

IN RE: PETITION FOR SPECIAL HEARING
NW/S Magledt Road opposite
Goldenrod Lane
11th Election District
6th Councilmanic District
(9712 & 9714 Magledt Road)

Joseph Buchanan and Thomas Sperl
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-367-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, Joseph Buchanan and Thomas Sperl. The special hearing request involves property located at 9712 and 9714 Magledt Road which is situated in the Carney area of Baltimore County. The subject property is zoned D.R.3.5. The special hearing request is to amend the 3rd Amended Final Development Plan for the re-subdivision of Lots 2 and 3 to create two additional lots.

Appearing at the hearing on behalf of the request were Tom Sperl and Joe Buchanan, property owners and Dwight Little, professional engineer who prepared the site plan of the property.

Testimony and evidence indicated that the Petitioners are desirous of combining their properties for the purpose of creating two additional building lots along Magledt Road. The two lots in question are shown on the site plan submitted as Petitioners' Exhibit 1 as Lots 20 and 21. Mr. Buchanan lives in the house shown at 9712 Magledt Road and Mr. Sperl lives in the house shown on the plan as 9714 Magledt Road. The property which is the subject of this request is located between the two houses of the gentlemen. The lots themselves meet all size and area requirements and there are no variances being requested for any house to be constructed thereon. Therefore, the only relief necessary is the special hearing request to allow the re-subdivision and the amendment to the 3rd Final Development Plan of Britinay III.

COPIES RECEIVED FOR FILING

DATE

BY

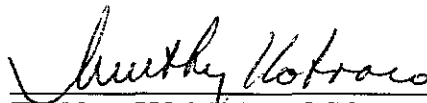
4/26/00
R. J. [Signature]

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the special hearing were not granted. It has been established that the requirements from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of April, 2000, that the Petitioners' Request for Special Hearing from Section 500.7 of the Baltimore County Zoning Regulations, to amend the 3rd Amended Final Development Plan for the re-subdivision of Lots 2 and 3 to create two additional lots, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be filed within thirty (30) days from the date of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

COPY RECEIVED FOR FILING
Date 4/26/00
By R. Johnson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

April 25, 2000

Mr. Joseph E. Buchanan
9712 Magledt Road
Baltimore, Maryland 21234

Mr. Thomas W. Sperl
9714 Magledt Road
Baltimore, Maryland 21234

Re: Petition for Special Hearing
Case No 00-367-SPH
Property: 9712 & 9714 Magledt Road

Dear Messrs. Buchanan & Sperl:

Enclosed please find the decision rendered in the above-captioned case. The Request for Special Hearing 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

TMK:raj
Enclosure

c: Mr. Dwight Little
c/o W. Duvall & Associates, Inc.
530 E. Joppa Road
Baltimore, Maryland 21286



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9712 & 9714 Magledt Road

which is presently zoned DR 3.5

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

FOR RESUBMISSION of (CEM)

To approve the 3rd. amended Final Development Plan, ~~to subdivide~~ lots 2 & 3 to create 2 additional lots.

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

I, or we, agree to pay expenses of above Special Hearing, 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.

I/We do solemnly declare 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:

~~Contract Purchaser/Lessee~~

Thomas W. Spert

Name - Type or Print

Signature

9714 Magledt Road

410-256-1000

Address

Telephone No.

Baltimore

MD

21234

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Joseph E. Buchanan

Name - Type or Print

Signature

Susan E. Buchanan

Name - Type or Print

Signature

9712 Magledt Road

(410) 882-5827

Address

Telephone No.

Baltimore

MD

21234

City

State

Zip Code

Representative to be Contacted:

Chuck Merritt

c/o W. Duvall & Associates, Inc.

Name

530 E. Joppa Road

(410) 583-9571

Address

Telephone No.

