

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, P. H. Walker Construction Corp., of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a special hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a new order determining the correctness of the non-conforming uses permitted on said property in light of changed circumstances and the offering of new evidence which was not presented at the hearing which resulted in the August 28, 1975 Order in Case 74-131-V, O-74-375.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing 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
Address: 1412 Railroad Avenue
Lutherville, Md. 21092
Petitioner's Attorney
Address: 111 W. Susquehanna Avenue
Towson, Md. 21204 Phone 859-6311

ORDERED By the Zoning Commissioner of Baltimore County, this 20th 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 24th day of January, 1977, at 10:00 o'clock P.M.

Zoning Commissioner of Baltimore County

(over)

RE: PETITION FOR SPECIAL HEARING : BEFORE THE
N/S of Railroad Avenue, 480' SW of : DEPUTY ZONING
Seminary Avenue - 8th Election District : COMMISSIONER
P. H. Walker Construction Corporation -
Petitioner :
No. 77-130-SPH (Item No. 104) :
OF
BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as a result of a petition to determine the correctness of a nonconforming use on the subject property. A decision, finding a nonconforming use for a lumberyard, was rendered by the then Deputy Zoning Commissioner, James E. Dyer, case No. 74-131-V, on August 28, 1975.

According to testimony by the Petitioner and witnesses, P. H. Walker Construction Corporation and its antecedents have conducted a lumber business at the subject location continuously for more than a half century. A witness testified that it was his impression that some sales of plumbing supplies have been conducted on the subject property. An on site field inspection of the subject property indicated that the present plumbing operation is essentially warehousing.

Testimony further indicated that millworking has occurred on the property prior to the critical date, including during World War II. In addition, witnesses stated that wholesale and retail sales of lumber and millwork have taken place continuously during and since that era.

The site plan, submitted by the Petitioner, also disclosed a proposed future expansion of parking to the extent of 61 spaces. No testimony was offered to substantiate a need for this expansion.

In the opinion of the Deputy Zoning Commissioner, the very essence of the Baltimore County Zoning Regulations is the orderly control of the use of land and its improvements. It cannot be countenanced that a nonconforming use may be considered as applicable to a company or corporate body, per se.

outside of the context of its peculiar operations upon a described site. Such an interpretation would do violence to the zoning philosophy by giving carte blanche to an entrepreneur to extend his operations in almost any direction as long as he confined them to a tract enjoying a nonconforming use.

For example, the John Doe Lumber Company would thereby be permitted to utilize its nonconforming use for a lumberyard not only for its lumber products business but also for the sale of a wide variety of products only tenuously, if at all, related to that business. This might include warehousing, the storage of contractors equipment and commercial vehicles, the manufacture of concrete products, etc. - all under the blanket appellation of John Doe Lumber Company. Such a situation would be untenable and is clearly not the intent of the nonconforming use zoning regulation.

Having considered all of the testimony, in the opinion of the Deputy Zoning Commissioner, P. H. Walker Construction Corporation does enjoy a nonconforming use for a lumberyard. The millworking operations being carried on by Tuttle Cords Millworking Shop, Lutherville Millwork, and the building supply business conducted by All State Building Supply also enjoy a nonconforming use. However, the Bay Industries Plumbing Supply is a warehousing operation and does not enjoy a nonconforming use. The continuous sale of plumbing supplies and/or warehousing was not adequately supported by testimony.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 23rd day of February, 1977, that:

1. P. H. Walker Construction Corporation enjoys a nonconforming use for a lumberyard and wholesale and retail sales of lumber.
2. Tuttle Cords Millworking Shop, Lutherville Millwork and All State Building Supply enjoy a nonconforming use, including wholesale and retail sales of their products.

