

IN RE: PETITION FOR SPECIAL HEARING
S/S Beachwood Road, 920' NW of the c/l
Lynhurst Road
(4117A & 4118A Beachwood Road)
15th Election District
7th Council District

William J. Titus
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 03-185-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, William J. Titus. The Petitioner requests a special hearing, pursuant to Sections 431.A, 431.B.1, 2 and 3(c) of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the parking of a commercial vehicle exceeding 10,000 lbs. G.V.W. in the front yard of a residential lot owned by the Petitioner, though not his residence. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were William Titus, property owner, Charles Stempor, who resides on the subject property at 4117A Beachwood Road, and Rondalyn Lotz, who resides nearby at 4118 Beachwood Road. Appearing as Protestants in the matter were Michael P. Elder and James A. Weimer, adjacent property owners.

Testimony and evidence offered revealed that the subject property is located on the north and south sides of Beachwood Road, not far from its intersection with Lynhurst Road in eastern Baltimore County. The property is comprised of two lots, identified as Lots 17A and 18A of the subdivision known as Beachwood, an older community which was recorded in the Land Records of Baltimore County prior to the adoption of the zoning regulations. Each lot is 50 feet wide and 125 feet deep and together contain a combined gross area of 12,500 sq.ft. zoned D.R.5.5. The property is served by public water and sewer and is improved with a single-family dwelling.

FILED
12/31/12
12/31/12
12/31/12

the road is too narrow to accommodate the vehicle. He requested that Mr. Titus be required to store the vehicle on the parking pad.

Mr. Weimer also appeared and testified in opposition. He is a relatively newer resident of this community, having constructed his home on Beachwood Road within the past two years. He believes that the use is inappropriate and that the Petition for Special Hearing should be denied. He believes that the road is too narrow to handle truck traffic; however, admitted that vehicles from the nearby warehouse do travel on Beachwood Road.

Upon due consideration of all of the testimony and evidence presented, I am persuaded to grant the Petition for Special Hearing. There are several factors which support this approval. First, the long-standing nature of the use which is a factor which cannot be ignored. Apparently this truck, or a prior model, has been parked at this location for over 25 years. Second, Mr. Titus indicated that at 70 years of age, he is nearing retirement and will not utilize the property for parking of his vehicle for many more years. Finally, the presence of the warehouse in the immediate vicinity is persuasive to a finding that the proposed use is not out of character with the surrounding locale.

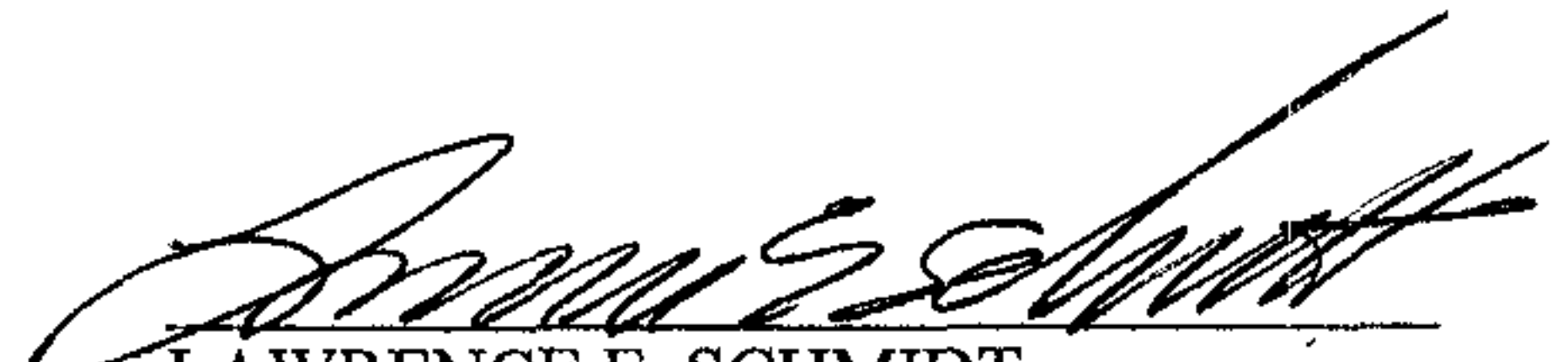
For these reasons, the Petition for Special Hearing shall be granted; however, I will impose certain conditions to mitigate the impacts of the tractor storage. First, Mr. Titus shall not park the vehicle, nor perform maintenance or washing, etc. of same on the public roadway. Photographs of the vicinity show that the road is narrow and that parking of the truck on the street could block traffic. Thus, Mr. Titus shall store the vehicle on his property at all times and perform all maintenance, washing, etc. thereon. Secondly, the relief requested herein is limited to Mr. Titus and his current truck. Thus, the grant hereof will be a relatively short term solution in that Mr. Titus does not anticipate driving for many more years. When Mr. Titus retires and is no longer driving the truck, or vacates the subject property, the grant of the relief will cease. Mr. Titus shall not lease the property for parking of other trucks and subsequent owners of the subject property may not utilize the property in that fashion.

OFFICE OF THE CLERK
DATE 12/30/12
BY [Signature]

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of December, 2002 that the Petition for Special Hearing, pursuant to Sections 431.A, 431.B.1, 2 and 3(c) of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the parking of a commercial vehicle exceeding 10,000 lbs. G.V.W. in the front yard of a residential lot owned by the Petitioner, though not his residence, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief granted herein is limited to the Petitioner/property owner, William Joseph Titus, and his truck. When Mr. Titus retires and no longer drives the truck, or vacates the property, the grant of the relief will cease. Moreover, Mr. Titus shall not lease the property for parking of other trucks and subsequent owners of the property may not utilize the property in that fashion.
- 3) Mr. Titus shall keep the vehicle on the property and perform all maintenance, washing, etc. thereon. Mr. Titus shall not park the vehicle, nor perform maintenance or washing of same on the public roadway.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 12/31/02
By [Signature]



Baltimore County
Zoning Commissioner

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

December 27, 2002

Mr. William Joseph Titus
4114 Beachwood Road
Baltimore, Maryland 21222

RE: PETITION FOR SPECIAL HEARING
S/S Beachwood Road, 920' NW of the c/l Lynhurst Road
(4117A & 4118A Beachwood Road)
15th Election District – 7th Council District
William J. Titus - Petitioner
Case No. 03-185-SPH

Dear Mr. Titus:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Charles Stempor, 4117A Beachwood Road, Baltimore, Md. 21222
Ms. Rondalyn Lotz, 4118 Beachwood Road, Baltimore, Md. 21222
Mr. Michael P. Elder, 4112 Beachwood Road, Baltimore, Md. 21222
Mr. James A. Weimer, 4116 Beachwood Road, Baltimore, Md. 21222
People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 4117A & 4118A BEACHWOOD RD
which is presently zoned DRS.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 PURSUANT TO SECTION

431 A, 431 B 1, 2, 3(c) THE PARKING OF A
COMMERCIAL VEHICLE EXCEEDING 10,000 LBS. G.V.W.
IN THE FRONT YARD OF A RESIDENTIAL LOT OWNED
BY THE PETITIONER THOUGH NOT HIS RESIDENCE.

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.

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

4114 BEACHWOOD RD

410-477-0286

Address

Telephone No.

Baltimore

MD

21222

City

State

Zip Code

Representative to be Contacted:

Name

SAME AS

Address

ABOVE

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By CTM Date 10/16/02

Case No. 03-185-SPH

REV 9/15/98

DATE FOR FILING
10/30/02
BY

ZONING DESCRIPTION FOR
4117A ; 4118A BEACHWOOD ROAD
BEGINNING AT A POINT ON THE SOUTH
SIDE OF BEACHWOOD RD WHICH IS 50'
WIDE AT A DISTANCE OF 920' $\pm$ NORTHWEST
OF CENTERLINE OF NEAREST IMPROVED STREET
WHICH IS LYNNHURST ROAD, 50 WIDE, BEING
LOTS 17A; 18A IN SUBDIVISION OF BEACHWOOD
AS RECORDED IN BALTIMORE COUNTY
PLAT BOOK 10 FOLIO 123 CONTAINING
12,500 SQ. FT. ALSO KNOWN AS
4117A ; 4118A BEACHWOOD ROAD
AND LOCATED IN THE 15TH ELECTION
DISTRICT, 7TH COUNCILMANIC DISTRICT

#185

D3-185-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 17809

DATE 10/15/02 ACCOUNT 2001 006 - 150

AMOUNT \$ 50.00

RECEIVED
FROM:

ED LOPEZ

FOR:

UNPAID

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Paid RECEIPT

SUBJECT: MISC

DATE: 10/15/02

AMOUNT: \$50.00

RECEIVED BY: [Signature]

DATE: 10/15/02

AMOUNT: \$50.00

RECEIPT FOR

PAID TO

DATE: 10/15/02

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 #03-185-SPH
4117A and 4118A Beachwood Road
S/Side Beachwood Road, 920' +/- northwest
centerline Lynhurst Road
15th Election District - 7th Councilmanic District
Legal Owner(s): William Joseph Titus

Special Hearing: to permit the parking of a commercial vehicle exceeding 10,000 pounds G.V.W. in the front yard of a residential lot owned by the petitioner, though not his residence

