

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
W/S Middle River Road, 160 ft.
+/- NW c/l Martin Blvd. * ZONING COMMISSIONER
30 Middle River Road
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District
Thomas Tzomides, Petitioner * Case No. 98-321-A
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 30 Middle River Road in the Middle River community of eastern Baltimore County. The Petition was filed by Thomas Tzomides, property owner. Variance relief is requested from Section 235.1 of the Baltimore County Zoning Regulations (BCZR), to permit a front yard setback of 4 ft. in lieu of the required 15 ft. and a street centerline setback of 34 ft. in lieu of the required 40 ft. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the requisite public hearing held for this case was Thomas Tzomides property owner/Petitioner. Dr. Tzomides was represented by John B. Gontrum, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence offered by the Petitioner was that the subject property is a rectangularly shaped lot approximately .037 acres in area, zoned BM-AS. The property is quite unusual in that it is virtually surrounded by another commercial property. That property contains an existing one story Taco Bell Restaurant building. The subject property and the Taco Bell lot are used in conjunction with one another in terms of parking and vehicular access. Both properties are located near the intersection of Middle River Road and Martin Boulevard in a densely commercial/business area.

The subject property is improved with an existing one story building which occupies nearly the entire lot. The building is 1200 sq. ft. in area and contains a dentist office operated by Dr. Tzomides. Apparently, the property has had this use for many years. It is also of note that a large Food Lion store is located to the rear of the subject lot. A large parking area is jointly used by the patrons of the Food Lion store, the Taco Bell customers, and Dr. Tzomides' office.

Dr. Tzomides proposes adding a small addition to the front of the building. The proposed addition is 12 ft. in depth and 20 ft. in width. It was indicated that the addition would be used to provide a larger reception area and office space for the dentist's office. It was also noted that the addition was necessary to bring the office in compliance with the Americans with Disabilities Act. That is, the addition would be used to provide an easier means of access for Dr. Tzomides' disabled patients.

Variance relief is necessary for deficient front yard setbacks. A variance is requested to permit a front yard setback of 4 ft. in lieu of the required 15 ft., as measured from the front right of way line. A second variance is also requested for an insufficient setback from the centerline of the street. As shown on the plan, a setback of 34 ft. will be maintained in lieu of the required 40 ft.

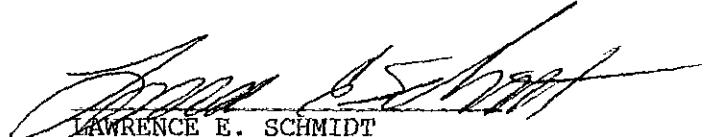
Based upon the uncontradicted testimony and evidence offered, I am persuaded to grant the Petition. In my judgment, the Petitioner has offered sufficient testimony to comply with the requirements of Section 307 of the BCZR and the case law. The property is unique in view of its configuration, small size, and location adjacent to other properties. Additionally, the lot is insufficiently sized to permit the exposed expansion to the side or rear of the property. Thus, an addition to the front

of the existing structure is the only practical approach to increase the size of the building and comply with the Americans with Disabilities Act, and will grant the Petition for Variance.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted..

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of May 1998, that a variance, from Section 235.1 of the Baltimore County Zoning Regulations (BCZR), to permit a front yard setback of 4 ft., in lieu of the required 15 ft., and a street centerline setback of 34 ft. in lieu of the required 40 ft., be and is hereby GRANTED, subject, however, to the following restriction:

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


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm

ORDER RECEIVED FOR FILING
Date 5/7/98
By M. G. G. G.



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

May 6, 1998

John B. Gontrum, Esquire
814 Eastern Blvd.
Baltimore, Maryland 21221

RE: Case No. 98-321-A
Petition for Zoning Variance
Location: 30 Middle River Road

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

c: Dr. Thomas Tzomides
30 Middle River Road
Baltimore, Maryland 21220





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

30 Middle River Road

which is presently zoned

EM-AS

This Petition shall be filed with the Office of Zoning Administration & 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) 235.1 to permit a front yard setback of 4' in lieu of the required 15' and a setback of 34' in lieu of the required 40' from the center line of the street.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) peculiar shaped lot in midst of shopping areas does not permit normal building or construction without variance. Upgrades to building and accomodations for patients can not occur.

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/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

JOHN B. GONTRUM, ESQ.

(Type or Print Name)

Signature

814 EASTERN BLVD (410) 686-8274

Address

Phone No.

