IN RE: PETITION FOR ADMIN. VARIANCE

W/S Dixon Avenue, 1100' N

Centerline Joppa Road

9th Election District

6th Councilmanic District

(9644 Dixon Avenue)

John P. Kelly Petitioner * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 00-319-A

. * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by John P. Kelly, property owner, for that property known as 9644 Dixon Avenue in the Carney area of Baltimore County. The Petitioner herein seeks a variance from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front yard setback of 29 ft. in lieu of the required front yard average setback of 38.5 ft. for an addition. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

3/6/00 Mental Marie Annual Control of the Control o Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this \cancel{b} day of March, 2000, that a variance from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front yard setback of 29 ft. in lieu of the required front yard average setback of 38.5 ft. for an addition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

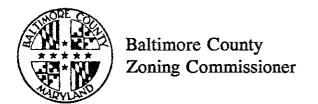
TIMOTHY M/KOTROCO

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

March 6, 2000

Mr. John P. Kelly 9644 Dixon Avenue Baltimore, Maryland 21234

Re: Petition for Administrative Variance

Case No. 00-319-A

Property: 9644 Dixon Avenue

Dear Mr. Kelly:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative 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,

Timothy M. Kotroco

Deputy Zoning Commissioner

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TMK:raj Enclosure



rinted with Soybean lok

on Recycled Paper











REU 9/15/98

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

W Y AND		O	_	_	
		for the propert	y located at <i>_964</i>	44 DIXOW A	UE
			which is pr	esently zoned $\underline{\mathcal{P}}$.R. 5.5
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setback o	f, hereby petition for a V	lieu of	the required	front yord	GUPTGAO
setback	of 38.5 ft	•	·	7	· · · · · · · · · · · · · · · · · · ·
of the zoning regulation form	ations of Baltimore Cou	nty, to the zoning l	aw of Baltimore Cour	nty, for the reasons indi	cated on the back
l, or we, agree to pay	osted and advertised as y expenses of above Varia ictions of Baltimore Count	ance, advertising, po	sting, etc. and further a	gree to and are to be bou ltimore County.	ınded by the zoning
			I/We do solemnly perjury, that I/we a is the subject of th	declare and affirm, under are the legal owner(s) of this is Petition.	the penalties of ne property which
Contract Purcha	ser/Lessee:		Legal Owner(s	s):	
			John	P. KELLY	/
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Signature			Signature	D July	
Address		Telephone No.	Name - Type or Prin	<u> </u>	
Dity	. State	Zip Code	Signature		
<u> Attorney For Pet</u>	titioner:		96 44 0	TXIN AUC	410 66500
			Address BALTo.	444	Telephone No.
Name - Type or Print			City	State	Zip Code
1			Representativ	e to be Contacted:	
Signature			SA	ũe	
Sompany	 		Name		- 410 388 67
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ity Z	State	Zip Code	City	State	Zip Code
Public Hearing having day of	ng been formally demande that	d and/or found to be the subject matter of the	required, it is ordered to	y the Zoning Commissioner blic hearing, advertised, as n	of Baltimore County,
gulations of Baltimore	County and that the property	be reposted.	p 20 201 101 to pte		
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7			Zoning Co	mmissioner of Baltimore Cou	inty
TACE NO	AA - 210. /	١	In	•	leda

Estimated Posting Date ___

Affidavit in Support of Administrative Variance

The und	dersigned	hereby a	affirms und	ler the	penalties	of perjury	to the	Zoning	Commission	er of	Baltimo	re Coun	tv. as
tollows:	That the	informat	ion herein	given i	is within th	ne person	al knov	vledae o	of the Affiant	(s) an	d that A	\ffiant(s)	is/are
compete	ent to testif	y thereto	in the eve	nt that a	a public he	aring is so	heduled	d in the fi	uture with re	gard th	nereto.		-

