

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 1B02.3.C.1 to permit a side yard setback of 5 feet instead of the required 10 feet and a side street setback of 15 feet instead of the required 25 feet.

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.

1. Lot width too narrow to build a single family dwelling under present day zoning regulations.

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

I, or 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.

Contract Purchaser: (Type or Print Name)	Legal Owner(s): BALTIMORE COUNTY, MARYLAND (Type or Print Name)
Signature	Signature <i>Walter J. Rasmussen</i>
Address	Address WALTER J. RASMUSSEN, CHIEF BUREAU OF LAND ACQUISITION
City and State	Signature
Attorney for Petitioner: (Type or Print Name)	Address 494-3251 or 494-3269 Phone No.
Signature	City and State
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State	Name <i>J.R. Blevins</i> 3269
Attorney's Telephone No.:	Address <i>M.S. #1303</i>
	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of September, 1986, 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 108, County Office Building in Towson, Baltimore County, on the 27th day of October, 1986, at 11:00 o'clock

Cell J. J. J.
Zoning Commissioner of Baltimore County.

(over)

MICROFILMED

MAP SHEET
E. D. 1-
DATE 5-4-87
200
1000
DP

Baltimore County 87-173-A
SW/Corner of Kenwood Ave. and Vista
1st Elec. Dist.

IN RE: PETITION ZONING VARIANCES * BEFORE THE
SW/Corner of Kenwood Avenue * ZONING COMMISSIONER
and Vista Road * OF BALTIMORE COUNTY
1st Election District * Case No. 87-173-A
Baltimore County, Maryland, *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit side yard setbacks of 5 feet and 15 feet in lieu of the required 25 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Sara J. Blevins, Bureau of Land Acquisition, Department of Public Works, appeared and testified. Jack Marsch and Tom Drechsler, neighbors, appeared in opposition, together with other area residents.

Testimony indicated that the subject property, located on the corner of Kenwood Avenue and Vista Road and zoned D.R. 5.5, is unimproved. Baltimore County owns the property, which is the remainder of a parcel of land taken for the widening of Kenwood Avenue. The 80' x 162' x 35' x 107' lot is adjacent to property owned by Mr. Drechsler's parents, who have lived there since the 1950's. The variances are necessary in order for the County to sell the lot as a buildable lot at a public auction. The value of the lot would increase proportionately if the requested variances were granted. Without the variances, the lot, which is shaped like an arc, would be unbuildable.

The neighbors object because the requested variances would permit a home to be constructed within 5 feet of the Drechsler's property line. They also object to the potential impact the variances would have on the property values and on the community, which presently has spacious lots with considerable room between the homes.

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ORDER RECEIVED FOR FILING
Date Oct 31 1986
By Sarah J. J.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 31st of October, 1986, that the Petition for Zoning Variances to permit side yard setbacks of 5 feet and 15 feet in lieu of the required 25 feet be and is hereby DENIED.

Cell J. J. J.
Zoning Commissioner of Baltimore County

AJ/srl
cc: Ms. Sara J. Blevins
Mr. Jack Marsch
Mr. Tom Drechsler
People's Counsel

ORDER RECEIVED FOR FILING
Date Oct 31 1986
By Sarah J. J.

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- 3 -

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SW/Corner of Kenwood Ave. & : OF BALTIMORE COUNTY
Vista Rd., 1st District
BALTIMORE COUNTY, MARYLAND, : Case No. 87-173-A
Petitioner

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned 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.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 29th day of September, 1986, a copy of the foregoing Entry of Appearance was mailed to Walter J. Rasmussen, Chief, Bureau of Land Acquisition, Baltimore County Office Building, 111 W. Chesapeake Ave., Towson, MD 21204, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

MICROFILMED

PROTESTANT'S EXHIBIT

October 26, 1986

Mr. Arnold Jablon
Zoning Commissioner of
Baltimore County
111 W. Chesapeake Ave.
Towson, Maryland

Re: Petition for Zoning Variance
No. 87-173-A

Dear Mr. Jablon:

I am writing to express my opposition to the Petition for Zoning Variance No. 87-173-A. As the owner of the lot adjacent to lot No. 26 I have special concerns that I would like to bring to your attention.

