IN RE: PETITION FOR VARIANCE

NE/S Main Street (Reisterstown Road)

1250' SE centerline of Chartley Boulevard

4th Election District

3rd Councilmanic District

(703 Main Street (Reisterstown Road))

* CASE NO. 01-303-A

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

703 Ventures, LLC Petitioner

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, 703 Ventures, LLC. The variance request is for property located at 703 Main Street, located in the Reisterstown area of Baltimore County. The subject property is zoned CB.

Appearing at the hearing on behalf of the variance request were Dawn and Steve Pyne, members of 703 Ventures, LLC, Jonathan McGowan with Kann & Associates, Inc., the engineering firm who prepared the site plan of the property and Leslie Pittler, attorney at law, representing the Petitioner. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.35 acres, more or less, zoned CB "community business". The subject property is located on the northeast side of Reisterstown Road, just north of its intersection with Franklin Boulevard. The subject property contains a very large old residential dwelling. The Petitioner intends to renovate the property for use as a business. The subject property was recently rezoned to "community business", by virtue of the comprehensive zoning process. During that process, the Petitioner reached an agreement with the local community association that they would maintain the residential character and integrity of the property. In keeping with

Skold Constitution

preserving the residential character of the property, the Petitioner wishes to preserve a very large old oak tree and country porch on the side of the dwelling. By doing so, the driveway width on the side of the dwelling is actually 12 ft. and not the required 20 ft. However, the amount of traffic generated to this site is minimal and the 12 ft. drive aisle width will pose no difficulty for the Petitioner. Furthermore, maintaining the driveway in its current condition will preserve the tree and porch, thereby maintaining the residential flare of this property. After considering the testimony and evidence offered at the hearing, I find that the variance request should be granted.

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

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel.

In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this day of March, 2001, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 409.4A of the Baltimore County Zoning Regulations, to permit a driveway width of 12 ft. for two-way movements in lieu of the required 20 ft., be and is hereby GRANTED.

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

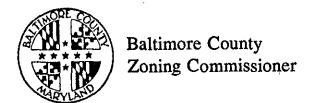
TIMOTHY M.KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj





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

Fax: 410-887-3468

March 21, 2001

Leslie M. Pittler, Esquire 29 W. Susquehanna Avenue, Suite 610 Towson, Maryland 21204

> Re: Petition for Variance Case No. 01-303-A

> > Property: 703 Main Street (Reisterstown Road)

Dear Mr. Pittler:

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

c: Dawn M. Pyne, President
 c/o 703 Ventures, LLC
 178 Federal Ann Court
 Westminster, MD 21157



Census 2000



For You, For Baltimore County



Census 2000





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 703 Nain Street (Reisterstown Red)
which is presently zoned CB

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

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):

409.44. To permit

adriveway width of 12 feet for two-way movements in lieu of the required 20 feet.

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

Size and configuration of Site.

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

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

		perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
C)	Contract Purchaser/Lessee:	<u>Legal Owner(s):</u>
	Name - Type or Print	703 Ventures LLC Name - Type or Print
Ö	Signature	Signature
	Addless Telephone No.	Dawn M. Ryne President Name Type or Print
	State Zip Code	Signature Mily president
C D	Attorney For Petitioner:	178 Federal Ann Ct. Address Telephone No.
M P P P P P P P P P P P P P P P P P P P	Name - Type or Print	Westminster Md. 21157 City State Zip Code
D il	Signature	Representative to be Contacted:
	Company	Leslie M. Pittler Name 440 -
29	W. Susqueharma Ava. Ste 610 823-4455 Address D Telephone No.	Address Susquehanna Aue. Ste. 610 823-445
, •	Touson Md. 2/204 City State Zlp Code	Towsen Md. 21204 City State Zip Code
		OFFICE USE ONLY
*	Case No. 01-303-4	ESTIMATED LENGTH OF HEARING
	220 9115198	UNAVAILABLE FOR HEARING Reviewed By Date 1-26-0

Colbert Matz Rosenfelt, Inc.

