IN RE: PETITION FOR VARIANCE S/S Church Road, 600' W centerline of Delight Road 4th Election District 3rd Councilmanic District (209 Church Road) Raymond & Neris Widerman Petitioners	* * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 00-516-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, Raymond & Neris Widerman. The variance request is for property located at 209 Church Road, located in the Reisterstown area of Baltimore County. The variance request is from Section 1B02.3.C.1, to allow a front yard setback of 30 ft. and a rear yard setback of 30 ft. all in lieu of the required 40 ft.

Appearing at the hearing on behalf of the variance request was Ray Widerman. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.636 acres, more or less, zoned DR 2. The subject property is shown as Lot No. 2 on the site plan submitted into evidence as Petitioners' Exhibit No. 1. The lot is unimproved at this time. Mr. Widerman wishes to construct a house that is somewhat larger than the footprint afforded by this long and narrow lot. The purpose of creating a larger home is to accommodate Mr. Widerman's mother and father, Nelson and Mary Widerman. The Petitioner testified that his parents will be moving into the house once it is constructed and will reside in a small in-law apartment in the basement of the dwelling. Therefore, permission shall be granted

to Mr. Widerman to allow him to convert the basement area of the home as an apartment for his parents.

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:

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

THEREFORE, IT IS ORDERED this 27th day of July, 2000, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1, to allow a front yard setback of 30 ft. and a rear yard setback of 30 ft. all in lieu of the required 40 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions 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.

2. The apartment created in the basement of Petitioners' dwelling shall be for Mr. Widerman's mother and father, Nelson and Mary Widerman only. In the event his parents cease to reside within the basement apartment, then Petitioners shall cause the home to revert to a single family dwelling.

Timothy Kotroco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 7/27/00
By

Baltimore County
Zoning Commissioner

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

July 27, 2000

Mr. & Mrs. Raymond Widerman
1 Alexander Court
Owings Mills, Maryland 21117

Re: Petition for Variance
Case No. 00-516-A
Property: 209 Church Road

Dear Mr. & Widerman:

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,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 209 CHURCH RD REISTERSTOWN

which is presently zoned DR2

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) 1B02.3.C.1 to permit a front yard setback of 30' in lieu of the required 40' and to permit a rear yard setback of 30 feet in lieu of the required 40'.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) NEED LARGER BUILDING AREA FOR PARENTS TO MOVE IN AND LIVE WITH US.

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.

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.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

RAYMOND A WIDERMAN
Name - Type or Print

Signature

NERIS G WIDERMAN
Name - Type or Print

Neris G Widerman.
Signature — H 410-363-6581

1 ALEXANDER CT — W 410-347-4510
Address — Telephone No.

OWINGS MILLS — MD — 21117
City — State — Zip Code

Representative to be Contacted:

Name

Address — Telephone No.

City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By TG Date 6/5/00

Case No. 00-516-A

ORDER RECEIVED FOR FILING
Date 9/15/98
By

ZONING DESCRIPTION FOR 209 CHURCH ROAD

Beginning at a point South side of Church Road which is a 60 foot wide right-of-way at a distance of approximately 600 feet West of the centerline of the nearest improved intersecting street being Delight Road which is 60 feet wide. Being also known and designated as Lot 2 in the subdivision of Michael Flora Property, #211 Church Road as recorded in Baltimore County Plat Book # 94, Folio # 113 MP, containing 0.636 acres of land, more or less. The subject property being also known as 209 Church Road and located in the 4th election district, 3rd Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 083230

DATE 6-5-00 ACCOUNT R001 6150

AMOUNT $ 50.00

RECEIVED FROM: Ray Wilderman

FOR: Variance.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PAYMENT ACTUAL TIME
6/05/2000 6/05/2000 08:23:04
REG W001 CASHIER JRTC JRC DRAWER 1
Item 5 533 ZONING VERIFICATION
Receipt 6 148.80 DELN
CR NO. 083230
Recd Tot 50.00
50.00 CK .00 CH
Baltimore County, Maryland

CASHIER'S VALIDATION

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: 00-618-A
209 Church Road
S/S Church Road, 600' W of centerline Delight Road
4th Election District
3rd Councilmanic District
Legal Owner(s): Noris & Raymond Widerman

Variance: to permit a front yard setback of 30 feet in lieu of the required 40 feet and to permit a rear yard setback of 30 feet in lieu of the required 40 feet.

Hearing: Thursday, July 27, 2000 at 10:00 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.

