IN RE: PETITION FOR VARIANCE
West Side Owings Mills Blvd.
South of Groffs Lane

South of Groffs Lane 11000 Owings Mills Blvd.

Owings Mills Self Storage, Inc.

Petitioner

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 97-545-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Zoning Variance for that portion of the property known as Lot No. 3B of Plat SM69/44, located on the west side of Owings Mills Boulevard, south of Groffs Lane.

The Petition was filed by the owner of the property, Owings Mills Self Storage, Inc., by its president, Peter Bosworth. Petitioner seeks approval for variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Sections 255.1 and 238.2 to permit the setback of as close as ten feet in lieu of the required thirty or fifty feet (depending on the ultimate building orientation) from the Groffs Lane right of way/property line. The subject property and the relief sought is more particularly described on the site plan submitted and accepted as Petitioner's Exhibit No. 1.

Appearing on behalf of the Petitioner were Peter Bosworth and Tom Woolfolk with George W. Stevens, Jr. and Associates, Inc. who prepared the site plan. Robert A. Hoffman, Esquire was attorney for the Petitioner. There were no protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of 7.7 acres, more or less zoned ML-IM. Testimony indicated that the property is constrained to the south by wetlands, to the east by the high-powered transmission lines and to the west

by Groffs Lane and the CSX Railroad right of way. All of these factors results in an oddly shaped building envelope shown on Petitioner's Exhibit 1.

An area variance may be granted where strict application to zoning regulations 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 a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient 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).

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property in that strict compliance with the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

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

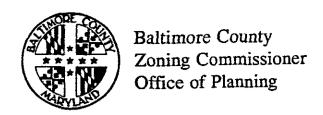
THEREFORE IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this __/5 day of July, 1997 that the Petition for Variance to allow a setback of as close as 10 feet to the Groffs Lane right of way/property line in accordance with Petitioner's Exhibit 1, be and is hereby granted, subject to the following restriction:

1) The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its 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

Deputy Zoning Commissioner

for Baltimore County



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

July 15, 1997

Pobert A. Hoffman, Esquire Venable, Baetjer & Howard 210 Allegheny Avenue Towson, Maryland 21204

RE: PETITION FOR VARIANCE

W/S Owings Mills Boulevard, S of Groffs Lane

(11000 Owings Mills Boulevard)

4th Election District - 3rd Councilmanic District

Owings Mills Self Storage, Inc. - Petitioner

Case No. 97-545-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance 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 Deputy Zoning Commissioner for Baltimore County

TMK:bjs

cc: Mr. R. Peter Bosworth, President, Owings Mills Self Storage, Inc. 801 St. Georges Road, Baltimore, Md. 21210

People's Counsel; Case/Files

RE: PETITION FOR VARIANCE	*	BEFORE THE
11000 Owings Mills Blvd, W/S Owings Mills		
Blvd, 300'+/- S of c/l Crondall Lane	*	ZONING COMMISSIONER
4th Election District, 3rd Councilmanic		
,	*	OF BALTIMORE COUNTY
Owings Mills Self Storage, Inc.		
Petitioner	*	CASE NOS. 97-545-A

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ______day of July, 1997, a copy of the foregoing Entry of Appearance was mailed to Peter Bosworth, Owings Mills Self Storage, Inc., 801 St. Georges Road, Baltimore, MD 21210, Petitioner.

PETER MAX ZIMMERMAN

Max Zimmeinan



etation for Wariance

to the Zoning Commissioner of Baltimore County

for the property located at

11000 Owings Mills Boulevard Owings Mills, Maryland

97-545-A

which is presently zoned ML-1M

This Petition shall be filed with the Office of Zoning Administration & Development Manager

. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached nereto and made a part hereof, hereby petition for a variance from Section(s) ML-255.1 (BR 238.1) to permit a front yard setback of 10 feet in lieu of the required 25 feet or a front yard setback of 30 feet in lieu of required 50 feet from street centerline or a side or rear yard of 10 feet in lieu of required 30 feet. ML-255.1 (BR 238-2)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship of practical difficulty) The property is extremely narrow and encumbered by a BGE powerline and extensive wetlands, severly limiting the usable area on the site. Strict compliance with BCZR setbacks would result in practical difficulty and unreasonable hardship and prohibit any economical development of the site. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and will be in strict harmony with the spirit and intent of the BCZR,

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

i, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filling of this petition, and further agree to and are to De bound by the zoning regulations and restrictions or Saltimore County adopted pursuant to the Zoning Law for Saltimore County.