Hearing: Tuesday, December 10, 2002 at 9:00 a.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake 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) 887-3351
11/21/02 NOV. 21 3575106

CERTIFICATE OF PUBLICATION

11/22/2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/21/2002

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 03-185-SPH

Petitioner/Developer: WILLIAM

JOSEPH TITUS

Date of Hearing/Closing: 12/10/02

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

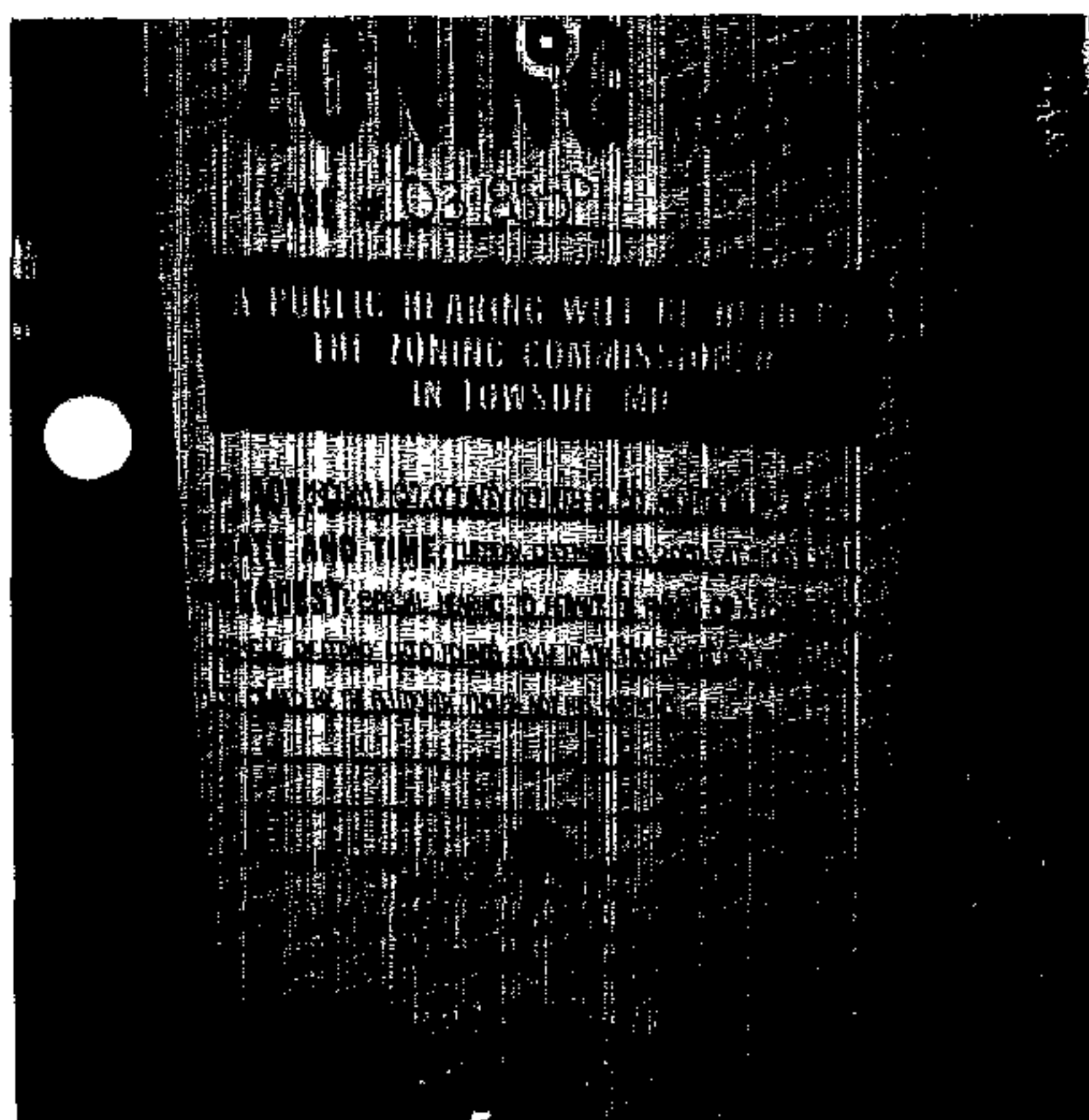
Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 4117 A AND 4118 A

BEACHWOOD RD

The sign(s) were posted on 11/25/02
(Month, Day, Year)



Sincerely,

[Signature] 11/25/02
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

RE: PETITION FOR SPECIAL HEARING
4117-A & 4118-A Beachwood Road
920' +/- NW c/r Lynhurst Road
15th Election District
7th Councilmanic District
Legal Owner: William Joseph Titus
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 03-185-SPH

* * * * *

ENTRY OF APPEARANCE

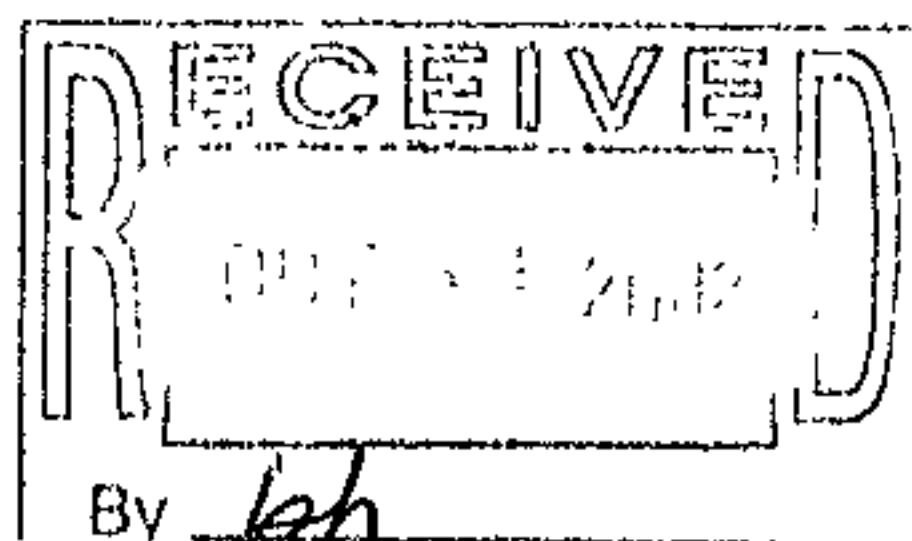
Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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 31st day of October, 2002, a copy of the foregoing Entry of Appearance was mailed to William Joseph Titus, 4114 Beachwood Road, Baltimore, MD 21222 Petitioner(s).




PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 21, 2002 Issue – Jeffersonian

Please forward billing to:
William Joseph Titus
4114 Beachwood Road
Baltimore, MD 21222

410-477-0286

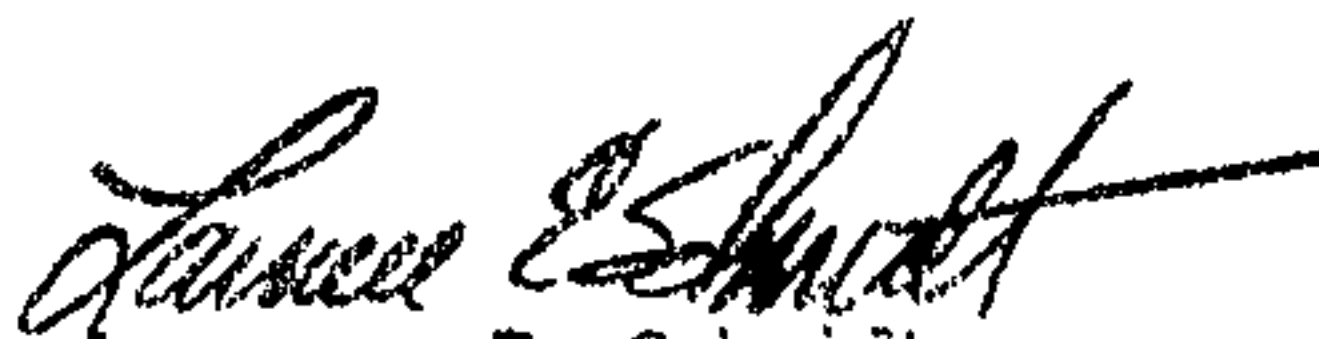
NOTICE OF ZONING HEARING

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: 03-185-SPH
4117A and 4118A Beachwood Road
S/side Beachwood Road, 920 feet +/- northwest centerline Lynhurst Road
15th Election District – 7th Councilmanic District
Legal Owner: William Joseph Titus

Special Hearing to permit the parking of a commercial vehicle exceeding 10,000 pounds G.V.W. in the front yard of a residential lot owned by the petitioner, though not his residence.

HEARING: Tuesday, December 10, 2002 at 9:00 a.m. in Room 106, Baltimore County Office Bldg., 111 W. Chesapeake 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.



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

October 30, 2002

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: 03-185-SPH

4117A and 4118A Beachwood Road

S/side Beachwood Road, 920 feet +/- northwest centerline Lynhurst Road

15th Election District – 7th Councilmanic District

Legal Owner: William Joseph Titus

Special Hearing to permit the parking of a commercial vehicle exceeding 10,000 pounds G.V.W. in the front yard of a residential lot owned by the petitioner, though not his residence.

