

RE: PETITION FOR VARIANCES
S/S of Liberty Road, 1550' NW of
Old Court Road - 2nd Election District
S. Bonsel White, Jr. - Petitioner
NO. 77-112-A (Item No. 76)

BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as a result of a Petition for Variances to permit 41 parking spaces in lieu of the required 87 spaces and a front setback of 88'6" in lieu of the required 100'0" from the center of the road. The subject property is currently improved with a Gino's restaurant, in a B.R. Zone, and is located 1,550 feet, more or less, west of Old Court Road.

During the course of the hearing, it was determined that the parking Variance, as advertised, i.e., "to permit 41 parking spaces instead of the required 87 spaces . . ." was incorrectly based on an area of 4,347 square feet instead of the 3,430 square feet total planned floor area. As a result, the Variance should read "41 parking spaces instead of the required 69 . . ."

Evidence on behalf of the Petitioner indicated that he plans to construct an addition to the front of the existing building and a new drive-in window on the east side of the building. Further testimony on behalf of the Petitioner indicated that he believed that the proposed drive-in would alleviate the need for customer parking to some indeterminate extent and that the nature of a fast food restaurant predisposes toward rapid turn around of parking facilities.

In protest, the owner of the Liberty Shopping Center, located across from the subject property, expressed fear of increased traffic congestion if the Variances were granted.

Without reviewing the evidence further in detail, but based on all the evidence presented at the hearing, in the judgment of the Deputy Zoning Commissioner, strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner, and the Variances requested would grant relief without substantial injury to the public health, safety, and general welfare of the locality involved.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 25th day of January, 1977, that the herein Petition for a Variance to permit 41 parking spaces instead of the required 69 spaces and a Variance to permit a front setback of 88'6" in lieu of the required 100'0" from the center of the road should be and the same are GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works, State Highway Administration, and the Office of Planning and Zoning.

[Signature]
Deputy Zoning Commissioner of
Baltimore County

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, S. BONSAL WHITE, JR., legal owner of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for a Variance from Section 409.2(a)(3) to permit 41 parking spaces in lieu of the required 87 spaces and Section 303.2 to permit a front setback of 88'6" in lieu of the required 100'0" from the center of the road.

A new drive-up window is included in the improvements to be made. Experience has shown that all of the present parking spaces are not needed and the drive-up window will permit people to pick up their order without parking and eliminate the need for still additional spaces.

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
S. Bonsel White, Jr.
Box 509
135 Baltimore Street
Baltimore, Maryland 21202

Proponent's Attorney
Herbert A. Davis
305 W. Pennsylvania Avenue
Baltimore, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of January, 1977, 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 25th day of January, 1977, at 10:15 o'clock A.M.

[Signature]
Zoning Commissioner of Baltimore County



DESCRIPTION OF PROPERTY OF S. BONSAL WHITE, JR.

BEGINNING FOR THE SAME at a pipe set on the South side of Liberty Road at a point 1550 feet northwesterly from Old Court Road, thence leaving Liberty Road and running the three following courses and distances: South 32 degrees 4 minutes West 193.5 feet to a pipe row set; thence North 64 degrees 23 minutes 30 seconds West 138 feet to a pipe row set; and thence running on a line drawn parallel to the first line herein described North 32 degrees 4 minutes East 193.5 feet to a pipe row set in the South side of Liberty Road; thence running on a line drawn parallel to the second line mentioned herein and running on the South side of Liberty Road South 64 degrees 23 minutes 30 seconds East 138 feet to the place of beginning.

Containing 6.63 of an acre more or less.
THE IMPROVEMENTS thereon being known as 1550 Liberty Road.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner
FROM: Norman E. Gerber, Acting Director of Planning
SUBJECT: Petition 77-112-A, Petition for Variance for Off-Street Parking and Front Yard.
South side of Liberty Road 1550 feet Northwest of Old Court Road.
Petitioner - S. Bonsel White, Jr.

2nd District

HEARING: Monday, January 3, 1977 (10:15 A.M.)

There are no comprehensive planning factors requiring comment on this petition.

