with a side yard setback of 6 inches in lieu of the required 2.5 feet.

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

- To place garage within 6" of property line.
- To place garage 5' further out from rear of house.

Property is to be posted and advertised as prescribed by Zoning Regulations.

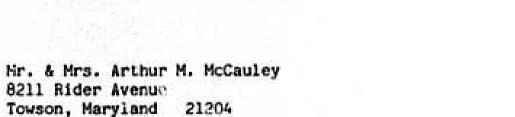
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, ander the penalties of perjury, that I/we are the legal owner(s) of the property

		which is the subject of this Petition.	
•	Contract Purchaser:	Legal Owner(s):	
	(Type or Frint Name)	(Type or Print Name)	MAP MU
	Signature	author M. M. Config	E 0. E
	Address	(Type or Print Name)	260 A
/(1)	City and State	Guerra R M. (mg	1000 H
	Attorney for Petitioner:	i i	N429
	(Type or Print Name)	BOU RIDER ASE 583 Address Phone No.	2337
( <b>-</b> 3)	Signature	City and State	<u>/_</u>
	Address	Name, address and phone number of legal owner, of tract purchaser or representative to be contacted	
<b>.</b> .	City and State	Name	
OF FILING	Attorney's Telephone No.:	Address Phone No.	.?.
25	ORDERED By The Zoning Commissioner of	Baltimore County, this11th	day
SULP I	required by the Zoning Law of Baltimore County that property be posted, as Commissioner of Baltimore County in Room 19	nd that the public hearing be had before the Zon.	gh- ing
, REG	Bounty, on the8th day of	April 19 87 at 10:00 o'cle	ock
ORDER R	J	20 III (10 USA 0	
E 2	8	Cill Jahan	
			A CONTRACT OF THE PARTY OF THE

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204

April 30, 1987



Dennis F. Rasmussen

RE: Petition for Zoning Variance E/S Rider Avenue, 495' N of the c/l of Essex Farm Road 8th Election District 3rd Councilmanic District Case No. 87-390-A

Dear Hr. & Mrs. McCauley:

Enclosed please find a copy of the decision rendered in the above-referenced case. Your Petition for Zoning Variance has been Granted, subject to the restriction noted in the attached Order.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Deputy Zoning Cormissioner

Enclosures

cc: Mr. & Mrs. John Layman 8215 Rider Avenue, 21204

> Mr. Al Shimkaveg 8209 Rider Avenue, 21204

People's Counsel

Mr. James H. Thompson

File

### ZONING DESCRIPTION

BEGINNING on the Past side of Rider Avenue 50 feet wide, at the distance of 495 feet north of the centerline of Essex Farm Road.

BEING Lot 6, Block B, in the subdivision of Thornleigh. Book No. GLB 25, Folio No. 53. Also known as 8211 Rider Avenue in the 10th Election Listrict.

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON ZONING COMMISSIONER

JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER

April 1, 1987

Mr. Arthur M. McCauley Mrs. Germaine M. McCauley 8211 Rider Avenue Towson, Maryland 21204

> RE: PETITION FOR ZONING VARIANCE E/S Rider Ave., 495' N of the c/l of Essex Farm Rd. (8211 Pider Ave.) 8th Election District - 3rd Councilmanic District Arthur M. McCauley, et ux - Petitioners Case No. 87-390-A

Dear Mr. and Mrs. McCauley:

This is to advise you that \_\_\_\_\_is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

GALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION

ounty, Maryland, and remit g, Towson, Maryland

ATE_	4/8/87	ACCOUNTR-01-615-000
ECEIV	17.	A.M. McCsuley, 8211 Rider Ave., owson, Md. 21204
- Ao	ADV RTISING &	POSTING COSTS RE CASE #87-390-A

IN RE: PETITION FOR ZONING VARIANCE \* E/S Rider Avenue, 495' N of the c/l of Essex Farm Road (8211 Rider Avenue) 8th Election District 3rd Councilmanic District

Petitioners

feet for a detached garage.