HEARING: Tuesday, December 10, 2002 at 9:00 a.m. in Room 106, Baltimore County Office Bldg., 111 W. Chesapeake Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:rlh

C: William Joseph Titus, 4114 Beachwood Road, Baltimore 21227

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 25, 2002.**
- (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.

**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: 03-185-SPH

Petitioner: William Joseph Titus

Address or Location: 4117A 4118A

PLEASE FORWARD ADVERTISING BILL TO:

Name: William Joseph Titus

Address: 4114 Beachwood Rd

Telephone Number: 410 4770286

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
pdmlandacq@co.ba.md.us

December 6, 2002

William Joseph Titus
4114 Beachwood Road
Baltimore, MD 21222

Dear Mr. Titus:

RE: Case Number: 03-185-SPH, 4117A and 4118A Beachwood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 16, 2002.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel
William Joseph Titus, 4114 Beachwood Road, Baltimore 21222

Come visit the County's Website at www.co.ba.md.us





Baltimore County
Fire Department

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880
October 29, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.:

Dear Mr. Zahner:

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items: 182-187, 190, 192

185

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

cc: File



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 21, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For November 4, 2002
Item No. 185

The Bureau of Development Plans Review has reviewed the subject-zoning item.

The flood protection elevation for this site is 10.4 feet.

RWB:CEN:jrb

cc: File



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 11.28.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 185 LTM

Dear Mr. Zahner:

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

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



Maryland Department of Planning

*Parris N. Glendening
Governor*

*Kathleen Kennedy Townsend
Lt. Governor*

*Roy W. Kienitz
Secretary*

*Mary Abrams
Deputy Secretary*

October 29, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111, Mail Stop # 1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, November 4, 2002
Re: case numbers 03-182-A, 03-183-A, 03-184-A, 03-185-SPH, 03-186-A, 03-187-SPHA, 03-188-SPHXA, 03-190-A, 03-191-XA, 03-192-SPH

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 10/29/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup

Closing Statement

COMMISSIONER I would like
This case REVERSED because I
have a BURDEN OF PROOF because
it's a hard ship FOR ME AND IT MEETS
THE SECTION 409 8 B 2 OF THE
BALTO. CO ZONING AND I BELIEVE
I'M COVERED BY THE GRAND FATHER LAW
WHEN IT WAS LIGHT INDUSTRIAL
IN 1974 WHEN I MOVED IN AND
I'M STILL USING IT NOW ^{BELIEVE} MR WIENER
DOES NOT HAVE A CASE BECAUSE
HE INHERITED THE PROPERTY HIS
FATHER DID NOT OBJECT FOR ME
PARKING MY TRUCK ACROSS THE
STREET ON MY LOT.

Thank you
VERY much
MR. [Signature]

FROM
Bill Titus

Presentation of Case

I am asking for special exception to
continue parking my Truck on my property
as I have been for 28 yrs, Mr. Weimer
inherited the neighboring property and
recently moved in there not long ago.
His father lived there for many years
and he did not object to my truck.
He lived there the 26 yrs I had my truck
There.

I would like to point out that I
believe my truck meets all the
requirements of Section 409.8.B.2

I would like to show you there is NO
SIGN posting - at the end of my
Street - (Submit as Exhibit A) NO SIGNS

I would like to show you that if my
truck were ~~illegal~~ illegal to this street
a sign would be posted like this -
(Submit as Exhibit B) - Legal sign postings

I would like to submit this affidavit
as (Exhibit C) - stating I have had my
truck there for many years.

I would like to submit (Exhibit D) (Photos)
showing tractor trailers use this
roadway for deliveries to the warehouse
at the end of roadway.

OVER →

I would like to submit Exhibit E -
Showing my truck parked in the
rear portion of my Lot - This photo
shows that it is not a danger to
anyone, and Meets the requirements
of Section 409.8.B.2

Objection - IF he interrupts

SAY ITS NOT YOUR TURN TO SPEAK,

① ~~Asker~~ why he hasn't
Complained about the tractor
trailors going to end of Street?

Why is my truck ^{bothering} ~~you~~ ^{him} Now?
The other trucks don't Bother ~~you~~ ^{him}

Why is it now that ~~you~~ ^{he} is
complaining about my truck - and
He ~~you~~ did not complain before, for
almost 2 yrs.

I believe Mr. Weimer thinks he
can just move into the neighborhood
and wants to complain because
I objected to his structures he built
blocking my water view. I believe
Mr Weimer should have assessed the
neighborhood before he decided to
move here. Because now he wants to change it.

Closing Statement

Commissioner I would ^{like} this case
Revised because I have binding of Proof
because it's a hardship for me
and it meets The Code of section
409 8 B 2 of the Balto Co Zoning
Law and I believe I'm covered by
The grand father Law when it was
light industrial in 1974 when I moved
in and I'm still using it now Mr.
Weimer does not have a case because
he inherited his property his father
before him did not object for me
parking my Truck on my lot

And Thank you
very much

DATE _____

CITIZEN'S SIGN-IN SHEET

[illegible]

DATE _____

E-MAIL

1344-1938 21222 Ad

date ind 2/22/22

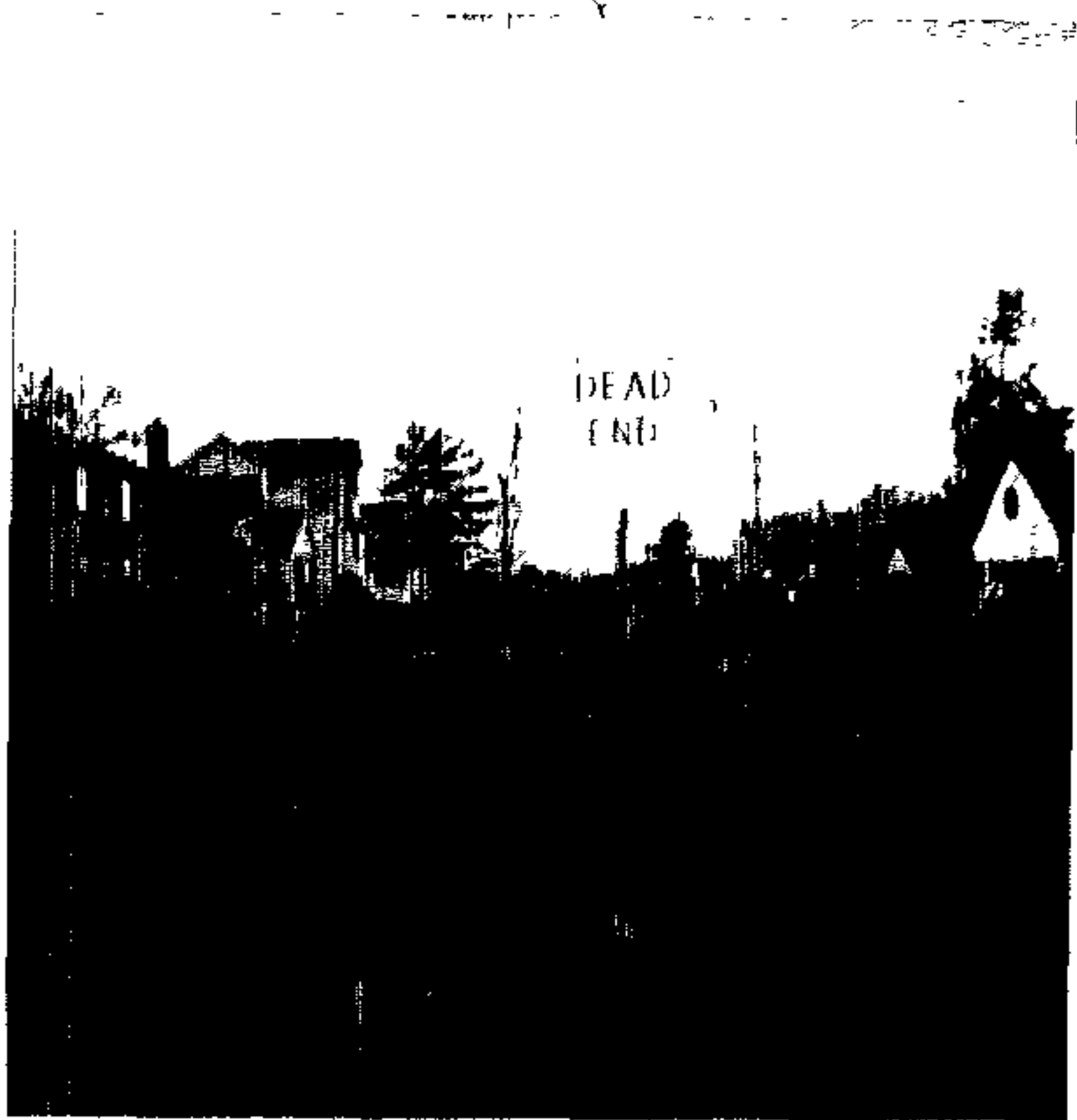
6A1 21222

Mr. Lawrence E. Schmidt # 03-145-5PH

Would you please return my
pictures I showed you, after this has
ended.