follows: That the information herein given is within competent to testify thereto in the event that a public h	the personal knowledge of the Affiant(s) and that Affiant(s) is/are nearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at	644 DIXON AUGNUE
Addre City	State Zio Code
That based upon personal knowledge, the following a Variance at the above address (indicate hardship or p	are the facts upon which I/we base the request for an Administrative ractical difficulty):
DesiRE to increase living Room	area, Property is too narrow to
edd to width to house, monitor	rily impractical to add to rear of property
ue to Kitchen & Bedroom locar	ted at rear & living room located in front.
That the Affiant(s) acknowledge(s) that if a formal advertising fee and may be required to provide addition	demand is filed, Affiant(s) will be required to pay a reposting and nal information.
·	ash PNll
Signature	Signature
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE	, to wit:
I HEREBY CERTIFY, this day ofday ofday of Maryland, in and for the County aforesaid, personal	Lond, before me, a Notary Public of the State
the Affiant(s) herein, personally known or satisfactori law that the matters and facts hereinabove set forth ar	ly identified to me as such Affiant(s), and made oath in due form of re true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal	
2/1/00	Dunt Hasch
Date	Notary Public

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as

follows: That the information herein given is competent to testify thereto in the event that a	s within the person public hearing is	onal knowledge scheduled in the	of the Affiant(s) a future with regard	and that Affiant(s) is/are thereto.
That the Affiant(s) does/do presently reside at		^	AUGNUE	
	BAUT IN	PORE	MD State	2/234/ Zip Code
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Signature		Signature	P KE	
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STATE OF MARYLAND, COUNTY OF BALT	IMORE, to wit:	·		
of Maryland, in and for the County aforesaid, p	ersonally appear	<i>2000</i> ed	, before me, a N	otary Public of the State
the Affiant(s) herein, personally known or sat law that the matters and facts hereinabove set	sfactorily identifie forth are true and	ed to me as suc d correct to the b	h Affiant(s), and moest of his/her/their	ade oath in due form of knowledge and belief.
AS WITNESS my hand and Notarial Seal			10	/
2/1/01	BY = J -	Du	Head	<u></u>
Date	-	Public mmission Expire	es 7/1/6	ر ا

REU 09/15/98



280 9/15/98

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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 zoni regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. We do solemnly declared and affirm, under the penalties of perjury, that I We are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s):		00 02			,		County
This Petition shall be filed with the Department of Permits and Development Management. The undersigned, leg owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto a made a part hereof, hereby petition for a Variance from Section(s) 303,1 to permit a front y set back of 29 ft. In figure of the required front y and which is described in the description and plat attached hereto a made a part hereof, hereby petition for a Variance from Section(s) 303,1 to permit a front y set back of 29 ft. In figure of the required front y and average set back of 38.5 ft. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the bac of this petition form. Of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the bac of this petition form. 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 and the penalties of perior, that towe are the legal owner(s): Contract Purchaser/Lessee: Legal Owner(s): 1. Very State Zip Code Address Telephone No. Name - Type or Print Signature 2. Address Telephone No. Representative to be Contacted: 5. Aux Name - Type or Print Signature 2. Address Telephone No. Address Telephone No. Telephone No. Address Telephone No.		f	for the propert	y located at <i>_96</i>	44 DIXON	AUE	
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010	s			Zoning Co	ommissioner of Baltime	ore County	
CASE NO. 60-3/9-14 Reviewed By 19/4 Date 2/4/00	CASE NO. 60	- 319-A		and B. BN	A 32	2/4/.	<u> </u>

Estimated Posting Date 2/11/00

ZONING DESCRIPTION FOR 9644 DIXON AVENUE

Bigining at apoint on the West side of Dixon Quense which is 50 feet wide at the distance of 1100' north of the Centerline of the nearest improved intersecting street ToppaRead which is 50' feet wide. Being lots # 149-150 in the subdivision of Carney View as recorded in Baltimore County Plat Book # 7, Folio # 90 Containing 10,250 square Poet. Also known as 9644 Dixon Greene and located in the 9th

District

Election District 6th Councilmanic

00-319-A

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT

No. 078664

DATE	₹	; <u> </u>	ACCOUNT	Rock 6173
			AMOUNT \$	70.83
RECEIVED FROM:				
FOR:	۲,		and the second	16 11 11 11 1 C C
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00-319-A

