IN RE: PETITION FOR VARIANCE
NE/S Gunder Avenue, 143' NW
of centerline Cherwin Avenue
15th Election District
6th Councilmanic District
(6800 Gunder Avenue)

Michael E. & Lori A. Golliday Petitioners

- \* BEFORE THE
- DEPUTY ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* CASE NO. 00-267-A

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Michael and Lori Golliday. The Petitioners are requesting a variance for property they own at 6830 Gunder Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a new dwelling with a front yard setback of 15 ft. and a side yard setback of 12 ft. in lieu of the required 25 ft. respectively and to permit an open projection deck to have a side yard setback of 3 ft. in lieu of the required 7.5 ft.

Appearing at the hearing on behalf of the variance request were Michael and Lori Golliday, owners of the property. Mr. Joseph McGraw with JST Engineering Co., Inc. also attended the hearing. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.28 acres, more or less, zoned D.R.5.5. The subject property is currently improved with an old single family residential dwelling which the Petitioners intend to raze. They propose to construct a new single family dwelling on the subject property in the location shown on Petitioners' Exhibit No. 1, the site plan of the property. In order to proceed with their plans, the variance request is necessary.

2/ 2000 FILM

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

- 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 Petitioners seek 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 Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this \_\_\_\_\_\_\_ day of February, 2000, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a new dwelling with a front yard

setback of 15 ft. and a side yard setback of 12 ft. in lieu of the required 25 ft. respectively and to permit an open projection deck to have a side yard setback of 3 ft. in lieu of the required 7.5 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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 his 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.

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

February 1, 2000

Mr. & Mrs. Michael E. Golliday 6800 Gunder Avenue Baltimore, Maryland 21220

> Re: Petition for Variance Case No. 00-267-A

Property: 6800 Gunder Avenue

Dear Mr. & Mrs. Golliday:

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 Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours, Sunthy lotroco

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure



# Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 6800 GUNDER AVENUE which is presently zoned D.R. 5.5

is the subject of this Petition.

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) 1802.3.6.1

TO PERMIT A DWELLING WITH A FRONTYARD SETBACK OF 15 FEET AND A SIDE STREET SETBACK OF 12 FEET IH LIEU OF THE REQUIRED 25 FEET RESPECTIVELY AND TO PERNIT AN OPEN PROJECTION (DECK) TO HAVE A SIDEYARD SETBACK OF SFEET IN LIEU OF THE REQUIRED 7.5 FEET

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

The lot is irregularly shaped and bound on two sides by water. Owners wish to raze existing house which is not much more than a shore shack and construct a new two story dwelling for themselves. Baltimore County DEPRM will not allow the new dwelling to be built any closer than the existing house to the waters of Bird River and Gunpowder River. Therefore it is necessary to seek relief from the zoning regulations.

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.

Contract Purchas	er/Lessee:		<u>Legal Owner(s):</u>
			Michael E. Golli
Name - Type or Print			Name - Type or Print
Signature			Signaphire A. Gollidas
Address		Telephone No.	Name - Dype or Print
City	State	Zip Code	Signature
Attorney For Peting	<u>tioner:</u>		BXOU GUYYLER FINE
The second secon			Batto. Md.
Name - Type or Print			City State
			Representative to be Contacted:
Signisture			JOSEPH W. MEGRAW, JR. 40
5. 3			1ST ENGINEERING CO., INC
Constiany			Name 6912 HORTH RIVER DRIVE
#ddress		Telephone No.	Address
			BALT: MD
School Sc	State	Zip Code	City State
<b>)</b> {			OFFICE USE ONLY
	207-1		ESTIMATED LENGTH OF HEARIN
Case No. 👓	- C6 1-A		THE PARTY AND FROM HEADTNIC