Arthur M. McCauley, et ux

OF BALTIMORE COUNTY Case No. 87-390-A

BEFORE THE

DEPUTY ZONING COMMISSIONER

The Petitioners herein request a variance to permit a detached garage in the side yard and a side yard setback of 6 inches in lieu of the required 2.5

Testimony by the Petitioners indicated that they propose the construction of a 10' x 16' detached garage in the side yard to replace an existing storage shed in disrepair. Between the existing concrete driveway and the house is a flower garden and a sidewalk to the rear yard and patio. To locate the proposed garage in accordance with the Ballimore County Zoning Regulations (BCZR) would necessitate the removal of a major tree and extensive changes to existing landscaping. In addition, access to the rear yard would be less aesthetically pleasing, in the opinion of the Petitioners. The Petitioners and a partner have been operating a lawn business from the .esidence and storage shed on a parttime basis for the last two years, unawars that such business operation in a residential area zoned DR 3.5 was a violation of the BCZR. If the instant variance were granted, the Petitioner would provide access for an inspector from the Zoning Office to inspect the inside of the garage for verification that it is not being used to operate a business or as habitable space.

Two neighbors appeared and testified in protest. Primarily they are opposed to the operation of the lawn business, which involves testing and storage of equipment and supplies. In addition, they revealed the existence of covehants applicable to the site and subsequently submitted a copy of those covenants for the review of the Deputy Zoning Commissioner. Page 3, Item No. 8,

Mr. Arthur M. McCauley Mrs. Germaine M. McCauley 8211 Rider Avenue Towson, Maryland 21204

Cebruary 18, 1987

RE: PETITION FOR ZONING VARIANCE E/S Rider Ave., 495' N of the c/l of Essex Farm Rd. (8211 Rider Ave.) 8th Election District - 3rd Councilmanic District Arthur M. McCauley, et ux - Petitioners Case No. 87-390-A

TIME: _		10	0:00 a.m	•	_				
DATE: _		We	dnesday	. April	8,	1987			
PLACE:	Room	106,	County	Office	Bui	lding,	111	West	Chesapeake
	Avenu	e, To	owson,	Maryla	nd				

NOTICE OF HEARING

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

. B 8093\*\*\*\*\*\*3500:a 223%

VALIDATION OR SIGNATURE OF CASHIER

and the state of t

Paragraph (b), specifically states that "Any one side yard shall not be less than ten (10) feet wide and the sum total of the width of both side yards shall not be less than twenty-five (26) feet. This side yard restriction shall apply to any individual dwelling structure erected on any of said lots and also to any

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, in the opinion of the Deputy Zoning Commissioner, the variance requested would not adversely affect the health, safety, and general welfare of the community and should therefore be granted.

garage which is an integral part of such dwelling structure." (emphasis added)

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 30 day of April, 1987, that a detached garage in the side yard and a side yard setback of 6 inches, in accordance with the plan submitted, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restriction:

> The Petitioners agree to permit an inspector from the Baltimore County Zoning Enforcement Office to make periodic internal inspections of the detached garage to assure that it is not being used to operate a business or as habitable

> > of Baltimore County

CERTIFICATE OF POSTING ZONNIG DEPARTMENT OF BALTIMORE COUNTY Tourse, Maryland

District 87/	Date of Posting 3/20/87
Posted for: Variance	***************************************
Petitioner: Arthur M.	Mc Coelsy, olov
	1145 N Frank Farm Rd
이 마스타이 아이는 이 그 이번에 아니라 아니라 아이는 아이에 가는 그리고 하는데 이번 모르는데 아이를 하는데 그를 때 그리고 하는데 하다 하는데 하다면 하는데 하다면 하는데 하다면 하는데	Lax Mrs. oppros 12' For not dway
ON Proporty of tol	Leener.
Remarks:	
Posted by Allegales	Data of return: 3/20/17
Number of Signet	

RE: PETITION FOR VARIANCE E/S Rider Ave., 495' N of C/L of Essex Farm Rd. (8211 Rider Ave.): 8th District

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

ARTHUR M. McCAULLY, et ux, Petitioners

Case No. 87-390-A

. . . . . . .

### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

People's Counsel for Baltimore County

Peter Max Zimmerman Deputy People's Counsel Room 223, Court House Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 10th day of March, 1987, a copy of the foregoing Entry of Appearance was railed to Mr. and Mrs. Arthur M. McCauley, 8211 Rider Ave., Towson, MD 21204, Petitioners.