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CASHIER'S VALIDATION

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY

YELLOW - CUSTOMER

CERTIFICATE POSTING

	RE: Case No.: 00319A
	Petitioner/Developer: John Kelle
	9644 DIXON AVE
	Date of Hearing/Closing: 28 Feb 200
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 were posted conspicuously on the property	f perjury that the necessary sign(s) required by law located at 9644 DIXON AVE
The sign(s) were posted on10 Feb 2	2000 02/10/00
and the second of the second o	(Month, Day, Year)
	Sincerely,
	All ble 02 10 2000
	(Signature of Sign Poster and Date)
	SSG BLACK, ROBERT A
	(Printed Name)
And the second s	1508 Los I; e Rd (Address),
	Dundalk md 21222
The second secon	(City, State, Zip Code)
	410-282-7940
The state of the s	(Telephone Number)

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.

For Newspaper Advertising:
Item Number or Case Number:
Petitioner: John PATRICK KELLY
Address or Location: 96 44 PIXON AVENUE
,
PLEASE FORWARD ADVERTISING BILL TO:
Name: John PATRICK KELLY
Address: 96 44 DIXON AVE
BALTIMONE Md. 21234
Telephone Number: 4/6 665 0014

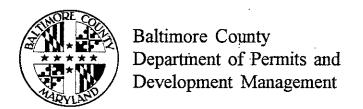
Revised 2/20/98 - SCJ

	prepared by: Scale of Drawing: 1'=
Zoning Office USE ONLY!	North
SEVER: SE	
Zoning: Lot size: acreage square feet	
LOCATION INFORMATION Election District. Councilmanic District:	
Vicinity Map Horin scale: 1'=1000'	
	plat book#,tolia#,lot#,section#
riance Special Hearing	Plat to accompany Petition for Zoning Variance

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00- 3/9 -A	Address 9644 Dixon Ave.
Contact Person: Bruno Rudait: Planner, Please Print Your Nan	Phone Number: 410-887-3391
Filing Date: 2/4/00 Posting	Date: $\frac{2/u/60}{}$ Closing Date: $\frac{2/28/60}{}$
Any contact made with this office regarding through the contact person (planner) using	he status of the administrative variance should be ase number.
reverse side of this form) and the petitio reposting must be done only by one of the is again responsible for all associated or	te one of the sign posters on the approved list (on the ner is responsible for all printing/posting costs. Any e sign posters on the approved list and the petitioner osts. The zoning notice sign must be visible on the ted above. It should remain there through the closing
 DEADLINE: The closing date is the dead a formal request for a public hearing. request for a public hearing, the process in 	dline for an occupant or owner within 1,000 feet to file Please understand that even if there is no formal is not complete on the closing date.
commissioner. He may: (a) grant the rorder that the matter be set in for a positive control of the closing the clo	e will be reviewed by the zoning or deputy zoning equested relief; (b) deny the requested relief; or (c) public hearing. You will receive written notification as date) as to whether the petition has been granted, order will be mailed to you by First Class mail.
(whether due to a neighbor's formal re commissioner), notification will be forwa changed giving notice of the hearing date	POSTING: In cases that must go to a public hearing quest or by order of the zoning or deputy zoning arded to you. The sign on the property must be a time and location. As when the sign was originally photograph of the altered sign must be forwarded to
(Detach A	long Dotted Line)
Petitioner: This Part of the Form is for the Si	gn Poster Only
	VE VARIANCE SIGN FORMAT
Case Number 00-319 -A Address	9644 Dixon Ave.
Petitioner's Name John Kelly	Telephone $\frac{4/0 - 388 - 6740 d_{\odot}}{2/28/00}$ Closing Date: $\frac{2/28/00}{2}$
Posting Date: 2 11 00	Closing Date: 2/28/00
Nording for Sign: <u>To Permit</u> a treat y	ard setback of 29 st. in lieu of
the required tront yard quer	ege setback of 38.5 ft.



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

February 25, 2000

Mr. John P. Kelly 9644 Dixon Avenue Baltimore MD 21234

Dear Mr. Kelly:

RE: Case Number 00-319-A, 9644 Dixon Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 4, 2000.

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.