BAITMORE, MD 21221

City

State

Zipcode

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

Legal Owner(s):

THOMAS TZOMIDES

(Type or Print Name)

Signature

(Type or Print Name)

Signature

30 MIDDLE RIVER ROAD (410) 686-6510

Address

Phone No

BAITMORE, MD 21220

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL OTHER

REVIEWED BY: JRF

DATE 3/9/98



98-321-A

#321



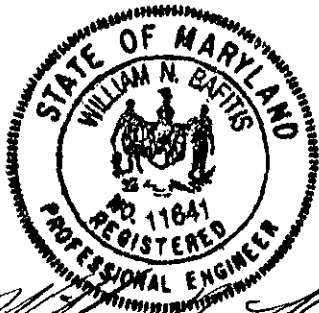
ZONING DESCRIPTION
FOR
30 MIDDLE RIVER ROAD

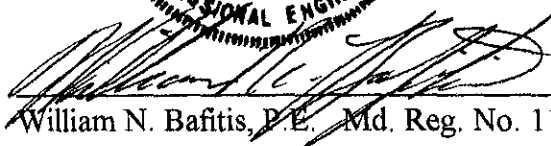
BEGINNING at a point on the West side of Middle River Road, 60' wide; and 160'±
NORTHWESTERLY to the centerline of Martin Boulevard;

THENCE leaving said point of beginning the four following courses:

- 1) Thence SOUTH 05°-55'-00" East 20.88' to a point;
- 2) Thence NORTH 79°-08'-00" West 82.21' to a point;
- 3) Thence NORTH 10°-52'-00" East 20.00' to a point;
- 4) Thence SOUTH 79°-08'-00" East 76.18 to the place of beginning.

CONTAINING 1,605 Square Feet or 0.037 Acre of land, more or less.




William N. Bafitis, P.E. Md. Reg. No. 11641

1-22-98
Date

321

98-321-A

**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: #98-321-A
30 Middle River Road
W/S Middle River Road, 160'
+/- NW of centerline Martin
Boulevard
15th Election District
5th Councilmanic District
Legal Owner(s):

Thomas Tzomides

Variance: to permit a front yard setback of 4 feet in lieu of the required 15 feet and a setback of 34 feet in lieu of the required 40 feet from the centerline of the street.

Hearing: Monday, April 27, 1998 at 10:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call (410) 887-3353.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

4/135 April 9

C219528

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/9/, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/9/, 1998.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 050997

DATE 3-5-98 ACCOUNT R-001-615-000

AMOUNT \$ 250.00

RECEIVED FROM: Romadka, Gontrom, & McLaughlin

020 Variance

ITEM # 321

FOR: 30 Middle River Rd. TAKEN BY: JRF

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME

3/09/1998 3/09/1998 10:24:30

RF 0803 CASHIER UNIT ULM DRAWER

5 MISCELLANEOUS CASH RECEIPT

Receipt # 037639

CR NO. 050997

UFLN

250.00 CHECK

Baltimore County, Maryland

98-321-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RI: Case No. 98-321-A
Petitioner/Developer:
(Thomas Tzomides)
Date of Hearing/Closing:
(Apr. 27, 1998)

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

Attention : Ms. Gwendolyn Stephens

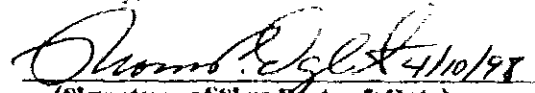
Ladies and Gentleman:

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 _____

30 Middle River Road Baltimore, Maryland 21220 _____

The sign(s) were posted on _____ Apr. 10, 1998 _____
(Month, Day, Year)

Sincerely,

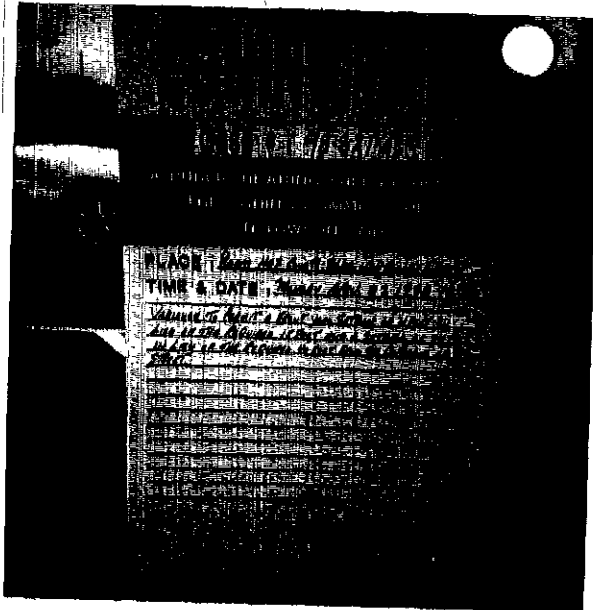

(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 23, 1998

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: 98-321-A
30 Middle River Road
W/S Middle River Road, 160' +/- NW of centerline Martin Boulevard
15th Election District - 5th Councilmanic District
Legal Owner: Thomas Tzomides