PETITION FOR ZONING VARIANCE

8th Election District - 3rd Councilmanic District

Case No. 87-390-A

LOCATION:

East Side of Rider Avenue, 495 feet North of the Centerline

of Essex Farm Road (8211 Rider Avenue)

Wednesday, April 8, 1987, at 10:00 a.m. DATE AND TIME:

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:

Petition for Zoning Variance to permit a detached garage in the side yard with a side yard setback of 6 inches in lieu of the required 2.5 feet

Being the property of Arthur M. McCauley, et ux plan filed with the Zoning Office. , as shown on plat

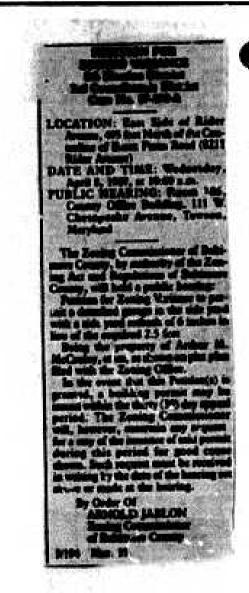
In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

> BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY

> > (10)

# CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 18 187



## CERTIFICATE OF PUBLICATION

TOWSON, MD., March 19 , 1987 THIS IS TO CERTIFY, that the americal advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on

