

IN RE: PETITION FOR VARIANCE
E/S Nanticoke Road, 166 ft. N of
Middleborough Road
261 Nanticoke Road
15th Election District
5th Councilmanic District
Henry W. Long & Michael Brewer
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-144-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 261 Nanticoke Road in the Middleborough section of eastern Baltimore County. The Petition was filed by Henry W. Long and Michael Brewer, property owners. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a lot width of 51 ft. at the front building line, in lieu of the required minimum of 55 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the requisite public hearing held for this case was Henry W. Long, co-petitioner/co-property owner. Also present was J. Scott Dallas, the Property Line Surveyor who prepared the site plan. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the property is approximately .196 acres in area, zoned D.R.5.5. The site is roughly rectangular in shape with frontage on Nanticoke Road in eastern Baltimore County. The lot was created as the result of a minor subdivision of property previously owned by Harry E. Horney. That minor subdivision resulted in the creation of three lots on a parcel formerly owned by Mr. Horney.

The subject lot is now owned by Mr. Long and Mr. Brewer and they propose construction of a single family dwelling thereon. Although roughly rectangular in shape, the property has narrower road frontage, however, tapers to a greater width at the rear property line. In order to construct a dwelling with a setback from the road consistent with other dwellings in the neighborhood, the Petitioners seek variance relief. As shown on the site plan, construction of the dwelling where proposed will result in a front yard setback

ORDER RECEIVED FOR FILING

Date

By

J. Scott Dallas
H. W. Long

consistent with other houses along this block. Additionally, all other area requirements are being met, including the lot area requirement, front yard setback, side yard setback and the rear yard setback requirements. As shown on the site plan, the proposed dwelling will be 28 ft. x 44 ft. in dimension.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Variance. As noted above, there were no Protestants present and no adverse Zoning Plans Advisory Committee comments. The construction of the dwelling where proposed appears appropriate and in keeping with the scheme of the neighborhood. In my judgment, the Petitioners have presented evidence to satisfy the requirements of Section 307 of the BCZR. Thus, the variance relief shall be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of December 1998 that the Petition for a Zoning Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a lot width of 51 ft. at the front building line, in lieu of the required minimum lot width of 55 ft, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall comply with the ZAC comment from DEPRM dated October 26, 1998 regarding the Chesapeake Bay Critical Area Regulations.


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

ORDER RECEIVED FOR FILING
Date 12/11/98
By M. J. [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

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

December 2, 1998

Messrs. Henry W. Long and Michael Brewer
1912 Middleborough Road
Baltimore, Maryland 21221

RE: Petition for Variance
Case No. 99-144-A
Location: 261 Nanticoke Road

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an Appeal, please feel free to contact our Appeals Clerk at AC-410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
Encl.
Copy
Mr. J. Scott Dallas
J.S. Dallas, Inc.
P.O. Box 26
Baldwin, Maryland 21013



CBCA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 261 Nanticoke Road

which is presently zoned D.R. 5.5

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

The undersigned, legal owner(s) 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 Variance from Section(s) 1B02.3C.1 to allow a minimum lot width of 51 feet at the front building line in lieu of the required minimum lot width of 55 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

All other required bulk regulations can be met. Unusual lot shape has wider rear than front. Existing building envelope forces any proposed dwelling to rear of site, out of line with existing houses. Proposed dwelling at variances location will be more in conformance with neighborhood, allowing for a superior rear yard and reducing lot disturbance, driveway and utility connection sizes, thus reducing overall disturbance in C.B.C.A.

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

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

Contact Person(s)/Owner

Type or Print Name

Signature

Address

City

State

Zip Code

Attorney for Petitioner

Type or Print Name

Signature

Address

Phone No.

City

State

Zip Code

With my solemn declaration and affirm, under the penalties of perjury, that these are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Henry William Long

Type or Print Name

Signature

Michael Brewer

Type or Print Name

Signature

1912 Middleborough Rd. (410) 687-8762

Address

Phone No.