- 2 -

Deputy Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE January 23 1977
BY John W. Hession

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DATE January 23 1977
BY John W. Hession

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DATE January 23 1977
BY John W. Hession

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
N/S of Railroad Ave. 480' SW of : OF BALTIMORE COUNTY
Seminary Ave., 8th District
P.H. WALKER CONSTRUCTION CORP., : Case No. 77-130-SPH
Petitioner

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 therefor, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kuntz, Jr.
Deputy People's Counsel
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 28th day of January, 1977, a copy of the aforesaid Order was mailed to John Edward Shimmers, Esquire, 111 W. Susquehanna Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hession, III

PROPERTY DESCRIPTION
1412 RAILROAD AVENUE
LUTHERVILLE, MARYLAND

Beginning for the same at a point on the North side of Railroad Avenue 480' Southwest of the center line of Seminary Avenue Earth 32 degrees 56 minutes West 174 feet, South. 26 degrees 20 minutes West 10.15 feet, North 63 degrees 30 minutes West 92.79 feet, South 26 degrees 30 minutes West. 131.06 feet, North 57 degrees 35 minutes West 331.4 feet, North. 63 degrees 40 minutes West 140.0 feet South 2 degrees 9 minutes East 54 feet, North 36 degrees West 8 feet, South 4 degrees West 217 feet, South 84 degrees 21 minutes East 121 feet, South. 4 degrees West 235.94 feet, South 39 degrees West 121.41 feet, South. 4 degrees West 122 feet, North. 85 degrees West 256.5 feet, South 4 degrees West 86 feet, South 56 degrees East 374.33 feet, North. 54 degrees 30 minutes East. 565.17 feet, North 35 degrees 30 minutes West 20 feet, North 54 degrees 50 minutes East 50 feet, North 56 degrees 29 minutes East 105 feet to the place of beginning.

Containing 6.33 acres of land more or less.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiMenna, Zoning Commissioner Date: January 7, 1977
FROM: Norman E. Gerber, Acting Director of Planning
SUBJECT: Petition 77-130-SPH. Petition for Special Hearing to approve a new order determining the correctness of the nonconforming uses.
North side of Railroad Avenue 480 feet Southwest of Seminary Avenue. Petition - P.H. Walker Construction Corp.

8th District

HEARING: Monday, January 24, 1977 (1:00 P.M.)

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

Norman E. Gerber
Acting Director of Planning

NEG:JGH:rw

BALTIMORE COUNTY

ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

January 18, 1977

COUNTY OFFICE BLDG.
111 W. Chesapeake Avenue
Towson, Maryland 21204
Nicholas M. Comerford, Esq.
Acting Chairman

MEMBERS
BUREAU OF ENGINEERING
DEPARTMENT OF TRAFFIC ENGINEERING
STATISTICAL DIVISION
BUREAU OF FIRE PROTECTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
INDUSTRIAL DEVELOPMENT

John Edward Shinnars, Esq.
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Special Hearing Petition
Item 104
P. H. Walker Construction Corp. -
Petitioner

Dear Mr. Shinnars:

The Zoning Plans 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.

These 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 appropriateness of the requested zoning.

Located at the dead end of Railroad Avenue 480 feet southwest of Seminary Avenue, this D.R. 5.5 zoned site is currently improved with a nonconforming lumber and building supplies yard. The Roland Run stream traverses this property from east to west, with the business activity on the south side and vacant wooded land to the north. Residential properties exist to the east, northeast and west, with a branch of the Pennsylvania Railroad to the south.

This site was the subject of a previous Reclassification hearing (87-10-8), in which the owner petitioned to reclassify a portion of this site B.R., thereby allowing the existing operation to conform to the permitted use regulations in said zoning, however it was denied.

John Edward Shinnars, Esq.
Re: Item 104
January 18, 1977
Page 2

This Special Hearing is to determine what uses are permitted under the current nonconforming status of this site.

On the submitted site plan, a future parking area for 61 cars is proposed to the northeast of the existing Building "A". This area is currently vacant, and at the time of field inspection had some junk and debris scattered about. At the time of this hearing, the need for this parking should be determined, and whether this would conflict with Section 104 of the Zoning Regulations pertaining to the expansion of nonconforming uses.

The petitioner should note the comments of the Bureau of Engineering.

