IN RE: PETITION FOR VARIANCE
NE/S Leslie Road, 450' SE
Railway Avenue
15th Election District
7th Councilmanic District
(1516 Leslie Road)

Dewey A. Keen Petitioner

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 00-070-A

* * * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed for property located at 1516 Leslie Road, which property is located in the Dundalk area of Baltimore County. The variance request was filed by the legal owner of the subject property, Dewey A. Keen, requesting a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a sideyard setback of 1 ft. for a garage in lieu of the minimum required 7 ½ ft. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit No. 1.

Appearing at the hearing on behalf of the variance request were Dewey Keen, property owner and his son Ron Keen. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 5500 sq. ft. zoned D.R.5.5. The subject property is improved with a single family residential dwelling. The owners of the property are desirous of constructing a garage on the side of the dwelling nearest to the property owned by Mrs. Haberkam. The purpose of constructing a garage was to provide shelter for a new car which was purchased by the owner's daughter. Testimony revealed that the father and daughter reside in the house at this time and the daughter looks after the father's well being. She recently purchased a new car and would like to keep the car in the garage. The garage in question has already been constructed and a variance request is to

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approve the structure as it exists. Furthermore, the Petitioner has indicated that the contractor who constructed the garage failed to install a fire wall on the exterior wall, and additional work needs to be done to make that correction.

The Petitioner submitted 5 letters of support signed by all the neighbors around his property, including the adjacent property owner, Mrs. Haberkam, who is most directly affected by the garage. All the neighbors support Mr. Keen in his request.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and their property. <u>McLean v. Soley</u>, 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 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 property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the 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 after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this Aday of October, 1999, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a sideyard setback of 1 ft. for a garage in lieu of the minimum required 7 ½ ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED that any party has the right to file an appeal within thirty (30) days of the date of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj





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

Fax: 410-887-3468

October 20, 1999

Mr. Dewey A. Keen 1516 Leslie Road Baltimore, Maryland 21222

> Re: Petition for Variance Case No. 00-070-A

> > Property: 1516 Leslie Road

Dear Mr. Keen:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed 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 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

lunthy llotroco

TMK:raj Enclosure



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 15/6 KesLie Kd.

which is presently zoned DR 5.5

I/We do solemnly declare and affirm, under the penalties of

UNAVAILABLE FOR HEARING

Reviewed By

Date

This Petition shall be filed with the Department of Permits and 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 Variance from Section(s) 1802.3 Col 301 To 9/1000 9 5000 yard Schback & 1st for an open deck in 1/20 of the minimum required 7/2 ft.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

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REV 9/15/98

DISCUSSED AT NEW

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Name - Type or Print Signature Signature Telephone No. Address Signature City State Zip Code Attorney For Petitioner: Name - Type or Print Representative to be Contacted: Signature Name Company Telephone No. Address Telephone No. Zip Code State Zip Code City State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING 150 hr Case No. 00 - 70 -4

ZONING DESCRIPTION ZONING DISCRIPTION FOR 1516 LISLIC ROND BEGINNING AT A POINT ON THE NORTHEAST DE OF LESIE RAD WHICH IS SO FEET WIDE AT THE DISTANCE OF 450 SAMPAST OF THE CKNTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET PAILWAY AVE WHICH IS Z4 WIDE. BETAG LOTTIG AS RECORDED IN BALTIMORE COUNTY AS PLAT NO! Z RESUBDIVISION OF BROKURD 14/124, CONTAINING 5500 5Q M. ALSO KNOWN AS 1516 LESLIE ED. PARCEL B LOCATED IN THE 15-TH ELECTION DISTRICT, 7th COUNCIL MAN'S

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCI MISCELLANEOUS RECEIPT 70 No. 069	- V rought 2 down and 2 down
DATE 1-17-99 ACCOUNT R-001-615	CMS ROOM. SIAM AND AND THE
AMOUNT \$ 50,	Receipt # 995455 UPLH CR ND. 069842
FROM: Dowey Kenn	Recort Tot 50.00 .90 CK 50.00 CA Baltimore County, Maryland
# 1516 Leslie Rd. (21222)	
DISTRIBUTION WHITE - CASHER PINK - AGENCY YELLOW - CUSTOMER	00-070-A CASHIER'S VALIDATION
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CERTIFICATE OF POSTING

RE: CASE # 00-070-A
PETITIONER/DEVELOPER:
(Dewey A. Keen)
DATE OF Hearing
(Oct. 19, 1999)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Ave. Towson, Maryland 21204

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 1516 Leslie Ave. Baltimore, Maryland 21222______

The sign(s) were posted on_____ 10-4-99____

(Month, Day, Year)

Sincerely,

(Signature of Sign Poster & Date)