My wife and I purchased our home in 1958. We both grew up in Baltimore City and decided to settle in the county because, unlike the city, it offered a rather spacious and uncramped housing layout. The present petition seeks to alter this by permitting a home to be constructed within 5 feet of my property line. Furthermore, as this lot is undersized, any structure erected must necessarily be positioned in an awkward manner. To approve such an action will not only effect the character of our neighborhood but also depreciate the value of my property.

Since I am unable to attend the hearing due to employment obligations, please accept this letter in lieu of my attendance and note my objections accordingly.

Very truly yours,
Frederick H. Drechsler

Frederick H. Drechsler
302 Kenwood Avenue
Baltimore, Maryland 21228

MICROFILMED

PETITION FOR ZONING VARIANCES

1st Election District
Case No. 87-173-A

LOCATION: Southwest Corner of Kenwood Avenue and Vista Road

DATE AND TIME: Monday, October 27, 1986, at 11:00 a.m.

PUBLIC HEARING: Room 301, 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 Variances to permit a side yard setback of 5 feet in lieu of the required 10 feet and a side street setback of 15 feet in lieu of the required 25 feet

Being the property of Baltimore County, Maryland, as shown on plat plan filed with the Zoning Office.

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

MICROFILMED

The Petitioner seeks relief from Section 1B02.3.C.1, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would be contrary to the spirit of the BCZR and would result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that no practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has not been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should not be granted.

MICROFILMED - 2 -

ORDER RECEIVED FOR FILING
Date Oct 31 1986
By Sarah J. J.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: September 24, 1986

Posted for: Variances

Petitioner: Baltimore County, Maryland

Location of property: SW/Corner of Kenwood Ave. and Vista Rd.

Location of Signs: West side of Kenwood Ave. on front of subject property

Remarks:

Posted by: S. J. Blevins Date of return: October 3, 1986

Number of Signs: 1

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PETITION FOR ZONING VARIANCE
ZONING DESCRIPTION

BEING at the southwest corner of Kenwood Avenue, 50 feet wide and Vista Road, 40 feet wide, being a portion of Lot 26 in the Subdivision of "Sylvan Hills", Plat Book No. 9, folio 1. In the 1st. election district, containing 6594 sq. ft. (0.159 ac.).

87-173-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

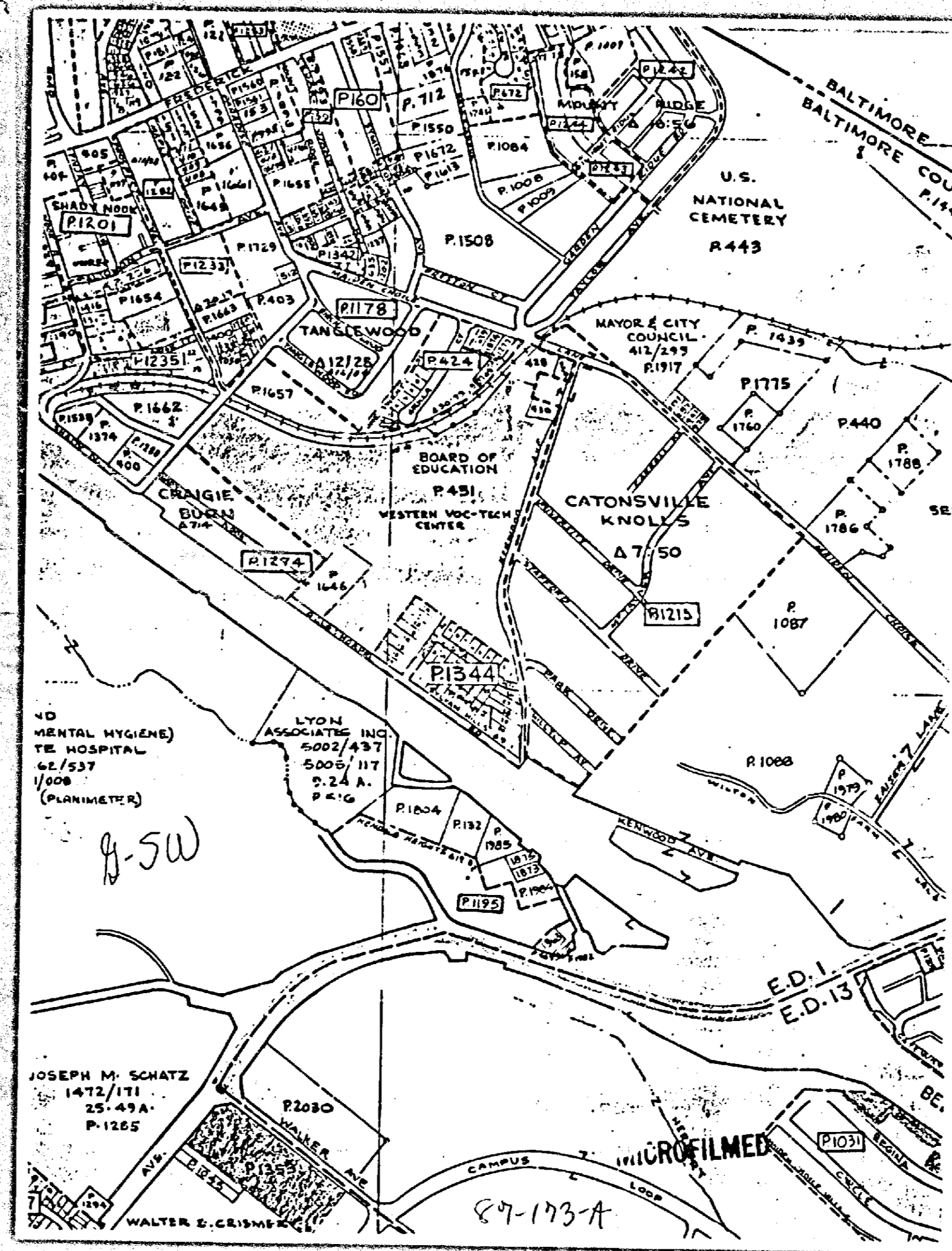
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 12th day of September, 1986.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner Baltimore County, Maryland Received by: James E. Dyer
Zoning Commissioner Chairman, Zoning Plans Advisory Committee