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,

NICHOLAS B. COMERFORD,
Acting Chairman, Zoning
Plans Advisory Committee

NBC:JD

Enclosure

cc: Mr. Patrick H. Walker, President
P. H. Walker Construction Corp.
111 W. Chesapeake Avenue
Lutherville, Md. 21093

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
DIRECTOR

December 20, 1976

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #104 (1976-1977)
Property Owner: P. H. Walker Construction Corp.
N/S Railroad Ave., 480' S/W Seminary Ave.
Existing Zoning: B.R.
Proposed Zoning: Special Hearing to approve a new order determining the correctness of the non-conforming uses in Case No. 74-131 V, C-74-325
Acres: 6.33 District: 8th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plot submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments which were supplied in connection with the Zoning Advisory Committee review of this property for Item #340 (1969-1970) and Item #13, Zoning Cycle 1 (April - October 1971) are referred to for your consideration.

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

Additional fire hydrant protection is required in the vicinity.

Very truly yours,

THORNTON M. MOURING, P.E.
Chief, Bureau of Engineering

END:EMH:PMR:as

cc: W. Munchel

2-82 Key Sheet
45 SW 4 Pos. Sheet
NW 12 A 70x0
60 Tax Map

Baltimore County
Department of Health
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

December 30, 1976

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item 104, Zoning Advisory Committee Meeting, November 30, 1976, are as follows:

Property Owner:	P.H. Walker Construction Corp.
Location:	N/S Railroad Ave. 480' SW Seminary Ave.
Existing Zoning:	B.R.
Proposed Zoning:	Special Hearing to approve a new order determining the correctness of the non-conforming uses in Case No. 74-131 V, C-74-325.
Acres:	6.33
District:	8th

Comments: Since metropolitan water and sewer exist, no health hazard is anticipated.

Very truly yours,

THOMAS E. DEWIS, Director
BUREAU OF ENVIRONMENTAL SERVICES

TED/AM/THP

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
This petition has been received and accepted for filing
this 20 day of December 1976.
P. H. Walker Construction Corp.
Petitioner
P. H. Walker Construction Corp.
Petitioner's Attorney
Reviewed by
Planning & Zoning Associate III

February 23, 1977

John E. Shinnars, Esquire
111 West Susquehanna Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
N/S of Railroad Avenue, 480' SW of
Seminary Avenue - 8th Election
District
P. H. Walker Construction Corporation
Petitioner
NO. 77-130-SPH (Item No. 104)

Dear Mr. Shinnars:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

GEORGE J. MARTINAK
Deputy Zoning Commissioner

GJM/mc

Attachments

cc: John W. Hoelen, III, Esquire
People's Counsel

Baltimore County
Department of Traffic Engineering
TOWSON, MARYLAND 21204
(301) 684-2500

STEPHEN E. COLLINS
DIRECTOR

December 17, 1976

Mr. Eric S. DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 104 - ZAC - November 30, 1976
Property Owner: P.H. Walker Construction Corp.
Location: N/S Railroad Ave. 480' SW Seminary Ave.
Existing Zoning: B.R.
Proposed Zoning: Special Hearing to approve a new order determining the correctness of the non-conforming uses in Case No. 74-131 V, C-74-325
Acres: 6.33
District: 8th

Dear Mr. DiNenna:

Since this petition does not represent an increase in use of this site, no increase in trip generation is expected.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate

MSF:nc

Baltimore County
Department of Permits and Licenses
TOWSON, MARYLAND 21204
(301) 684-3600

JOHN D. SEVERTY
DIRECTOR

November 24, 1976

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item # 104, Zoning Advisory Committee Meeting, November 30, 1976 are as follows:

Property Owner:	P.H. Walker Construction Corp.
Location:	N/S Railroad Ave. - 480' S/W Seminary Ave.
Existing Zoning:	B.R.
Proposed Zoning:	Special Hearing to approve a new order determining the correctness of the non conforming uses in Case No. 74-131V, C-74-325.
Acres:	6.33
District:	8th

The items checked below are applicable:

- ☐ A. Structure shall conform to Baltimore County Building Code (B.C.C.A.) 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 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- ☒ F. No comment. "As long as use is not changed".
- ☐ G. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,

Charles E. Burnham
Plans Review Chief
CDB:rwj

Baltimore County
the Department of
TOWSON, MARYLAND 21204
(301) 825-7100

Paul H. Heinicke
Chief

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

Attention: Mr. Nicholas B. Comodari
Zoning Advisory Committee

Re: Property Owner: P. H. Walker Construction Corp.
Location: N/S Railroad Ave. 480' SW Seminary Ave.