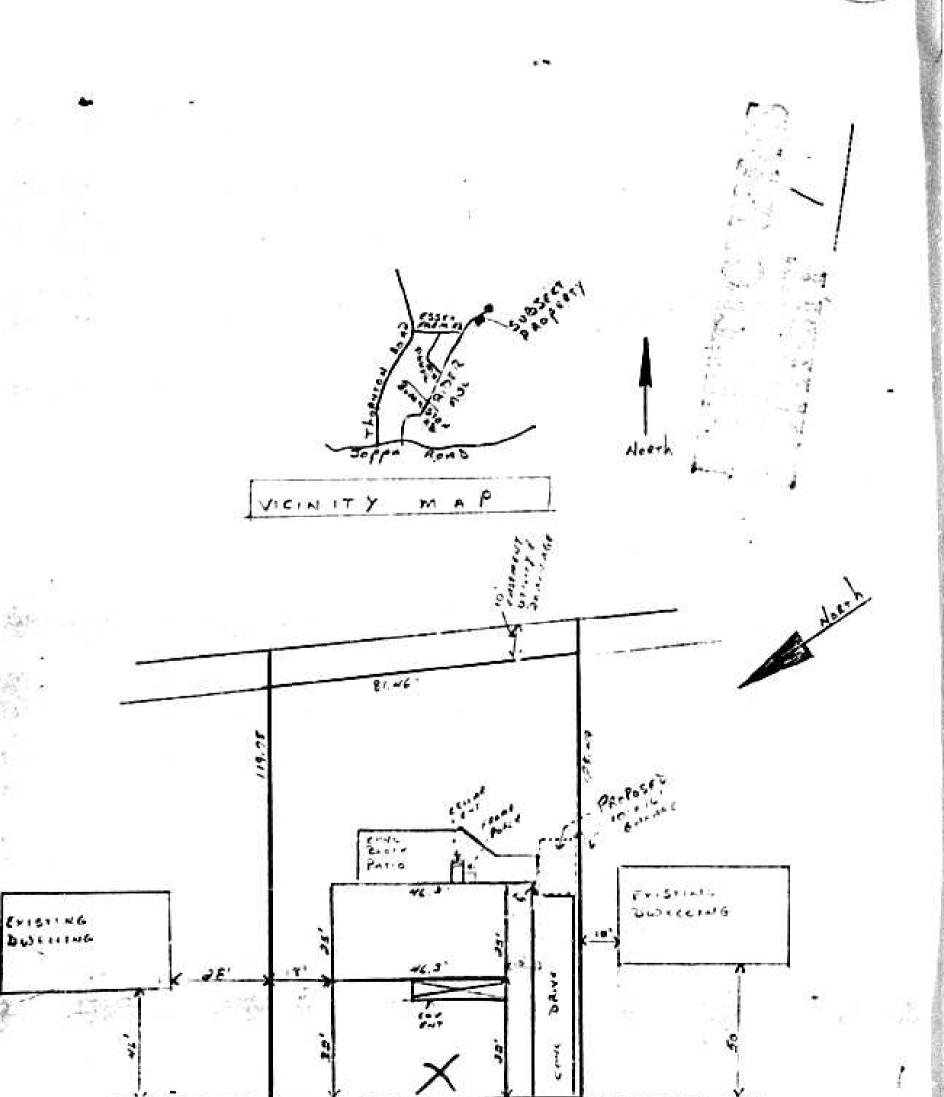
THE JEFFERSONIAN,

Publisher

Grean Sinter Obrect

\_\_\_March 19\_\_\_\_\_, 19\_\_\_87

28,96



8211 RIDER ADENDE (50' R/W 36' PAVINO)

PLAT FOR ZOWING YURIANCE DUNERS MICHAEL FERRMANE MECHALLY DISTRICT - 8 JO ZONED D. 8 3.5 SUBDIVISION - THORNE EIGH

LOT SIZE: 10,000 SE FT. ACRES: 1/4 Dece

SUZDIVISION - THORNE FIGH

LOT SIZE: 10.000 SEFT ACRES: You seen

E/S Freder One 495' to of c/s of Excep Fam Rd.

JICINITY MAI F + + 5 7 - + 3 T. Garage 16 DWILLING

8211 RIDER ADENDE ( 50' R/W 36' PAVINO)

PLAT FOR ZONING MARIANCE OWNERS MICHAEL GERMANT MERNITY DISTRICT - 8 NO ZONED DR 3.5

LOT 6 BIX B BOOK GIB 25 F .. 53 LOTE BLY B BOOK GIB 25 FOLIO 53 SCHAEL TE 30' FRISTING MYLLITIES : WATER &GAS THE RIDER MOF. SCHAELT'S 30' FRISTING MOTOR & GOTTER & GAS IN RIDER MOF.

Eristing

January 30, 1987

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 269, 270, (271), 272, 273, 274, 276, and 277.

> Very truly yours, Michael S. Flanigan Traffic Engineer Associate II

MSF: It

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this

Petitioner Arthur M. McCauley, et ux Received by: James E. Dyer Petitioner's

A PARAMENTAL STREET, THE PARAMETER OF TH

87-390-A

Chairman, Zoning Plans Advisory Committee

DALTIMORE COUNTY
OFFICE OF PLANNING AND ONING
TOWSON, MARYLAND 21204
494-3211 NORMAN E. GERBER

A Theorem Ar many March 1981 Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

DIRECTOR

Attorney

MARCH 4, 1987

Re: Zoning Advisory Mesting of JANUACTE, 1987 Property Owner: ARTHUR M. McCauley

Dear Mr. Jablon:

E/S RIVER AVE. 495 NOF & ESSEX FARM RO .

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

> There are no site planning factors requiring comment.
>
> A County Review Group Meeting is required. )A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services. )This site is part of a larger tract; therfore it is defined as a subdivision. The plan most show the entire tract. )A record plat will be required and must be recorded prior to issuance of a building permit. )The access is not satisfactory. )The circulation on this site is not satisfactory. )The parking arrangement is not satisfactory. )Parking calculations first be shown on the plan.
> )This property contains soils which are defined as wetlands, and development on these soils is prohibited. )Construction in or alteration or the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.

Development of this site may constitute a potential conflict with the Baltimore County Master Plan. )The amended Development Plan was approved by the Planning Board

)Landscaping: Must comply with Baltimore County Landscape Manual. The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service

The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council. Additional comments:

David Fields, Acting Chief

cc: James Hoswell

Current Planning and Development

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

Arnola Jabl on TO. Zoning. Commissioner..... Date\_March\_17.\_1987\_\_\_\_\_ Norman E. Gerber, AICP

SUBJECT\_\_Zoning\_Perition\_Number\_87-383-A, 87-384-A, 87-388-A, 87-389-A, 87-390-A, 87-391-A, 87-392-A and 87-393-A

FROM .. Office .. of . Planning and . Zoning .