Baltimore

MD

21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR

UNAVAILABLE FOR HEARING _____

Reviewed By JL

Date 3/10/00

Case No. 00-367 SPH

367

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners



530 East Joppa Road
Towson, Maryland 21286

Telephone: (410) 583-9571
Fax: (410) 583-1513

March 6, 2000

ZONING DESCRIPTION FOR BRITINAY III

Beginning at a point in the center of Magledt Road, 60 feet wide, at the distance of 530 feet southwesterly from the centerline of the nearest improved intersecting street, Goldenrod Lane, which is 50 feet wide; thence North 10 degrees 52 minutes 10 seconds West 466.27 feet; thence North 01 degrees 47 minutes 58 seconds East 409.40 feet; thence South 89 degrees 40 minutes 02 seconds East 371.76 feet; thence South 33 degrees 11 minutes 34 seconds East 428.71 feet; thence South 35 degrees 02 minutes 33 seconds West 313.46 feet; thence South 51 degrees 44 minutes 30 seconds West 131.98 feet; thence South 55 degrees 02 minutes 15 seconds West 100.20 feet; thence South 56 degrees 30 minutes 58 seconds West 166.02 feet to the place of beginning. Being known as the subdivision of Britinay III as recorded in Baltimore County Plat Book #61 folio 11, containing 8.3 acres, and located in the 11th Election District.

Professional seal of a surveyor from the State of Maryland, with a handwritten signature over it.

00-367-SPH

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

✓L 367 No. 078933

DATE 3/10/00 ACCOUNT R0016150

AMOUNT \$ 100.00

RECEIVED FROM: 100 DOLLARS

FOR: 5114 FOR (E LORS) HAND TO EDP

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

00-367-5DH

CASHIER'S VALIDATION:

PAY RECEIPT
100.00
RECEIVED BY: [Signature]
DATE: 3/10/00
AMOUNT: \$100.00
BALTIMORE COUNTY'S CASHIER

CERTIFICATE OF PUBLICATION

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: #00-367-SPH
9712 & 9714 Magledd Road
NW/S Magledd Road opposite Goldenrod Lane
11th Election District

6th Councilmanic District
Legal Owner(s): Thomas W. Spert

Special Hearing: to approve the Third Amended Final Development Plan for resubdivision of Lots 2 and 3 to create two additional lots.

Hearing: Monday, April 24, 2000 at 11:00 a.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 accommodations 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.

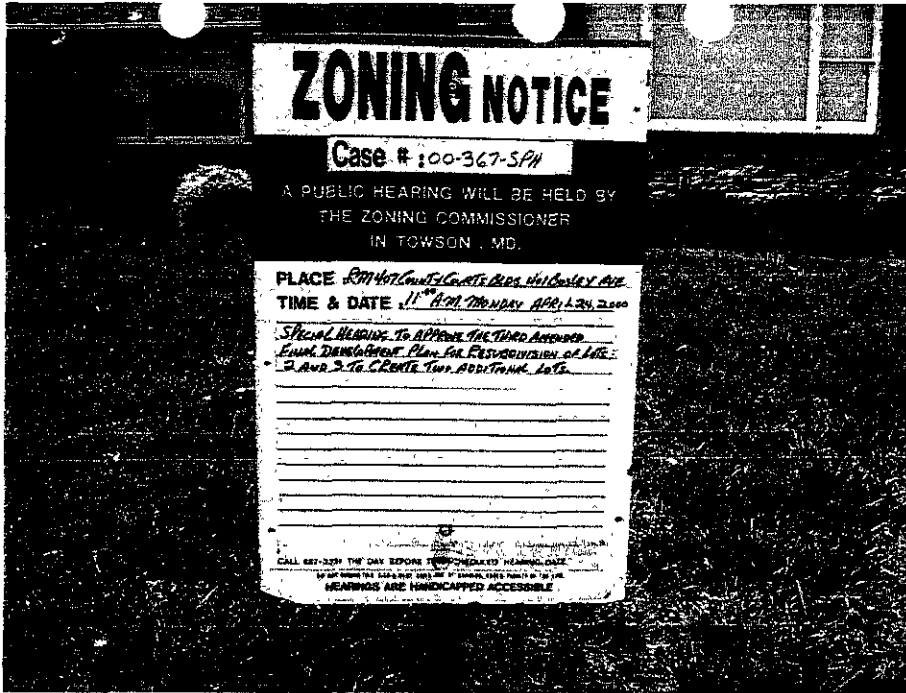
4/021 Apr. 6 C381864

TOWSON, MD, 4/7/, 2000

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 4/6/, 2000.

J. Wilkinson
THE JEFFERSONIAN,

LEGAL ADVERTISING



Posted at 9712 & 9714 Magledt Rd.