Item No. 101 Zoning Agenda 11/30/76

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" 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 _____ EXCEEDED the maximum allowed by the Fire Department.
- () 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: H. J. Kelly Noted and Approved: Eric DiNenna
Planning Group Acting Zoning Commissioner
Special Inspection Division Fire Prevention Bureau

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 825-7111

December 30, 1976

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #104, Zoning Advisory Committee Meeting, November 30, 1976, are as follows:

Property Owner: P. H. Walker Construction Corp.
Location: N/S Railroad Avenue 480' SW Seminary Avenue
Existing Zoning: B.R.
Proposed Zoning: Special H arising to approve a new order determining the correctness of the non-conforming uses in Case No. 74-131 V, C-74-325

Acres: 6.33
District: 8th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Winkley
John L. Winkley
Planner III
Project and Development Planning

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: November 29, 1976

Mr. S. Eric DiNenna
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

Z.A.C. Meeting of: November 30, 1976

Re: Item No.: 104
Property Owner: P. H. Walker Construction Corp.
Location: N/S Railroad Avenue 480' SW Seminary Avenue
Present Zoning: B.R.
Proposed Zoning: Special Hearing to approve a new order determining the correctness of the non-conforming uses in Case No. 74-131 V, C-74-325

District: 8th
No. Acres: 6.33

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich
Field Representative.

NWP/ml

THOMAS M. BOWEN, President
JOHN L. WINKLEY, Vice President
JOHN L. WINKLEY, Secretary
JOHN L. WINKLEY, Treasurer
JOHN L. WINKLEY, Auditor
JOHN L. WINKLEY, Clerk

CERTIFICATE OF PUBLICATION

TOWSON, MD. January 5, 1977

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 _____ of one time _____ before the _____ day of _____ 1977, the _____ publication appearing on the _____ day of _____ 1977.

St. Paul's Church
Manager

Cost of Advertisement, \$ _____

OFFICE OF
THE TIMES
NEWSPAPERS

TOWSON, MD. 21204 Jan. 6, 1977

THIS IS TO CERTIFY that the annexed advertisement of Petition for a Special Hearing-- P.H. Walker was inserted in the following: Construction Corp.

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

weekly newspapers published in Baltimore County, Maryland, once a week for one successive weeks before the 24th day of January 1977, that is to say, the same was inserted in the issues of Jan. 6, 1977.

STROMBERG PUBLICATIONS, INC.

BY Pat Sink

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 15th day of November 1976 Filing Fee \$25.00 Received ☒ Cash ☐ Other

Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

Petitioner P.H. Walker Submitted by John Sluiter
Petitioner's Attorney John Sluiter Reviewed by Eric DiNenna

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 8th Date of Posting: 1-8-77
Posted for: Petition For Special Hearing
Petitioner: P.H. Walker Construction Corp.
Location of property: N/S of Railroad Ave. 480' SW of Seminary Ave.
Location of Sign: N/S of Railroad Ave. 480' SW of Seminary Ave.
Remarks: See above
Posted by: Stromberg Publications, Inc. Date of return: 1-14-77

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

DATE: Dec. 29, 1976 ACCOUNT: 05-662

AMOUNT: \$25.00

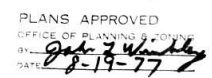
RECEIVED: P.H. Walker Construction Corp., 1112 Railroad Ave., Lutherville, Md. 21093

FOR: Petition for Special Hearing 77-130-SPH

38 9 7 JUL 29 2500 REC

VALIDATION OF SIGNATURE OF CASHIER



[illegible]

Row	Date	Row No	Description
1			WILBERGER & ASSOCIATES ARCHITECTS AND PLANNERS 2105 NORTH CHARLES STREET BALTIMORE, MD 21206
2			P. H. WANKER 2105 N. CHARLES STREET BALTIMORE, MD 21206
3			PROJECT AREA LOTHERVILLE BALTIMORE CITY
4			PROJECT TITLE LOTHERVILLE
5			DEVELOPER LOTHERVILLE
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