_____Thomas P. Ogle, Sr._____

___325 Nicholson Road____

___Baltimore, Maryland 21221___

____(410)-687-8405____

(Telephone Number)

HOTICE OF ZOMING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County with hold a public hearing in Townor. Maryland on the property identified herein as follows:

Case: #00-070-A
1516 Lestie Avenue
NE/S Lestie Avenue, 450' SE
Railway Avenue
15th Election District
7th Councilmanic District
Legal Owner(s): Dewey A:
Keen

Variance: to permit a side yard setback of 1 foot (for an open deck) in lieu of the minimum required 7-1/2 feet. Hearing: Tuesday, October 19, 1999 at 2:00 p.m. in Room 407, County Courts Bidg., 401 Basley Avenue.

LAWRENCE E SCHMIDT Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contents of the Zoning (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

9/349 Sept. 30 C342721

CERTIFICATE OF PUBLICATION

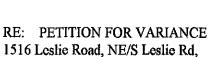
TOWSON, MD.,	,
THIS IS TO CERTIFY, that the annexed advertis	ement was
published in THE JEFFERSONIAN, a weekly newspape	r published
in Towson, Baltimore County, Md., once in each of	_successive
weeks, the first publication appearing on 930	_, 1999

THE JEFFERSONIAN,

9/20/

1999

LEGAL ADVERTISING



1516 Leslie Road, NE/S Leslie Rd, 450' SE of Railway Ave 15th Election District, 7th Councilmanic

Legal Owner: Dewey A. Keen Petitioner(s)

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- Case No. 00-70-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 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

riole 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 ______ day of September, 1999 a copy of the foregoing Entry of Appearance was mailed to Dewey A. Keen, 1516 Leslie Road, Baltimore, MD 21222, Petitioners.

PETER MAX ZIMMERMAN

TO: PATUXENT PUBLISHING COMPANY

Thursday, September 30, 1999 Issue - Jeffersonian

Please forward billing to:

Dewey A. Keen 1516 Leslie Avenue Baltimore, MD 21222

410-284-2170

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: 00-070-A

1516 Leslie Avenue

NE/S Leslie Avenue, 450' SE Railway Avenue 15th Election District – 7th Councilmanic District

Legal Owner: Dewey A. Keen

<u>Variance</u> to permit a side yard setback of 1 foot (for an open deck) in lieu of the minimum required 7-1/2 feet.

HEARING:

Tuesday, October 19, 1999 at 2:00 p.m. in Room 407, County Courts

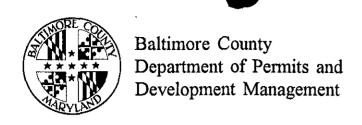
Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

September 21, 1999

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: 00-070-A 1516 Leslie Avenue NE/S Leslie Avenue, 450' SE Railway Avenue 15th Election District – 7th Councilmanic District

Legal Owner: Dewey A. Keen

<u>Variance</u> to permit a side yard setback of 1 foot (for an open deck) in lieu of the minimum required 7-1/2 feet.

HEARING: Tuesday, October 19, 1999 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon Director

c: Dewey Keen, 1516 Leslie Avenue, Baltimore 21222

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY OCTOBER 4, 1999.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

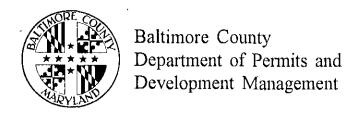
The <u>Baitimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 00-70-7 Petitioner: DEWEY A. KEEV
Address or Location: 1516 LESLIE ROAD BALTO MD ZIZZ
PLEASE FORWARD ADVERTISING BILL TO:
Name: <u>DEWEY A. KEEN</u> Address: <u>ISI6 LESLIE ROAD</u>

Revised 2/20/98 - SCJ



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

October 15, 1999

Mr. Dewey Keene 1516 Leslie Road Baltimore, MD 21222

Dear Mr. Keene:

RE: 00-070-A, 1516 Leslie Road

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

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, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. Zoning Supervisor

Zoning Review

WCR:rsi

Enclosures

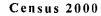


Printed with Soybean Ink

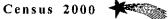
on Recycled Paper













700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

September 27, 1999

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF September 13, 1999

Item No.: See Below

Dear Ms. Stephens:

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:

069, (070) 071, 072, 073, 074, 075, *077, *079, 080, 081, 082,

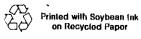
083, 084, 085, 086, 087, 088, 089, 090, 091, 092, 093, 094,

095, 096, 097, and 098

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office PHONE 887-4881, MS-1102F

*Break in sequence.