			egal owneries of the property which is the subject of	the Pettion.
Contract Purchaser/Lesses:			_egas Owneres:	
-Same es Owner			Owings Mills Self Stora	ge, Inc.
Type or Frint Names			RP Bount -	Pras.
Signature			15 & Bornam	
Apdress			Type or Pint Names	
Cay	State	Zocode	S.cnauca	
Azzonay for Petitioner:			801 St. Georges Road	410-583-9270
Type or Print Names		*	Aggress	Phone No.
			Baltimore, Maryland	21210
3.gnarure			City St Name, Address and phone number of legal owner, o to be contacted.	th Zipcose original guicheser or representative
		1	Peter Bosworth	
-coress	=hone No.		801 St. Georges Road	410-583-9270
	State	J _{ess} e	-caress	
		Address Address of the Parket	ESTIMATED LEIGTH OF HEARING unevenible for He	anaş
		.	the following dates	Next Two Months
3			REVIEWED BY: DI	6-3-97
			545	

658 KENILWORTH DRIVE, SUTTE 100, TOWSON, MARYLAND 21204

Owings Mills Self Storage

Description to Accompany Zoning Petition

May 22, 1997

on 97-545, A

DESCRIPTION OF PROPERTY ON OWINGS MILLS BOULEVARD AT BONITA AVENUE (ALSO KNOWN AS GROFFS LANE) TO ACCOMPANY REQUEST FOR ZONING VARIANCE.

BEGINNING AT A POINT ON THE WESTERN RIGHT-OF-WAY LINE OF OWINGS MILLS BOULEVARD, AS SHOWN HEREON. THENCE LEAVING SAID POINT OF BEGINNING, AND RUNNING THE FOLLOWING COURSES:

1. S 05° 33' 24" E	619.87"	
2. R = 1180.92 L = 591.95'		
CH = S 19° 55' 00" E	585.77	
$\Delta = 28^{\circ} 43' 12''$		
3. S 34° 16' 36" E	140.95'	
4. S 53° 31' 41" W	495.42'	
5. N 05° 29' 30" W	357.18'	
6. S 84° 36' 40" W	15.00'	
7. N 05° 23' 10" W	23.60'	-45
8. R = 410.82' L = 264.46'		545
CH = N 11° 24' 25" E	259.92'	
$\Delta = 36^{\circ} 53' 01"$		
9. N 07° 02' 05" W	355.37'	
10. N 11° 12′ 32″ W	64.60'	
11. N 17° 56' 14" W	84.31'	
12. N 05° 23' 10" W	355.05'	
13. R = 100.00' L = 59.90'		OE MAD
CH = N 11° 46' 21" E	59.00'	Cours N. World
$\Delta = 34^{\circ} 19' 03"$		A Company
14. N 28° 55' 53" E	22.66'	
15. R = 70.00' L = 67.82'		9/1//
CH = N 56° 41' 14" E	65.20'	
$\Delta = 55^{\circ} 30' 42''$		
16. N 84° 26' 36" E	68.18'	
17. R = 25.00' L = 40.48'		10 NO. 5 5 18
CH = N 49° 03' 27" E	36.20'	San Sila Line and Control of the Con
$\Delta = 92^{\circ} 45' 56''$		
18. N 84° 26' 36" E	2.07'	

BEING ALSO KNOWN AND DESIGNATED AS LOT 3B, AS SHOWN ON PLAT SM 69/44

Area = 335,540 SQUARE FEET OR 7.7029 ACRES

NOTE: The above description is for zoning purposes only and is not to be used for any conveyances or agreements.

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 in Towson. Maryland on the property identified nerein as follows:

Case: #97-545-A 11600 Owings Mills Boulevard W/S Owings Mills Boulevard, 300° 4/1 S of c/I Crondall Lane 4th Electron District 3rd Councilmanic

Legal Owner(s): Owngs Mills Self Storage,

Variance: to permit a front yard setback of 10 feet in lieu of the required 25 feet or a front yard setback of 30 feet in heu of the required 50 feet from street centerline or a side or rear yard of 10 feet in lieu of the required 30 feet.

