

IN RE: PETITION FOR SPECIAL HEARING
W/S Lennings Lane, 40' N of
Philadelphia Road (Route 7)
(9145 Lennings Lane)
14th Election District
6th Councilmanic District
Henry McNew, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-246-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the owners of the subject property, Henry and Dorothy McNew. The Petitioners seek a special hearing to approve a second amendment to the First Amended Final Development Plan for Walbeck Acres to permit the subdivision of Lot 4 into two (2) lots, as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Henry and Dorothy McNew, the property owners, and Lloyd E. Lipin, Professional Engineer. There were no Protestants.

Testimony indicated that the subject property, known as 9145 Lennings Lane, or Lot 4 of Walbeck Acres, consists of 3.95 acres, more or less, zoned D.R. 3.5 and is improved with a single family dwelling which has been the Petitioners' residence for several years. The Petitioners are desirous of subdividing their property to create a building lot for their daughter; lot 4 would consist of 83,848 sq.ft. and contain the existing improvements. Proposed lot 4A would consist of 13,382 sq.ft. and would eventually be developed with a single family dwelling for the Petitioners' daughter. The McNews attempted to obtain the signatures from four of the adjoining property owners so that a public hearing would not be necessary; however, only three would sign. The Petitioners then opted

to file the instant Petition in order to obtain written approval from Baltimore County.

As noted above, no one appeared in opposition to the relief requested. However, the Office of Planning and Zoning submitted a comment dated January 5, 1994 in which they reference previous comments submitted by J. Francis Morsey of that office, dated April 2, 1993, in which Mr. Morsey recommended denial of the Petitioners' request. I contacted Mr. Morsey after the hearing to determine if his original recommendation of denial still held true. Mr. Morsey stated that it did not and that his original comments had not been updated. He stated that his Office now recommends approval of the subdivision.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unahly restrict the use of the land due to the special conditions unique to this particular parcel. Further, there were no comments submitted by any Baltimore County reviewing agency in which a denial of the relief requested was recommended. In addition, the relief requested will not 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 special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of February, 1994 that the Petition for Special Hearing seeking approval of a second amendment to the Amended Final Development Plan for Walbeck Acres to permit the subdivision of Lot

4 into two (2) lots, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their 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 relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 2/10/94
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

February 10, 1994

(410) 887-4386

Mr. & Mrs. Henry McNew
9145 Lennings Lane
Baltimore, Maryland 21237

RE: PETITION FOR SPECIAL HEARING
W/S Lennings Lane, 40' N of the c/l of Philadelphia Road
(9145 Lennings Lane)
14th Election District - 6th Councilmanic District
Henry McNew, et ux - Petitioners
Case No. 94-246-SPH

Dear Mr. & Mrs. McNew:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Lloyd E. Lipin
911 Lutz Avenue, Baltimore, Md. 21221

People's Counsel

File

Printed on Recycled Paper

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 14th Date of Posting 2/10/94
Posted for: Special Hearing
Petitioner: Henry & Dorothy McNew
Location of property: 9145 Lennings Lane, WB, 40' N of Rte 7
Location of Sign: County Roadway on property being zoned
Remarks: _____
Posted by: [Signature] Date of return: 2/14/94
Number of Signs: 1

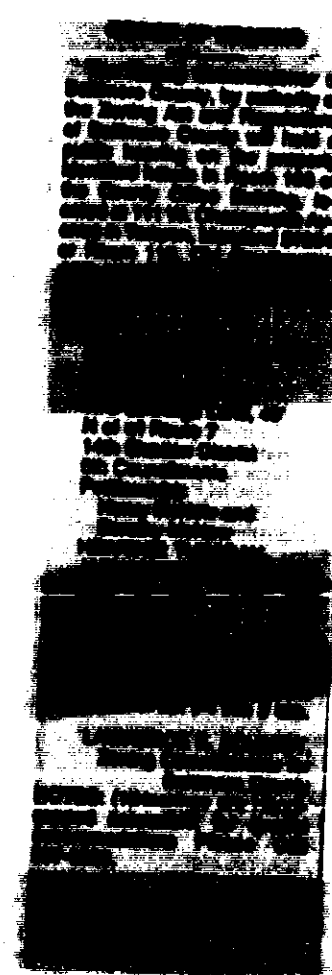
CERTIFICATE OF PUBLICATION

TOWSON, MD., Dec 30, 1993

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 Dec 30, 1993

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD - TOWSON
-Publisher-



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 9145 LENNING LANE
which is presently zoned DR 3.5

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

the Walbeck Acres Amended Final Development Plan for the subdivision of Lot 4 into 2 lots.