Baltimore

MD

21221

City

State

Zip Code

Name, Address and phone number of representative to be contacted.

J. Scott Dallas

J.S. Dallas, Inc.

Name

P.O. Box 26

Baldwin, MD 21013

(410) 817-4600

day & night

Address

Phone No.

OFFICIAL ONLY

ESTIMATED LENGTH OF HEARING

(available for hearing)

The following date

Next Two Months

All

OTHER

DATE 10/6/98



Printed with Soybean Ink
on Recycled Paper

99-144-A

BR

#144

J. S. DALLAS, INC.

SURVEYING & ENGINEERING

13523 LONG GREEN PIKE

P.O. BOX 26

BALDWIN, MD 21013

(410) 817-4600

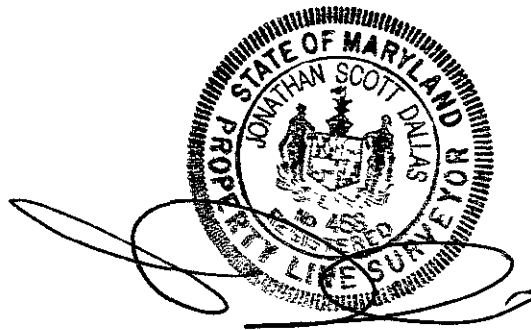
FAX (410) 817-4602

ZONING DESCRIPTION FOR # 261 NANTICOKE ROAD

BEGINNING at a point on the east side of Nanticoke Road, which is 30 feet wide, at the distance of 166.24 feet from the north side of Middleborough Road, which is 40 feet wide.

BEING Lot B3 in Minor Subdivision 95167M entitled "Horney Property "B", " containing 0.196 acres of land, more or less.

ALSO known as # 261 Nanticoke Road and located in the 15th Election District, 5th Councilmanic District.



99-144-A

#144

BALTIMORE COUNTY, MARYL D
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 059240

DATE 10/6/98 ACCOUNT County

AMOUNT \$ 500.00

RECEIVED FROM: Sell Dallas

FOR: 1010 - Training Services

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER
17 Nov 17 1998

PAYED RECEIPT
200503 60100 100
10/07/1998 10/06/1998 165353
165353 CASHIER 1100 OF DEB
165353 BALANCE 1000 OF DEB
165353
CR 40. 059240
50.00 CASH
Baltimore County, Maryland

CASHIER'S VALIDATION

99-149-A

Long

NOTICE OF ZONING HEARING

The Zoning Commission 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 herein as follows:

Case #98-144-A
2611 Nanitoxe Road
ES Maritime Road, 168' N of Middleborough Road,
15th Election District
8th Councilmanic District
Legal Owners: Henry William Long & Michael Brewer

Variance: to allow a minimum lot width of 51 feet at the front building line in lieu of the required minimum lot width of 65 feet.

Hearing: Tuesday, November 23, 1998, 10:00 a.m. in Room 407, County Courts Bldg., 401 Bailey Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for Special accommodations. Please Call (410) 887-3353. (2) For information concerning the File and/or Hearing, Please Call (410) 887-3353.

11/004 Nov. 6 11:057

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 5, 1998

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 Nov. 5, 1998.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE. Case No 99-144-A

Petitioner/Developer: #261 NANTICOKE, ETAL
% P.M. O'KEEFE

Date of Hearing/Closing: 11/24/98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

CC: ZONING COM. ✓

Attention: Ms Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #261 NANTICOKE ROAD

The sign(s) were posted on 11/4/98
(Month, Day, Year)