[Signature]
Norman E. Gerber
Acting Director of Planning

NEG:JCH:vw

RE: PETITION FOR VARIANCE
S/S of Liberty Rd.
Old Court Rd.,
S. BONSAL WHITE, JR., Petitioner

BEFORE THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Case No. 77-112-A

MEMORANDUM OPINION AND ORDER

This case came before the Board because of an appeal filed by the People's Counsel for Baltimore County from a decision of the Deputy Zoning Commissioner granting both the parking and area variances sought by the Petitioner for the purpose of enlarging the kitchen facility and implementing the installation of a drive-in order and delivery format by the present tenant, Gino's Inc. The Board was informed in opening argument that the appeal was based on the adverse comments submitted by the State Highway Administration, Maryland Department of Transportation, during the Zoning Advisory Committee process when this petition and supporting material were initially filed. The Board was further informed that during the pendency of the appeal the Petitioner had cooperated with the representatives of the State Highway Administration who themselves had made an investigation of the traffic potentials of the proposed use by physically observing similar operations elsewhere in Baltimore County and in the City of Baltimore. Based on these observations, the State Highway Administration made certain requests of the Petitioner, which said requests were agreed to and incorporated by the Petitioner in a site plan revised as of May 16, 1977. The revisions having been made, the objections of the State Highway Administration to the reduction in parking spaces and the potential impact on the traffic along the Liberty Road have been satisfied. A letter, dated June 8, 1977, from the State Highway Administration manifesting its attitude, addressed to the People's Counsel, was received in evidence marked "People's Counsel Exhibit No. 1." The Petitioner then offered in evidence the site plan revised in accordance with the desires of the State Highway Administration, dated May 16, 1977, which said site plan was received as "Petitioner's Exhibit No. 1."

Thereafter, an employee of the Engineering Section of Gino's Inc. testified to the effect that in order to modernize the corporation's operation at that location, the variances sought are necessary; otherwise, it would encounter practical difficulty in keeping its installation in accord with present standards.

The Board therefore concludes that strict compliance with the Baltimore County Zoning Regulations would result in a practical difficulty being imposed upon the Petitioner, and that the requested relief through these variances can now be granted without substantial injury to the public health, safety, and general welfare of the locality. Therefore, it is, by the County Board of Appeals for Baltimore County, this 9th day of August, 1977, ORDERED that the variances sought to permit forty-one parking spaces instead of the required sixty-nine spaces, and to permit a front building setback of 88'6" in lieu of the required 100' from the center of the Liberty Road be and the same are hereby GRANTED, subject to the following restrictions thereon, viz:

- That the location of the "order" station and the "pick-up" station must be in exact accordance with the information and locations shown on the site plan marked, "Petitioner's Exhibit No. 1"; and
- That the site plan must totally be approved by the Department of Public Works, the Office of Planning and Zoning, and the State Highway Administration.

Any appeal from this decision must be in accordance with Rules 8-1 to 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

[Signature]
Walter A. Koster, Jr., Chairman
[Signature]
Robert L. Gilliland

[Signature]
Herbert A. Davis



June 8, 1977

Mr. John W. Hession III
People's Counsel
County Office Bldg.
Towson, Md. 21204

Re: Zoning Appeal
Gino's Restaurant
Liberty Rd. (Rte. 26) West
of Old Court Road

Dear Mr. Hession:

We have reviewed the revised plan, dated May 16, 1977, and find that the pick-up order station is to be located on the side of the building, adjacent to the exit lane. This situation will provide two sides of the building for stacking. We have recently made extensive studies of similar operations which revealed that with the order station at the above mentioned location, there should be no particular traffic problems, even though the site will be lacking in the number of required parking spaces.

We trust that the information contained herein is sufficient for your needs.

Very truly yours,

CLJ:JCH

Charles Lee, Chief
Bureau of Engineering,
Access Permits

cc: Mr. Charles E. Drobning
Mr. J.L. Wimbley
Mr. Michael Flanagan

Bj: John E. Meyers

BOARD OF APPEALS
PETITIONER'S
EXHIBIT 1

October 29, 1976

Mr. S. Neil Williams, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Williams:

Comments on Item # 76 Planning Advisory Committee Meeting, October 26, 1976
are as follows:

Property Owner: S. Donald White Jr.
Location: S/S Liberty Road 1550' NW Old Court Rd
Zoning: S.B.-C.S.A.
Proposed Zoning: Variance to permit 50 parking spaces in lieu of the required 69 spaces and to permit a front setback of 88.5' in lieu of the required 100' from the center of Liberty Road
470481
0.63
2nd.