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.

Current Petitioner/Owner
Type or Print Name
Signature
Address
City State Zip

Legal Owner
HENRY McNEW
Dorothy McNew
DOROTHY McNEW
Dorothy C. McNew

Attorney for Petitioner
Type or Print Name
Signature
Address
City State Zip

9145 LENNING LANE (410) 391-1828
BALTIMORE, MD 21237
LLOYD E. LIPIN, P.E. (410)
911 LUTZ AVE. 21221 687-5295

ESTIMATED LENGTH OF HEARING
Anticipated for Hearing
The following date: Next Two Months
ALL OTHERS
REMOVED BY: TMK/bjs DATE: 2/14/94

ZONING DESCRIPTION

94-246-SPH
BEGINNING AT A POINT ON THE WEST SIDE OF
LENNINGS LANE WHICH IS 50 FEET WIDE AT THE DISTANCE
OF 40 FEET NORTH OF THE CENTERLINE OF THE
NEAREST IMPROVED INTERSECTING STREET, MD. RTE. 7,
WHICH IS 80 FEET WIDE. THENCE, THE FOLLOWING COURSES
AND DISTANCES: S 47° 56' 55" W 95.6 FT, N 42° 28' 11" W
170 FT, S 47° 30' 49" W 113 FT, N 42° 28' 11" W 28 FT,
S 46° 45' 49" W 82.6 FT, N 49° 17' 35" W 508.4 FT, THENCE
ALONG LENNING LANE, N 47° 46' 04" E 192.17 FT, S 87° 14' 56" E
168.0 FT, S 47° 50' 40" E 441.54 FT, N 56° 55' 44" E 12.70 FT, S 39° 04' 16" E
34.17 FT, S 50° 55' 44" W 8.36 FT, S 46° 07' 47" E 128.92 FT. TO THE
PLACE OF BEGINNING CONTAINING 3.95 ACRES MORE
OR LESS, AS RECORDED IN PLAT BOOK 59/117.

Lloyd E. Lipin
DEC 14, 1993

ORDER RECEIVED FOR FILING
Date 2/10/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 2/10/94
By [Signature]

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for local advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Form No.: 246
Petitioner: HENRY & DOROTHY C. MCNEW
Location: 9145 LENNINGS LANE
Please forward advertising bill to:
Name: HENRY & DOROTHY C. MCNEW
Address: 9145 LENNINGS LANE
BALTIMORE, MD. 21237
Phone Number: (410) 391-1828

Advises (Revised 04/09/93)

TO: POTOMAC PUBLISHING COMPANY
December 30, 1993 Issue - Jeffersonian

Please forward billing to:
Henry and Dorothy C. McNew
9145 Lenning Lane
Baltimore, Maryland 21237
410-391-1828

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-246-SPH (Item 246)
9145 Lenning Lane
W/S Lenning Lane, 40' W of c/l Route 7
14th Election District - 6th Councilmanic
Petitioner(s): Henry McNew and Dorothy McNew
HEARING: TUESDAY, JANUARY 25, 1994 at 10:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing to approve the Walbeck Acres Amended Final Development Plan for the subdivision of Lot #4 into 2 lots.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

06/09/93 23, 1993

NOTICE OF HEARING

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CASE NUMBER: 94-246-SPH (Item 246)
9145 Lenning Lane
W/S Lenning Lane, 40' W of c/l Route 7
14th Election District - 6th Councilmanic
Petitioner(s): Henry McNew and Dorothy McNew
HEARING: TUESDAY, JANUARY 25, 1994 at 10:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing to approve the Walbeck Acres Amended Final Development Plan for the subdivision of Lot #4 into 2 lots.