Sincerely,

W. Carl Richards, Zoning Supervisor

Zoning Supervis
Zoning Review

WCR:ggs

Enclosures















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

RECEIVED FEB 2 5 2000

February 17, 2000

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 February 14, 2000

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:

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley

DATE:

February 16, 2000

SUBJECT:

Zoning Petitions

Zoning Advisory Committee Meeting of February 14, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
314	55 Music Fair Road
315	16 Trojan Horse Drive
316	201 N. Tyrone Road
317	12 Barthel Court
318	24 Sagewood Court
319	9644 Dixon Avenue
320	14 - 28 Melrose Avenue
287 .	5780 Baltimore National Pike
<u></u>	<u> </u>

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 23, 2000

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 22, 2000

Item No. 319

The Bureau of Development Plans Review has reviewed the subject zoning item. Dixon Avenue is an existing road which shall ultimately be improved as a 30-foot street cross section on a 50-foot right-of-way.

RWB:HJO:jrb

cc: File

PY A

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

FFR 1 6

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

Date: February 16, 2000

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): 319

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

Administrator

Date: 2.14.00

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

RE: Baltimore County

Item No. 3/9

73 R

Dear, Ms. Jackson:

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., Chief Engineering Access Permits Division

SITE PLAN TO BE USED IN JETERMINING FRONT YARD DEPTHS IN RESIDENCE ZONES WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED Reference - Section 303, 1 Baltimore County Zoning Regulations

front yard depth of any building or other structure hereafter erected shall be the average of the front 303.1 -In D.R.2, D.R.3.5 and D.R.5.5 Zones the on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 e depth of the front yard of any building hereafter noted shall be not less than the average depth of early building hereafter to front yards of all improved lots within 200 feet depths of the lots immediately adjoining on side provided such adjoining lots are improved principal buildings situate within 200 feet of pint side property line, but where said immedi-

zones, 50 feet in D.R.J.S zones and 40 feet in D.R.S.S) JAIOI 154 _ †

REQUIRED FROM (averaged) 38.5

principal buildings have front yards of less depth

In no case, however, shall nonresidential

201100.

NORMAL REQUIRED SEIBACKS

vilding address

DIKON

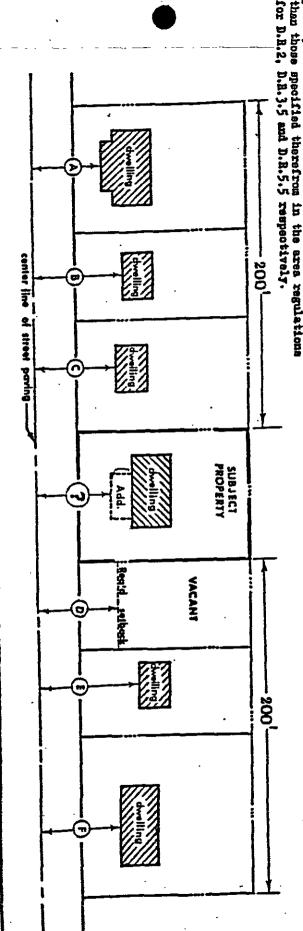
AUGIUUT

00-319

) 200t

D.R.2 - 65 ft. D.R. 3.5- 55 ft.