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

410-335-9142 Telephone No. Z1220 - 10 59 Zip Code

6TH OF HEARING

UNAVAILABLE FOR HEARING Date 12/22/90 Reviewed By <u>LTM</u>

### **ZONING DESCRIPTION FOR #6800 GUNDER AVENUE**

Beginning at a point on the northeast side of Gunder Avenue which is 30 feet wide at the distance of 143 feet northwest of the centerline of the nearest improved intersecting street Cherwin Avenue which is 40 feet wide. Running thence N.23 01'E. 50.00 ft., N.16 59'W. 24.89 ft., N.23 01'E. 104.02 ft. +/-, S.80 32'W. 32.43 ft., S.62 04'W. 68.75 ft., S.34 32'W. 108.71 ft., S.66 59'E. 108.40 ft. to the place of beginning as recorded in Baltimore County deed Liber 12502, Folio517, containing 12,494.70 square feet. Also known as #6800 Gunder Avenue and located in the 15th Election District, 5th Councilmanic District.



# 267

		(R.M., OR365	50.00 CK BATTIMETE COUNTY, Not elec-		
BALTIMORE COUNTY, MARYLANDFICE OF BUDGET & FINANCESCELLANEOUS RECEIPT	DATE 12 /22/22 ACCOUNT ROUL GISO	AMOUNT \$ 50.00	FROM: DET ELICITICE SIXIE.	FOR: CIC VASIIICE	

# CERTIFICATE OF PUBLICATION

TOWSON, MD, 113

	TOWNSON, WILL,
	THIS IS TO CERTIFY, that the annexed advertisement was
	published in THE JEFFERSONLAN, a weekly newspaper published in
The state of the s	Towson, Baltimore County, Md., once in each ofsuccessive
The Zolling Commissioner of Balthroom Committee with a	weeks, the first publication appearing on 113, 2000.
Ity of the Zonling Act and Regulations of Baltimore Gounty will hold a bublic hearing in Towson Maryang on the property defiblied neets as follows:	
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18th Elepton District — 8th Councilmanic District Legal overeit (2). Lori Goldings & Michael E.goldings Wariabbe to Dermit a front used estress — 25 february	THE JEFFERSONIAN,
side <u>street setroek of 15 feet both friles of the required 25</u> Leet and the perfect of the sector of 15 feet both friles of the required 25 Leet and the required set of the sector of 3 feet in 164 of the	J. Outer Str
Hearing, Friday, January 28, 2000 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosiey Avenue.	LEGAL ADVERTISING
the second of th	

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LAWNENDE E. SCHMIDT

Zohlng-Commissioner for Baltimore County

NOTES: (1) Healings are Handicaped Accessible; for special accommodations Rease Contact the Zohing Commissioner's Office at (410) 887-4386

(2) Por Internation-Concerning the File and Commiscontact the Zohing Review Office at (410) 887-3391

### CERTIFICATE OF POSTING

RE: CASE #00-267-A
PETITIONER/DEVELOPER
(Michael E. Golliday)
DATE OF Hearing
(Jan 28, 2000)

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 6800 Gunder Ave. Baltimore, Maryland 21220\_\_\_\_\_\_

The sign(s) were posted on\_\_\_\_\_\_1-12-00\_\_\_\_\_\_

[Month, Day, Year]



Sincerely,
Chow Doct 1/2/
(Signature of Sign Poster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410}-687-8405 (Telephone Number)

RE: PETITION FOR VARIANCE 6800 Gunder Avenue, NE/S Gunder Ave, 143' NW of c/I Cherwin Ave 15th Election District, 6th Councilmanic

Legal Owner: Michael E. & Lori A. Golliday Petitioner(s)

- BEFORE THE
- \* ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- Case No. 00-267-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

eter May Timmeman

arole S. Demilio

Peter May Timmera

**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 24th day of January, 2000 a copy of the foregoing Entry of

Appearance was mailed to Joe McGraw, JST Engineering Co., Inc., 6912 N. River Drive, Baltimore, MD

21220, representative for Petitioners.

PETER MAX ZIMMERMAN

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

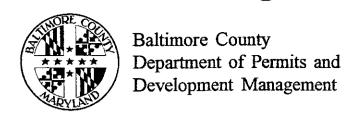
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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.