Variance to permit a front yard setback of 4 feet in lieu of the required 15 feet and a setback of 34 feet in lieu of the required 40 feet from the centerline of the street.

HEARING: Monday, April 27, 1998 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: John B. Grontrum, Esquire
Thomas Tzomides

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 12, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
April 9, 1998 Issue - Jeffersonian

Please forward billing to:

John B. Gontrum, Esquire 410-686-8274
814 Eastern Boulevard
Baltimore, MD 21221

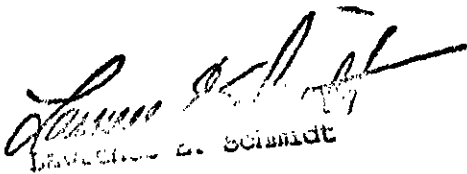
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401 Bosley Avenue



LAWRENCE E. SCHMIDT

503
LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.

**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: 321

Petitioner: DR. THOMAS TZOMIDES, DDS

Address or Location: 30 MIDDLE RIVER ROAD 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN B. GONTIUM, ESQ.

Address: 814 EASTERN BLVD

BALTIMORE, MD 21221

Telephone Number: (410) 686-8274

Revised 2/20/98 - SCJ

98-321-A

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No. 98-321-Δ

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

PLACE: _____

DATE AND TIME: _____

REQUEST: VARIANCE - To permit a front yard
setback of 4' in lieu of the required 15' and to
permit a setback of 34' in lieu of the required
40' from the center line of the street.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

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

HANDICAPPED ACCESSIBLE

RE: PETITION FOR VARIANCE
30 Middle River Road, W/S Middle River
Road, 160'± NW c/l Martin Blvd.
15th Election District, 5th Councilmanic

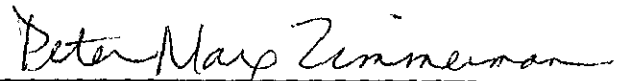
Thomas Tzomides
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 98-321-A

* * * * *

ENTRY OF APPEARANCE

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



PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



CAROLE S. DEMILIO

Deputy People's Counsel

Room 47, Courthouse

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of April, 1998, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esq., 814 Eastern Boulevard, Baltimore, MD 21221, attorney for Petitioners.



PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 22, 1998

John B. Gontrum, Esq
814 Eastern Boulevard
Baltimore, MD 21221

RE:

Item No.: 321
Case No.: 98-321-A
Petitioner: Thomas Tzomides
Location: 30 Middle River Road

Dear Mr. Gontrum:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 9, 1998.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR:ggs
Attachment(s)



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
and Development Management

DATE: April 1, 1998

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

SUBJECT: 30 Middle River Road

INFORMATION

Item Number: 321

Petitioner: Tzomides Property

Zoning: BM-AS

Requested Action: Variance

Summary of Recommendations:

Staff supports the Petition for Variance provided that a landscape plan is submitted to Avery Harden for review and approval.

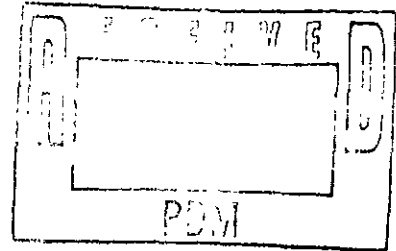
Prepared by:

Jeffrey M. Lay

Division Chief:

Gary L. Kerns

AFK/JL





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

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

RE: Baltimore County 3-20-51
Item No. 321 JRE

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

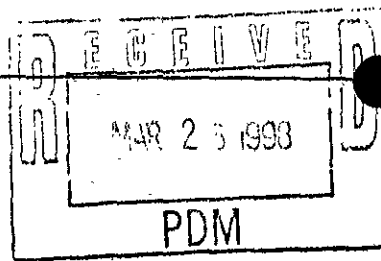
My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County
Fire Department



Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

MARCH 23, 1993

Thomas J. Johnson, Director
Public Administration and Development Management
Baltimore County Office Building
100 N. E. MD 21114
GAIL STOP - 10E