Civil Engineers . Surveyors . Planners



ZONING DESCRIPTION

703 REISTERSTOWN ROAD

BEGINNING AT A POINT ON THE NORTHEAST SIDE OF REISTERSTOWN ROAD (ALSO KNOWN AS MAIN STREET), MARYLAND ROUTE '40, 1250 FEET MORE OR LESS SOUTH OF THE CENTERLINE OF CHARTLEY BOULEVARD: THENCE LEAVING SAID POINT OF BEGINNING AND SAIN RIGHT-OF-WAY AND RUNNING NORTH 53 DEGREES 21 MINUTES EAST. 239.58 FEET, THENCE SOUTH 36 DEGREES 08 MINUTES EAST, 65.04 FEET; THENCE SOUTH 53 DEGREES 21 MINUTES WEST 239 58 FEET TO A POINT ON THE AFOREMENTIONED NORTHEAST SIDE OF REISTERSTOWN ROAD: THENCE BINDING ALONG SAID RIGHT-OF-WAY NORTH 36 DEGRESS 98 MINUTES WEST, 65.04 TO THE POINT OF BEGINNING

CONTAINING 15,582 SQUARE FEET MORE OR LESS

2001014zonara LS



01-303-/7

* 30°3

2835 Smith Avenue, Suite G. Baltimore, Maryland 21209. Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT No. (179678	
DATE 1-36-61 ACCOUNT R-001-615-	PO DO SERO PRO ME BELLE LOS ESERVES PER ESERVES
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FOR: Commerced Various Albertie	01-303-17
<u>DISTRIBUTION</u> WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION
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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: #01-303-A
703 Main Street (Reisterstown Road),
NE/S Main Street (Reisterstown Road), 1250' SE of centerline Chartley Boulevard
4th Election District
3rd Councilmanic District
Legal Owner(s):
703 Ventures LLC

703 Ventures LLC
Variance: to permit a
driveway width of 12 feet
for two-way movements in
lieu of the required 20 feet.
Hearing: Tuesday, March
20, 2001 at 10:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

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

3/015 Mar. 1

C453193

CERTIFICATE OF PUBLICATION

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TOWSON, MD	,	3111	, 20 <u>O</u>]_
THIS IS TO CERTIF	Y, that the an	nexed adv	ertisement was
published in THE JEFFERS	SONIAN, a wee	kly newspa	per published in
Towson, Baltimore County, 1	Md., once in eacl	h of	successive
weeks, the first publication	appearing on _	31	, 20 <u>C1</u> .
,	THE JEI	FFERSON	NIAN,
	YWU	King	1
_	<u></u>		ZINI/2

CERTIFICATE OF POSTING

•	RE: Case No.: $01-303-A$		
u .	Petitioner/Developer: 703 Verntures, LLC		
	Date of Hearing/Closing: 3-20-01@ 10 AN		
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:	•		
were posted conspicuously on the property Keisterstum, MD 21136 The sign(s) were posted on Februar	v 28, 2001		
	(Month, Day, Year)		
A FORTER TO ATOMIC WHILE BEACH OF THE FORTER COMMISSIONER THE TOWNSON MAD THE THE TOWNSON MAD THE	Sincerely, Stacy Sandrer 2/28/01 (Signature of Sign Poster and Date) Stacy Gardner SHANNON-BAUM SIGNS INC. 105 COMPETITIVE GOALS DR. ELDERSBURG, FRD. 21784 (City, State, Zip Code) 410-781-4000 (Telephone Number)		

MAR 2 2001

DEPT. OF PERMITS AND DEVELOPMENT MEMORITS OF

. . . .

CERTIFICATE OF POSTING

RE:	Case No	01-30	3	<u> </u>	
	Petitioner/I	Developer <u>40</u>	PIT	TLER	ETAL
	LES	PITTLE	R	ESC	ý _
	Date of He	aring/Closing	3	120/0	2

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

MAR

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

Sincerely,

Refull Veefor 3/4/0/ (Signature of Sign Poster and Date)

PATRICK M. O'KEEFE (Printed Name)

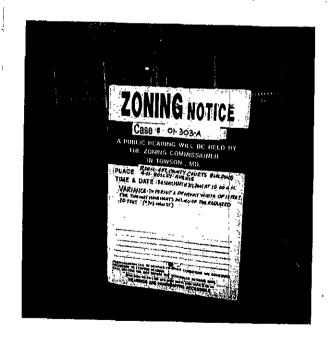
523 PENNY LANE.

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571 (Telephone Number)



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

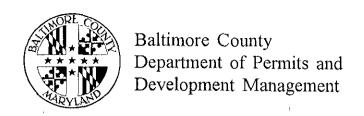
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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: 01-303-4
Petitioner: Dawn M. Pyne, Pnes, 703 Ventures LLC
Petitioner: <u>Dawn M. Pyne</u> , <u>Pnes</u> , <u>703 Ventunes LC</u> Address or Location: <u>703 Main</u> St.
PLEASE FORWARD ADVERTISING BILL TO:
Name: Leslie M. P. Hlen, R.A.
Name: Leslie M. Pittler, P.A. Address: 29 W. Susquehanna que, Suite 610
Telephone Number: 410 823-4455



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

Fax: 410-887-5708

February 7, 2001

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: 01-303-A

703 Main Street (Reisterstown Road)

NE/S Main Street (Reisterstown Road), 1250' SE of centerline Chartley Boulevard

4th Election District – 3rd Councilmanic District

Legal Owner: 703 Ventures LLC

Variance to permit a driveway width of 12 feet for two-way movements in lieu of the required 20 feet.