There are no comprehensive planning factors requiring comment on these petitions.

NEG: JGH: bph



**ZONING OFFICE** 

January 27, 1987

Zoning Agendar Meeting of 1/6/97

CPS-nna

PAUL H REINCKE

Mr. Arnold Jablo...

Centlemen:

/mb

Zoning Cornissioner

Towsen "Aruland 21204

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON MARYLAND 21204-2566

Office of Planning and Zoning Baltimore County Office Building

Item No.: 271

FL: Property Owner: Arthur M. McCauley, et ux

Pepartment of Public Works.

Location: E/S Rider Avenue, 495' +- N. of the centerline of

Pursuant to your request, the referenced property has been surveyed by this

Sureau and the comments below marked with an "X" are applicable and required

7 1. Fire hydrants for the referenced property are required and shall be

located at intervals or \_\_\_\_\_\_feet along an approved read in accordance with Baltimore County Standards as published by the

) 3. The vehicle dead end condition shown at

Fire Prevention Code prior to occupancy or heginging of operation.

comply with all applicable requirements of the Mational Fire Protection

Association Standard No. 101 "Life Safety Code", 19 6 edition print

to be corrected or incorporated into the final plans for the property.

1 2. A second means of whicle access is required to: the site.

EXCEEDS the maximum allowed by the Fire Department.

1 4. The site shall be made to comply with all applicable parts of the

) 7. The Fire Prevention Bureau has no communits, at this time.

REVIEWER: Cast for 12 Kelly 1 27 87 Approved: John & C. Marki

X) 5. The buildings and structures existing or proposed on the site shall.



COUNTY OFFICE BLDG.

Chairman

MEMBERS

Engineering

Burray of

Industrial

Development

Department of

Fi.e Prevention

Post N Department

Fro ect Planning

Building Department Poard of Education

Coming Administration

Traffic Engineering

.tate Foads Commission

111 W. Chesapeake Ave. Towson, Maryland 21204

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

Mr Armold Jablon.	Loning Commissions:
Office of Planning	

Dear Mr. Jablons

Comments on I'ms # 271 Zoning Advisory Committee Meeting are as follows: Property Owner: Arthur M. McCauley, et ux

Location, E/S Rider Ave., 495 feet # N of the centerline of Essex Parm Road

Dietriete D.R. 3.5

APPLICABLE ITYPE ARE CIRCLED!

All structures shall conform to the Baltimore County Building Code as adopted by Council B.11 \* 7-85. he Maryland Code for the Handicapped and Aged (A.S.S.1. #117-1 - 1980) and other applicable Codes and Standards.

(b) a building and other miscellaneous permits shall be required before the start of we construction.

C. Sustitential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer 19/18 not required on plans and technical data.

.. Commercial: Three sets of construction drawings realed and signed by a registered in Maryland Architect or Engineer shall be required to the with a permit application. Reproduced seels are not acceptable.

all the Groupe except R-4. Single Family Retached Deellings require a minimum of 1 hour fire rating for exterior wall's closer than 6'-2 to an interior lot line. R-4 less Groupe require a rase hour wall i loser than 8'-0 to an interior lot line. Any wall outly on an interior lot line shall require a fire r parwall. See Table 471. Section 1407. Section 1406.2 and Table 1407. No openings are permitted in a exterior wall within 3'-0 of an interior lot line. Note: R-4 use group

7. The structure does not appear to comply with Table 505 for permissable height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 601 and 505 and have your Architect/Engineer contact this department.

S. The requested variance appears to conflict with Section(s) \_\_\_\_\_\_\_, of the Baltimore

The proposed project appears to be located in a Flood Flath, Tidal/Riverine. Please see the attached copy of Section 516.3 of the Publish Code as adopted by Bill #17-85. Site plane shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

i. These abbreviated croments reflect only on the information provided by the travings submitted to the lifting the applicant may extain additional information by visiting bode 120 of the lowery 15 year built by an it. to Chesapeans Actions. Towson, Maryland 2020. March of the service

Ave C. R. Burelan, " -- " Suilding Slane Series

6. Site plans are approved, as drawn.

Special Inspection Division

to occupancy.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE March 20, 1987

> Towson, Maryland 21204 RE: Item No. 271 - Case No. 87-390-A Petitioner: Arthur M. McCauley, et ux

> > Petition for Zoning Variance

Dear Mr. McCauley:

Mr. Arthur M. McCauley

8211 Rider Avenue

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received. I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This pet'tion was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours.