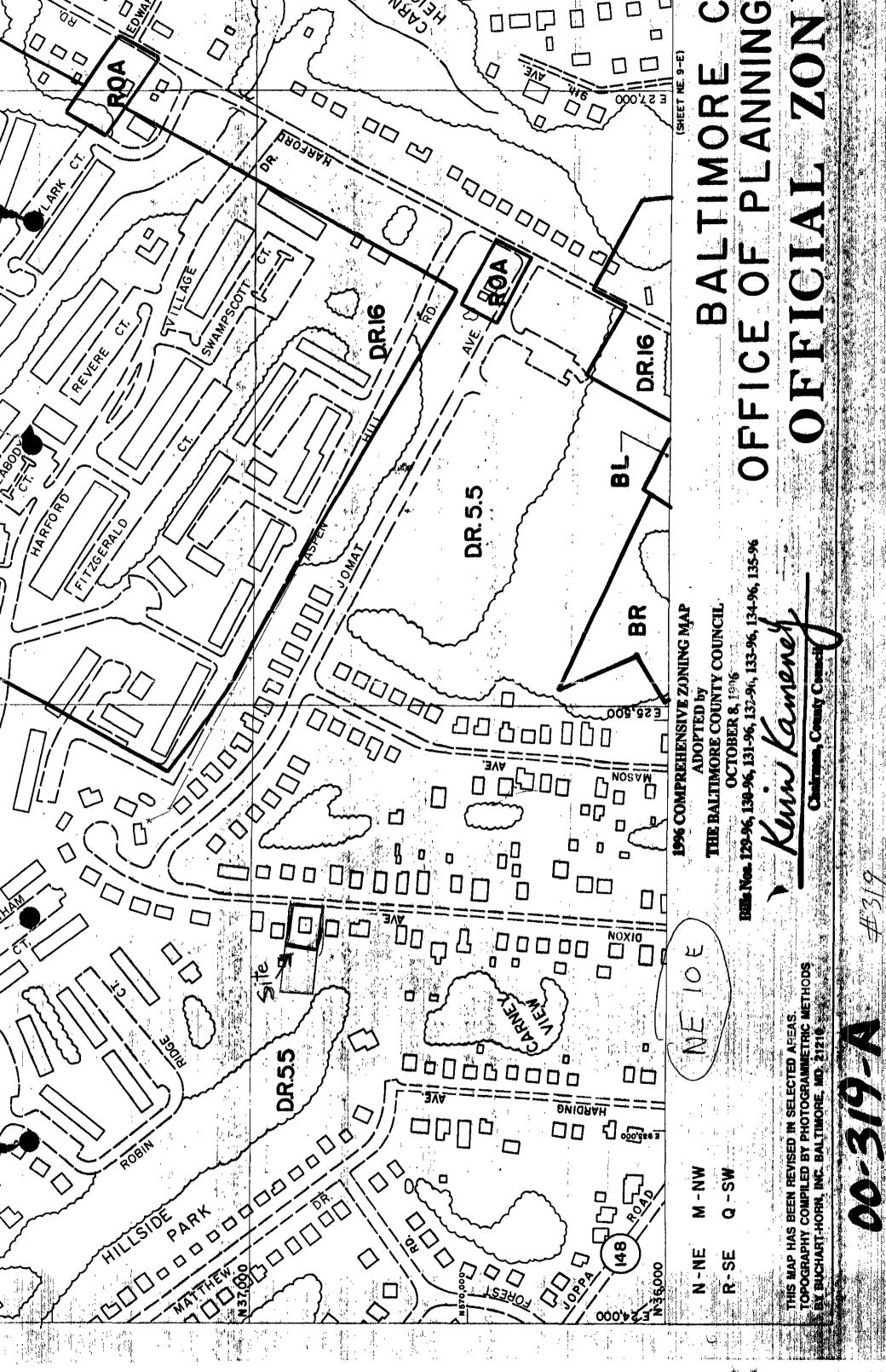
D.R.5.5- 50 ft.



1#.X9:19d

o accompany Petition for Zoning Varia	nce Special Hearing
DDRESS: That DIXON RUE NUE	6 of the CHECKLIST for additional required information
plat book# 7, tolio# 90, lot# 149(15) section#	
OWNER: John Patrick Kelly	
80' So' W'	THE STATE OF THE PARTY OF THE P
EST-10/25/15/ 140/10/11/16 140/10/11/16	ANGEL STATE OF THE
FOECESCH , Jaseph Rathenine Relly John P. Furnari, Anthony & Bowthy. 0906450980 0906100190 0906820521	With Map scale: 1'=4000'
,	LOCATION INFORMATION Election District: 6th Councilmanic District: 9th
) :	T-200' scale map#: DE 10E Zoning: 0.8.5
<u> </u>	Lot size:
pippas et sons	
152 152 152 152 152 152 152 152 152 152	Prior Zoning Hearings:
	Zoning Office USE ONLY! reviewed by: ITEM #: CASE#:
prepared by: CMN Scale of Brawing: 1'= 30'	13h 319 00-319-4

The state of the second of





9636,9638 Dixon Avenue



Subject Property 9644 Dixon Aut



Looking South From Subsect Property - 9644 towards 9640

00-319-A