Arnold Jablon
Arnold Jablon
Director

cc: Henry and Dorothy McNew
Lloyd E. Lipin, P.E.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

January 14, 1994

Mr. and Mrs. Henry McNew
9145 Lenning Lane
Baltimore, Maryland 21237

RE: Case No. 94-246-SPH, Item No. 246
Petitioners: Henry McNew, et al
Petition for Special Hearing

Dear Mr. and Mrs. McNew:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 December 14, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 94-246-SPH (JMK)

Dear Ms. Minton:

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 effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

BS/

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, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: January 5, 1994

SUBJECT: Walbeck Acres (Lot 4)

INFORMATION:

Item Number: 246

Petitioner: Henry McNew

Property Size: _____

Zoning: D.R. 3.5

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

Staff previously reviewed the subject request as part of the minor subdivision process. Attached are our comments of April 2, 1993.

Prepared by: *John W. Long*

Division Chief: *Gary Kasso*

PK/JL:lw

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Susan Wimbley, ZADM DATE: April 2, 1993

FROM: Francis (Jake) Morsey
Development Review Section
Strategic Planning Division, OP2

SUBJECT: Walbeck Acres (93051H)

The Office of Planning and Zoning has reviewed the Plan for the above referenced project and offers the following comment(s).

1. The Office of Planning and Zoning recommends DENIAL of the request to process this property as a minor subdivision. Walbeck Acres was a previously approved CRG on 5/29/85. As a result, this property cannot be processed as a minor development. Instead, this plan should be submitted to the Development Review Committee and the committee will determine whether this plan is a material amendment or refinement. Contact Mr. Kurt Kugelberg of Zoning Administration and Development Management to be put on the agenda. (887-3353).
2. Several issues need to be addressed. An amended FDP needs to be submitted. Also, the plat entitled "Resubdivision of lots 4 and 5 of Walbeck Acres", dated October, 1988, under amended subdivision notes, note #4 states that, "Further development of this site will require storm water management for the entire site". Unless (the Department of Environmental Protection and Resource Management) DEPRM grants a waiver of storm water management then a storm water management facility will have to be provided.

Francis Morsey
Francis Morsey

FM:rdn

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500 (410) 887-3500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: HENRY MCNEW & DOROTHY MCNEW

LOCATION: W/S LENNINGS LA., 40' N OF CENTERLINE ROUTE 7
(9145 LENNINGS LA.)

Item No.: 246 (JRF/MJK) Zoning Agenda: SPECIAL HEARING

Gentlemen:

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

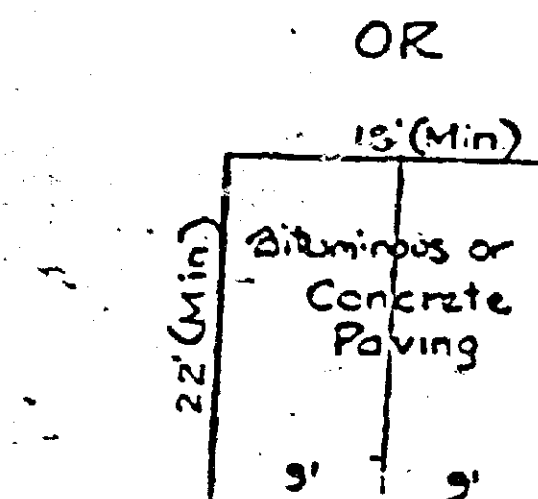
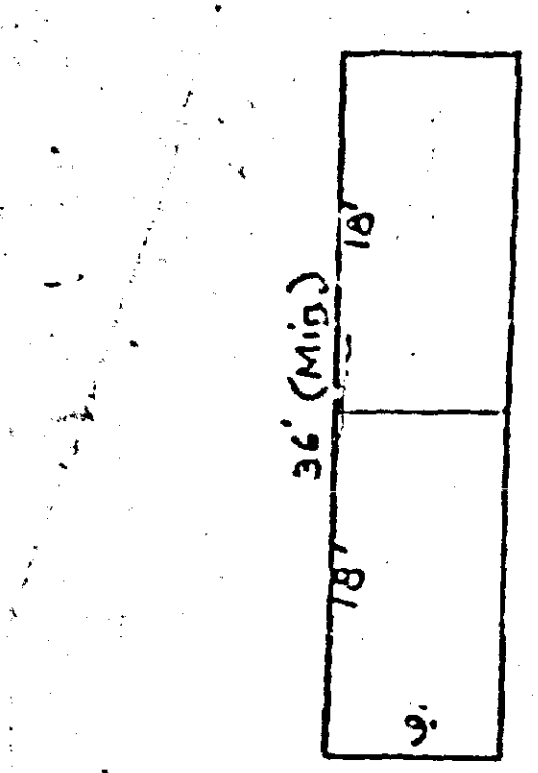
7. The Fire Prevention Bureau has no comments at this time.