JAMES E. DYER

Chairman Zoning Plans Advisory Committee

JED:kkb

Enclosures

TED ZALESKI, JR.

DIRECTOR

PLEASE CIVE TO BUYER ATTIME OF SETTLEMENT

THIS DECLARATION, Made this 31st day of January, in the year one thousand nine hundred and sixty-two, by JAMES KEELTY & CO., INC., a corporation of the State of Maryland, and GUARANTEE TITLE HOLDING CORPORATION, a corporation of the State of Maryland.

WHEREAS, the said James Keelty & Co., Inc. is the owner, in fee simple, of the following lots of ground situate in the Eighth Election District of Baltimore County, State of Maryland, all as laid out on Plat entitled: "Resubdivision, Section Four, Thornleigh", which Plat is recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 25 - folio 53: Lots Numbers 1 - 2 - 3 - 4 - 5 - and - 6, in Block A, and Lots Numbers 3-4-5-6-7-8-9- and - 10, in Block B; and

WHEREAS, the said James Keelty & Co., Inc. is the cwner of the leasehold interest and the said Guarantee Title Holding Corporation is the owner of the reversionary interest of Lots Numbers 1 and 2, in Block B, on the aforesaid Plat; and

WHEREAS, the said James Keelty & Co., Inc. and Guarantee Title Holding Corporation, for the purpose of creating and maintaining a general scheme of development, desire that the above mentioned lots of ground shall be subject to the covenants, conditions, restrictions and reservations hereinafter set forth; and

WHEREAS, James H. Mitchell, Jr. and William B. Rafferty are Trustees under a Mortgage Deed of Trust from James Keelty & Co., Inc., dated June 9, 1961 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3851 - folio 51, covering the leasehold interest in and to Lots Numbers 1 and 2, Block B, on the aforesaid Plat; and

WHEREAS, the said James H. Mitchell, Jr. and William B. Rafferty, Trustees, have agreed to join in this Declaration in order to evidence their consert to the imposition of the covenents, conditions, restrictions and reservations hereinafter set forth upon the aforesaid two lots of ground comprising a part of the Resubdivision, Section Four, Thornleigh.

NOW, THEREFORE, THIS DECLARATION WITNESSETH: That the

said James Keelty & Co., Inc. and Guarantee Title Holding Corporation, for themselves, their successors and assigns, in consideration of the premises and the benefits to be derived, hereby impose upon the aforesaid lots of ground the following covenants, conditions, restrictions and reservations, to wit:

1. All of the aforesaid lots of ground, and any building or structure of any kind whatsoever, now or hereafter erected thereon, shall be used, occupied and maintained for residential purposes only, except and provided as follows:

(a) Real estate sales, management and construction offices and signs may be erected, maintrined and operated thereon and in any building or structure now or nereafter erected thereon, provided such offices and signs are used and operated in connection with the development of said lots or the construction of improvements on said lots or the management, rental, or sale of any part of the premises, or any improvements waich may be now or hereafter erected on said lots of ground.

(b) Any part of any dwelling house now or hereafter erected thereon may be used as a physician's office or dentist's office, without hospital facilities, for the practice of such professions, provided that the physician or dentist using such office resides in the same dwelling house in which such office is located.

(c) Any of said lots of ground and any improvements now or hereafter erected thereon may be used for the purposes of a church, school, library, playground, park or community building.

None of said lots, nor any improvements now or hereafter erected thereon shall be used for any of the purposes set forth in sub-paragraphs (a), (b) or (c) hereof without the written consent and approval of James Keelty & Co., Inc., its successors and assigns, being first had and obtained.

(d) No dwelling now or hereafter erected on any of said lots shall be occupied by more than two (2) families.

(e) A garage for not more than a total of two (2) automobiles, for the usual private, non-commercial purpose, may be erected on any of said lots. Such garage if erected shall be subject to the provisions of paragraph 6 hereof.