Sincerely,

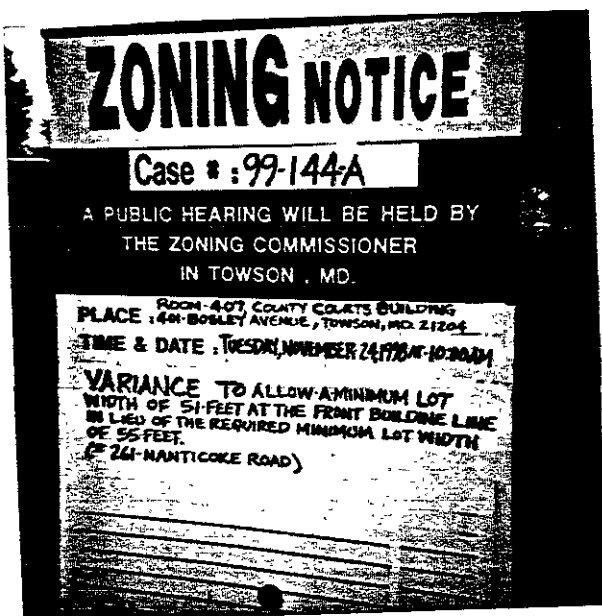
Patrick M. O'Keefe, 11/15/98
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)



261 NANTICOKE RD

11/24/98

RE: PETITION FOR VARIANCE
261 Nanticoke Road, E/S Nanticoke Rd,
166' N of Middleborough Rd, 15th Election
District, 5th Councilmanic

Legal Owners: Henry W. Long and
Michael Brewer

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-144-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of October, 1998, a copy of the foregoing Entry of Appearance was mailed to J. Scott Dallas, J.S. Dallas, Inc., 13523 Long Green Pike, P.O. Box 26, Baldwin, MD 21013, representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 20, 1998

NOTICE OF ZONING 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 herein as follows:

CASE NUMBER: 99-144-A
261 Nanticoke Road
E/S Nanticoke Road, 166' N of Middleborough Road
15th Election District – 5th Councilmanic District
Legal Owner: Henry William Long & Michael Brewer

Variance to allow a minimum lot width of 51 feet at the front building line in lieu of the required minimum lot width of 55 feet.

HEARING: Tuesday, November 24, 1998 at 10:00 a.m. in room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", followed by a small mark that looks like "41".

Arnold Jablon
Director

c: Henry Long & Michael Brewer
JS Dallas, Inc.

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 9, 1998.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.**

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
November 5, 1998 Issue - Jeffersonian

Please forward billing to:

Henry Long 410-687-8762
1912 Middleborough Road
Baltimore, MD 21221

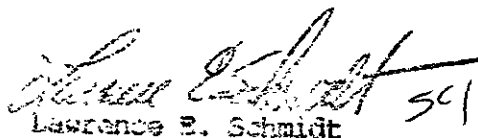
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Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Av
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.: 99-144A

Petitioner: ~~W.H.~~ Henry Long and Michael Brewer

Location: 1912 Middleborough Rd. Balt. Md. 21221

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Henry Long

ADDRESS: 1912 Middleborough Rd. Balt Md. 21221

PHONE NUMBER: 410 687-8762

AJ:ggs

(Revised 09/24/96)

144

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.: 99-144-A

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

PLACE: _____

DATE AND TIME: _____

REQUEST: Variance to allow a minimum lot width of
51' at the front building line in lieu of the
required 55' lot width.

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



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

November 20, 1998

Mr. J. Scott Dallas
J.S. Dallas, Inc.
P.O. Box 26
Baldwin, MD 21013

RE: Item No.: 144
Case No.: 99-144-A
Location: 261 Nanticoke Road

Dear Mr. Dallas:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on October 6, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments 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.