CERTIFICATE OF POSTING

**RE: CASE # 00-367-SPH
PETITIONER/DEVELOPER
(Thomas W. Spert)
DATE OF Hearing
(4-24-00)**

**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
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

9712 & 9714 Magledt Road Baltimore, Maryland 21234_____

**THE SIGN(S) WERE POSTED ON _____ 4-7-00 _____
(MONTH, DAY, YEAR)**

SINCERELY,

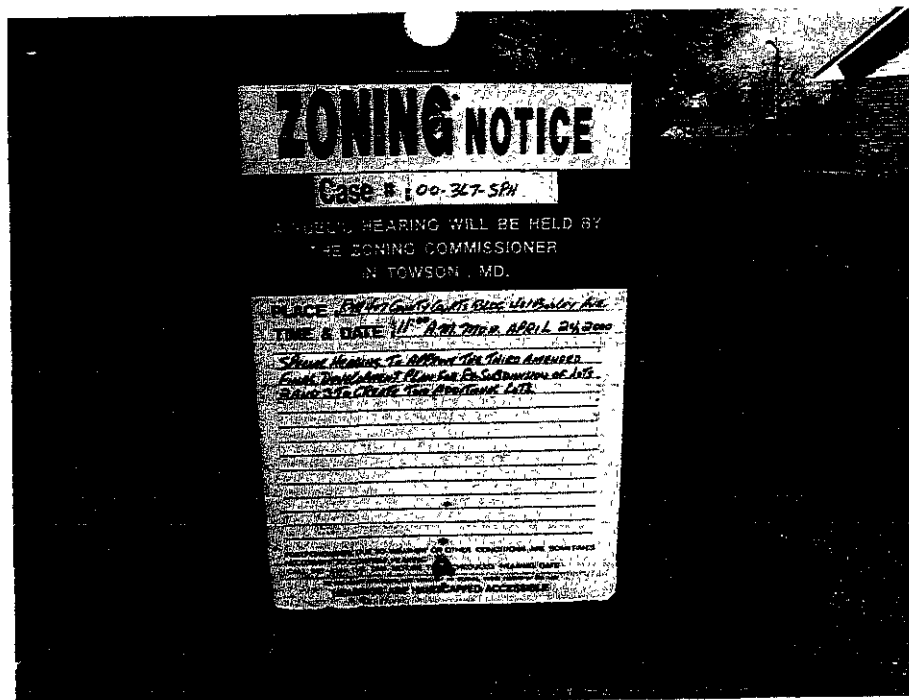

(SIGNATURE OF SIGN POSTER & DATE)

_____ THOMAS P. OGLE SR. _____

_____ 325 NICHOLSON ROAD _____

_____ BALTIMORE, MARYLAND 21221 _____

**_____ 410-687-8405 _____
(TELEPHONE NUMBER)**



Re-posted on 4-12-00 9712 & 9714 Maglecdt Rd

CERTIFICATE OF POSTING

**RE: CASE # 00-367-SPH
PETITIONER/DEVELOPER
(Thomas W. Spert)
DATE OF Hearing
(4-24-00)**

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204**

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SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

9712 & 9714 Magledt Road Baltimore, Maryland 21234_____

**THE SIGN(S) WERE POSTED ON _____ 4-12-00(Reposted - Sign was taken) _____
(MONTH, DAY, YEAR)**

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

_____ THOMAS P. OGLE SR. _____

_____ 325 NICHOLSON ROAD _____

_____ BALTIMORE, MARYLAND 21221 _____

**_____ 410-687-8405 _____
(TELEPHONE NUMBER)**

RE: PETITION FOR SPECIAL HEARING
9712 & 9714 Magledt Road, W/S Magledt Rd,
S/W of Goldenrod Lane
11th Election District, 6th Councilmanic


Legal Owner: Thomas W. Sperl
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-367-SPH

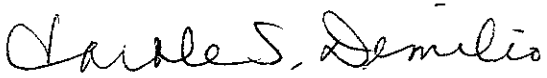
* * * * *

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



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 14th day of March, 2000 a copy of the foregoing Entry of Appearance was mailed to Chuck Merritt, W. Duvall & Assoc., Inc., 530 E. Joppa Road, Towson, MD 21286, representative for Petitioners.



PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

March 27, 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: 00-367-SPH
9712 & 9714 Magledt Road
NW/S Magledt Road opposite Goldenrod Lane
11th Election District – 6th Councilmanic District
Legal Owner: Thomas W. Sperl

Special Hearing to approve the Third Amended Final Development Plan for resubdivision of Lots 2 and 3 to create two additional lots.

HEARING: Monday, April 24, 2000 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

C: Thomas Sperl, 9714 Magledt Road, Baltimore 21234
W. Duvall & Associates, Inc., 530 E. Joppa Road, Baltimore 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY APRIL 9, 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, April 6, 2000 Issue – Jeffersonian

Please forward billing to:

Tom Sperl 410-256-1000
C/o Tom Sperl Enterprises
4208 Ebenezer Road
Baltimore, MD 21236

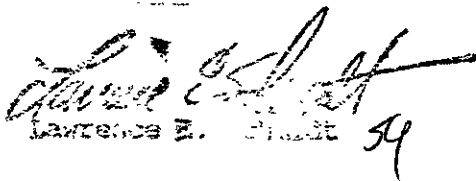
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Lawrence E. Schmidt

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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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: 367

Petitioner: TOM W. SPERL

Address or Location: 9714 MAGLETT ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: TOM SPERL
90 TOM SPERL ENTERPRISES

Address: 4208 EBENEZER ROAD

BALTIMORE MARYLAND 21236

Telephone Number: 410-256-1000

Revised 2/20/98 - SCJ

00-367-SPH



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

April 21, 2000

Mr. Chuck Merritt
W. Duvall & Associates, Inc.
530 E. Joppa Road
Baltimore MD 21286

Dear Mr. Merritt:

RE: Case Number 00-367-SPH , 9712 AND 9714 Magledt Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 10, 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, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 21, 2000

FROM: *RWB* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 27, 2000
Item Nos. 362, 363, 366, 367, 368,
and 369

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

March 21, 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 MARCH 20, 2000

Item No.: 362, 364, 365, 366, 367, 368, 369

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.

THE FIRE MARSHAL'S OFFICE HAS NO COMMENTS AT THIS TIME.

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 *RBS*
DATE: April 10, 2000
SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of March 20, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
362	7901 Comes Avenue
363	8432 Pulaski Highway
367	9712 and 9714 Magledt Road
368	321 North Beaumont Avenue
369	2107 Cider Mill Road

Sept
4/24

BALTIMORE COUNTY, MARYLAND

MAR 21

INTER-OFFICE CORRESPONDENCE

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

DATE: March 21, 2000

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

SUBJECT: 9712 and 9714 Magledt Road

INFORMATION:

Item Number: 367

Petitioner: Thomas W. Sperl

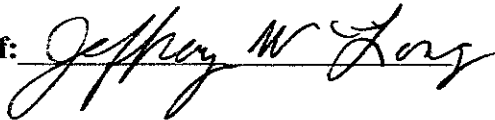
Zoning: DR 3.5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The applicant requests a special hearing to approve the 3rd Amended Final Development Plan, for Lots 2 and 3, to create 2 additional lots. Based upon an analysis of the information provided, the Office of Planning believes the creation of two lots would be inconsistent with the existing development pattern along Magledt Road. This office, however, recommends the use of shared driveways should the request be granted.

Section Chief:



AFK/JL



**Maryland Department of Transportation
State Highway Administration**

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

Date: 3.22.00

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

RE: Baltimore County
Item No. 367 JLL

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,

A handwritten signature in cursive script, appearing to read 'K. A. McDonald Jr.'.

to Kenneth A. McDonald Jr., 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