 MICHAEL PAUL ELDER
4112 BEACHWOOD RD
DUNDALK, MD 21222

Thank you
Michael P. Elder



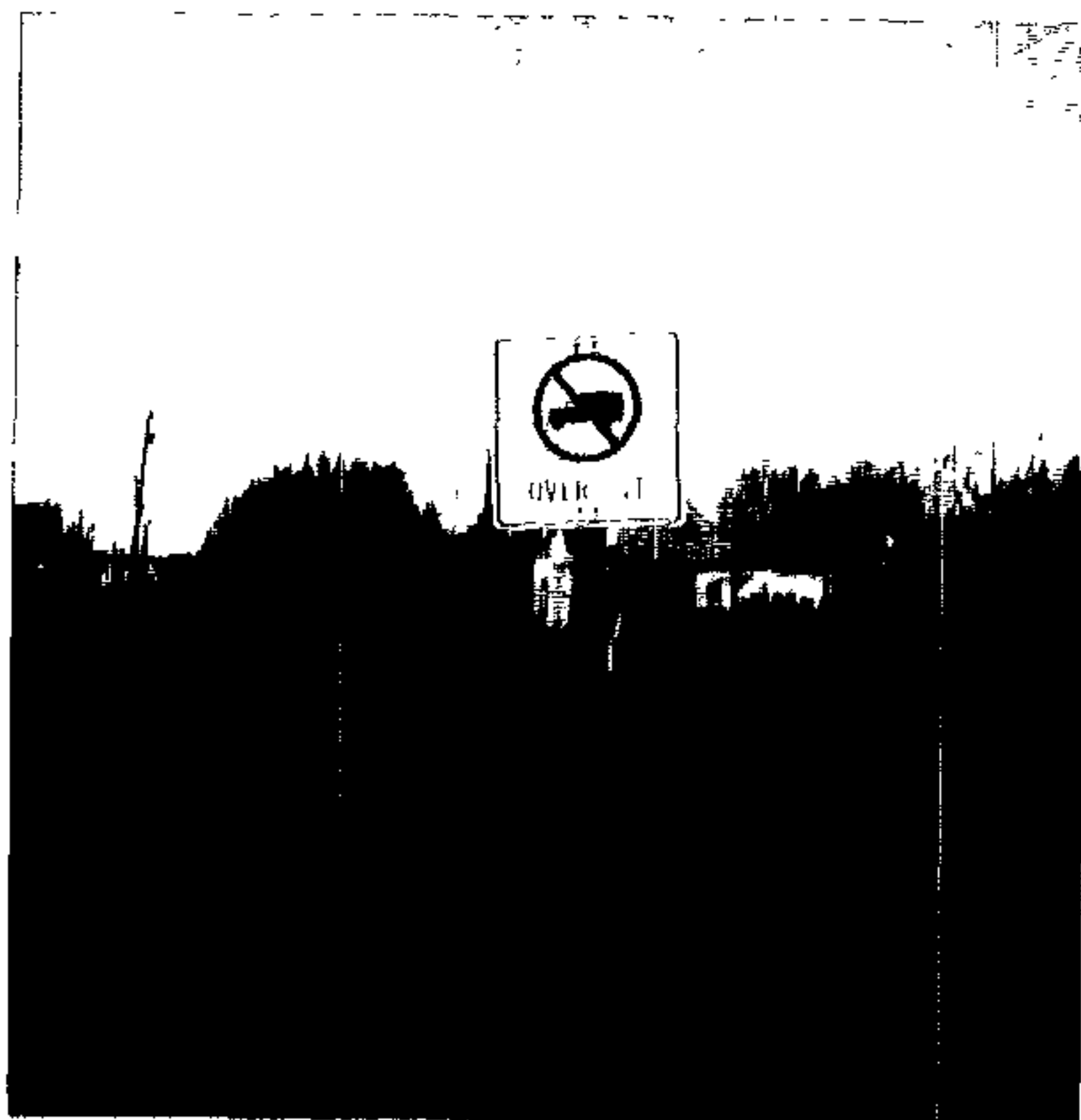
Beachwood Rd.

Exib +
A

NO SIGNS

Exib +
B

LEGAL SIGN
Posting



To whom this may CONCERN.

Mr Titus has been my neighbor since I was A child. I CAN testify that he has had his truck there at his property for 28 yrs - with NO complaints -

I feel his truck parked in his rear lot is not any way bothering anyone. It hasn't for the 28 yrs that I have known him.

I do not feel his truck is a safety hazzard and I have no problem with him keeping over there. It is parked way off the roadway near the woods.

