IN RE: PETITION FOR ADMIN. VARIANCE SE/S Paradise Avenue, centerline of Prospect Avenue 1st Election District 1st Councilmanic District (155 Paradise Avenue)

Mary Beth and Joseph Johnson Petitioners

* BEFORE THE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 02-116-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Mary Beth and Joseph Johnson, the legal owners of the subject property. The variance request is for property located at 155 Paradise Avenue in the Catonsville area of Baltimore County. The Petitioners herein seek a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a detached accessory structure (garage) to have a height of 23 ft. 8 in. in lieu of the maximum permitted 15 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners 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 Petitioners have 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

10 1 8 10 long and a supplementations of the supplementations of the supplementation of the

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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 Aday of October, 2001, that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a detached accessory structure (garage) to have a height of 23 ft. 8 in. in lieu of the maximum permitted 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

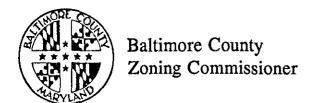
- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioners or subsequent owners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartment. The structure shall contain no living or sleeping quarters, and no kitchen or bathroom facilities. In addition, the accessory structure should not be used for commercial purposes.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

ПМОТНУ М. КОТ**R**OCC

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

October 18, 2001

Mr. & Mrs. Joseph M. Johnson 155 Paradise Avenue Catonsville, Maryland 21228

> Re: Petition for Administrative Variance Case No. 02-116-A Property: 155 Paradise Avenue

Dear Mr. & Mrs. Johnson:

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

TMK:raj Enclosure



Petition for Administrative Variance

	to	the Zoning	Commission	er of Baltimor	e County
MRYLATI		for the propert	y located at/5\	Flavadise Au	و
				esently zoned	
This Petition shall be fi owner(s) of the property s made a part hereof, herel accessory str in lieu of	by pennon for a	variance from Sect	10n(s) 400 3	t Management. The undescription and plat attate to allow a deformable of 23 feet, 1	tached
of the zoning regulations of this petition form.	of Baltimore Co	unty, to the zoning	aw of Baltimore Coun	ty, for the reasons indica	ated on the back
Property is to be posted a I, or we, agree to pay expen regulations and restrictions o	ses of above Var	iance advertising no	eting etc and further a	gree to and are to be bound timore County.	ded by the zoning
			I/We do solemnly on perjury, that I/we a is the subject of things.	declare and affirm, under the re the legal owner(s) of the s Petition.	e penalties of property which
<u> Contract Purchaser/L</u>	essee:		Legal Owner(s	o M Jahuse) (A
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Attorney For Petitione	Stạte Pr:	Zip Code	Sighature 155 Para Address	, ,	0 - 788 886 Telephone No.
Name - Type or Print			<u>Catonsui</u>	e Mol	21228 Zip Code
Signature			Representative	e to be Contacted:	
Company			Name		
Address		Telephone No.	Address		Tolonkan Na
City &	State				Telephone No
		Zip Code	City	State	Zip Code
A Public Hearing having been his day of day of egulations of Baltimore County a	fha	it the subject matter of ti	required, it is ordered by nis petition be set for a pub	√ the Zoning Commissioner of lic hearing, advertised, as req	Ealtimore County, uired by the zoning
			Zoning Con	missioner of Baltimore Count	v

Estimated Posting Date

Affidavit in Support of Administrative Variance

·	Address	suille	McL	21228
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	city ving are the fac o or practical di	cts upon which fficulty):	State !/we base the requ	Zip Code lest for an Administrative
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With A 10/12 Roof	, Hip	Style Co.	of Cie. vi	ery High and
very oreal) 44 000	ter to	~ the c	2etached	Garage to
Conform to the E	Xisting	House	with Atac	ched Garage
It would be nessa. And very Steep Root and be out of h	2 10/12	r it to A Shorte	o Alsohan	se a very Hi would Clash Clyle
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	rmal demand i	s filed, Affiant(s		
signatule Signatule		Mary Signature	Box John	lon
Name - Type or Pant		Name - Type dr	Beth Joh	11150N
STATE OF MARYLAND, COUNTY OF BALTIM I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, per	sonally appear	ea	<mark>○1</mark> , before me, a N	Notary Public of the State
Mavy Beth Johnson, Jose the Affiarit(s) herein, personally known or satisficate that the matters and facts hereinabove set for	actorily identified the area frue and	S&V ed to me as suc	ch Affiant(s), and m	nade oath in due form of
AS WITNESS my hand and Notarial Seal	STANCE OF THE STANCE			Quality of the second s
9-6-01 Date	Notan	/ Public		
REU 09 15 98	My Co	ommission Expl	Kathie	en L. Williams ublic State of Md.