RE: Property Owners: THOMAS TZOMIDES - 321
HWP - BENSON VENTURE LLC - 327
R. BENSON PHELPS, LLC - 329
W. WORTH MCKEITHAN AND TRILYN R. MCKEITHAN - 331
GLORIA TEMPLE FRIEND - 334

RE: DISTRICT DISTRIBUTION MEETING OF MARCH 23, 1993

Item # 321, 327, 329, 331, 334 Items reviewed:

Comments:

We want to our request, the referenced property owners be notified by this Bureau and the comments taken as applicable and required to be corrected or incorporated into the final plans for the property.

1. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to construction or beginning of operation.
2. The buildings and structures existing on the property shall comply with all applicable requirements of the International Fire Protection Association (NFPA) "Building Safety Code", 1994 edition prior to construction.

VIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal 21284 PHONE 887-4880

cc: 1110



B A L T I M O R E C O U N T Y , M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: March 30, 1998

FROM: Robert W. Bowling, Chief
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for March 30, 1998
 Item No. 321

The Bureau of Developer's Plans Review has reviewed the subject zoning item. The proposed building addition shall not interfere with the line of sight.

RWB:HJO:jrb

cc: File

ZONE0330.321

ALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM
FROM: R. Bruce Seeley. *RBS/yp*
Permits and Development Review
DEPRM

DATE: 3/23/98

SUBJECT: Zoning Advisory Committee
Meeting Date: March 23, 98

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

<u>321</u>	328	331
326	329	
327	330	

RBS:sp

BRUCE2/DEPRM/TXTSBP

4/27

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
and Development Management

DATE: April 1, 1998

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

SUBJECT: 30 Middle River Road

INFORMATION

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Petitioner: Tzomides Property

Zoning: BM-AS

Requested Action: Variance

Summary of Recommendations:

Staff supports the Petition for Variance provided that a landscape plan is submitted to Avery Harden for review and approval.

Prepared by:

Jeffrey W. Lay

Division Chief:

Gary L. Kerns

AFK/JL

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221

(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

JILL McCULLOUGH

* Also Admitted In the District of Columbia

February 24, 1998

Carl Richards
Zoning Supervisor
Department of Permits and Development Management
111 W. Chesapeake Ave.
Towson, Maryland 21204

Re: Tzomides Variance Petition

Dear Mr. Richards:

The attached Petition and site plan was reviewed by Jun Fernando and approved for filing as modified and with attached deed. There are no violations filed against the site.

Very truly yours,



John B. Gontrum

321

98-321-A

THIS DEED, Made this 15th day of February, in the year nineteen hundred and fifty-eight, by and between AERO THEATRE & SHOPPING CENTER, INCORPORATED, a body corporate, organized and existing under the laws of the State of Maryland, party of the first part, Grantor, and CHARLES H. SCHEELER, JR. and ETHEL M. E. SCHEELER, his wife, parties of the second part, Grantees.

WITNESSETH, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, receipt whereof is hereby acknowledged, the said AERO THEATRE & SHOPPING CENTER, INCORPORATED, does hereby grant and convey unto the said CHARLES H. SCHEELER, JR. and ETHEL M. E. SCHEELER, his wife, as tenants by the entireties, their assigns, the survivor, the survivor's heirs and assigns, in fee simple, all that parcel of land situate and lying in the Fifteenth Election District of Baltimore County, and more particularly described according to survey dated November 27, 1957 by W. H. Primrose, Registered Surveyor, as follows:

BEGINNING FOR THE SAME at a point on the West side of Middle River Road, sometimes called Johnson Avenue, located North 5 degrees 50 minutes West 193.84 feet from the North side of Orms Road and from the point of beginning of Tract #1 conveyed by the Glenn L. Martin Co. to Aero Theatre and Shopping Center, Incorporated, by deed dated October 21, 1948 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1707 folio 203, and running thence binding on part of the last line of said Tract #1 and on the West side of Middle River Road South 5 degrees 50 minutes East 20.88 feet, thence for lines of division through said Tract #1 the three following courses and distances: North 79 degrees 08 minutes West 92.82 feet, North 10 degrees 52 minutes East 20.00 feet, and South 79 degrees 08 minutes East 86.82 feet to the place of beginning. Containing 1796.40 square feet of land, more or less.

BEING part of the property conveyed by Glenn L. Martin Co. to Aero Theatre and Shopping Center, Incorporated, as aforementioned.