The items checked below are applicable:

- ☒ A. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement and other applicable codes.
- ☒ B. A building permit shall be required before construction can begin.
- ☐ C. Three sets of construction drawings will be required to file an application for a building permit.
- ☒ D. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- ☐ E. Wood frame walls are not permitted within 30' of a property line. Concrete buildings are permitted if distance is between 30' and 60' of property line.
- ☐ F. No comment.
- ☐ G. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,

Charles E. Durbin
Charles E. Durbin
Plans Review Chief

Donald J. Roof, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

November 1, 1976

Mr. S. Neil Williams, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Williams:

Comments on Item #76, Zoning Advisory Committee Meeting, October 26, 1976, are as follows:

Property Owner: S. Donald White, Jr.
Location: S/S Liberty Rd. 1550' NW Old Court Road
Zoning: S.B.-C.S.A.
Proposed Zoning: Variance to permit 50 parking spaces in lieu of the required 69 spaces and to permit a front setback of 88.5' in lieu of the required 100' from the center of Liberty Road
Address: 0.63
Metres: 2nd

If a food service facility is proposed, complete plans and specifications must be submitted to the Division of Food Protection, Baltimore County Department of Health, for review and approval prior to construction.

Metropolitan water and sewer are existing.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

TDH:AVP

CC: Mr. L. A. Schuppert

November 22, 1976

S. ERIC DENNEN
ZONING COMMISSIONER

Robert C. Schickel, Esq.
305 S. Penn. Ave.
Towson, Md. 21204

Re: Petition for Variance for S. Donald White, Jr.
77-112-4

Dear Sir:

This is to advise you that 77-112-4 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Md. and remit to Mrs. Anderson Room 113 County Office Building, Towson, Md.

Yours very truly,

S. ERIC DENNEN
ZONING COMMISSIONER

1-SIGW

77-112-4

CERTIFICATE OF POSTING
BUREAU OF PLANNING AND ZONING
BALTIMORE COUNTY
TOWSON, MARYLAND

Date of Posting: MARCH 5, 1977

District: 2nd
Posted for: Appeal
Petitioner: S. DONALD WHITE, JR.
Location of property: S/S of LIBERTY RD. 1550' NW of OLD COURT RD.
Location of Sign: FRONT 8709 LIBERTY RD.
Remarks: *William K. Boland*
Posted by: *William K. Boland*
Date of return: MARCH 11, 1977

Paul H. Reiche
Chief

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Comodari, Chairman
Zoning Advisory Committee

Re: Property Owner: S. Donald White, Jr.

Location: S/S Liberty Rd. 1550' NW Old Court Rd.

Item No. 76

Zoning Agenda October 26, 1976

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with asterisk are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- (x) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association "Standard No. 101 Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: *Paul H. Reiche*
Planning Group
Special Inspection Division

Noted and Approved: *George M. Wagonet*
Battalion Chief
Fire Prevention Bureau

OFFICE OF HEARING

Re: Petition for Variance for S. Donald White, Jr.
77-112-4

TIME: 10:15 A.M.

DATE: Monday, January 3, 1977

PLACE: ROOM 105 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, TOWSON, MARYLAND

S. ERIC DENNEN
ZONING COMMISSIONER OF
BALTIMORE COUNTY

THIS IS TO CERTIFY that the annexed advertisement of
petition for a Variance-- White
was inserted in the following

- ☒ Catonsville Times
☒ Dundalk Times
☒ Essex Times
☒ Suburban Times East
- ☐ Towson Times
☐ Arbutus Times
☐ Community Times
☐ Suburban Times West

weekly newspapers published in Baltimore County, Maryland,
once a week for one successive weeks before the
day of January 19 77 that is to say, the same
was inserted in the issues of Dec. 16, 1976.

STROMBERG PUBLICATIONS, INC.
BY: *Pat Strome*

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 16, 1976

THIS IS TO CERTIFY that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md. on
one time before the 3rd day of January 19 77, the last publication
appearing on the 16th day of December 19 76.

THE JEFFERSONIAN
Richard L. Jefferson
Manager

Cost of Advertisement, \$ 46.50

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 16, 1976

THIS IS TO CERTIFY that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
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one time before the 3rd day of January 19 77, the last publication
appearing on the 16th day of December 19 76.