Rondalyn V Lotz 10-30-02

Rondalyn V Lotz

4118 Beachwood Rd

Baltimore Md 21222

10/30/02
James A Cavner
NOTARY
Comm exp 9/1/03

EXIBIT

C



53' TRUCK + TRAILER LEAVING WAREHOUSE
AT 4102 BRANCHWOOD RD
EXHIBIT D 10-18-02



WAREHOUSE
↓

Exhibit D

531-02

TRACTOR AND

TRAILER UNLOADING

4902 BRACKWOOD Rd

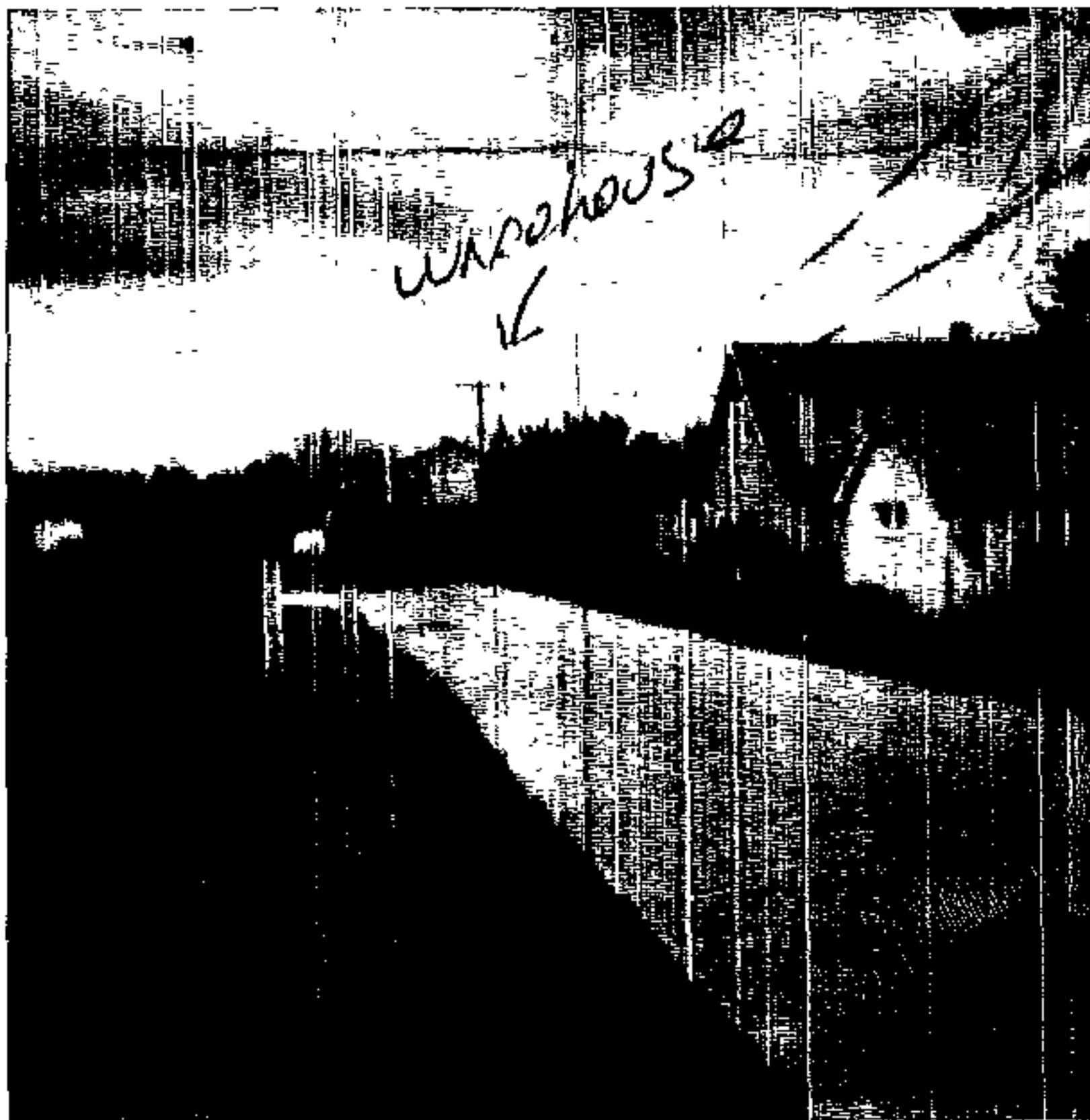


11-22-02 ~~Branchwood Rd~~
TRACTOR & TRAILER Back To
warehouse



10-18-02 531 Tractor & TRAILER EXHIBIT
UNLOADING AT WAREHOUSE
4102 Brookwood Rd



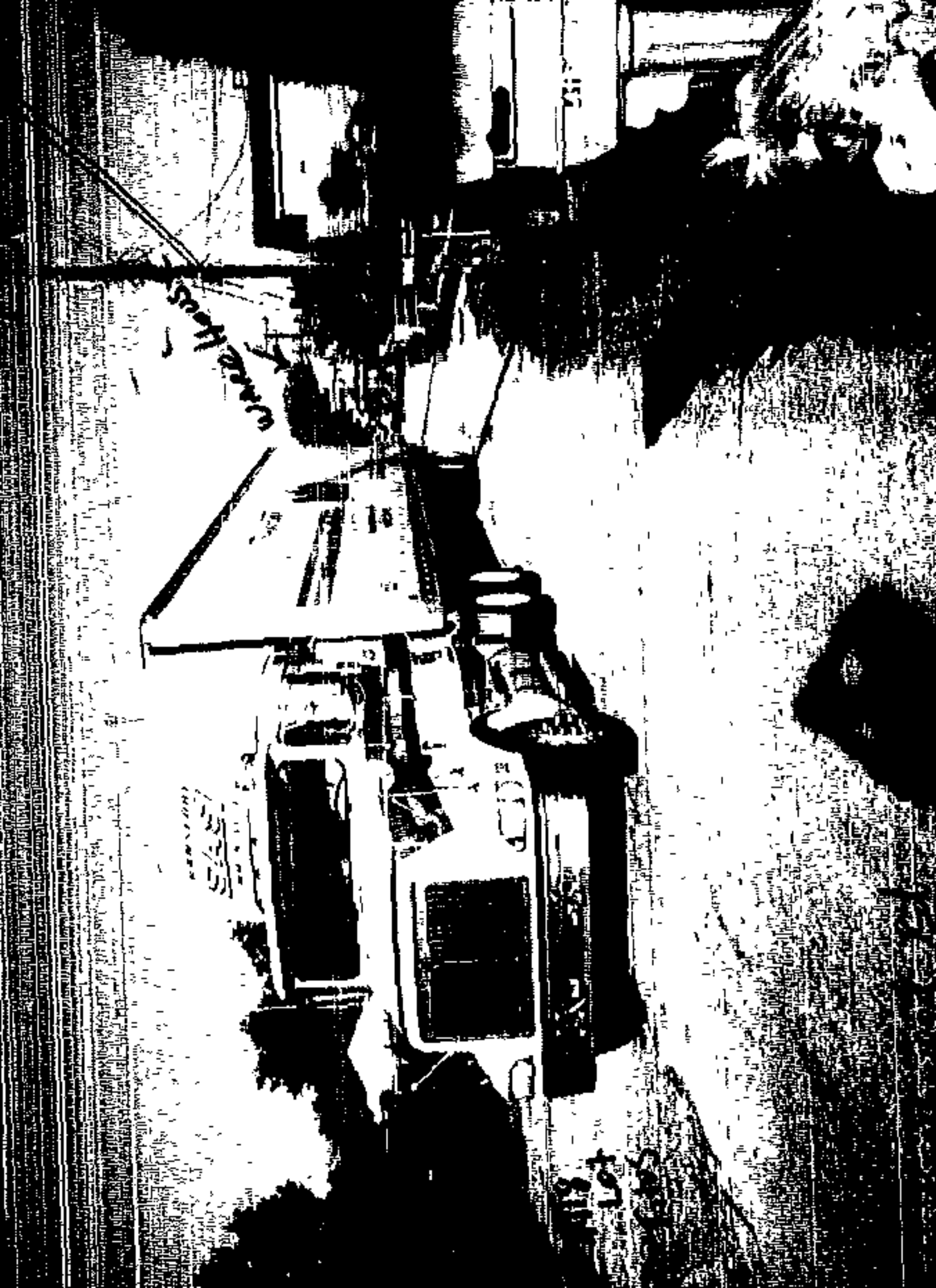


11-22-02 BEACHWOOD RD
TRACTOR & TRAILER Backed in FB
WAREHOUSE



warehouse





11-18-02

11.14

7

Beckwood EL



warehouse

Blackwood Rd



BEACHWOOD Rd TO DEAD END
4118 Lot NORTH

Exhibit E



Exhibit E

4118 Lot
Beachwood Rd



Exhibit E

4118 Lot
Beachwood Rd



EXHIBIT E

Beachwood Rd

4118



Exhibit E

4118 Lot
BEACHWOOD Rd

Cont

I also would like to point out

Case # 89-479-SPH

in which the Petitioner here was
granted use of Delivery trucks that
are tractor-trailors - that use this
roadway -

I would like to submit this
paperwork as exhibit F -

Thank-you very
much -

Exhibit

F

4-102

BEACHWOOD Rd

MR
Frederick Thiess

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NW/End Beachwood Road, 1300 *
NW of the c/l of Lynhurst Road * DEPUTY ZONING COMMISSIONER
(4102 Beachwood Road) *
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District * Case No. 89-479-SPH
Frederick Thiess
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the nonconforming use of the subject property as a warehouse as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared, testified, and was represented by John O. Hennegan, Esquire. Also appearing and testifying on behalf of the Petition were Joseph Bruno, Sr. and Joseph Berardino. Appearing as Protestants were the following adjoining property owners: Walter R. Hnatiuk, Louis and Linda Mueller, Ruth Mershon, Wanda Hand, John and Irma Bryant, Ronald and Martha Nestor, James J. and Catherine I. Steiver, and Jim and Helen Montgomery.

Testimony indicated that the subject property, known as 4102 Beechwood Road, consists of 2.4 acres more or less zoned D.R. 5.5, and is located within the Chesapeake Bay Critical Areas on Back River. Said property is improved with a one story concrete block building and a two story residence. Prior to 1976, the property was zoned M.H.-I.M. Mr. Thiess testified he purchased the property on March 25, 1988 and uses the building as a warehouse and office space for shipping and receiving of goods associated with his office supplies and furniture business. Mr. Thiess testified he supplies general office supplies, including, but not limited to, stationery and furniture, and is a dealer for the Nashua Corporation

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By

7/25/89
L. J. Sullivan

out of New Hampshire. Mr. Thiess testified that he has a retail store located on North Point Boulevard known as Reliable Office Products. As a result of a complaint filed in the Zoning Office, Petitioner was advised to file a Petition for Special Hearing to establish the nonconforming use of the property for warehouse space. The site plan indicates the property is used for both warehouse and office space. Mr. Theiss testified that since his purchase of the property, he has used the site for warehousing his supplies and as office use associated with his business. Testimony presented by Mr. Theiss was that in addition to himself, his wife, niece, and a driver work from the subject site. He further indicated that there are three phones and desks on the property for office use. Mr. Theiss testified that customers have only been to the site approximately 5 times and that the materials are shipped to the premises and delivered to customers and/or the retail store by his employees.

Joseph Bruno testified that he owned the subject property from 1973 to 1976. He further testified that prior to owning the property, he was involved for numerous years as a property manager for the previous owners of the subject property. Testimony indicated he has had direct contact with the property since the late 1950s. Mr. Bruno testified that prior to 1963, the subject building was used as the headquarters for the Wells-McComas Democratic Club until the property was sold to four individuals, one of whom was his father. Mr. Bruno indicated that from 1963 to 1972 the property was leased to an individual who manufactured and stored cabinets on the premises. Thereafter, from 1972 to 1973, the property was leased to North Point Furnishers for the purposes of warehousing and distribution of their product. Mr. Bruno indicated that from 1978 to 1985 the property was leased to L. C. Hohne who used the property to warehouse

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7/28/89
R. J. Schuman

swimming pool materials. Thereafter, from 1985 to 1988 the property was leased to Louis D. Fillipino who warehoused items acquired by him in his endeavors in flea marketing. To support his testimony, Mr. Bruno introduced his rental records for the property from July 1973 to March 1988.

To support Petitioner's position, Counsel for Mr. Thriess introduced as Petitioner's Exhibit 6 the Department of Assessments and Taxation records for the property which indicate that the property was assessed as a house and warehouse space from 1984 through 1989 along with a worksheet for the periods of 1979 through 1989. The worksheet confirms the rental of the property and its use for storage purposes by various tenants.

Mr. Berardino testified he purchased the adjoining property, known as 4104 Beachwood Road, in 1974 and has had continual contact with the subject property since then, either renting or using same as his primary residence since 1987. Mr. Berardino testified that there have been no exterior changes to the property since 1972 and to the best of his knowledge and belief, the property has been continually used for warehousing purposes.

The Protestants' testimony presented by Mr. Berry, Ms. Hand, and Mr. Mueller expressed their overall concerns regarding the use of the property since it is zoned residential. The Protestants believe the heavy tractor trailer traffic to and from the subject property and other businesses in the vicinity is hazardous to the community as the roads are narrow. The Protestants indicated they do not feel the previous use of the property by Mr. Fillipino to store items purchased at flea markets is warehousing. Their main concern is that the traffic generated to and from Petitioner's use of the property will be greater than in the past.

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7/28/89
R. J. Sullivan

4

Zoning came into being in Baltimore County on January 2, 1945, pursuant to previous authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations.

The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 445). At the next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247). Before any such regulations were issued, the legislature authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See Kahl v. Cons. Gas Elec. Light and Pwr. Co., 133 Md. 249, 254, 60 A.2d 354 (1948); Calhoun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Section II of those regulations created seven zones, four being residential, one commercial, and two industrial. See McIntyre v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 38 (1978).