Hearing: Thursday, July 10, 1997 at 11:00 a.m., Room 407 Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

LAWRENCE E. SCHMIOT Zoning Commissioner for Bathmorie County State Inches Inche

6/320June 19

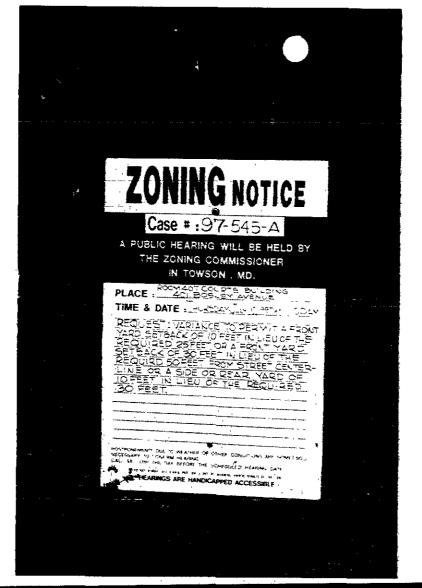
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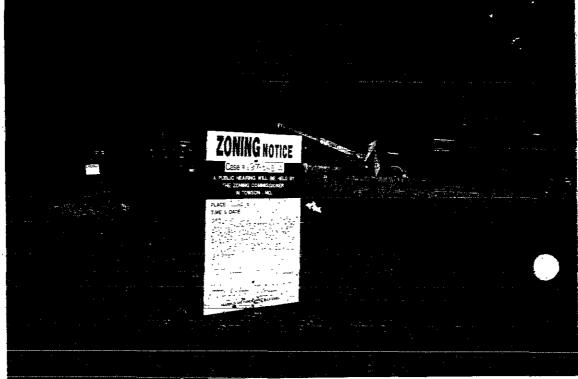
CERTIFICATE OF PUBLICATION

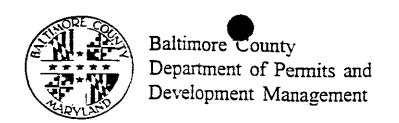
TOWSON, MD.,	6/19	_, 1997		
THIS IS TO CERTIFY, that the	annexed advertises	ment was		
published in THE JEFFERSONIAN, a	weekly newspaper	published		
in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on (a				
a. H.	UNILLA LANGASA AD TOWSON	I, ⁄U		

BALTIMORE COUNTY, MARYLAND ICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	038042 06/03/97 01 5 JMR R 5256
AMOUNT \$ 250.5 RECEIVED FROM:	\$250.00 (K 1'-fi-1-1)
RECEIVED FROM: VA2 (020) FOR:	BLUO.
RIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

RE:	Case No.: 97-545-A
1	Petitioner/Developer:
B	OSWORTH PROPERTIES WINKS MILLS SELF STG. I Date of Hearing/Closing: JULY 10,1997
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	•
This letter is to certify under the penalties of perjury the were posted conspicuously on the property located at	
The sign(s) were posted on <u>JUNE</u> 75,	1997) 1. Day, Year)
•	incerely,
	(Signature of Sign Poster and Date)
<u>C</u>	TARLAND E. MOORE (Printed Name)
	BZZSRYERSONI CONCLE (Address)
·	City, State, Zip Code)
	(City, State, Zip Code) (410) 242-4263
· ·	(Telephone Number)







Printed with Sovoean tox

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal 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, DIRECTOR
For newspaper	advertising:
Item No.:	
Petitioner:	ONITES MILLS SELF STOPAGE, 146.
Location:	1000 ONITES MUS BLVD
	D ADVERTISING BILL TO:
NAME:	PETER BOSNOPTH
ADDRESS:	301 ST- GEOFGES POAD
	BACTO, MD 21216
PHONE NUMBER:	410.583.9270.
AJ:ggs	

(Revised 09/24/96)

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

Date to be Posted: Anytime before but no later than

*
Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-545-A

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

PLACE: *
DATE AND TIME: *
REQUEST: A VARIANCE TO PERMIT A FRONT YARD
SETBACK OF 10ft. W lies of The REDURED 25ft.
OR IN THE ALTERNATIVE, A FRONT YARD SETBACK OF 30 TT.
IN LIEU of THE PEOU'RED SOFT FROM STREET CENTERLINE,
OR IN THE ALTERNATIVE, A SIDE OR REAR YARD SETBACK OF 10 ft. IN LIEU OF THE REQUIRED 30 ft. POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.

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

HANDICAPPED ACCESSIBLE

9/96 post_4.doc

*UPON RECEIPT OF THE NOTICE OF HEARING, THE PETITIONER OR HIS AGENT FILLS IN THIS INFORMATION AND THEN FORWARDS THIS FORM TO THE SIGN POSTER.