My Commission Expires 10-1-03

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 within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

	lic hearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at	155 Paradise Hie
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	ity State Z1228 Zip Code
That based upon personal knowledge, the following Variance at the above address (indicate hardship of	og are the facts upon which I/we base the request for an Administrative
The Existing house is	Constructed in a Lictorium Style
With A 10/12 Root	, Hip Style Roof Cie very High and
Very Steep) In ordi	er for the detacked Garage to
Conform to the E)	Kisting House with Atached Garage
It would be nessae And very Steep Roof and be cut of ha	ery for it to Alsohaue a very to 10/12 A Shorter roof would Clash rmony with Fresent Style
	al demand is filed, Affiant(s) will be required to pay a reposting and
Signature	Mary Been Stron
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMO  HEREBY CERTIFY, this day of	RE, to wit:  Tember , 2001, before me, a Notary Public of the State onally appeared
Mary Beth Johnson Joseph	nally appeared h Jolunson
the Affiant(s) herein, personally known or satisfaction law that the matters and facts hereinabove set forth	h Jolunson torily identified to me as such Affiant(s), and made oath in due form of h are true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal	Kathlein & Williams
Date	Notary Public
	My Commission Expires

REU 09/15/98

Kathleen L. Williams
Notary Public State of Md.
My Commission Expires 10-1-03



REV 9/15/98

# Petition for Administrative Variance

# to the Zoning Commissioner of Baltimore County

NATURE OF THE PROPERTY OF THE	for the propert	y located at _/55	Paradise Au	e
		which is pres		
This Petition shall be filed with the owner(s) of the property situate in Ball made a part hereof, hereby petition for accessory structure in lieu of the ma	a variance nom secti	101(S) 4003 f	· ullour · d.	+ 1.1
of the zoning regulations of Baltimore of this petition form.  Property is to be posted and advertise I, or we, agree to pay expenses of above regulations and restrictions of Baltimore C	d as prescribed by the	Zoning regulations		
ogaid. One and restrictions of Daitimore C	ounty a opted pursuant t	I/We do solemnly dec	lare and affirm, under t	he penalties of
Contract Purchaser/Lessee:  Name - Type or Print		Legal Owner(s):	MJohns	on
Signature	j	Signature	Atta Valance	- 50 h
Address	Telephone No.	Name - Type or Brint		<u> </u>
Oity State  Attorney For Petitioner:	Zip Code	Signature  /55 Par adi Address	4 1	<u>10 - 788 886</u> Telephone No.
lame - Type or Print		city city	/// State	21228 Zip Code
Signature		Representative to	o be Contacted:	
Company	· · · · · · · · · · · · · · · · · · ·	Name		
ddress	Telephone No.	Address		Telephone No.
State State	Zip Code	City	State	Zip Code
Public Hearing having been formally demails day of egulations of Baltimore County and that the properties of Baltimore County and the Baltimore Count	anded and/or found to be that the subject matter of th perty be reposted.	required, it is ordered by th is petition be set for a public I	e Zoning Commissioner on hearing, advertised, as red	of Baltimore County, quired by the zoning
CASE NO (22 - 1/6 -	,	Zoning Commi	ssioner of Baltimore Coun	ty / 12 /.

Estimated Posting Date _

#### Smith . Miller Associates, Inc.

Registered Land Surveyors

C. Brooke Miller, R.P.L.S. Everette C. Smith

DESCRIPTION OF LAND FOR JOSEPH JOHNSON FOCY.RD: PARADISE ROAD, BALTIHORE COUNTY MARYLAND

May 3, 1989

Beginning for the same at a point in Paradise Road at the end of the fourth or South 45 degrees West 13,4 perches line of the second tract of a deed dated July 31, 1947 from James K. Cullen and Hellen A. Cullen, his wife, to Joseph B. Jarboe Jr. and Elizabeth S. Jarboe, his wife and Frances Seidlich, recorded arong the Land Records of Saltimore County in Liber 1594 Folio 93, thence;