Very truly yours,

A handwritten signature in cursive script, appearing to read "W. Carl Richards, Jr.", written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 10-20-94

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

RE: Baltimore County
Item No. 144 BR

Dear Ms Stephens:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

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
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

October 29, 1998

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF OCTOBER 19, 1998

Item No.: See Below

Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

143, 144, 145, 147, 148, 149, AND 150

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 987-4881, MS-1102F

cc: File



B A L T I M O R E C O U N T Y , M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

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

Date: October 28, 1998

FROM:  Robert W. Bowling, Chief
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for October 26, 1998
 Item Nos. 142, 143, 144, 145, 146,
 147, 148, 149, 150, 151, 152, & 160

 The Bureau of Developer's Plans Review has reviewed the subject
zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

hs
11/6/4

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

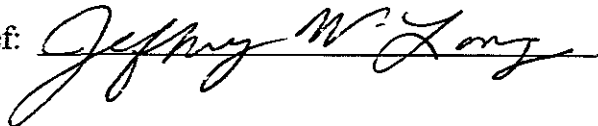
Date: October 23, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):
Item No (s): 144

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief: 

AFK/JL

Date: October 26, 1998

TO: Arnold Jablon

FROM: R. Bruce Seeley *RB/JS*

SUBJECT: Zoning Item #144

Long Property - 261 Nanticoke Road

Zoning Advisory Committee Meeting of October 19, 1998

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
 - Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
 - X----- Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