7/067 July 13 C403512

CERTIFICATE OF PUBLICATION

TOWSON, MD, 7/13, 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 7/13, 2000.

THE JEFFERSONIAN,

S. Wilkinson

[redacted]

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE #00-516-A
PETITIONER/DEVELOPER
(Raymond Widerman)
DATE OF Hearing
(7-27-00)

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

209 Church Road Baltimore, Maryland 21136___

THE SIGN(S) WERE POSTED ON_____ 7-11-00 _____
(MONTH, DAY,YEAR)

SINCERELY,

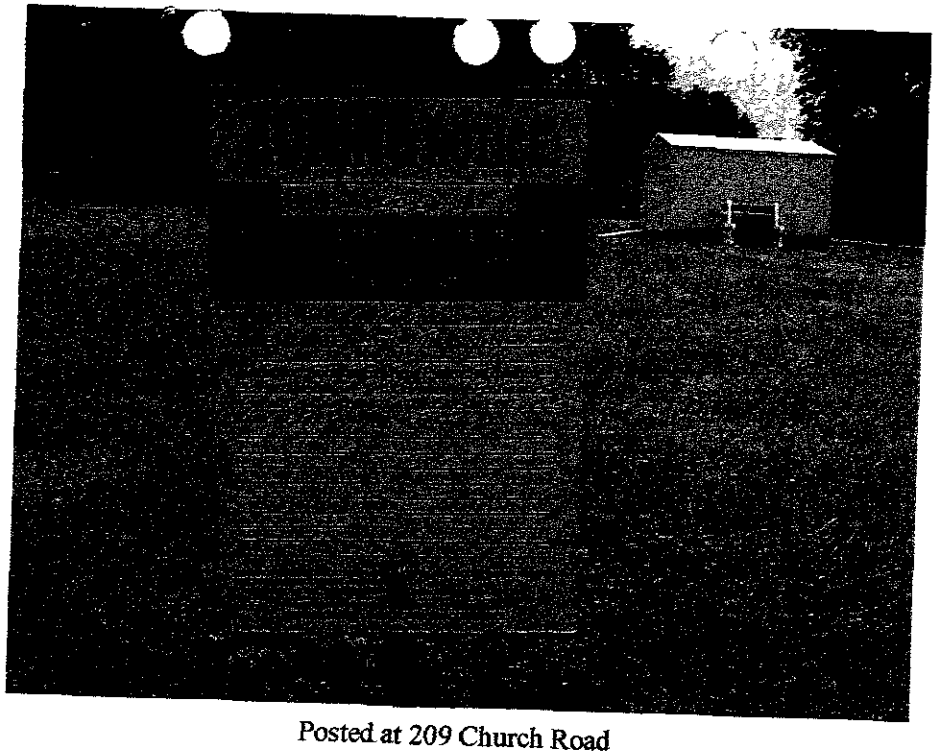
Thomas P. Ogle Sr 7/11/00
(SIGNATURE OF SIGN POSTER & DATE)

_____THOMAS P. OGLE SR._____

_____325 NICHOLSON ROAD_____

_____BALTIMORE, MARYLAND 21221____

_____410-687-8405_____
(TELEPHONE NUMBER)



Posted at 209 Church Road

RE: PETITION FOR VARIANCE 209 Church Road, 600' W of c/l Delight Rd 4th Election District, 3rd Councilmanic	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	FOR
Legal Owner: Raymond A. & Neris G. Widerman Petitioner(s)	*	BALTIMORE COUNTY
	*	Case No. 00-516-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.

All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of July, 2000 a copy of the foregoing Entry of Appearance was mailed to Raymond A. & Neris G. Widerman, 1 Alexander Court, Owings Mills, MD 21117, Petitioners.

Peter Max Zimmerman

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

June 30, 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: 00-516-A
209 Church Road
S/S Church Road, 600' W of centerline Delight Road
4th Election District – 3rd Councilmanic District
Legal Owner: Neris & Raymond Widerman

Variance to permit a front yard setback of 30 feet in lieu of the required 40 feet and to permit a rear yard setback of 30 feet in lieu of the required 40 feet.

HEARING: Thursday, July 27, 2000 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

C: Neris & Raymond Widerman, 1 Alexander Court, Owings Mills, MD 21117

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JULY 12, 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, July 11, 2000 Issue – Jeffersonian

Please forward billing to:
Raymond Widerman 410-363-6581
1 Alexander
Owings Mills, MD 21117

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: 00-516-A
209 Church Road
S/S Church Road, 600' W of centerline Delight Road
4th Election District – 3rd Councilmanic District
Legal Owner: Neris & Raymond Widerman

Variance to permit a front yard setback of 30 feet in lieu of the required 40 feet and to permit a rear yard setback of 30 feet in lieu of the required 40 feet.