Those original regulations provided for nonconforming uses. The statute read as follows:

"A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a nonconforming structure shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

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[Signature]

Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section then read:

"104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel or land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

Section 104.1 was changed to its current language on March 15, 1976 by Bill No. 18-76. The current effective regulation reads as follows:

"A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used. (B.C.Z.R., 1955; Bill No. 18, 1976)"

On August 4, 1980, the current language found in Section 104.3 was added to the B.C.Z.R. by Bill No. 167-80. This regulation placed an exception upon the general nonconforming rule for Special Exception office buildings. Said modification is irrelevant to the factual situation in this instance and therefore will not be set forth herein.

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By

7/28/89
L. J. Schulman

7

when the testimony is found to create a factual scenario of the property being used more frequently, the use is held to be a lawful intensification. In those instances, the use is a valid nonconforming use. See Feldstein v. Lavale Zoning Board, 245 Md. 204, 227 A2d, 731 (1967), Tahmiger v. Staley, 245 Md. 130, 225 A2d, 277 (1967), Phillips v. Zoning Comm'r. of Howard County, 225 Md. 1102, 169 A2d, 410 (1961).

After due consideration of the testimony and evidence presented, it is clear that a nonconforming use of the subject property as a warehouse has existed continually and without interruption since 1976. Said use at that time was a permitted use as of right. However, there was no indication that in the past the subject property was used for office space by any of the previous tenants. The facts presented regarding three employees working out of the premises indicates a use of the property for office space which is greater than accessory to the warehouse. To permit such use to continue would be an unlawful extension of same; therefore, such use must cease. Office use on the subject property shall be limited to having a small subordinate area set aside as accessory to and for managing the warehouse. The general office space for the business must be located elsewhere.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of July, 1989 that the Petition for Special Hearing to approve the nonconforming use of the subject property as a warehouse be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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Date

By

7/28/89
Bette J. Schulman

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Any office use on the subject property shall be limited to the small subordinate area set aside as accessory to and for managing the warehouse use of the one-story concrete block building.

3) Within thirty (30) days of the date of this Order, Petitioner shall provide detailed floor plans of the interior space clearly designating the area reserved for accessory office use, which shall be limited to one (1) employee at any given time, except for individuals dropping off and picking up warehouse items. Office equipment shall be limited to one (1) desk, one (1) telephone, and one (1) computer and/or typewriter. Said plans must be approved by the Deputy Zoning Commissioner as being found in compliance with the terms and conditions of this Order or the use granted herein shall be rescinded.

4) Within sixty (60) days of the date of this Order, Petitioner shall provide documentation, i.e., lease agreement, etc., of a principal sales office at another location. Petitioner shall submit in writing for the case file updated documentation of principal office as location changes or as requested by the Zoning Enforcement Office.

5) There shall be no retail sales from the subject property.

6) The building designated on Petitioner's Exhibit 1 as two-story residence shall be used for residential purposes only.

7) Upon request and reasonable notice, Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

OFFICE RECEIVED FOR FILING

Date

By

ANN:bjs

C. M. Nastarowicz

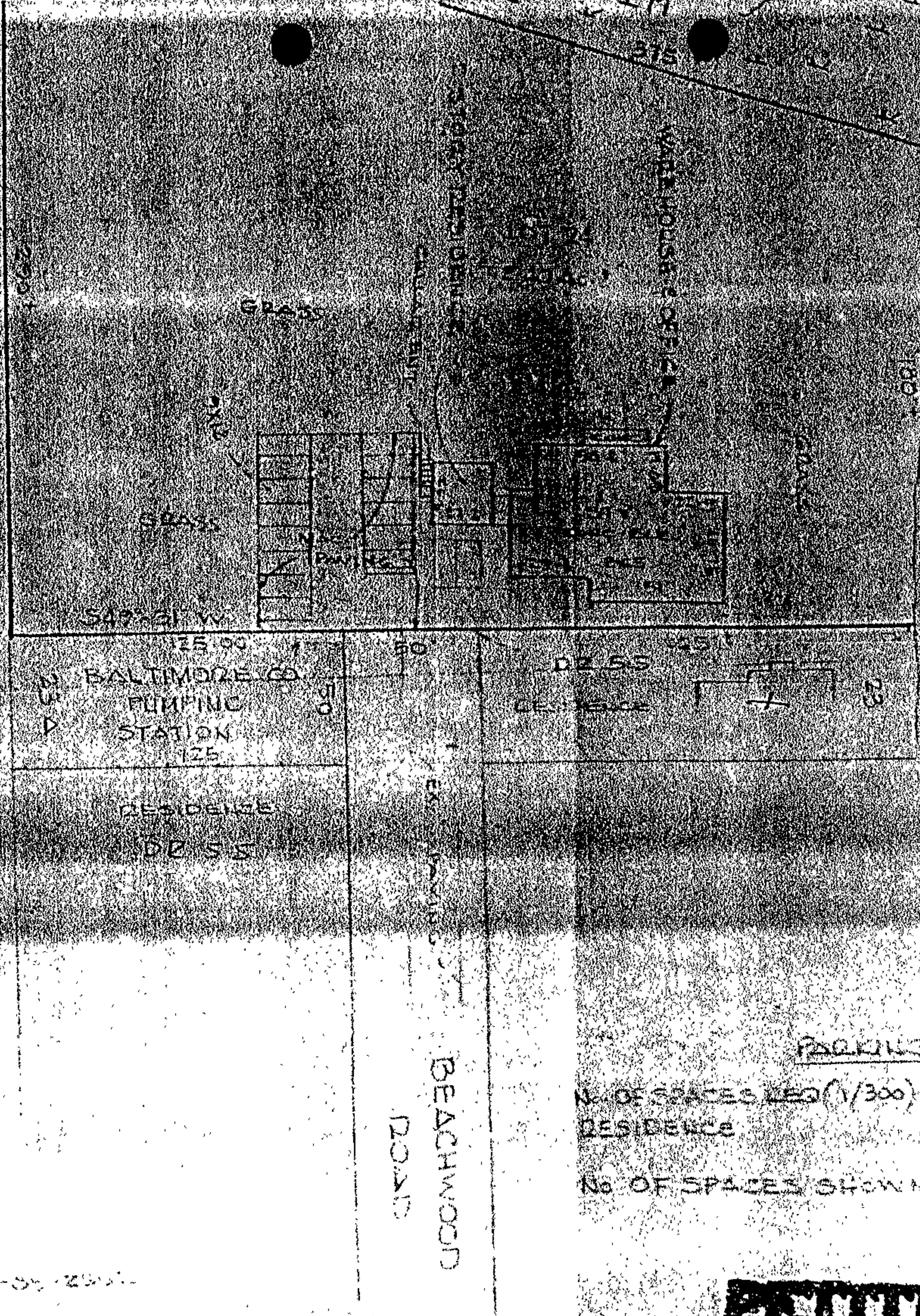
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning and/or was permitted as of right thereafter. In this case, the testimony presented clearly proved the use was permitted as of right until 1976 under the then zoning of the property as M.H.-I.M. Said use has continued since.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered non-conforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

It must be determined whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. The case law in Maryland is clear that an extension of use and the intensification of use are not one and the same. The evidence presented by the Protestants in opposition to the nonconforming use concerning the increased traffic is considered to be an intensification of use. The testimony was clear that there was no exterior change to the subject property; however, Petitioner proposes using the property for office space as well as warehouse space. The Maryland cases have generally held that when there is a change from one nonconforming use to a new and different use, the new use is held to be an unlawful extension of the use. Thus, the nonconforming use is deemed to have expired. However,

Date _____
By *William J. Schuman*



ON
FRIEDEN
4102 654C
BALTO MT

PARKING DATA

N. OF SPACES REQ (1/300) (37, 50-F
RESIDENCE
No OF SPACES SHOWN

PETITION
EXHIBIT

CASE 2-05-2901

DE 53
BALTIMORE CO
RESIDENCE OFFICE & WAREHOUSE
391152 FT

NOTED FOR THE COURT

CASE # 89-479-SPH

● Mr. Frederick Thiess
4102 Beachwood Road

Exhibit F







OCT 28, 2002

TO WHOM IT MAY CONCERN

IT WOULD BE A HARDSHIP FOR ME NOT TO PARK ON MY LOT WHICH I OWN ACCROSS THE ROAD FROM MY HOME AT 4114 BEACHWOOD ROAD. I HAVE BEEN PARKING HERE SINCE 1974. I HAVE NO OTHER PLACE TO PARK MY TRUCK WITHOUT PAYING A HIGH RENTAL CHARGE. IT WOULD ALSO BE AN INCONVIENCE FOR ME TO GET BACK AND FORTH TO MY TRUCK AND MY TRUCK WOULD BE EXPOSED TO VANDALISM AT LOCATIONS AWAY FROM MY PARKING AREA ACCROSS FROM MY HOME. I AM 70 YEARS OF AGE AND ONLY WORK PART TIME TO MAKE EXTRA MONEY IT WOULD BE COSTLY FOR WHAT I MAKE TO PAY PARKING EXPENCE. PLEASE CONSIDER THESE ISSUE'S FOR MY APPLICATION FOR SPECIAL EXCEPTION TO PARK ON MY OWN LOT WHICH I MAINTAN.