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: Zoning Commissioner Date: October 14, 1986

From: Norman E. Gerber, AICP, Director
Office of Planning and Zoning

SUBJECT: Zoning Petitions No. 87-169-A, 87-169-A, 87-170-A, 87-171-SpA, 87-172-A, 87-173-A, 87-174-A and 87-178-A

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

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:sib

MICROFILMED

CPS-008

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 9, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on October 9, 1986.

THE JEFFERSONIAN,

Susan Shuler Orselt
Publisher

Cost of Advertising

24.75

MICROFILMED

PETITION FOR ZONING VARIANCE
IN SHOWING DISTRICT
Case No. 87-173-A
LOCATION: Southwest Corner of Kenwood Avenue and Vista Road
DATE AND TIME: Monday, October 27, 1986, at 11:00 a.m.
PUBLIC HEARING: Room 301, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for zoning variance to amend the zoning map of Baltimore County, Maryland, to allow a side yard setback of 5 feet in lieu of the required 10 feet and a side street setback of 15 feet in lieu of the required 25 feet at the southwest corner of Kenwood Avenue and Vista Road, being a portion of Lot 26 in the Subdivision of "Sylvan Hills", Plat Book No. 9, folio 1, in the 1st. election district, containing 6594 square feet (0.159 acres). Being the property of Baltimore County, Maryland, to allow a plan that will vary from the zoning map of Baltimore County, Maryland. In the event the petition is granted, a building permit may be issued for the proposed structure. The Zoning Commission will, however, consider any other zoning variance that may be requested during the public hearing. Such variance may be considered by the Zoning Commission at the time of the public hearing or made at a later date. By Order of ARNOLD JABLON Zoning Commissioner of Baltimore County