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Tom Spear

9714 MajedT RD 21234

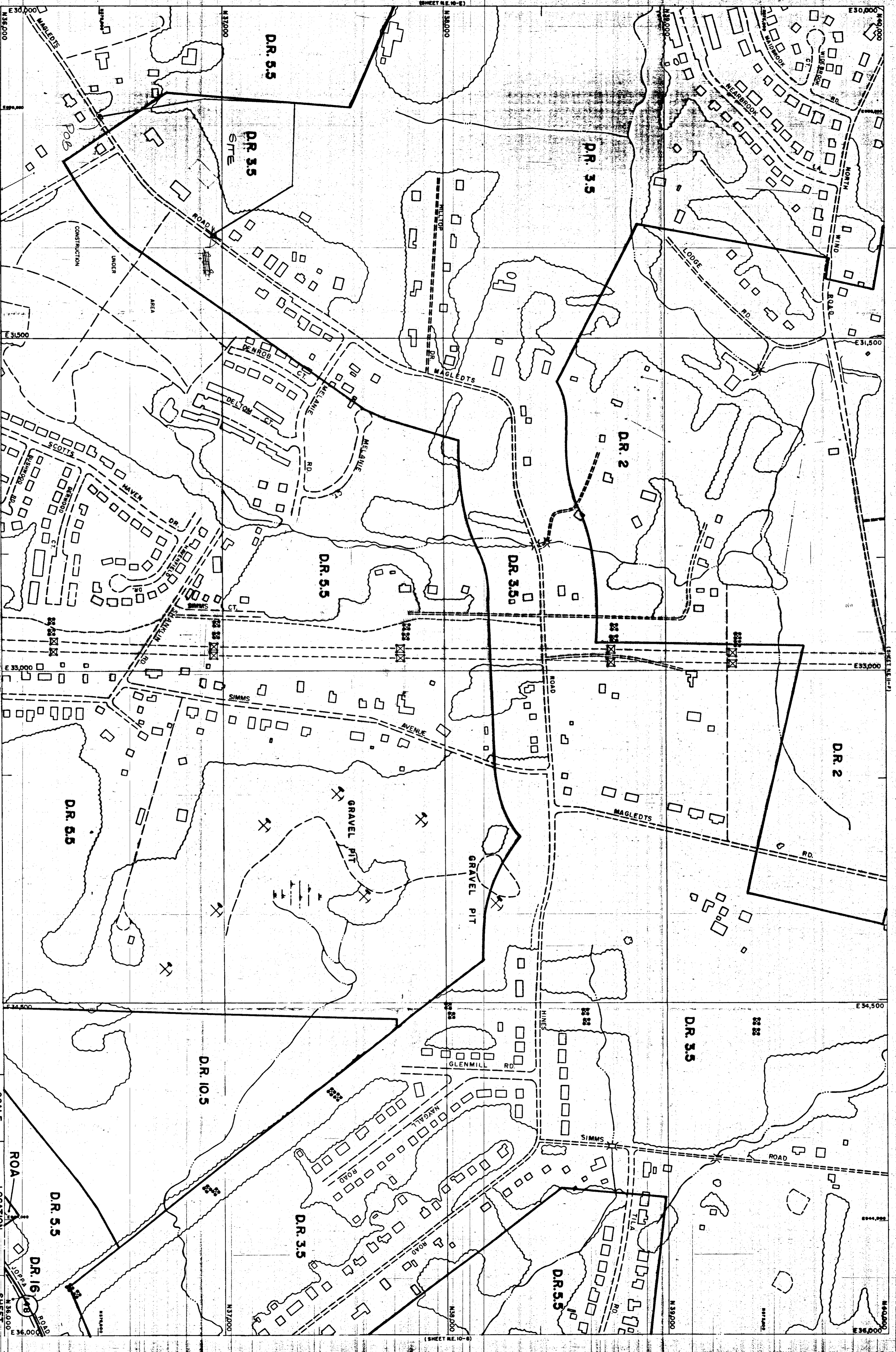
Joe BUKHAWAN

9712 MAJEDT RD 21234

Dwight Little

W. Duvall, 530 E. Joppa Rd 21286





N - NE M - NW
 R - SE Q - SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
 BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

1986 COMPREHENSIVE ZONING MAP
 ADOPTED BY
 THE BALTIMORE COUNTY COUNCIL
 OCTOBER 8, 1986
 BILL Nos. 139-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96
Karin Kamenev
 Chairman, County Council

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 OFFICIAL ZONING MAP

SCALE	1" = 200'
DATE OF PHOTOGRAPHY	JANUARY 1986
LOCATION	ROA
PREPARED BY	CARNEY PERRY HALL
SHEET	10-F

967
 00-367-SP4