HEARING: Thursday, July 27, 2000 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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/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: 00-516-A

Petitioner: Ray Widerman

Address or Location: 209 Church Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: RAY MONO A WIDERMAN

Address: 1 ALEX ARDER OWINGS MILLS MD 21117

Telephone Number: 410-363-6580

Revised 2/20/98 - SCJ

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 19, 2000

Mr. Raymond Widerman
1 Alexander Court
Owings Mills MD 21117

Dear Mr. Widerman:

RE: Case Number 00-516-A, 209 Church Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 6/05/00.

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. /rsj

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:rsj

Enclosures

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: July 17, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For July 3, 2000
Item Nos. 516, 517, 518, 519, 520, 521, 522, 523, 524, 526, 527, 528, 529, 530, 531, 532, 534, 535, 536, 537, 538, 540, 541, and 543

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

RWB:HJO:jrb

cc: File

ZAC-7-3-2000-NO COMMENT ITEMS.doc

Baltimore County
Fire Department

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

June 29, 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 June 26, 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:

~~516,~~ 517, 518, 519, 522, 524, 525, 526, 527, 528, 529, 530, 531, 533, 535, 536, 537, 538, 539, 540, 541, 543,

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

cc: File

15

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley

DATE: August 15, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of June 26, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
516	209 Church Road
518	6 Stanson Court
526	122 Allegheny Avenue
527	7931 Ellenham Avenue
529	3700 Green Oak Court
530	3 Lancashire Court
532	1026-1028 York Road
533	Burmont Avenue
534	4001 Southwestern Boulevard
535	615 Glenrock Road
536	9737 Matzon Road
537	203 Sandhill Road
540	9419 Oak White Road
541	2044 Putnam Road
542	585 Frederick Road
543	110 Woodholme Avenue

completed 7-19-00

TK
7/27

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 10, 2000

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 516, 517, 518, 520, 522, 527, 528, 530, 541, 545, 549 and 550.**

The Office of Planning has reviewed the above referenced case and has no comments to offer.

