARD SETBACK INSTEAD OF THE REQUIRED 10', TOP OF CANOPY TO BE 18" ABOVE DRIVEWAY

M.B. COR. GERMAN HILL RD. & PLAINFIELD AVE.
7700 GERMAN HILL ROAD

SCALE 1/4" = 10' APPROVED BY: _____
 DATE 10.8.71 REVIEWED BY: _____

MIDWAY ENTERPRISES, INC.
 6902 HONOLULU AVENUE BUL. 60

Consolidated Drafting Service
 5210 Catalpa Road
 Baltimore, Md. 21214