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.

r Newspaper Advertising:	
m Number or Case Number: 60-267-A	
titioner: MICHAEL E. & LUR, A. GOLLIDAY	
dress or Location: 6800 GUDGE AVENUE	
EASE FORWARD ADVERTISING BILL TO:	
me: JOSEPH W. Mª GRAY LR 90 JST ENGINEERING CO.	Iwc.
dress: 6912 Horay RIVEZ DRIVE	
BALTIMORE MD ZIZZO-1059	
iephone Number: 40 335-914Z_	

Revised 2/20/98 - SCJ



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

Fax: 410-887-5708

January 4, 2000

### **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: 00-267-A

6800 Gunder Avenue

NE/S Gunder Avenue, 143' NW of centerline Cherwin Avenue

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District Legal Owner: Lori Golliday & Michael E. Golliday

<u>Variance</u> to permit a front yard setback of 15 feet and a side street setback of 12 feet both in lieu of the required 25 feet and to permit a side yard setback of 3 feet in lieu of the required 7.5 feet for an open projection (deck).

HEARING: Friday, January 28, 2000 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon Director

c: Lori & Michael Golliday, 6800 Gunder Avenue, Baltimore 21220 JST Engineering Co., Inc., 6912 North River Drive, Baltimore 21220

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JANUARY 13, 2000.

(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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, January 13, 2000 Issue - Jeffersonian

Please forward billing to:

Joseph W. McGray, Jr. c/o JST Engineering Co., Inc. 6912 North River Drive Baltimore. MD 21220-1059 410-335-9142

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HEARING:

Friday, January 28, 2000 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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OFFICE AT 410-887-4386.

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

MARYLAND DENCE

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: January 20, 2000

Department of Permits & Development

Management

RECEIVED JAN 2 4 2000

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for January 17, 2000

Item No. 267

The Bureau of Development Plans Review has reviewed the subject zoning item.

Gunder Avenue is an existing road which shall ultimately be improved as a 30 foot street cross section on a 40 foot right-of-way.

The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be a least 1 foot over the flood plain elevation in all construction. The minimum flood protection elevation is 11 feet for this site based on Baltimore County Datum.

Basements are not permitted in the flood plain area.

A building permit shall be granted only after necessary permits from the State and federal agencies have been obtained.

RWB:HJO:cab

cc: File

ZAC01170.267

# BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

ГО:	Arnold Jablor	1	
FROM:	R. Bruce Seel	ey MB	
DATE:	January 18, 20	000	RECEIVED JAN 2 7 2000
SUBJECT:	Zoning Item	#267 6800 Gunder Avenue	
Zonin	g Advisory Con	nmittee Meeting of January 10	), 2000
	-	nvironmental Protection and R ve-referenced zoning item.	esource Management has no
an ext	ension for the r	nvironmental Protection and R eview of the above-referenced onmental regulations apply to	•
	-	nvironmental Protection and R ents on the above-referenced zo	_
1	Protection of	of the property must comply v Water Quality, Streams, Wetla gh 14-350 of the Baltimore Cou	ands and Floodplains (Sections
<u></u>	•	of this property must comply of this property must comply of Section 14-401 through 14-422	
<u>X</u>	Critical Area	of this property must comply of Regulations (Sections 26-436) he Baltimore County Code).	
<u>X</u>	Mitigation will foot shoreline	l be required for any net increase buffer.	ase in structure within the 100
Revie	wer: <u>Glenn Sh</u>	<u>affer</u>	Date: January 18, 2000

Sini 1/28

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

Date: January 12, 2000

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): 265 and 267

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.

ffy N. Zong

Section Chief:

AFK/JL



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

Date: 1 . 6. 00

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

RE: Baltimore County

Item No. Z67

LTM

RECEIVED JAN 1 0 2000

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,

1. J. Sulli

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

Baltimore County and

\*\*\*Pepartment of Permits and

every office Building, Room 111

Mail Stop #1105

111 West Chesapeake Avenue

Towson, Maryland 21204

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

ATTENTION: Gwen Stephens

RE: Property Owner: MICHAEL E. GOLLIDAY AND LORI A. GOLLIDAY

Location: DISTRIBUTION MEETING OF JANUARY 10, 2000

Item No.: 267

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.