TO: PUTUXENT PUBLISHING COMPANY
June 19, 1997 Issue - Jeffersonian

Please foward billing to:

Peter Bosworth Owings Mills Self Storage, Inc. 801 St. Georges Road Baltimore, MD 21210 410-583-9270

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 in <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

CASE NUMBER: 97-545-A
11000 Owings Mills Boulevard
W/S Owings Mills Boulevard, 300'+/- S of c/l Crondall Lane
4th Election District - 3rd Councilmanic
Legal Owner(s): Owings Mills Self Storage, Inc.

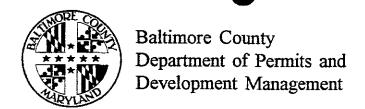
Variance to permit a front yard setback of 10 feet in lieu of the required 25 feet or a front yard setback of 30 feet in lieu of the required 50 feet from street centerline or a side or rear yard of 10 feet in lieu of the required 30 feet.

HEARING: THURSDAY, JULY 10, 1997 at 11:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

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.



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

June 13, 1997

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 in <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

CASE NUMBER: 97-545-A

11000 Owings Mills Boulevard

W/S Owings Mills Boulevard, 300'+/- S of c/l Crondall Lane

4th Election District - 3rd Councilmanic

Legal Owner(s): Owings Mills Self Storage, Inc.

Variance to permit a front yard setback of 10 feet in lieu of the required 25 feet or a front yard setback of 30 feet in lieu of the required 50 feet from street centerline or a side or rear yard of 10 feet in lieu of the required 30 feet.

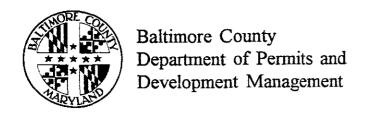
HEARING: THURSDAY, JULY 10, 1997 at 11:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

Arnold Jablon Director

cc: Owings Mills Self Storage, Inc.

NOTES: (1) YOU MUST HAVE THE ZONTING NOTICE SIGN POSTED ON THE PROPERTY BY JUNE 25, 1997.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



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

July 1, 1997

Mr. R. P. Bosworth Owings Mills Self Storage, Inc. 801 St. Georges Road Baltimore, MD 21210

RE: Item No.: 545

Case No.: 97-545-A

Petitioner: R. P. Bosworth

Dear Mr. Bosworth:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans, submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 3, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

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

W. Carl Richards, Jr.

Zoning Supervisor

WCR/re
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: June 23, 1997

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Development Plans Review Division SYCHED: ROBERT W. BOWLEG

SUBJECT: Zoning Advisory Committee Meeting

for June 23, 1997

Item No. 545

The Development Plans Review Division has reviewed the subject zoning item. The proposed parking lot is subject to Sec. IX.C.2.b.(1) of the Landscape Manual requiring landscape areas in the parking lot.

RWB:HJO:jrb

cc: File

Baltimore County Government Fire Department



700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 10/07/96

Achold Jablon, Director
Toring Administration and Development Management
Balt more County Office Building
Towson, MD 2:204
MAIL BTOP-1:05

RE: Property Owner: Browing-Ferris, Inc.

Steven H. Goeller

Gordon M. Roberts, Jr. & Mary A. Roberts

Owings Mills Self Storage, Inc.

Timenium Land Corporation

10.000 York Road LLC

Location: DIGTRIBUTION MEETING OF OCT. 07, 1996.

Trum No.: 522. 541. 543 (545), 547, and 548

Coming Agenda:

Gentlemen:

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

- 4. The site shall be made to comply with all applicable parts of the fire Prevention Code prior to occupancy or beginning of operation.
- 3. 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", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marchal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 17, 1997

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item Nos. 540, 542, 544, 545 and 546

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Division Chief: Carpt. Klern

AFK/JL



David L. Winstead Secretary Parker F. Williams Administrator

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

RE: Baltimore County 6.17.97

Item No.

545

1. C. M.

Dear Ms. Eubanks:

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

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

Thank you for the opportunity to review this item.

Very truly yours,

Am Ronald Burns, Chief

Engineering Access Permits

Division

LG

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

PDM

FROM:

R. Bruce Seeley

Permits and Development Review

DEPRM

SUBJECT: Zoning Advisory Committee

Meeting Date: June

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

Item #'s:

RBS:sp

BRUCE2/DEPRM/TXTSBP

PETITIONER(S) SIGN-IN SHEET

NAME C	ADDRESS
Robert Hottman	210 Alleghery Are 2120 801 ST GEOLGES RD EATO 2
PETER BOSWORTH	801 ST GEOLGES RD FATO 2
HOMAS H- WOOLFOLK	698 KENKWORTH AVE 21.
•	,
*	

•	
2	
	-