Running and binding on the fifth and part of the first lines of said dead, and along the southwesternmost boundary of a subdivision named "Tanglawood" recorded in Platbook 12 Folio 25 and partly revised in Plathook 12 Folio 84, as now surveyed;

1). South 44 degrees 16 minutes 10 seconds East 683.20 feet to intersect the Right of Way line of the Catonsville Short Line Railroad as described in the condemnation proceedings recorded in the Judicial Records of Baltimore County in Liber W.H.I. 64 Folio 263, thence;

Running and binding on said Right of Way line;

- 2). By a curve to the right having a radius of 922.37 feet for an arc distance of 447.99 feet, said curve being subtended by a chord bearing North 70 degrees 13 minutes 19 seconds West 443,60 feet to a point.
  - 3). North 56 degrees 18 minutes 28 seconds West 173.50'
- 4). By a curve to the left having a radius of 1306.52 feet for an arc distance of 136.48 feet, said curve being subtended by a chord bearing North 59 degrees 18 minutes 02 seconds West 136,42 feet to the center of Paradise Road, thence;

Leaving said Right of Way and binding on or near the center of Paradiss Road:

5). North 49 degrees 24 minutes 49 seconds East 266.25 feat to the beginning.

Containing 2.5940 Acres more or less.

13054 Terragon Road, Reinterstown, Maryland 21136 / (301) 833-5905

· 1st Elec Dist 1st Council Dist.

Item #116

BALTIMORE COUNTY, MARYLA OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No.	5 <b>7</b> 95	PAD RE-EIPT
DATE 9/17/61 ACCOUNT 8 50	<u> 106</u>	6150	PAYMED STUDI. TIME 1/10/2011 11/17/2001 15:53:42 11 MS03 CACHER RDOS LRD DRAWER 3 3 MCCEIPS COOKER TO OFFIN DOS 5 520 ZOMING SERIFICATION CR CO. 0: 795
FOR: Ad. VIV. Cas. # 02	116	- <u>A</u> -	Karpt lot 50.0) Folio Cit . 00 CA Boll Lean e County a Haryland
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER		in the wife . Assente	CASHIER'S VALIDATION

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## CERTIFICATE OF POSTING



	RE: Case No.: 02-116-A
•	Petitioner/Developer: JO3EPH
•	JOHNSON
	Date of Hearing/Closing: 10/15/01
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 lo	0/1
The sign(s) were posted on	(Month, Day, Year)
ADMINISTRATIVE ADMINISTRATIVE	Sincerely,
TO PERMIT A DETICALIDA ACCESSORY STRUCTURA CONTROL A DETICALIDA ACCESSORY STRUCTURA CONTROL A DETICAL DE LA CONTROL DEL CONTROL DE LA CONTROL DEL CONTROL DE LA CONTROL DEL CONTROL DE LA CONTROL DE	9/30/01 (Signature of Size Parton 18)
TO HAVE A KEIGHT OF 22 FET. BURNES IN LITE OF	(Signature of Sign Poster and Date)  SSG ROBERT BLACK
	(Printed Name)
PUBLIC HEARING 7	1508 Leslie Rd
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 430 Juni, ON CURRE IS 1001	(Address)
表示に ADDITIVOAL INTVINIALIVE CONTRACTOR (2017年)	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(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.

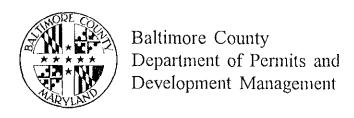
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 02-1/6-A  Petitioner: Joseph Johnson  Address or Location: 55 Paradisc Re Catousville MD 2/22
PLEASE FORWARD ADVERTISING BILL TO:  Name:
Telephone Number:

Revised 2/20/98 - SCJ

### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Nu	mber 02-	1 1	(a -A	Addr	ess /	55	Paradis	A	1/ 8
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Filing Da	ate: <u>9</u> -	17-0	7/	Print Your Mame Posting Da	te: <u>9/3</u>	30	Closing	Date: _	10/15
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Petitioner: This Part of the Form is for the Sign Poster Only									
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Petitioner	r's Name _	Jo	25 Pp Du	huson		Tele	phone <u>4</u> /	0 78	8 8869
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Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

October 15, 2001

Mary Beth & Joseph M Johnson 155 Paradise Avenue Catonsville MD 21228

Dear Mr. & Mrs. Johnson:

RE: Case Number: 02-116-A, 155 Paradise Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Vanagement (PDM) on September 17, 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 appropriate less 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 place in the permanent case file.