- 1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.
- 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.
- 11. IF THE BUILDING PERMITS FOR THIS DEVELOPMENT ARE ISSUED AFTER JUNE 30, 1998; THE DEVELOPER SHALL PROVIDE A RURAL WATER SUPPLY FOR FIRE FIGHTING PURPOSES, OR INSTALL SPRINKLER SYSTEMS COMPLYING WITH NFPA 13D IN ALL HOUSES. AS PER FIRE DEPARTMENT REQUIREMENTS, IN ACCORDANCE WITH BALTIMORE COUNTY FIRE PREVENTION CODE; SECTION F-517.12.

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

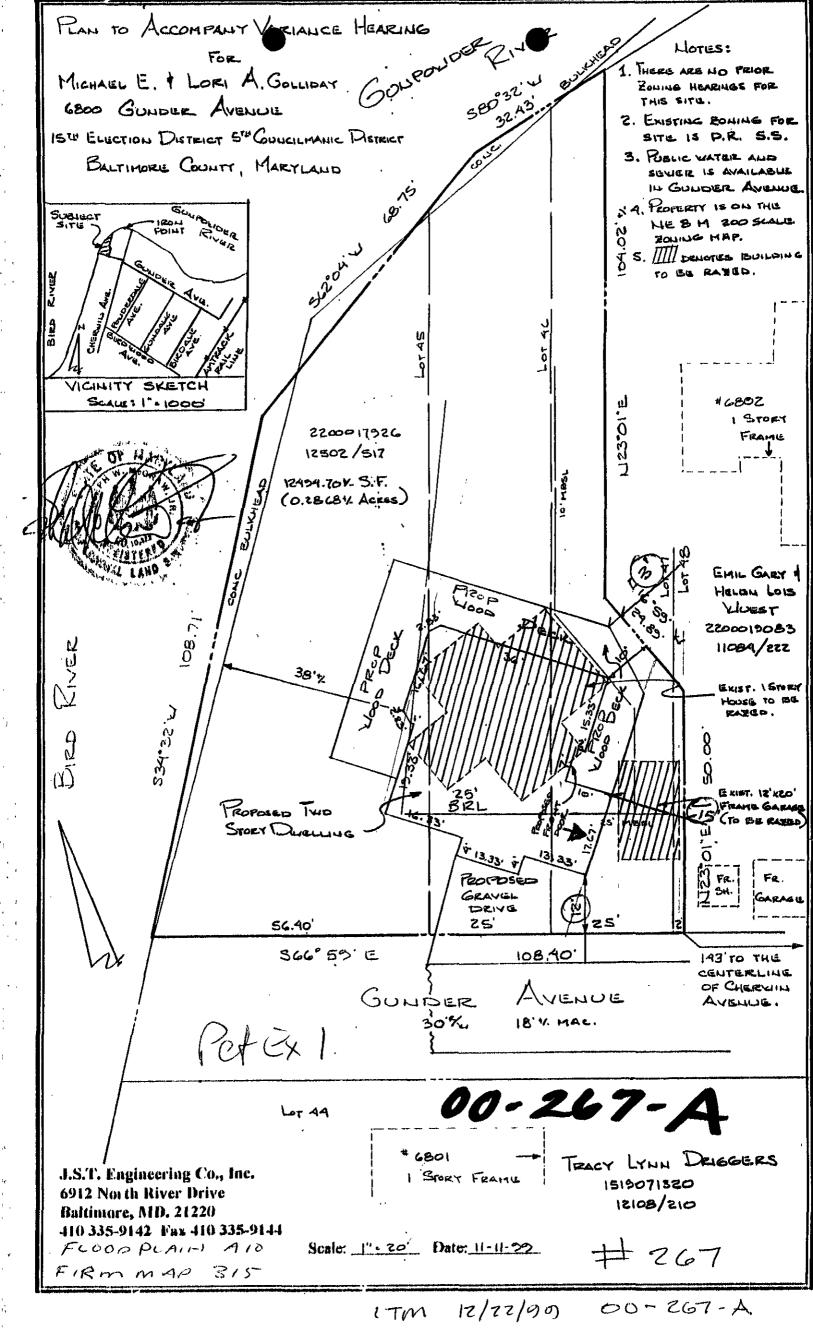
cc: File