2. No chickens, ducks, geese, pigeons or fowl of any kind, and no horses, ponies, cows, swine, sheep, goats or livestock of any kind, or any other animal, shall be kept or allowed to remain on any of said lots or in the improvements thereon, except not more than two (2) domestic pets for non-breeding purposes.

3. No noxious or offensive trade or activity shall be carried on upon any of said lots nor shall anything be done thereon which may be or become a nuisance or annoyance to the neighborhood.

4. No fences, either temporary or permanent, shall be erected, placed or maintained on any lot between the front lot line and the front foundation wall of the main building. No fence shall be erected except in compliance with paragraph 6, and when erected shall not exceed three and one-half (3-1/2) feet in height, and shall not interfere with underground or surface drainage structures, pipes or ditches.

(e) Nothing herein contained shall be construed as

integral part of a dwelling house, nor any other type of outbuilding permitted to be erected on any of said lots shall at any time be used as a place of abode, temporarily or permanently, nor

division thereof.

shall any building of a temporary character be permitted to be used for a place of abode. 6. No building, fence, wall, sign, tank or structure of any kind shall be commenced, erected or maintained on any of said lots, nor shall any addition to (including awnings and screening) or change or alteration therein (including any re-treatment by painting or otherwise of any exterior part thereof) be made \_\_til plans and specifications in duplicate, showing the nature, kir. shape, height, colors, materials, location and approximate cost of such building, fence, wall, sign, tank, structure, addition, change or alteration shall have been submitted to and approved in writing

prohibiting the erection, placing or maintaining of a fence not

of-way as shown on the Plat of Resubdivision, Section Four,

exceeding 8 feet in height located along the Northwesternmost line of the Northern Central Branch of the Pennsylvania Railroad right-

Thornleigh, hereinbefore referred to or any amendment to or resub-

5. No trailer, tent, shack, garage, which is not an

by James Keelty & Co., Inc., its successors and assigns, who shall have the absolute right to refuse to approve any such plans or specifications which it deems unsuitable or undesirable whether based on aesthetic or other reasons. In so passing upon such plans or specifications, it shall have the right to take into consideration the use and suitability of the proposed building, fence, wall, sign, tank, structure, addition, change or alteration, the location thereof, the materials of which it is to be built or made, and the color and design thereof, with relation to the site upon which it is proposed to erect or keep the same harmony with its surroundings, and the effect on the outlook from adjacent or neighboring property.

7. No dwelling structure shall be erected on any lot of ground, the area of which is less than eight thousand (8,000) square feet.

### 8. SETBACK AREAS -

(a) No portion of any building, except open porches, bay windows and steps attached to a dwelling, shall be erected or permitted within the front and/or side street setback areas provided for on Plat of Resubdivision, Section Four, Thornleigh, dated July 3, 1958 and recorded among the Land Records of Baltimore County in Plat Liber G.L.B. No. 25 - folio 53, or any amendment to or resubdivision thereof.

(b) Any one side yard shall not be less than ten (10) feet wide and the sum total of the width of both side yards shall not be less than twenty-five (25) feet. This side yard restriction shall apply to any individual dwelling structure erected on any of said lots and also to any garage which is an integral part of such dwelling structure.

An encroachment into the aforesaid setback areas of not more than twelve (12) inches shall not constitute a violation of these restrictions.

9. James Keelty & Co., Inc., its successors and assigns, hereby expressly reserves unto itself, its successors and assigns, easements along the rear and side lot lines as shown on the aforesaid plat or any amendment to or resubdivision thereof for the purpose of proper surface water drainage and for the installation and maintenance of sanitary and storm water sewers, poles for electric power and telephone lines, lines for water and other utilities and

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for such alterations of the contour of the land as may be necessary or desirable to effect surface drainage, and to grant said easements to any person, firm or corporation, private or municipal, to erect and maintain public utilities in or upon said easements.

10. Invalidation by adjudication of any of the provisions of the restrictions, covenants and agreements herein expressed shall in no wise affect any of the other provisions which shall remain in full force and effect.