If you need further information or have any questions,  $\rho$  ease do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. ゅうこ Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

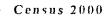


Printed with Soybean Ink

on Recycle









#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 16, 2001

Department of Permits & Development Mgmt.

FROM: VIID

Robert W. Bowling, Supervisoi Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 8, 2001

Item Nos. 082, 101, 104, 105, 107, 108, 110, 111, 112, 113, 114, 115,

116, 117, and 118

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

RWB:HJO:jrb

cc: File



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

October 15, 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 October 1, 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:

082, 102, 103, 104, 105, 106, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, and 118

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

cc: File

10/15

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** October 10, 2001

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-111, 02-115, & 02-116

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

10



#### Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

10.5.01 Date:

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

RE: **Baltimore County** 

Item No. //6

アカワ

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

1. 1. Indle

#### MR. & MRS. JOSEPH M. JOHNSON 155 PARADISE AVENUE CATONSVILLE, MARYLAND 21228

October 22, 2001

BALTIMORE COUNTY ZONING COMMISSIONER Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Md. 21204

Ref: Case No. 02-116-A

Property: 155 Paradise Avenue

#### Gentlemen:

In reference to the above case number for the approved Petition of Administrative Variance, we would like to have a bathroom included to double as Bath House for the Swimming Pool.

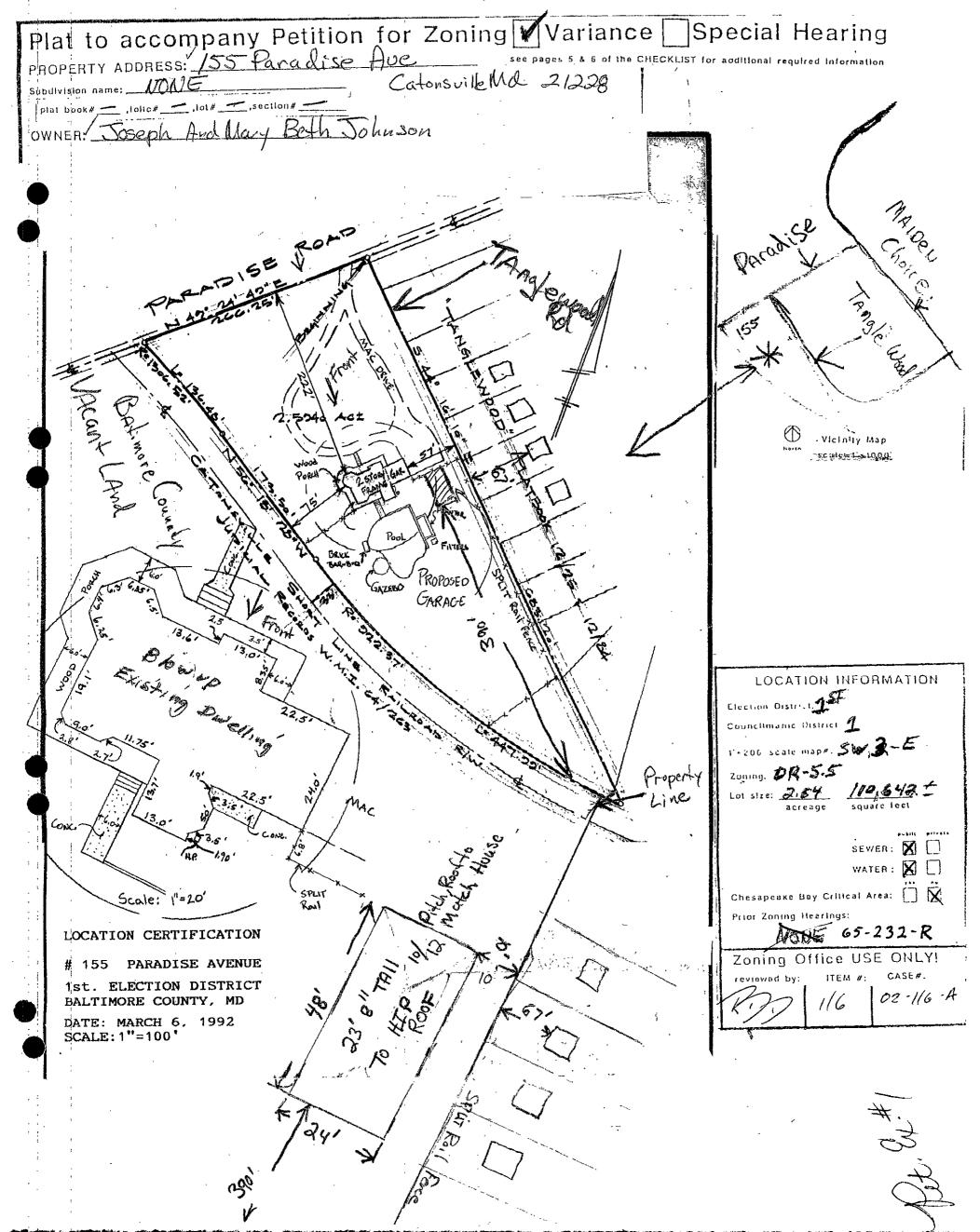
Should you have any questions or need any further information, please call me at 410-576-9480(work) or 410-788-8869(home).