# ZONING HEARING FILE INTERNAL SHECKLIST

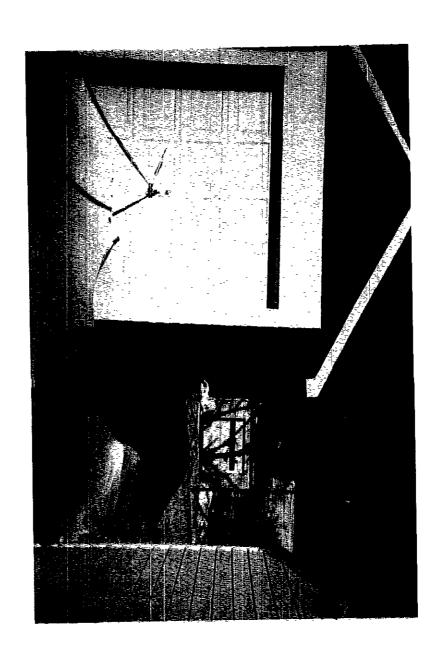
# Zoning Case No. \_\_\_\_\_\_\_\_\_

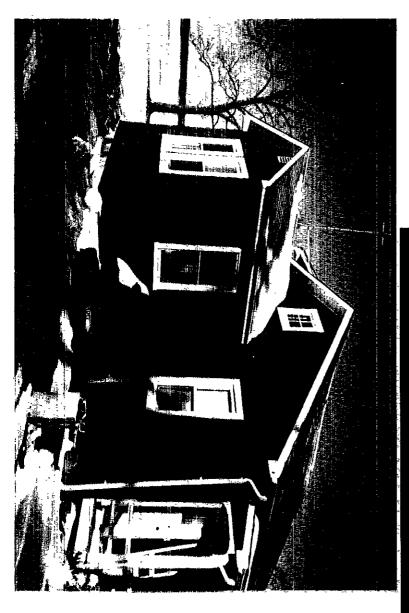
Date Completed/Initials	
#9#\\\. 	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp or front of folder)
<del></del>	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
1 112	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
1. J	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
4	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
<i>j*</i> ,	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)