Patuxent Publishing Corp.
10750 Line Patuxent Pkwy.
Columbia, MD 21044

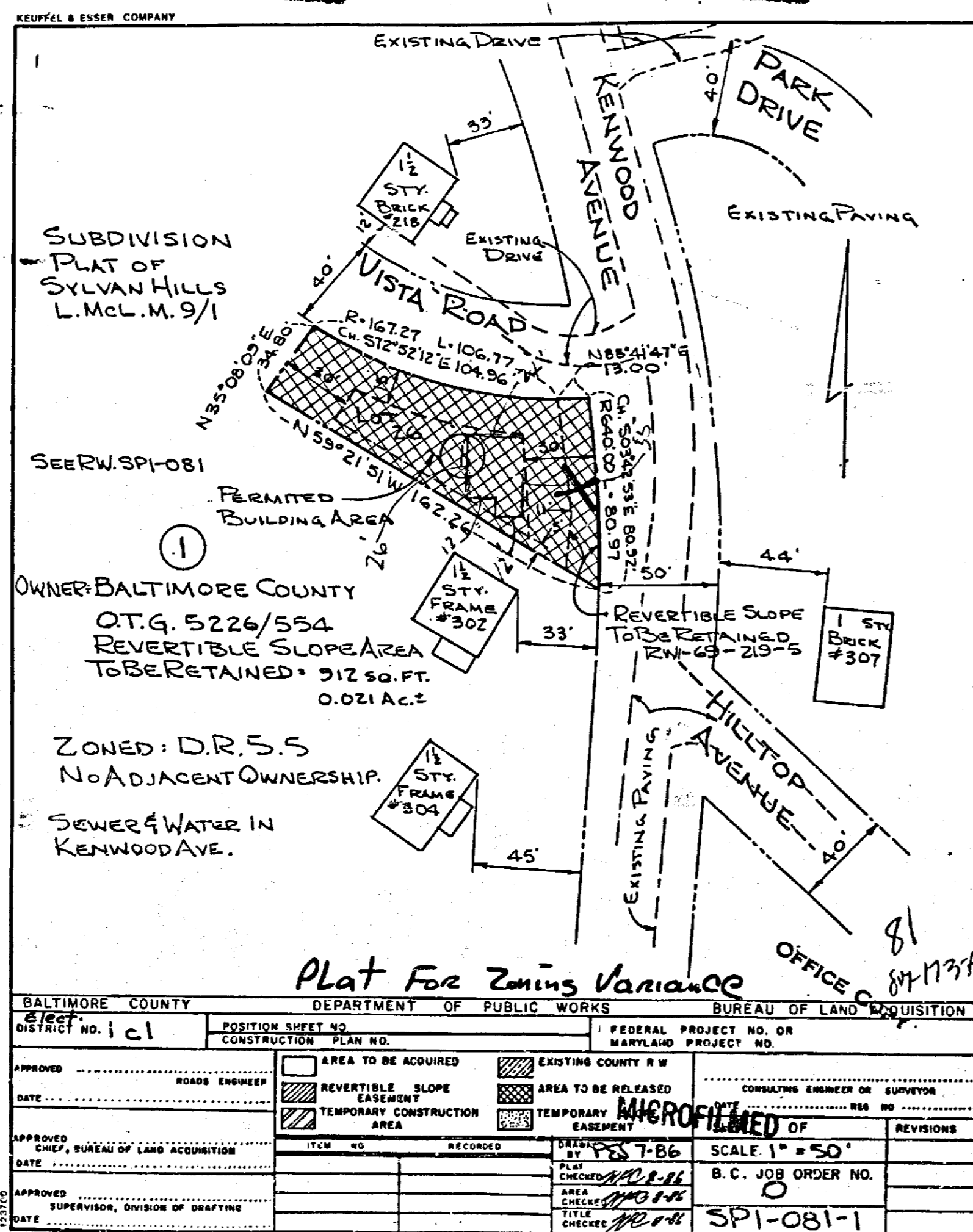
October 9, 1986

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR ZONING VARIANCES

was inserted in the following:
 Catonsville Times
 Arbutus Times
weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 11 day of October, 1986, that is to say, the same was inserted in the issues of

October 9, 1986

PATUXENT PUBLISHING CORP.
Patuxent Publishing Corp.



Mr. Walter J. Rasmussen, Chief
Bureau of Land Acquisition
for Baltimore County
M.S. #1303 (ATTENTION: Ms. Jo Blevens)

September 19, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCES
SW/cor. of Kenwood Ave. and Vista Rd.
1st Election District
Baltimore County, Maryland - Petitioners:
Case No. 87-173-A

TIME: 11:00 a.m.
DATE: Monday, October 27, 1986
PLACE: Room 301, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Arnold Jablon
Zoning Commissioner
of Baltimore County

AJ:med

MICROFILMED

RECEIVED
OCT 21 1986

Mr. Arnold Jablon, Zoning Commissioner
Zoning Commission Office
County Office Building
111 Chesapeake Ave.
Towson, Md. 21204

October 15, 1986

Re: Variance Case No. 87-173-A

Dear Commissioner Jablon,

The purpose of this letter/petition is to oppose the requested variance to the required county side yard and side street setback(s) at the S.W. corner of Kenwood Ave. and Vista Rd., in the Catonsville area.