THE JEFFERSONIAN
Richard L. Jefferson
Manager

Cost of Advertisement, \$

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
S/S of Liberty Rd., 1550' NW of : OF BALTIMORE COUNTY
Old Court Rd., 2nd District :
S. BONSAI WHITE, JR., Petitioner : Case No. 77-112-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kautz, Jr.
Charles E. Kautz, Jr.
Deputy People's Counsel

John W. Heslin, III
John W. Heslin, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 15th day of December, 1976, a copy of the foregoing Order was mailed to Ernest C. Trimble, Esquire, 305 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Heslin, III
John W. Heslin, III



February 18, 1977

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-2181

S. ERIC DINENBA
ZONING COMMISSIONER

Ernest C. Trimble, Esq.
305 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Petition for Variance for S. Bon Sai White, Jr.
S/S of Liberty Road 1550' Northwest of
Old Court Road
2nd District
No. 77-112-A (Item No. 76)

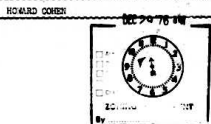
Dear Sir:

Please be advised that an appeal has been filed by John W. Heslin, 3rd, People's Counsel from the decision rendered by the Deputy Zoning Commissioner of Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

EDJ/ha
cc: Mr. Howard Cohn
2500 Piedmont Road
Baltimore, Maryland 21217
John W. Heslin, 3rd, Esq.
People's Counsel

Very truly yours,
S. Eric Dinenna
S. ERIC DINENBA
ZONING COMMISSIONER



S. Eric Dinenna, Zoning Commissioner
of Baltimore County
County Office Building
Towson, Maryland 21204

Re: 6709 LIBERTY ROAD Near
10115 AN concerning pet
variance for off-street
front yards. South side
1550' feet Northwest of

Dear Mr. Dinenna:

As the owner of Liberty Plaza Shopping Center directly across the S the location described above, I wish to protest Mr.'s petition to building site and decrease the number of parking spaces.

As presently built Mr.'s requires 68 parking spaces but now only 41, which is not even half those required.

Liberty Road between Broad Road Drive and Old Court Road now carries amount of traffic and there are presently numerous problems with car the numerous commercial units. The existing Mr.'s has a shortage of which causes congestion with cars turning into the parking lot. As the the Mr.'s and reduction in parking spaces, as proposed would create additional traffic congestion on Liberty Road.

I strongly recommend that it be denied.

Very truly yours,
Howard Cohn
HOWARD COHN

NO 76

RE: PETITION FOR VARIANCE
S/S of Liberty Rd., 1550' NW of
Old Court Rd., 2nd District
S. BONSAI WHITE, JR., Petitioner
Case No. 77-112-A (Item No. 76)

February 25, 1977
S. Bon Sai White, Jr.
S/S of Liberty Road 1550' NW
of Old Court Road
2nd District

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2nd District

Case No. 77-112-A (Item No. 76)

11/9/76

12/15/76

12/16/76

12/18/76

12/15/76

12/23/76

12/18/76

12/28/76

1/25/77

2/16/77

Ernest C. Trimble, Esq.
305 W. Penna. Ave.
Towson, Md. 21204

Mr. Howard Cohn
2500 Piedmont Road
Baltimore, Md. 21217

John W. Heslin, 3rd, Esq.
People's Counsel

Counsel for Petitioner

Protestant

Petitioner: S. Bon Sai White, Jr. Submitted by Ernest Trimble
Petitioner's Attorney Ernest C. Trimble Reviewed by S. Eric Dinenna, C
Zoning Commissioner
This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.



RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
S/S of Liberty Rd., 1550' NW of : OF BALTIMORE COUNTY
Old Court Rd., 2nd District :
S. BONSAI WHITE, JR., Petitioner : Case No. 77-112-A

ORDER FOR APPEAL

Mr. Commissioner:

Please note an Appeal from the decision of the Deputy Zoning Commissioner in the above-entitled matter, under date of January 25, 1977, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