For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: _____

Section Chief: Jeffrey W. Long

AFK/JL:MAC

M:\DEVREV\ZAC\nocomment.doc

Maryland Department of Transportation
State Highway Administration

Parris N Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 6.26.00

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

RE: Baltimore County
Item No. 516 TAG

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,

for 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

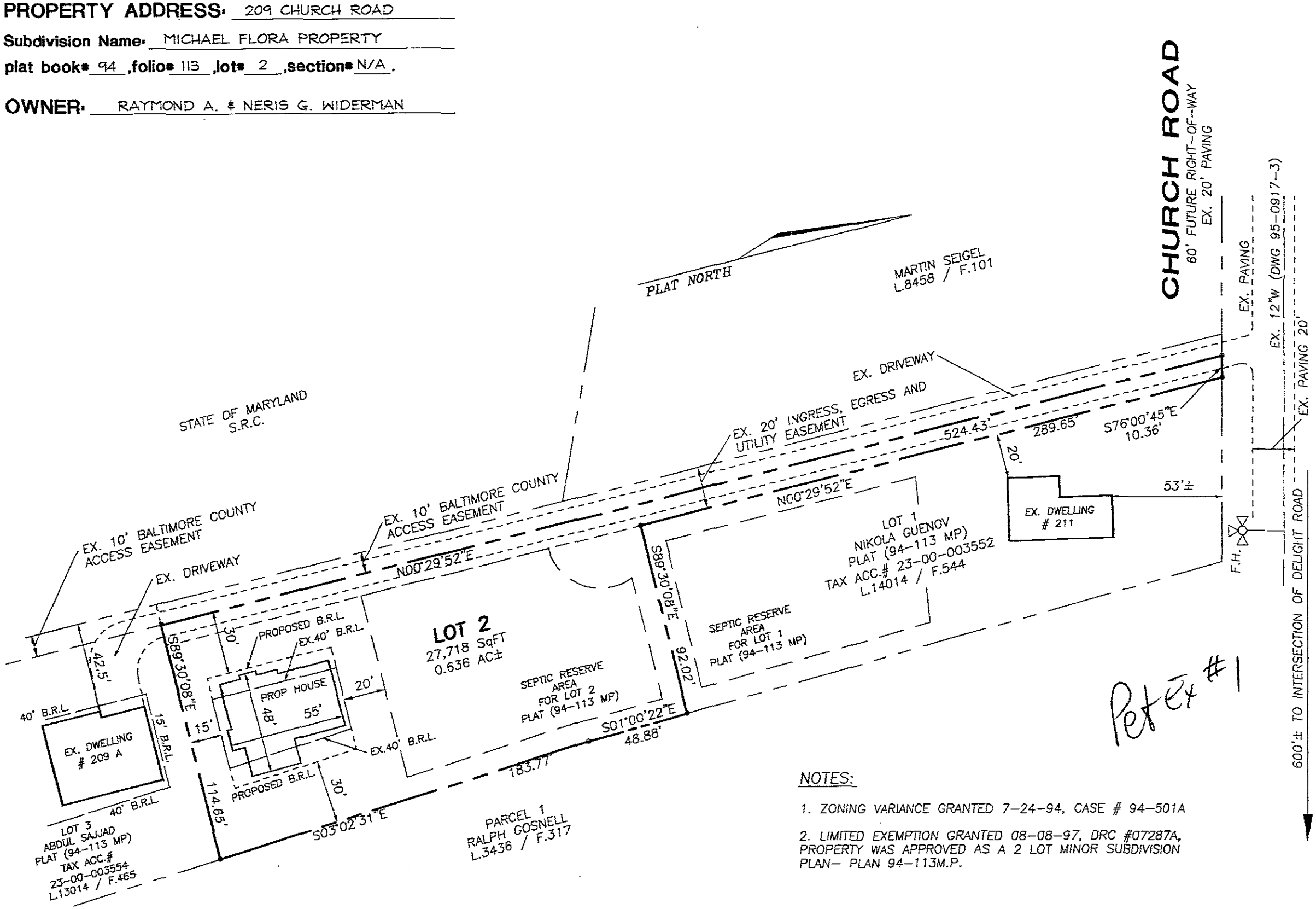
Plat to accompany Petition for Zoning [X] Variance [ ] Special Hearing

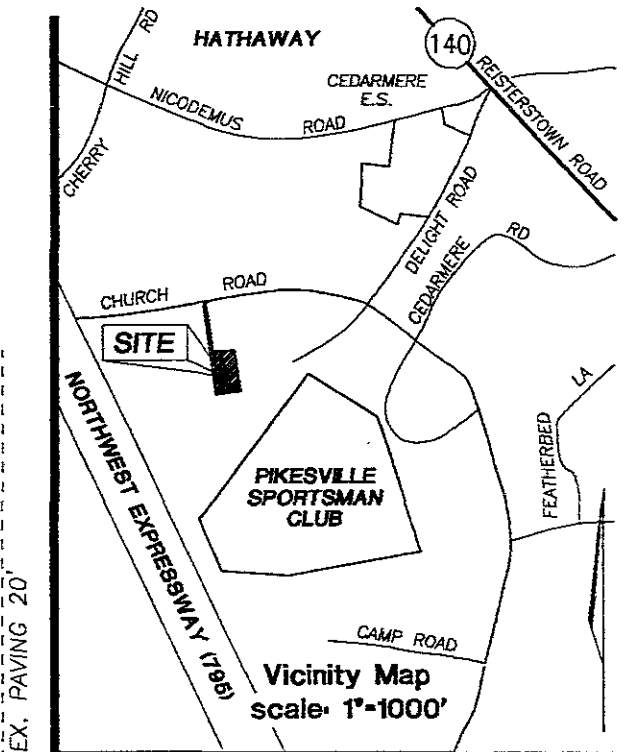
PROPERTY ADDRESS: 209 CHURCH ROAD

Subdivision Name: MICHAEL FLORA PROPERTY

plat book# 94 **,folio#** 113 **,lot#** 2 **,section#** N/A.

OWNER: RAYMOND A. & NERIS G. WIDERMAN





Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: 4

Councilmanic District: 3

1"=200' scale map #: NW 13-J

Zoning: "DR-2"

Lot Size: 0.636 Ac± (acreage) 27,718 SqFt (square feet)

	public	private
SEWER :	[ ]	[X]
WATER :	[X]	[ ]

	yes	no
Chesapeake Bay Critical Area:	[ ]	[X]

Prior Zoning Hearings:

CASE 94-501A

NOTES:

1. ZONING VARIANCE GRANTED 7-24-94, CASE # 94-501A
2. LIMITED EXEMPTION GRANTED 08-08-97, DRC #07287A, PROPERTY WAS APPROVED AS A 2 LOT MINOR SUBDIVISION PLAN- PLAN 94-113M.P.