That all of the restrictions, covenants and agreements herein set forth shall be held and construed to run with and bind the lots hereinbefore referred to and all rubsequent owners and occupants thereof. All of said restrictions, covenants and agreements shall inure to the benefit of and be enforceable by James Keelty & Co., Inc., its successors and assigns, and by any person or party then owning or having any recorded interest or estate in any part of the lots hereinbefore referred to, against anyone violating or attempting to violate any of said restrictions, covenants or agreements. At any time after December 31, 1992 any of the provisions of the aforegoing restrictions numbered 1, 2, 3, 4, 5, 6, 7 and 8 may be cancelled, annulled or abrogated in whole or in part insofar as it is legally permissible, by the recording in the proper public Land Records of Baltimore County of an appropriate instrument or instruments in writing, executed by the then record owners (not including mortgagees or ground rent owners) of at least sixty per cent (60%) of the lots hereinbefore referred to exclusive of teds of streets or land devoted to any of the uses set forth in paragraph 1 (c) hereof or any other public use, which instrument or instruments shall specifically set forth which of the provisions of the aforegoing restrictions are thereby cancelled, annulled or abrogated.

(a) James Kerlty & Co., Inc. hereby reserves unto itself, its successors and assigns, the bed in fee of all roads, streets or public highways shown on said Plat and further reserves unto itself, its successors and assigns, the right to relocate. change or modify from time to time within the discretion herein reserved all roads, streets, alleys, or public highways shown on said Plat. Reference to roads, streets, alleys or public highways is for the purpose of description only and not dedication. In addition, James Keelty & Co., Inc. expressly reserves the right unto itself, its successors or assigns, at or after the time of grading of any road, street or public highway or any part thereof, to enter upon any abutting lot and grade the portion of such lot adjacent to such road, street or public highway; but shall not be under any obligation or duty to do such grading, or to maintain any slope.

(b) Any or all of the rights and powers (including discretionary powers and rights) herein reserved by or conferred upon James Keelty & Co., Inc. herein may be assigned or transferred by James Keelty & Co., Inc., its successors or assigns, to any one or more corporations or associations agreeing to accept same. Any such assignment or transfer shall be evidenced by an appropriate instrument recorded among the Land Records of Baltimore County and upon recordation thereof, the grantee or grantees of such rights and powers shal! thereupon and thereafter have the right to exercise and perform all the rights and powers reserved by or conferred upon James Keelty & Co., Inc. by this Declaration.

FOR TITLE, see Deed, dated March 15, 1954 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2454 - folio 100, from John M. Dennis, Jr. and Miriam S. Dennis, his wife, to James Keelty & Co., Inc.

WITNESS the corporate seal of James Keelty & Co., Inc. and the signature of Joseph S. Keelty, the Vice-President thereof.

WITNESS ALSO the corporate seal of Guarantee Title Holding Corporation and the signature of A. E. Kernan, the Vice-President thereof.

WITNESS ALSO the hands and seals of James H. Mitchell, Jr. and William b. Rafferty, Trustees.

JAMES KEELTY & CO., INC. By /s/ Joseph S. Keelty /s/ Richard J. Boecker Vice-President GUARANTEE TITLE HOLDING CORPORATION By /s/ A. E. Kernan /s/ James W. Leyko Vice-President James H. Mitchell, Jr. - Trustee

STATE OF MARYLAND, BALTIMORE CITY, to wit:

/s/ F. LeRoy Peters

I HEREBY CERTIFY, That on this 31st day of January, in the year one thousand nine hundred and sixt; -two, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Joseph S. Keelty who acknowledged himself to be the Vice-President of James Keelty & Co., Inc., a body corporate, and that he, as such Vice-President, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as Vice-President.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year aforesaid.

> /s/ Richard J. Boecker Notary Fullic My commission expires May 6, 1963

William B. Rafferty

STATE OF MARYLAND, BALTIMORE CITY, to wit:

I HEREBY CERTIFY, that on this 31st day of January, in the year one thousand nine hundred and sixty-two, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared A. E. Kernan who acknowledged himself to be the Vice-President of Guarantee Title Holding Corporation, a body corporate, and that he, as such Vice-President, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as Vice-President.

IN TESTINONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year aforesaid.

> /s/ James W. Leyko Notary Public