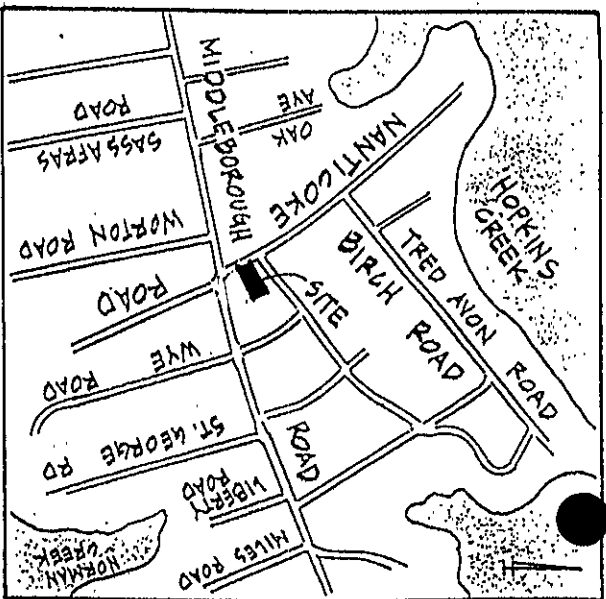
Henry W. Long

1812 Middleborough Rd.

J Scott Dallas

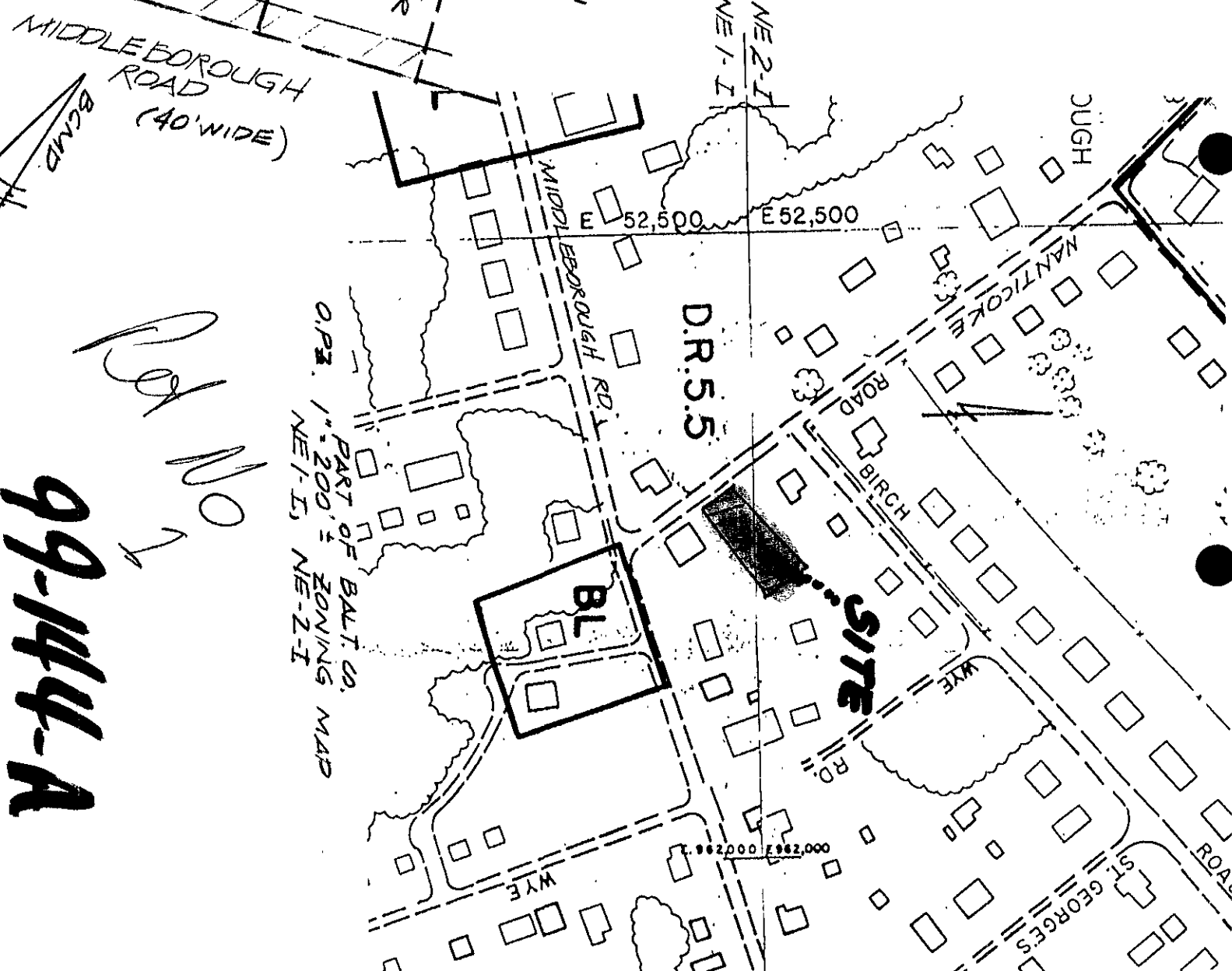
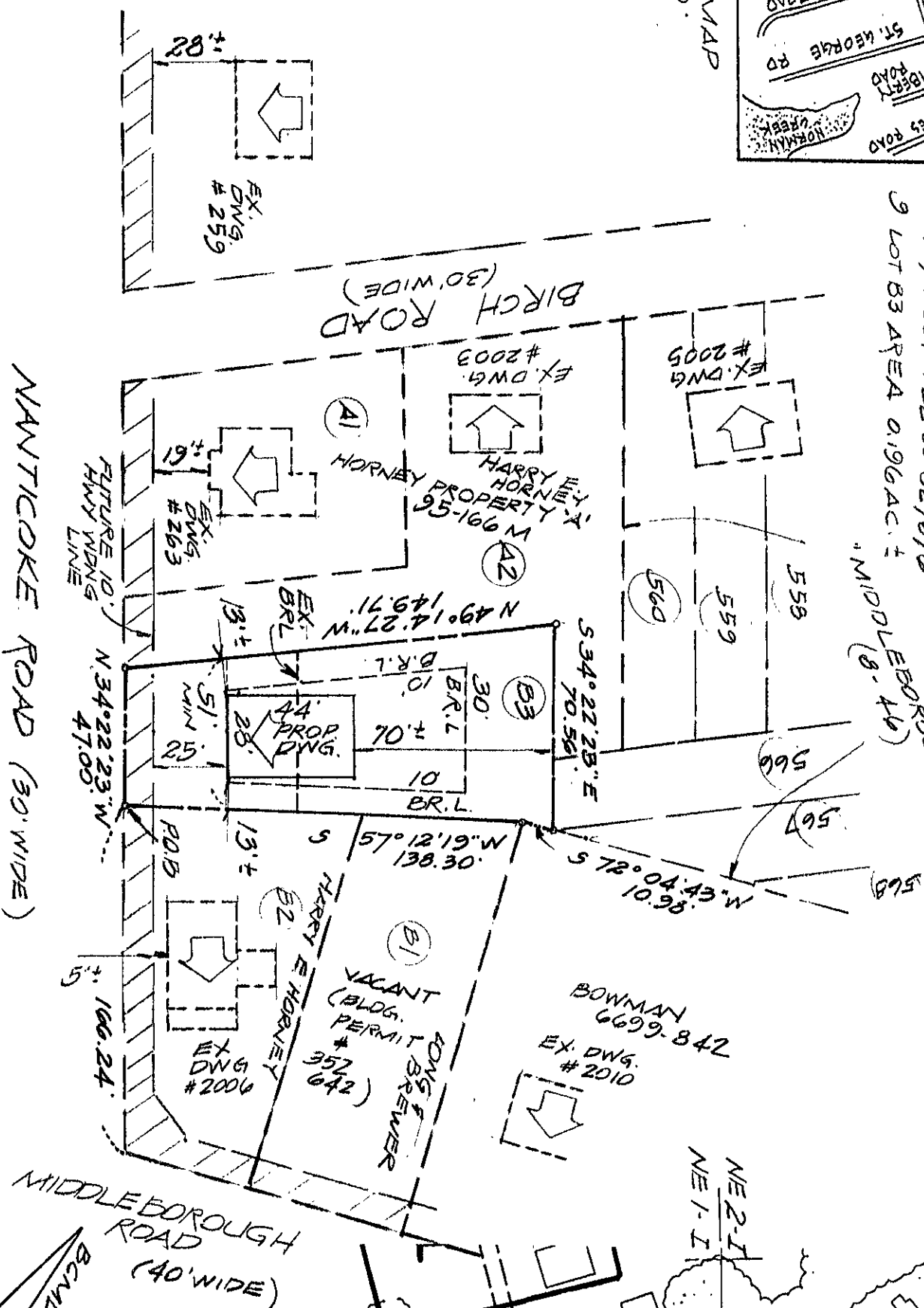
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VICINITY MAP
1"=1000'