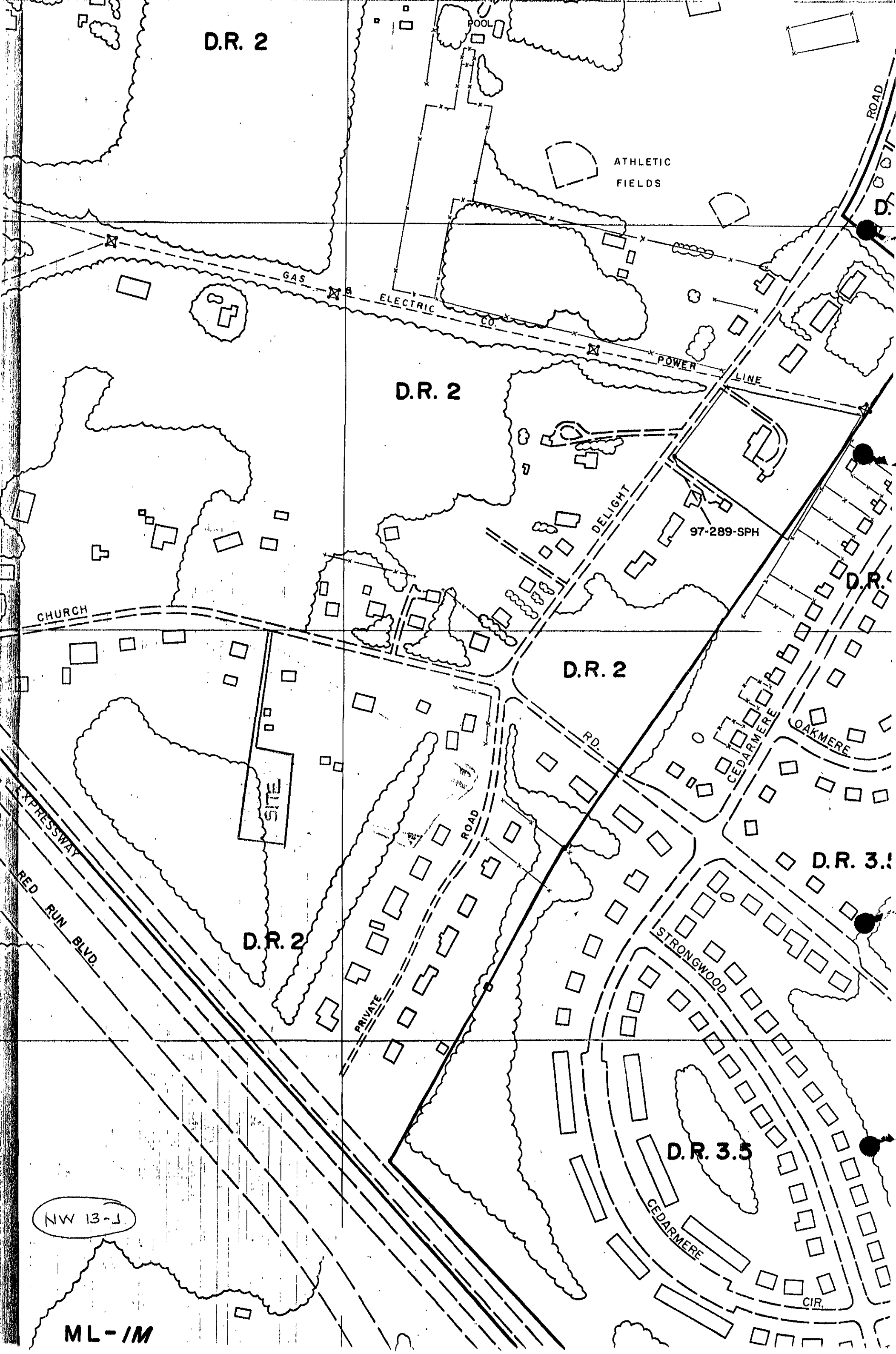
Zoning Office USE ONLY !