HEARING:

Monday, March 19, 2001 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon Director

C: Leslie M Pittler, 29 W Susquehanna Ave Ste 610 Towson 21204 Dawn M Pyne President, 703 Ventures LLC, 178 Federal Ann Ct, Westminster 21157

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MARCH 2, 2001

(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, March 1, 2001 Issue - Jeffersonian

Please forward billing to:

Leslie M Pittler PA

29 W Susquehanna Ave Ste 610

Towson MD 21204

.410 823-4455

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Building, 401 Bosley Avenue

awrence E. Schmidt

GDZ

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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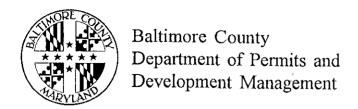
APLEASE CHANGE TO THESDAY 20, 2001

Lawrence E. Schmidt

GDZ

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Fax: 410-887-5708

February 12, 2001

NOTICE OF ZONING HEARING CHANGE OF HEARING DATE

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: 01-303-A

703 Main Street (Reisterstown Road)

NE/S Main Street (Reisterstown Road), 1250' SE of centerline Chartley Boulevard

4th Election District – 3rd Councilmanic District

Legal Owner: 703 Ventures LLC

<u>Variance</u> to permit a driveway width of 12 feet for two-way movements in lieu of the required 20 feet.

HEARING:

Tuesday, March 20, 2001 at 10:00 a.m. in Room 407, County Courts

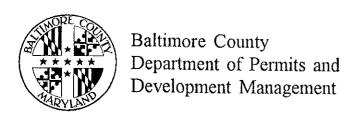
Building, 401 Bosley Avenue

Arnold Jablon Director

C: Leslie M Pittler, 29 W Susquehanna Ave Ste 610 Towson 21204 Dawn M Pyne President, 703 Ventures LLC, 178 Federal Ann Ct, Westminster 21157

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

March 16, 2001

Leslie M Pittler 29 W Susquehanna Avenue Suite 610 Towson MD 21204

Dear Ms. Pittler:

RE: Case Number 01-303-A:, 703 Main Street (Reisterstown Road)

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 26, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: gdz

Enclosures

 Dawn M Pyne President, 703 Ventures LLC, 178 Federal Ann Court, Westminster 21157 People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 8, 2001

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 01-288, 01-289, 01-298, 01-303, and 01-

304

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For 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:

AFK/JL:MAC



Maryland Department of Transportation State Highway Administration

Parris N Glendening Governor John D. Porcari Secretary

Parker F Williams Administrator

Date: 2.7.01

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

RE: Baltimore County

Item No. 3.3

115

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,

fo-

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

1. 1. Doelle



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

February 8, 2001

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 5, 2001

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:

290, 291, 292, 293, 294, 295, 297, 298, 299, 300, 302, 303, 304, and 308

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 6, 2001

Department of Permits & Development Mgmt.

FROM

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 12, 2001

Item Nos. 288, 289, 290, 291, 293, 295, 297, 298, 299, 300, 301, 302, 303, 304,

and 308

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

RWB:HJO:jrb

cc: File

ZAC-2-12-2001-NO COMMENT ITEMS-362001.doc

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley My

DATE:

March 19, 2001

SUBJECT:

Zoning Petitions

Zoning Advisory Committee Meeting of February 5, 2001

DEPRM has no comments for the following zoning petitions:

Item #	Address
288	10260 York Road
289	10240 York Road
290	2522 Venetian Road
291	5126 Edmondson Avenue
293	998 Rohe Farm Lane
295	Gwynnbrook Property
296	1909 Halethorpe Avenue
297	2707-2709 Rolling Road
298	326 Stone Castle Avenue
299	2127 York Road
300	2127 York Road
301	3916 Old North Point Road
302	7605 Curving Lane
303	703 Main Street
308	104 McCormick Avenue

RE: PETITION FOR VARIANCE
703 Main Street (Reisterstown Road), NE/S Main Street
(Reisterstown Road), 1250' SE of c/l Chartley Blvd
4th Election District, 3rd Councilmanic