THANK YOU

WILLIAM TITUS

William Titus

EX161+

G

restriction, a restrictive covenant or a binding contractual agreement, including a lease. Any plans approved are conditioned upon and subject to periodic review by the Director to ensure that adequate parking arrangements continue to exist. [Bill No. 144-1997]

409.8 Design standards.

- A. Requirements for parking facilities in all zones. All off-street parking facilities shall be subject to the following requirements:
 1. Design, screening and landscaping. Design, screening and landscaping shall be provided in accordance with the Landscape Manual and all other manuals adopted pursuant to Section 26-283 of the Baltimore County Code, 1988 Edition, as revised.
 2. Surface. A durable and dustless surface shall be provided and shall be properly drained so as not to create any undesirable conditions.
 3. Lighting. Any fixture used to illuminate any parking facility shall be so arranged as to reflect the light away from residential lots and public streets. Light standards shall be protected from vehicular traffic by curbing or landscaping.
 4. Distance to street line. No parking space in a surface parking facility for a nonresidential use shall be closer than 10 feet to the right-of-way line of a public street, excluding vehicle overhang, except that in the C.T. District of Towson such setback is not required if the parking facility is screened from the street in accordance with the Landscape Manual.
 5. Dead ends. All dead-end aisles shall be designed to provide sufficient backup area for the end parking spaces.
 6. All parking spaces must be striped. Striping shall be maintained so as to remain visible.
- B. Business or industrial parking in residential zones.
 1. Upon application, the Zoning Commissioner may issue a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6, under the following procedure:
 - a. On the property in question, notice of the application for the use permit shall be conspicuously posted for a period of 15 days following the filing of the application.
 - b. Within the fifteen-day posting period, any interested person may file a formal request for a public hearing with the Zoning Commissioner in accordance with Section 500.7.
 - c. If a formal request for a public hearing is not filed, the Zoning Commissioner, without a public hearing, may grant a use permit for parking in a residential zone if the proposed use meets all the requirements of Section 409.8.B.2. The use permit may be issued with

such conditions or restrictions as determined appropriate by the Zoning Commissioner to satisfy the provisions of Section 409.8.B.2 below and to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community.

- d. If a formal request for a public hearing is filed, the Zoning Commissioner shall schedule a date for the public hearing, such hearing to be held not less than 30 days and not more than 90 days from the date of filing of the request for public hearing.
- e. Following the public hearing, the Zoning Commissioner may either deny or grant a use permit conditioned upon:
 - (1) His findings following the public hearing;
 - (2) The character of the surrounding community and the anticipated impact of the proposed use on that community;
 - (3) The manner in which the requirements of Section 409.8.B.2 and other applicable requirements are met; and
 - (4) Any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of Section 502.1 of these regulations.

2. In addition to all other applicable requirements, such parking facilities shall be subject to the following conditions:

- a. The land so used must adjoin or be across an alley or street from the business or industry involved.
- b. Only passenger vehicles, excluding buses, may use the parking facility.
- c. No loading, service or any use other than parking shall be permitted.
- d. Lighting shall be regulated as to location, direction, hours of illumination, glare and intensity, as required.
- e. A satisfactory plan showing parking arrangement and vehicular access must be provided.
- f. Method and area of operation, provision for maintenance and permitted hours of use shall be specified and regulated as required.
- g. Any conditions not listed above which, in the judgment of the Zoning Commissioner, are necessary to ensure that the parking facility will not be detrimental to adjacent properties.

C. Requirements for parking bays on a street. Parking bays on a street are subject to the following requirements and all applicable requirements of the Department of Public Works:

PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS 4117 A 4118 A Beachwood Rd SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME BEACHWOOD

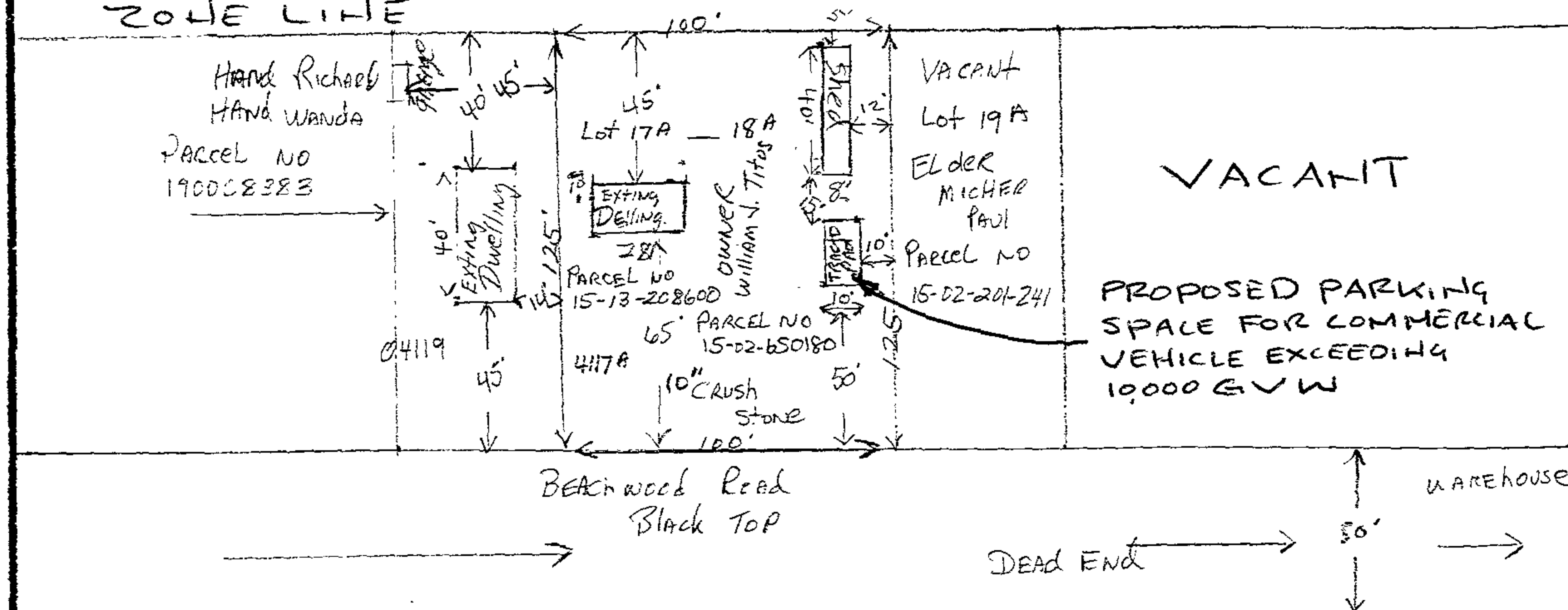
PLAT BOOK # 10 FOLIO # 123 LOT # 17A SECTION # 18A

OWNER William Joseph Titus

WOODED / WETLANDS
VACANT

MH-1M

ZONE LINE



BEACHWOOD Road
Black Top

DEAD END

WAREHOUSE

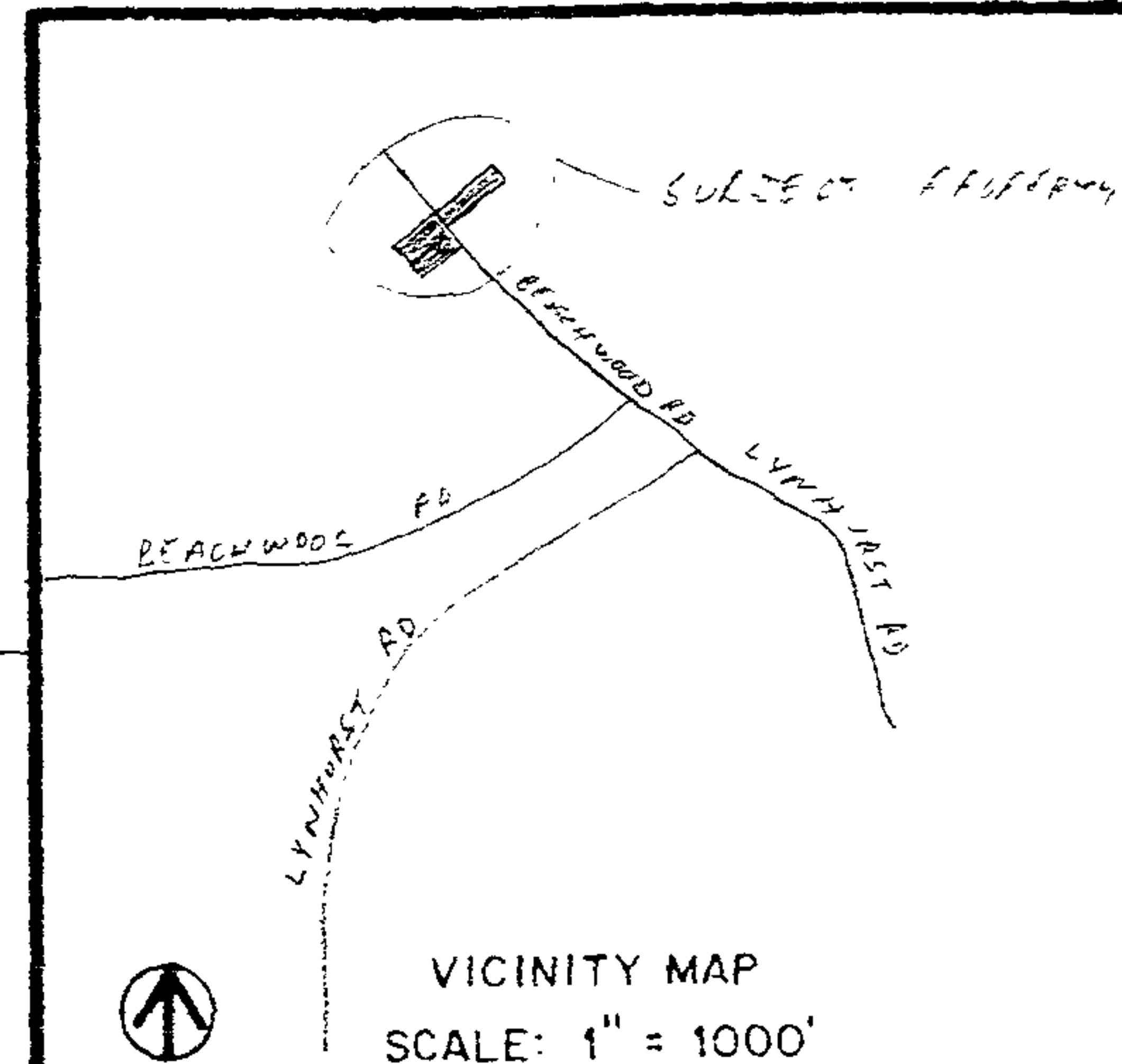
4114
EXISTING
Dwelling
OWNER
William J.
Titus
Lot 18
PARCEL NO
15-CE-650181