Robert P. Sauerkwald
Robert P. Sauerkwald
Fire Prevention, PHONE 887-4881, MS 110.F

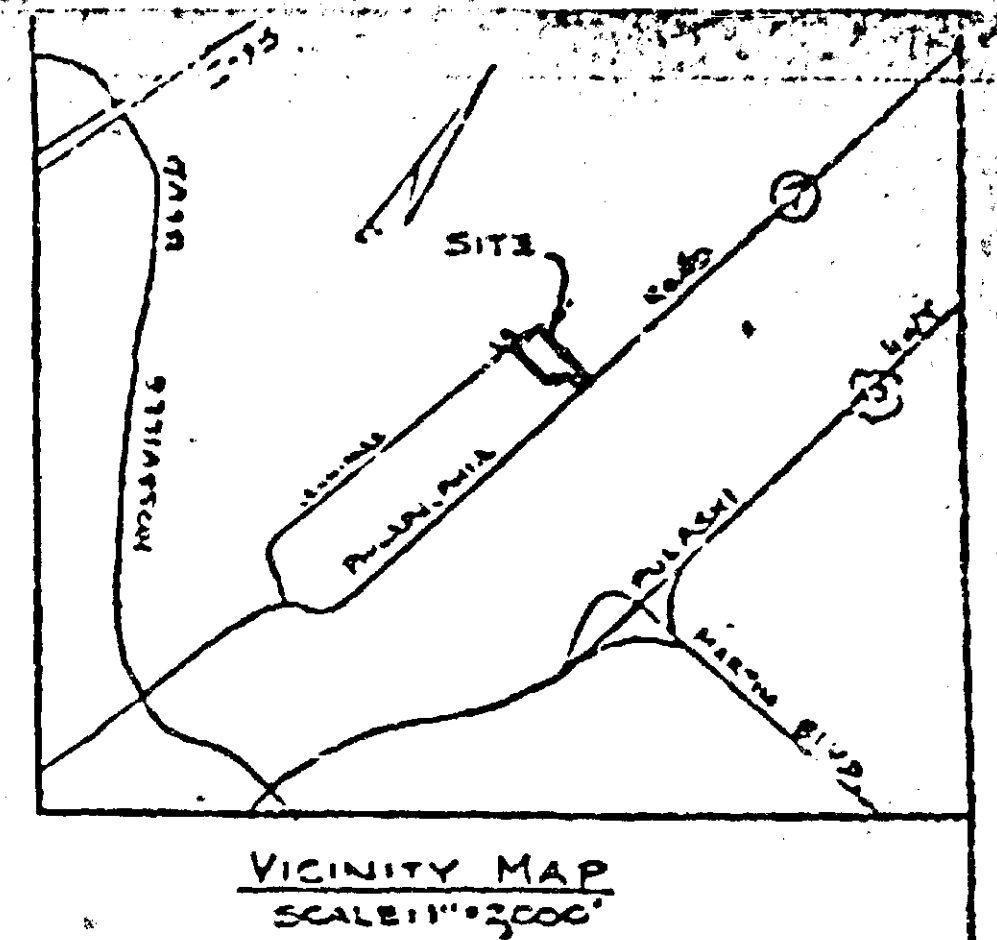
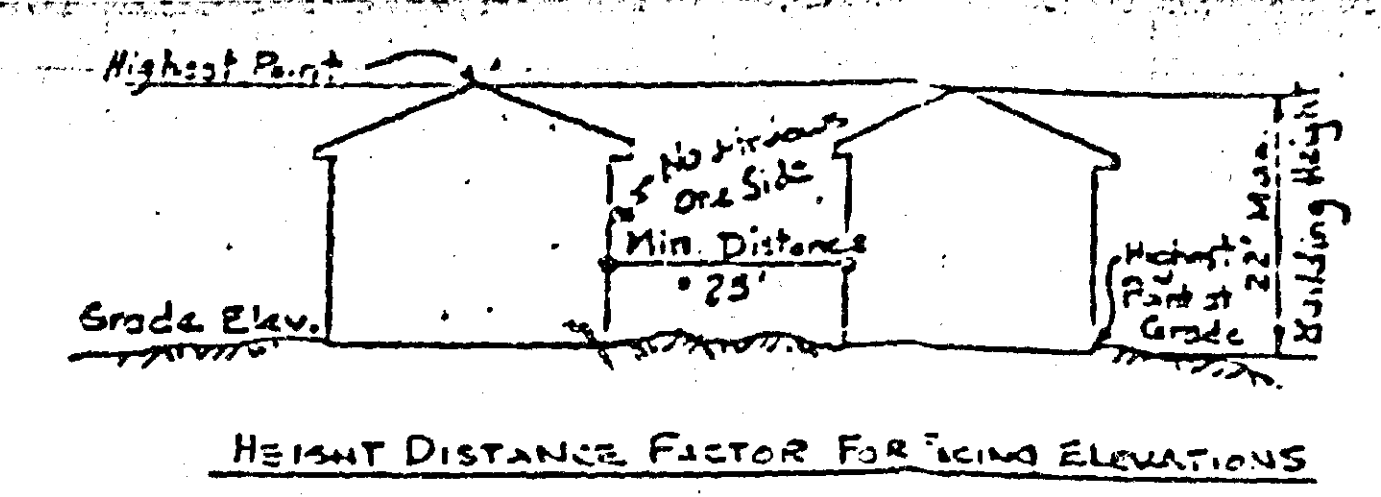
cc: File