- NOTES.
1. EX BLDG. PERMIT B 352638
 2. SITE IN C.B.C.A. (LDA)
 3. ZONING D.R.5.5
 4. FLOOD ZONE C. PER F.I.E.M. 2400100445C
 5. AREA OF LOT B3: 0.196 AC. ±
 6. PUBLIC WATER & SEWER
 7. OWNER: HENRY LONG & MICHAEL BREWER
 8. TAX ACCT. # 22.00-027676
 9. LOT B3 AREA 0.196 AC. ±



REQUEST VARIANCE FROM SEC.
1 B02.3C.1 TO ALLOW A MIN. LOT
WIDTH OF 51' AT THE FRONT BUILDING
LINE IN LIEU OF THE REQUIRED MIN.
LOT WIDTH OF 55'

99-144-A

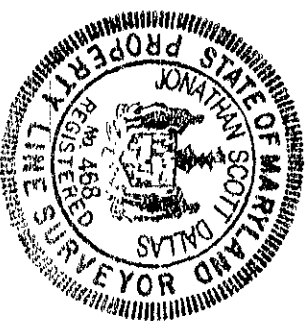
J.S. DALLAS, INC.

Surveying & Engineering

13523 Long Green Pike

Baldwin, MD. 21013

(410) 817-4600



PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE. LOT B3 (95167M)
HORNEY PROPERTY 'B'.
#261 NANTICOKE ROAD
15TH EL. DIST. 5TH COUN. DIST.
BALT. CO. MD. 1"=50' OCT. 2, 1998