The requested variance of a side yard setback of 5 ft. in lieu of the required 10 ft. and a side street setback of 15 ft. in lieu of the required 25 ft. is totally unacceptable to the property owners who have signed this letter/petition. Each of our properties has a common boundary with the property for which the variance is being requested and we strongly oppose it due to the following reasons:

1. This would cause a tremendous reduction to property values of adjacent properties - Too squeezed together!
2. This would create a much greater potential for a fire to spread to adjacent houses - Buffer area reduced too much
3. This would create a much greater potential for water runoff damage to adjacent properties - The land involved in the requested variance is elevated at least 10 ft. higher than adjacent properties.
4. The entire area would become too densely populated - This is the county, not the city!
5. The owner(s) of this property should certainly be required to abide by the normal setback(s), as established by the county - Each of us has done so!
6. We, the undersigned, certainly expect the Zoning Commission to uphold the established, required setback(s) which were put into effect in the best interest of all county residents, both present and future.

Representatives of those who have signed this letter/petition will be present at the October 27, 1986 hearing to support and discuss our strong opposition to this variance request.

All correspondence should be addressed to group spokesman:

Jack Marsch
226 Oglethorpe Rd.
Baltimore, Maryland. 21228
Phone No. 788-8052

MICROFILMED

Signatures on reverse side

MICROFILMED

CERTIFICATE OF PUBLICATION OF

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, MARYLAND

Plaintiff

vs.

Defendant

Filed 10/17/86
BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 13, 1986

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. Walter J. Rasmussen, Chief
Bureau of Land Acquisition
Baltimore County, Maryland
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Item No. 81 - Case No. 87-173-A
Petitioner: Baltimore County, Maryland
Petition for Zoning Variance

Dear Mr. Rasmussen:

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 petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kkb

Enclosures

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BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERDER
DIRECTOR

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

SEPTEMBER 25, 1986

Re: Zoning Advisory Meeting of SEPTEMBER 2, 1986
Item # 81
Property Owner: BALTIMORE COUNTY, MD.
Location: SW/CORNER KENWOOD AVE &
VISTA ROAD

Dear Mr. Jablon:

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 forwarded by the Bureau of Public Services.
- This site is part of a larger tract; therefore it is defined as a subdivision. The plan must 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 must 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 of 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 on _____.
- 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 is _____.
- 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: _____

cc: James Hoswell

David Fields, Acting Chief
Current Planning and Development

MICROFILMED

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

October 3, 1986

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 69, 70, 71, 72, 73, 75, 76, 77, 78, 79, 81, 82, 83, 84, and 85.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:lt

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

September 3, 1986

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

RE: Property Owner: Baltimore County, Maryland

Location: SW/corner Kenwood Avenue and Vista Road

Item No.: 81

Zoning Agenda: Meeting of 9/2/86

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 _____ EXCEEDS 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 operation.
- 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", 1976 edition prior to occupancy.
- 6. Site plans are approved, as drawn.
- 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *John F. O'Neill*
Fire Prevention Bureau
Special Inspection Division

Noted and

Approved: _____

John F. O'Neill
Fire Prevention Bureau

MICROFILMED

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

September 9, 1986

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 81 Zoning Advisory Committee Meeting are as follows:

Property Owner: Baltimore County, Maryland
Location: SW/Corner Kenwood Avenue and Vista Road
District: 1st.

APPLICABLE ITEMS ARE CIRCLED:

- All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.S.S.I. #117-1 - 1980) and other applicable Codes and Standards.
- A building and other miscellaneous permits shall be required before the start of any construction.
- Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical data.
- Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- All Use Groups except B-4, Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. B-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 107, Section 106.2 and Table 102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- The structure does not appear to comply with Table 505 for permissible 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 101 and 505 and have your Architect/Engineer contact this department.
- The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____ or Mixed Use _____. See Section 317 of the Building Code.
- The proposed project appears to be located in a Flood Plain, Flood/Everrise. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- Comments: _____
- These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit review. The applicant may obtain additional information by visiting Room 122 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Swanson
Charles E. Swanson, Chief
Building Plans Review

12/27/85

MICROFILMED