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: September 20, 1999

Department of Permits & Development

Management

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for September 20, 1999 Item Nos. (070), 073, 074, 075, 076, 077, 079, 080, 081, 082, 083, 084,

085, 086, 087, 088, 090, 091, 092, 093, 094, 097, 098, 099, and 100

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

RWB:HJO:jrb

cc: File

dinja

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Date: September 3, 1999

TO: Arnold Jablon, Director
Department of Permits

and Development Management

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): 070 and 089

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



Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams

Date:

9.13.99

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

RE:

Baltimore County

Item No. 070

77 Z

Administrator

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,

Kenneth A. McDonald Jr.

P. J. Gredle

Engineering Access Permits Division

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		L'E ROAD, WHIT	=
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	Ana)	PERELY You Halukum	To addition to the second seco
		282-3806	

LONING COMMISSONER:

I LARRY PAZENBAKER RESIDE AT
1514 LESLIE ROAD Which Adjacined To
MR. KEEN'S PROPERTY.

I AGREE With the PROPOSED
LOCATION OF HIS ENCLOSED CAR PORT.

THANK YOU VERY MUCH.

SixCERLY YOURS, Farry Pagentaker 410-282-0842 LONING COMMISSONER:

I ELEMER KONFYAK RESIDE AT 1517 LESLIE ROAD I AGREE WITH THE PROPOSED LOCATION OF HIS ENCLOSED CAR PORT.

THANK you VERY MUCH.

SiNCERLY YOURS, Elmer Koneyale

410.284-5662

ZONING COMMISSONER:

I Judy LAURENCO RESIDE AT 1519 LESLIE ROAD I AGREE WITH THE PROPOSED LOCATION OF HIS ENCLOSED CAR PORT.
THANK YOU VERY Much.

FINCERLY Yours. Judy Laurenco 410-284-4376

LONING COMMISSONER:

I Miniam SquaTriTo RESIDE 1513 LESLIE ROAD I AGREE WITH THE PROPOSED LOCATION OF HIS ENCLOSED CAR PORT.

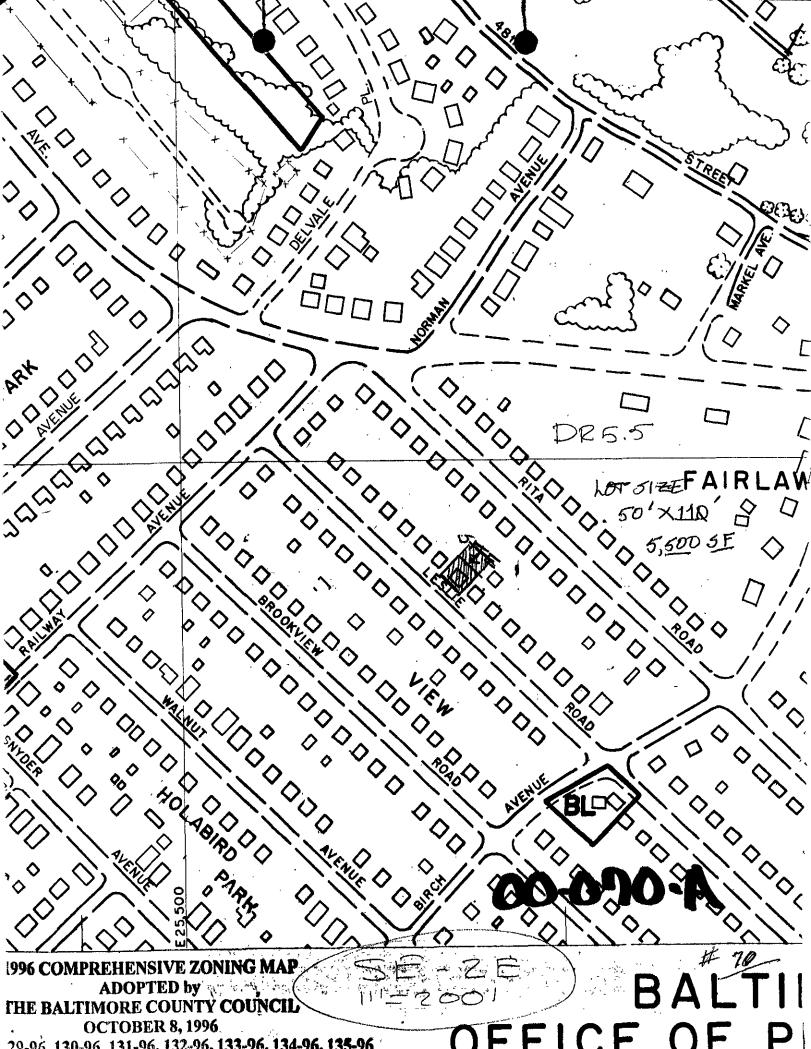
THANK you VERY Much.