Legal Owner: 703 Ventures LLC

Petitioner(s)

- BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- Case No. 01-303-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

People's Counsel for Baltimore County

le S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

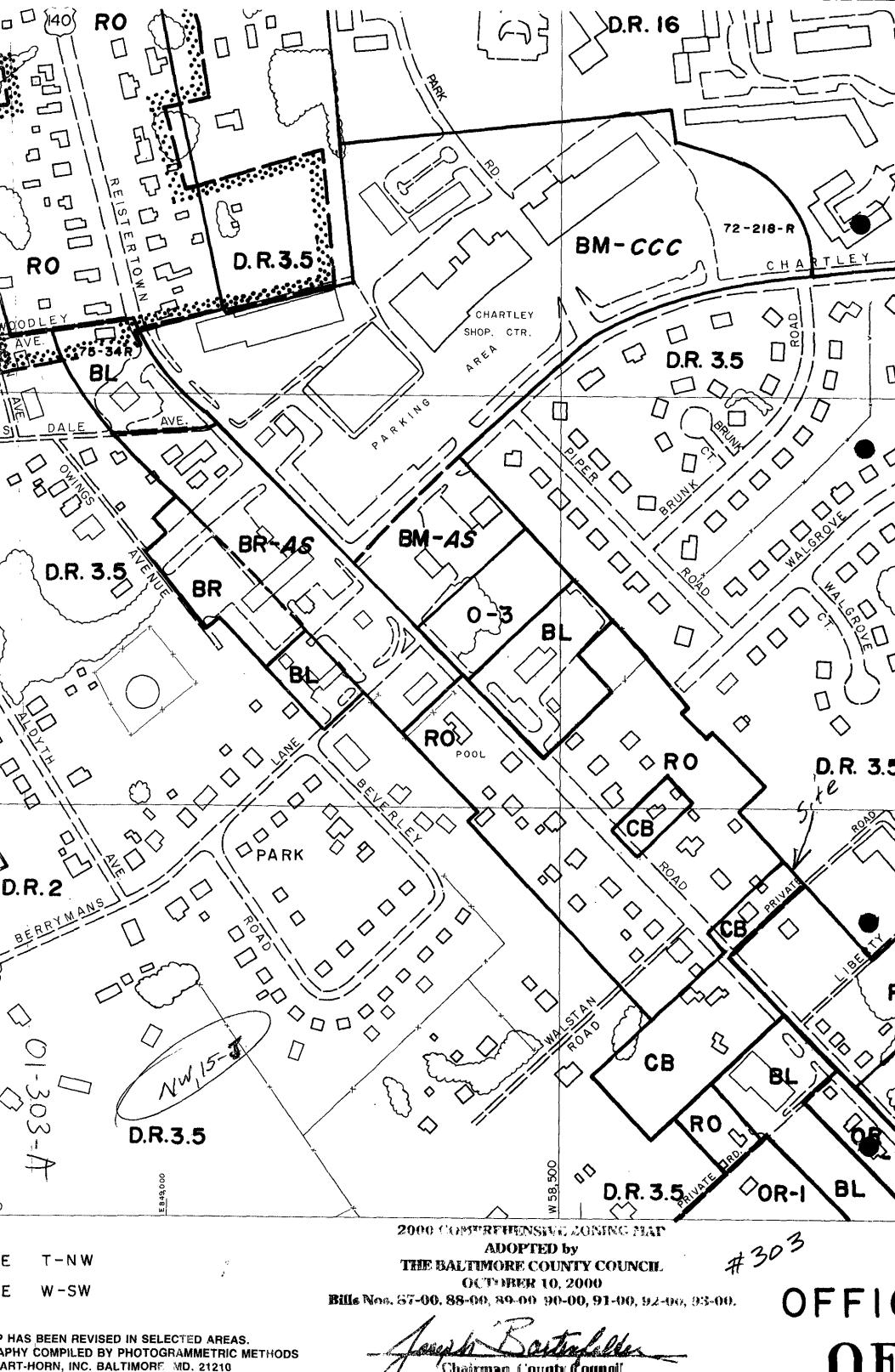
400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of February, 2001 a copy of the foregoing Entry of Appearance was mailed to Leslie M. Pittler, Esq., 29 W. Susquehanna Avenue, Suite 610, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmernan



Baltimore County Zoning Commissioner Office of Planning Suite 405, County Courts Bldg.
401 Bosley Avenue Towson, Maryland 21204

Phatagraphs A

Printed with Soybean Ink