John W. Long
John W. Long

RECEIVED
JAN 5 1994
ZADM



TYPICAL OFFSTREET PARKING
P.D.
Scale: 1"=10'



94-246-SPH

- Notes:
1. Zoning - DR 3.5
 2. Lots 1, 2, 3 are for sale. Lots 4 & 5 will be retained by the owner.
 3. Existing grading will not change except for slight changes around new dwelling on lots 1, 2, 3 & 4. Any slight changes will be shown on Site Plan for Building Permit.
 4. On November 16, 1954, Baltimore County Office of Planning & Zoning granted the Owner a Waiver for Public Works Improvements for this Subdivision.
 5. A Waiver for Local Open Space & a Variance for SWM is Requested for this Subdivision.
 6. A 10' Drainage & Utility Easement is to be provided around the entire tract boundary.
 7. Minimum Number Offstreet Parking per Dwelling - 2 Spaces.
 8. Window to Tract Boundary Minimum - 35'
 9. A 25' Foot Wide Strip of Land Running Along Lanning Lane will be Deeded to Baltimore County for the Purpose of Road Right of Way.
 10. Landscaping - One Tree/Haz. Road. Five Trees Proposed.
 11. Trash to be Collected by Baltimore County.
 12. Sideyard Setbacks may be Alternated.
 13. Water Service for Lot #4 will come from the 20 foot width strip next to Lot #3.
 14. A minimum distance of 25' may be held when garage or carport enter directly from the Census Tract 4407 Street.
 15. No more than 3000 S.F. may be disturbed on each lot during house construction.
 16. All downspouts shall be directed to the rear of proposed houses.
 17. Total number of street lights - 5.
 18. Variance requested for setbacks, etc. will be shown on Site Plan.
- REFERENCES: Variance granted 8-2-56
Waiver - W-24-154
Water Dwg. Nos. 59-1255, 62-905
Sanitary Dwg. Nos. 77-0302, 82-0155
Tax Map # 82, sheet 210

Min. Window to Window = 40'
Min. Window to Tr. = 15'
Min. Window to Tract Boundary = 35'
Max. Height Bldg. = 22'

Notes:

DEVELOPER SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPLE BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE OF THIS ENVELOPE BUT MUST COMPLY WITH SECTIONS 301 & 400 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).