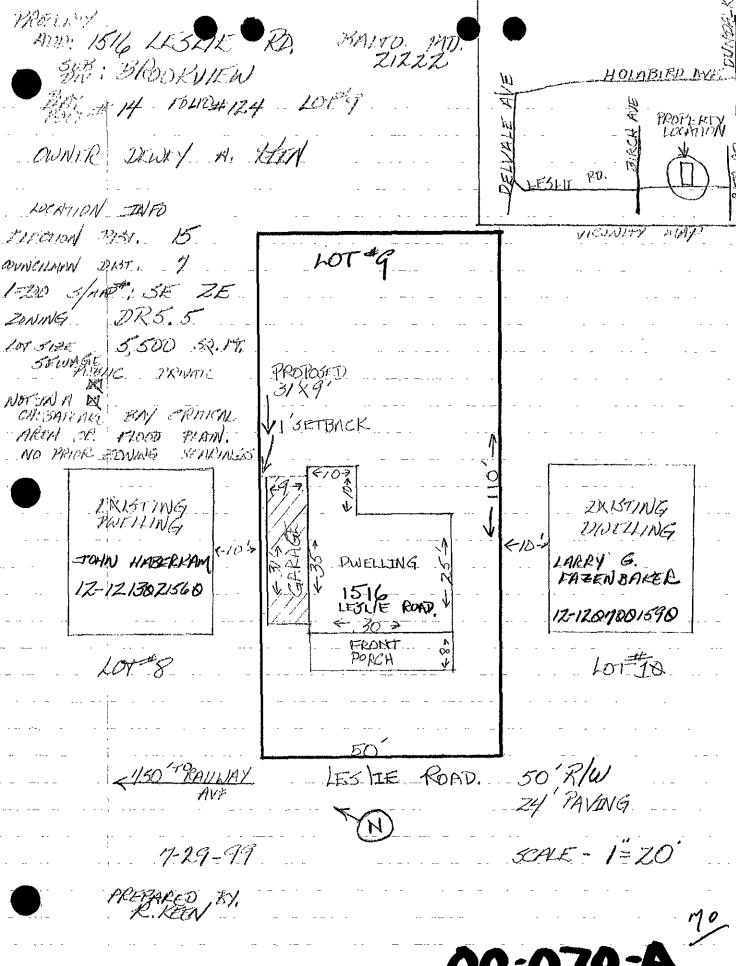
SINCERLY YOURS

Marian & Sustrito 410-282-2249

I, NIKIAM JESTER, RESIDE AT 1515 LESLIETAD. EVANCE WITH THE PROPOSED LOCATION OF THIS ENCLOSED CARPORT.

> Milian a geter 410. 282. 2249





Plat to accompany	Petition for Zoning	${f g}ig ig $ Variance	e Special Hearing
PROPERTY ADDRESS: 15/6	LESILE BAD BALTO	see pages 5 & 6 of the C	HECKLIST for additional required information
Subdivision name: BROOK VETW	21272	ر	
plat book## Hrolia#124 ,lot# 9 ,sec	tion#		
OWNER: DELLY A. KEEN	<u>/</u>		
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No.		, ,	Ĭ
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	¥	-	Vicinity Map
	69-341090	-	North scale: 1'=1000'
	<u> </u>		LOCATION INFORMATION
	A A 1 < 20'->		Election District: 285.5 15
	5		Councilmanic District: 7
	M DHETTING 12 8	-	1'-200 scale map#: SE ZE
			Zoning: DR5.5
	- 30'		Lot size: 5500.
•	& PORCH V		acreage Square reco
			SEWER: K
	CONCRETE		WATER: 🔀 🗍
	DONG PER		Chesapeake Bay Critical Area:
			NOT IN PLOOD PLAIN, Prior Zoning Hearings:
(h)	SIDEWALK		NOWE.
,	YARD		Zoning Office USE ONLY!
North A50 70 date: 7/27/99 RAILWAY AVE.		•	reviewed by: ITEM #: CASE#:
date: 7/27/99 RAILWAY AVE.	Scale of Drawing: 1 = ZQ	50 / R/W	
		JU 17W	

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:	
Item Number or Case Number:	
Petitioner: <u>DEWEY A. KEW</u>	
Address or Location: 1516 LESLIE ROAD BALTO.	MD 2127
,	•
PLEASE FORWARD ADVERTISING BILL TO:	
1	, physicagonals principle solves in specimens which the specimens and the specimens are specimens and the specimens and the specimens are specimen
PLEASE FORWARD ADVERTISING BILL TO: Name: DEWEY A. KEEN Address: 1516 LEGUE POAD	
Name: DEWEY A. KEEN	

Revised 2/20/98 - SCJ