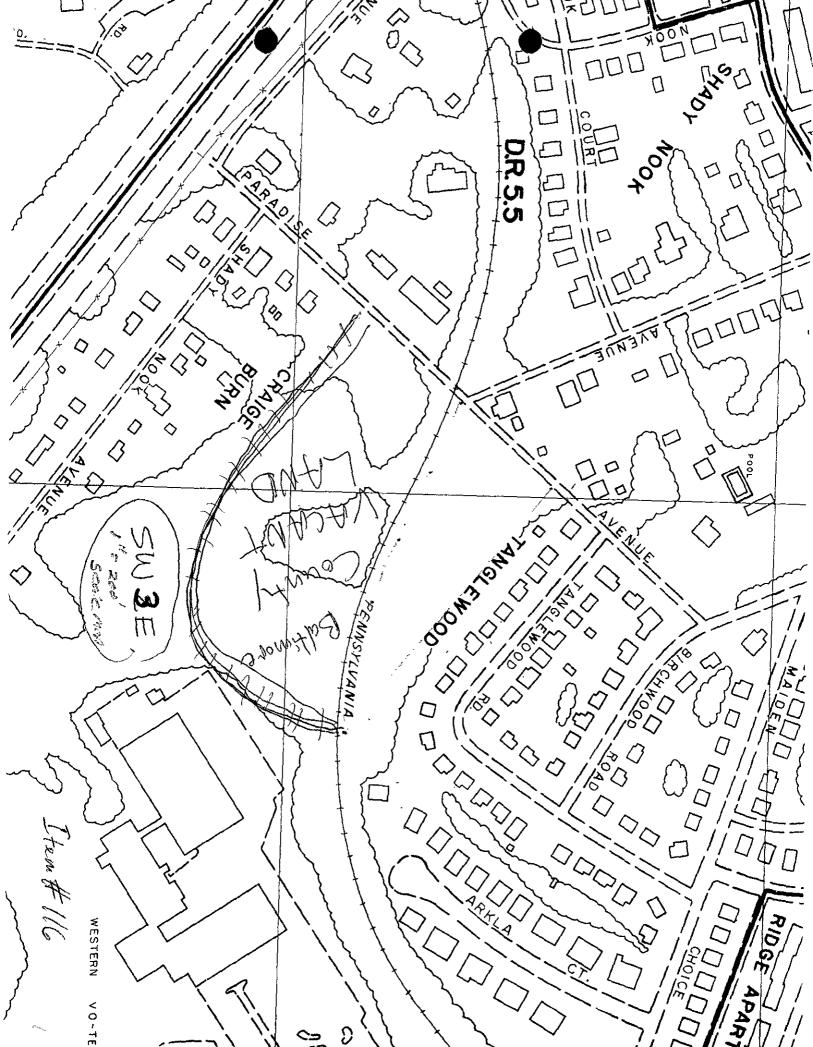
Thank you for your help in this matter.

Joseph M. Johnson

Very truly yours.

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October # 116

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Item # 116



Item #116



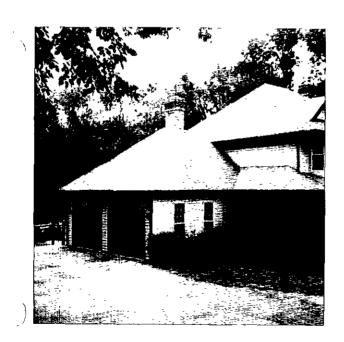
Item #116



Item #116



Item#116



Item # 114