AREA/DENSITY CALCULATIONS:

Lot #1 = 10,600 S.F. Δ	PARCEL #1 = 4,550 S.F.
Lot #2 = 10,320 S.F.	PARCEL #2 = 13,150 S.F.
Lot #3 = 10,320 S.F.	Lot #4 = 97,230 S.F.
Lot #4 = 116,950 S.F.	Lot #5 = 23,786 S.F.
Lot #5 = 23,786 S.F.	

Net Area = 171,926 S.F. = 3.947 Ac.
Road Dedication = 32,145 S.F. = 0.738 Ac. (0.709 Ac. Lanning Lane + 0.029 Ac. Md. Rte. 7)
Gross Area = 204,071 S.F. = 4.685 Ac.
Number of Lots Allowed = 3.5 = 4.685 Ac. = 16
Number of Lots Shown = 5

FIRST AMENDED AREA CHANGES

PARCEL #1 = 4,550 S.F.
PARCEL #2 = 13,150 S.F.
Lot #4 = 97,230 S.F.
Lot #5 = 23,786 S.F.

SECOND AMENDED AREA/DENSITY CALCULATIONS

LOT #1 = 10,600 S.F.
LOT #2 = 10,320 S.F.
LOT #3 = 10,320 S.F.
LOT #4 = 116,950 S.F.
LOT #5 = 23,786 S.F.

NET AREA = 171,926 S.F.
ROAD DEDICATION = 32,145 S.F.
GROSS AREA = 204,071 S.F.
NUMBER OF LOTS ALLOWED = 16
NUMBER OF LOTS SHOWN = 5

- NOTES - FIRST AMENDED PLANS - REASONS FOR CHANGE
1. DEVELOPER WILL ADD PARCEL #1 TO LOT #5 AND WILL BE REDEVELOPED WITH LOT #2. PARCEL #2 WILL BE REDEVELOPED WITH OPPOSITE PROPERTY AT 9134 OLD PHILADELPHIA ROAD (MD. RTE. 7).
 2. NO LOTS #1 & 2 ARE WITHIN 300 FEET OF THE PROPOSED CHANGES.
 3. THE DEVELOPER WHO PROPOSES THIS CHANGE IS THE ONLY ONE WITHIN 300 FEET OF THE PROPOSED CHANGES.
 4. DENSITY WILL NOT CHANGE.
 5. PARCEL #1 & #2 WILL NOT BE BOUNDABLE LOTS.
- CHANGES FOR GRG COMMENTS
- Δ Lanning Lane Curve Adj. Adjustments
 - Δ Setback Corrections
 - Δ Street Lights Added
 - Δ Entrance Width to Lot
 - Δ Proposed Road R/W Line
 - Δ Notes 14 thru 17 Added
 - Δ Road Widening Added
 - Δ Density Calculations

WE THE UNDERSIGNED, ARE AWARE OF THE SECOND AMENDED FINAL DEVELOPMENT PLAN.

James P. Krumm, Donna K. Riedman 11/93
Samuel M. Walbeck, Elizabeth M. Walbeck 10/93
Donna M. Walbeck, Paul M. Walbeck 10/93

CRG Approval 5-29-85

LEGEND

- Δ Existing Fire Hydrant
- Δ Existing Utility/Asphalt
- Δ Existing Woods Line
- Δ Proposed Street Light
- Δ Existing Water
- Δ Lot Number
- Δ Office of Planning & Zoning Approval
- Δ Director of Planning
- Δ Director of Public Works

Contour Interval = 2'

PLAT TO ACCOMPANY SPECIAL HEARING

WALBECK ACRES

3136 OLD PHILADELPHIA ROAD

14th ELECTION DISTRICT BALTO COUNTY MD

DATE: November 1993

OWNER & DEVELOPER:	ENGINEER:
HENRY & DOROTHY MCNEEN 3145 LANNING LANE BALTIMORE, MD. 21207 291-1828	LIPIN KANG & ASSOCIATES 311 LITE AVE BALTIMORE, MD. 21221 681-3294