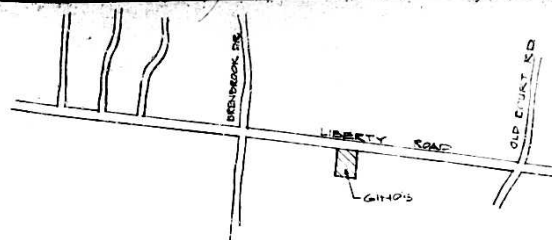
John W. Heslin, III
People's Counsel

Charles E. Kautz, Jr.
Deputy People's Counsel
County Office Building
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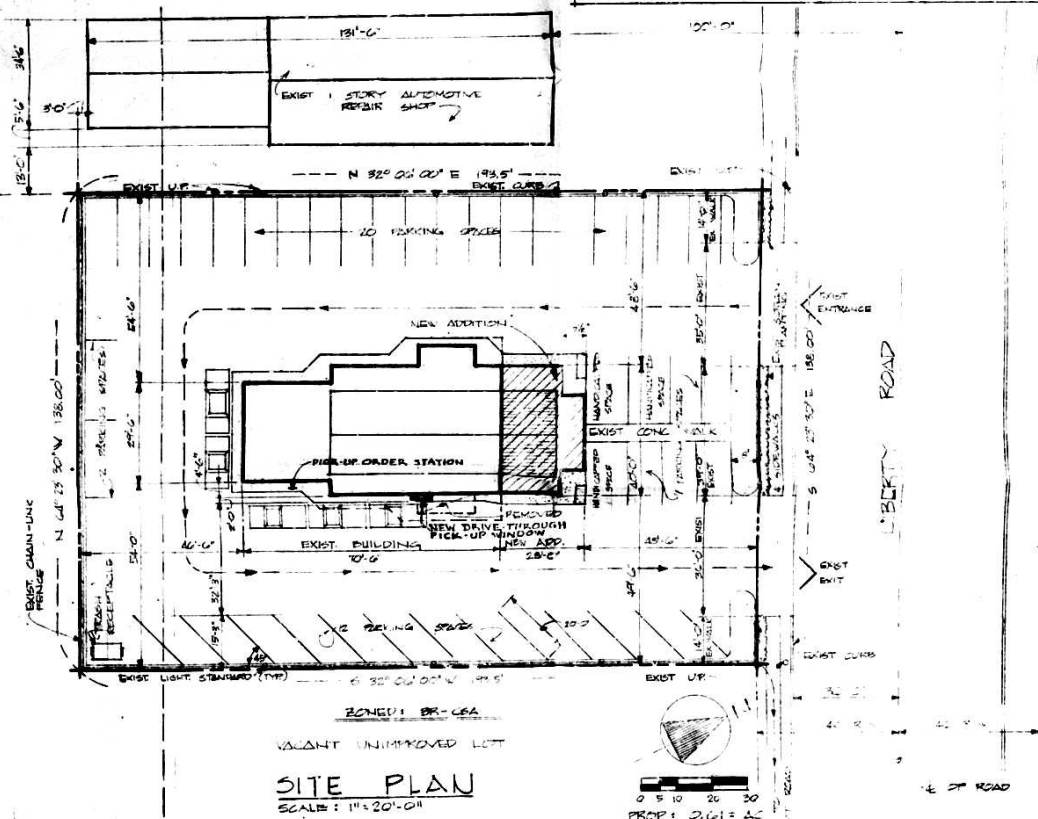
I HEREBY CERTIFY that on this 16th day of February, 1977, a copy of the foregoing Order was mailed to Ernest C. Trimble, Esquire, 305 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Heslin, III

CASE: ROBERT KLOPP
4071/876



LOCATION PLAN
SCALE: 1"=50'



SITE PLAN
SCALE: 1"=20'-0"

ZONE: EL-CBA

OWNER: USIP WYNEWOOD CORP
5414/272

VACANT UNIMPROVED LOT

GINO'S, INC.

8709 LIBERTY ROAD

BALTIMORE COUNTY, MARYLAND

MAP 77, BLOCK 15, PARCEL 173

RECORDED IN LIBER 4609 FOLIO 30

SECOND ELECTION DISTRICT

TOTAL FLOOR AREA: 3450' (7.7' NEW)
TOTAL PARKING PROVIDED: 41 SPACES
TOTAL PARKING AREA: 64 SPACES
TYP. PARKING SPACE: 9'-0" x 20'-0"
OWNER: S. BONJAL WHITE, JR.

BOARD OF APPEALS
PETITIONER'S
EXHIBIT 2

MICROFILMED

REVISED 5-16-77
REVISED 11-15-76

SITE PLAN

DATE: 5-16-77

SHEARLINE, ORRICK AND JAMES, LTD.
ARCHITECTS
1075 WILSON ROAD
BALTIMORE, MD 21206

DATE: 5-16-77
REVISED: 11-15-76
BY: [Signature]