TOGETHER WITH the buildings and improvements thereupon erected, made or being, and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining, including the full

and unrestricted right to use in perpetuity in common with others entitled thereto the parking lot generally bounded by the lot hereby conveyed on the north, the Middle River Road, sometimes called Johnson Avenue, on the east, the Professional Building on the south and Eddie's Market on the west.

TO HAVE AND TO HOLD the parcel of land and premises above described unto and to the proper use and benefit of the said parties of the second part, as tenants by the entireties, their assigns, the survivor, the survivor's heirs and assigns, in fee simple forever.

SUBJECT, HOWEVER, to the following covenants, agreements, restrictions, exceptions, reservations, easements and conditions which the Grantees, their assigns, the survivor, the heirs and assigns, of the survivor, as part of the consideration for this conveyance, hereby covenant and agree to observe and perform:

1. Contained in deed from Glenn L. Martin Co. to Aero Theatre and Shopping Center, Incorporated, dated October 21, 1948 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1707 folio 203, as to Tract #1 therein.

2. Grantees, their assigns, the survivor, the heirs and assigns of the survivor, shall not use the property hereby conveyed for any of the following purposes: Dry Cleaning & Laundry; Beer, Wine, & Liquors; Variety Store selling notions, novelties and those items commonly sold in a 5¢ to \$1.00 store; Hardware & Paints; Toys; Children's & Infants' Clothes; Men's Ready to Wear; Ladies' Ready to Wear; Bank; Drugstore, including those items commonly sold in a drugstore; Soda Fountain & Ice Cream; Grocery Store; Meats; Restaurant; Bakery; Fishing Tackle & Sporting Goods; Shoe Repair; Theatre; Cameras & Photographic Supplies; Costume Jewelry; Gift Shop; What-Not Shop; General Office Building.

The Grantor, its successors and assigns, hereby covenants and agrees not to sell, rent, lease, or permit any of the remaining portion of said Tract #1 owned by it, conveyed to it by Glenn L.

Martin 08, by Deed dated October 21, 1948 and recorded and
Land Records of Baltimore County in Liber T.B.S. No. 1707 folio 203,
for the purpose of a Beauty Shop and/or Slenderizing Salon.

It is mutually understood, covenanted and agreed that the
covenants, agreements, restrictions, exceptions, reservations, ass-
ments and conditions hereinbefore set forth shall run with the
heroby conveyed and shall bind, and shall also inure to the benefit
of, the parties hereto, their respective successors, heirs and
assigns.

And the said party of the first part does hereby covenant
that it will warrant specially the land and premises hereby granted
and conveyed and that it will execute such other and further assur-
ances thereof as may be requisite.

WITNESS the corporate seal of the said AERO THEATRE &
SHOPPING CENTER, INCORPORATED and the signature of EDWARD F.
PEROTKA, the President thereof, duly attested.

TEST
E. Baer
E. Baer

AERO THEATRE & SHOPPING CENTER
INCORPORATED
By: *Edward F. Perotka*
Edward F. Perotka, President

STATE OF MARYLAND
COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, that on this 10th day of February,
1958, before me, the subscriber, a Notary Public of the State of
Maryland in and for the County of Baltimore, personally appeared
EDWARD F. PEROTKA, who acknowledged himself to be the President of
AERO THEATRE & SHOPPING CENTER, INCORPORATED, a body corporate,
and that he, as such 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 President.

AS WITNESS my hand and Notarial Seal.



R. Elise Spender
R. Elise Spender
Notary Public

Filed for Record FEB 10 1958 at 2 P.M.
and by George L. Byerly, Clerk.

Married to *C. Walter Cole*

(SHEET N.E. 4-H)

N 14,000

MIDDLE

BALLARD

DORNTON

AVENUE

END

ROAD

D.R. 16

BL-CCC

BM-CCC

BL

MARTIN BOULEVARD
ELEMENTARY SCHOOL

MAGNOL

RIVERTON

N 13,000

P.O.B. N. 12,854.3281
E. 48,515.7548

BM-AS

BR-CCC

BL-AS

PARKING
AREA

SITE

BL-CCC

FUSELAGE AVE.

OREMS

ROAD

BL-AS

N 548,000

D.R. 5.5

OREMS

E 48,000

N 12,000

E 937,000

D.R. 5

SCALE

1" = 200' ±

DATE

OF PHOTOGRAPHY
JANUARY
1986

LOCATION

98-321-A

MIDDLE RIVER

321

SHEET

N.E.
4-I