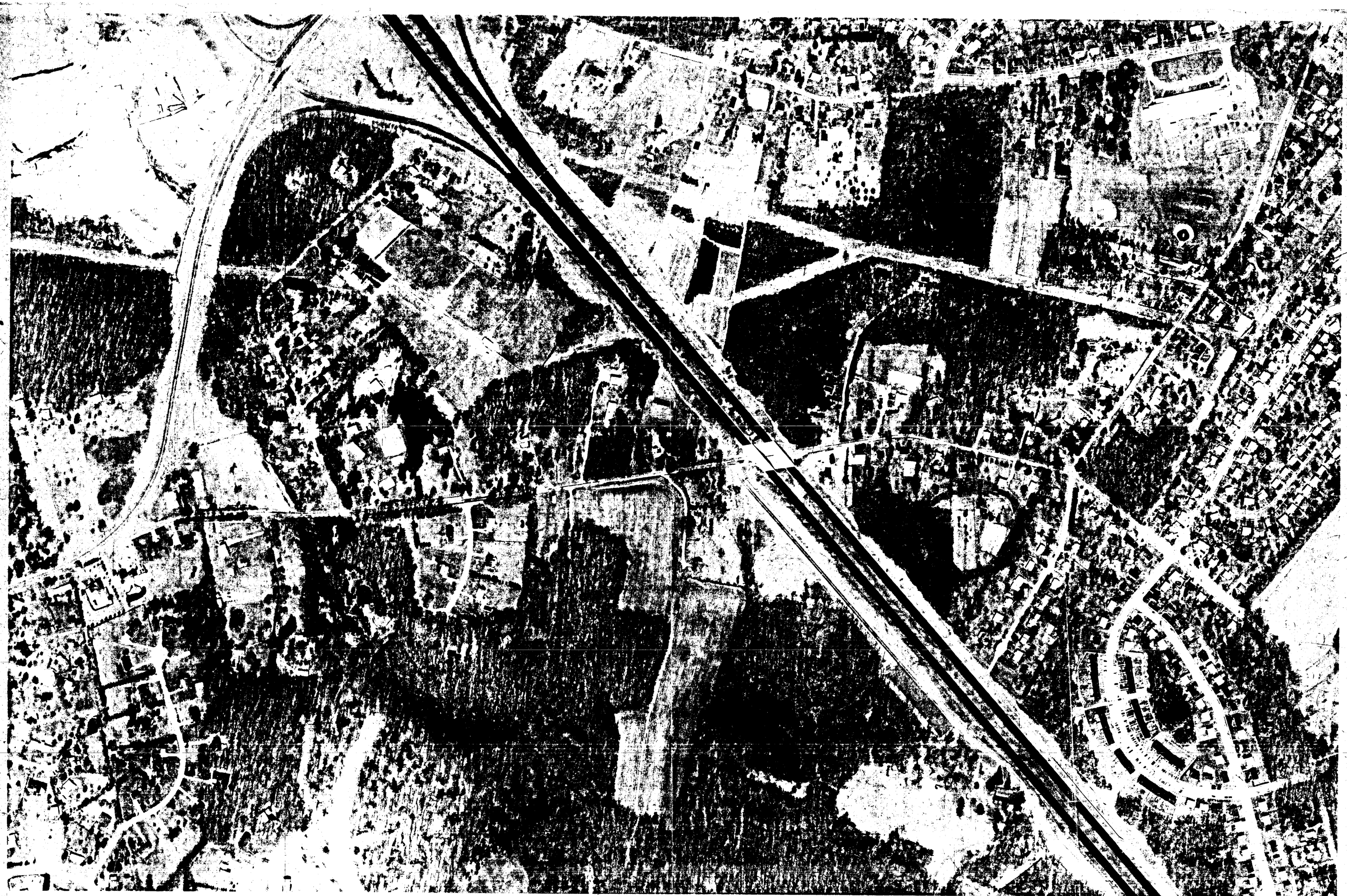
reviewed by:	ITEM #:	CASE #:
TG	516	00-516A

date: 5-7-00

prepared by: M.D.M.

Scale of Drawing: 1"=50'


D.R. 2
POOL
ATHLETIC
FIELDS
ROAD
D.
GAS & ELECTRIC CO. POWER LINE
D.R. 2
DELIGHT
97-289-SPH
D.R.
CHURCH
D.R. 2
RD.
CEDARMERE
OAKMERE
SITE
EXPRESSWAY
ROAD
D.R. 3.5
RED RUN BLVD.
D.R. 2
PRIVATE
STRONGWOOD
D.R. 3.5
CEDARMERE
CIR.
NW 13-J
ML-IM



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

00-516-A

516

SCALE	LOCATION	SHEET
1" = 200'±	DELIGHT VICINITY	N.W. 13-J
DATE OF PHOTOGRAPHY JANUARY 1986		

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401