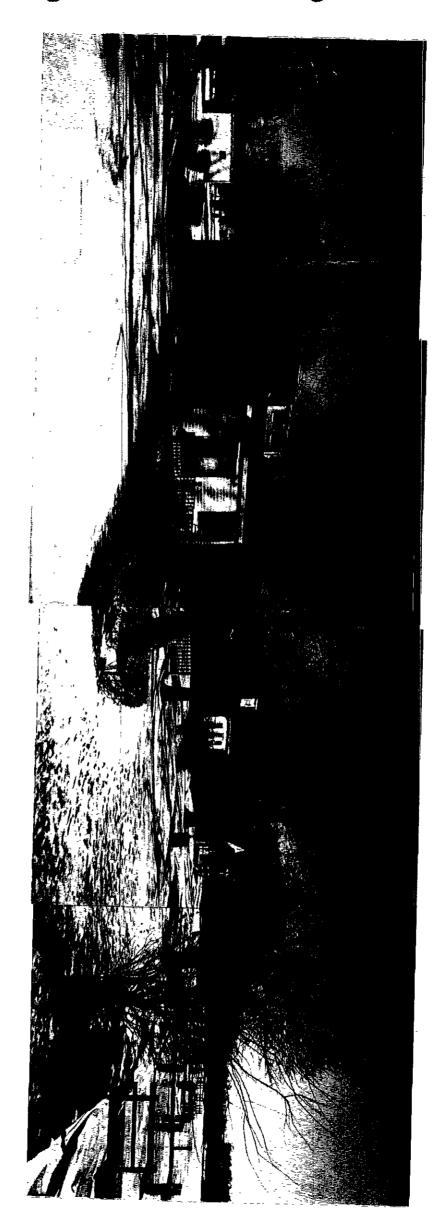




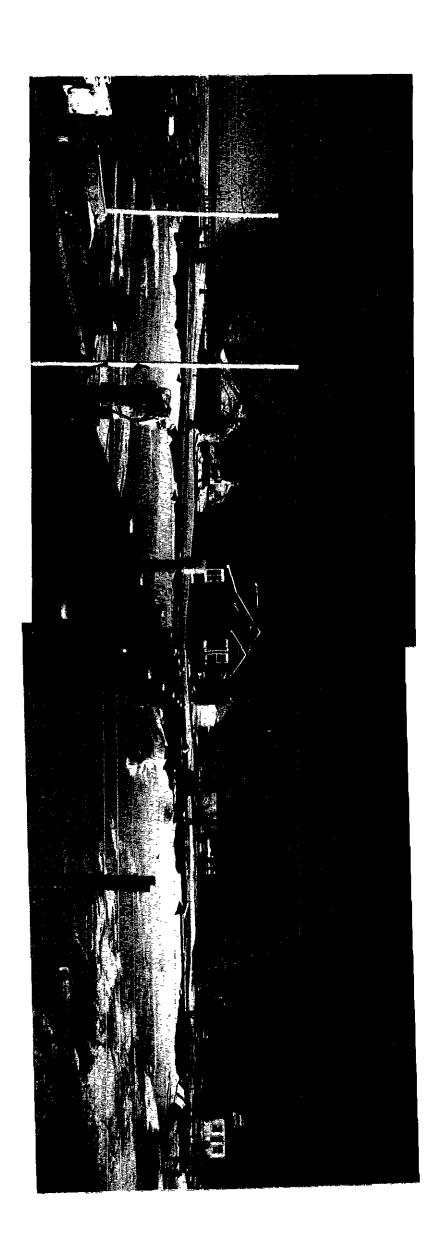


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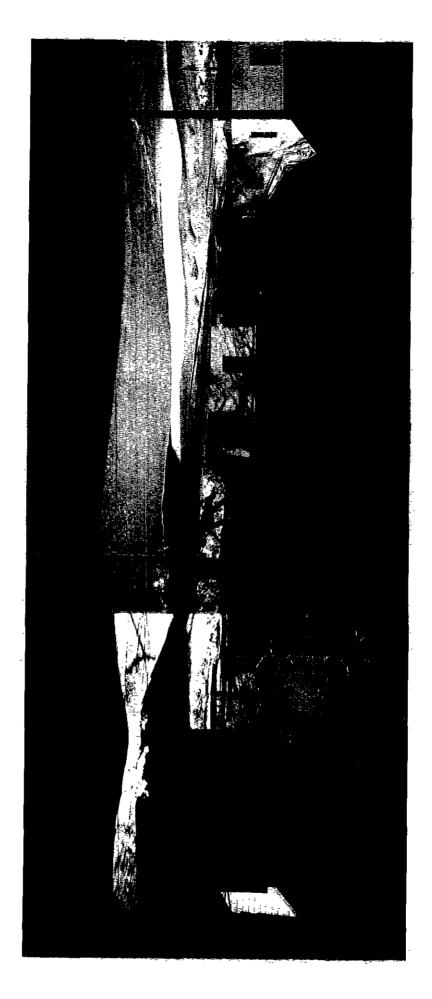












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