NORTH

BACK RIVER

SCALE OF DRAWING: 1" = 50'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # SE-H3

ZONING DR 5.5

LOT SIZE 100' x 125' 12,500
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☐
100 YEAR FLOOD PLAIN	☐	☐
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING		

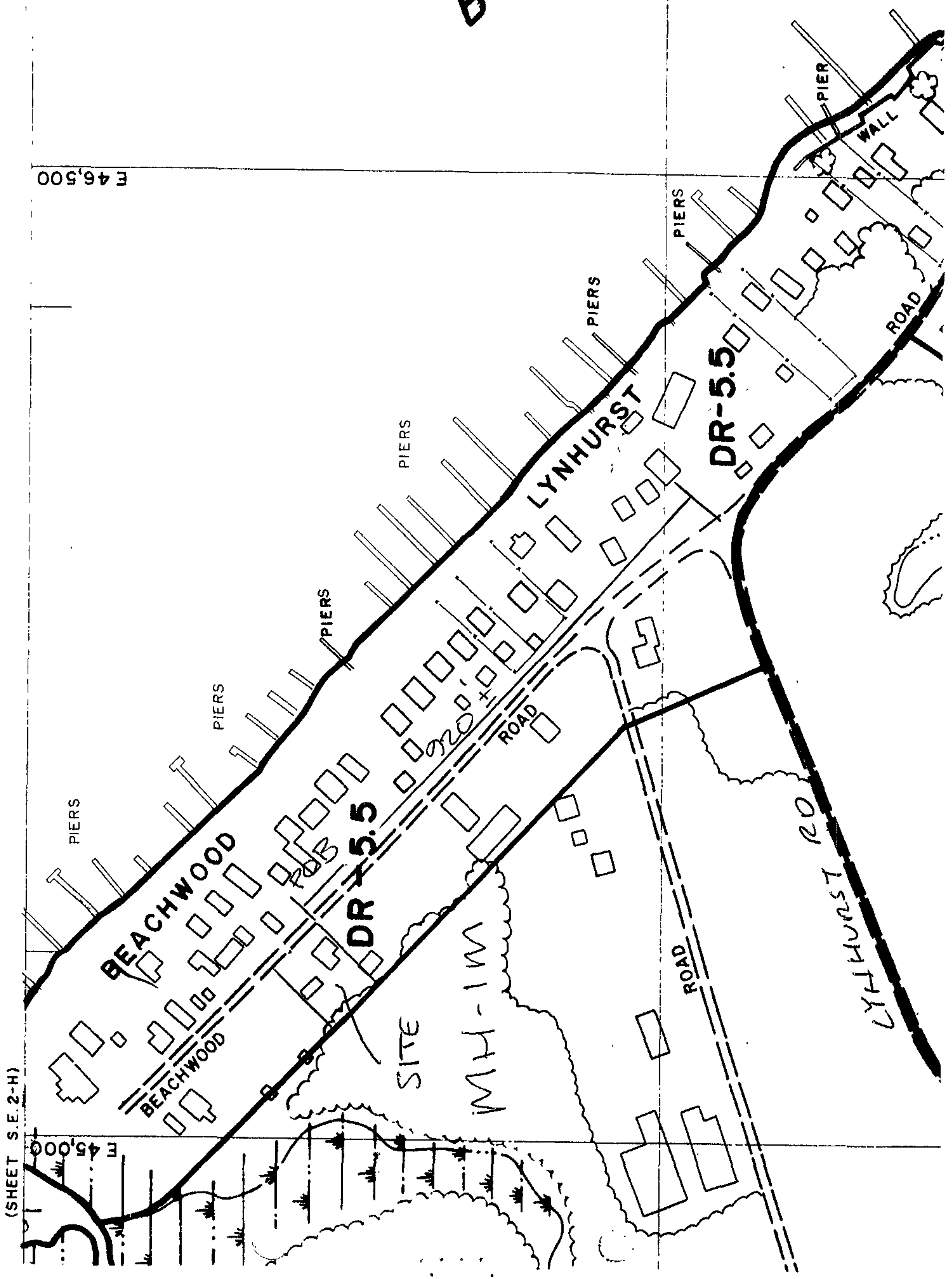
ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

CTM 185

PREPARED BY WT

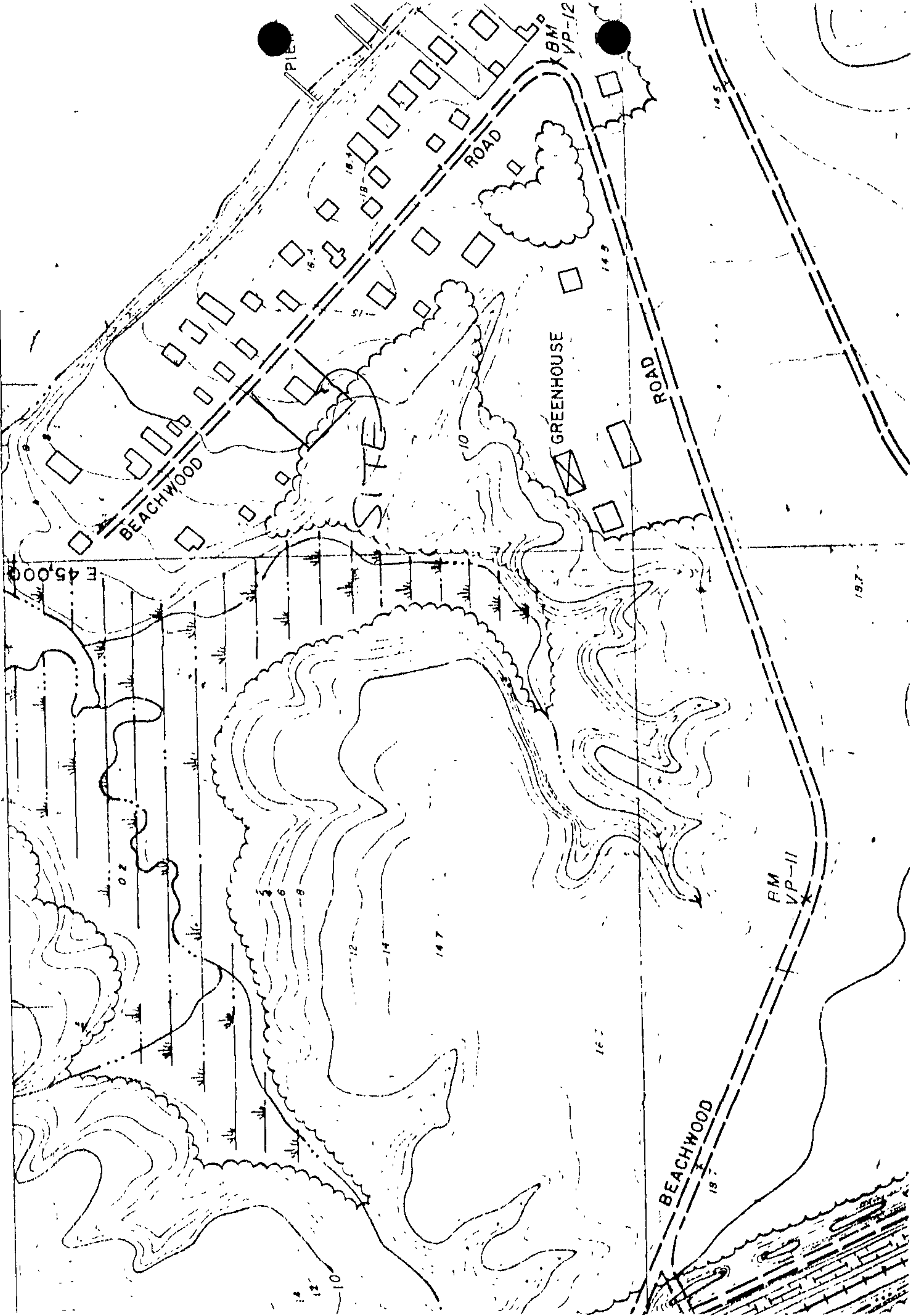
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B A

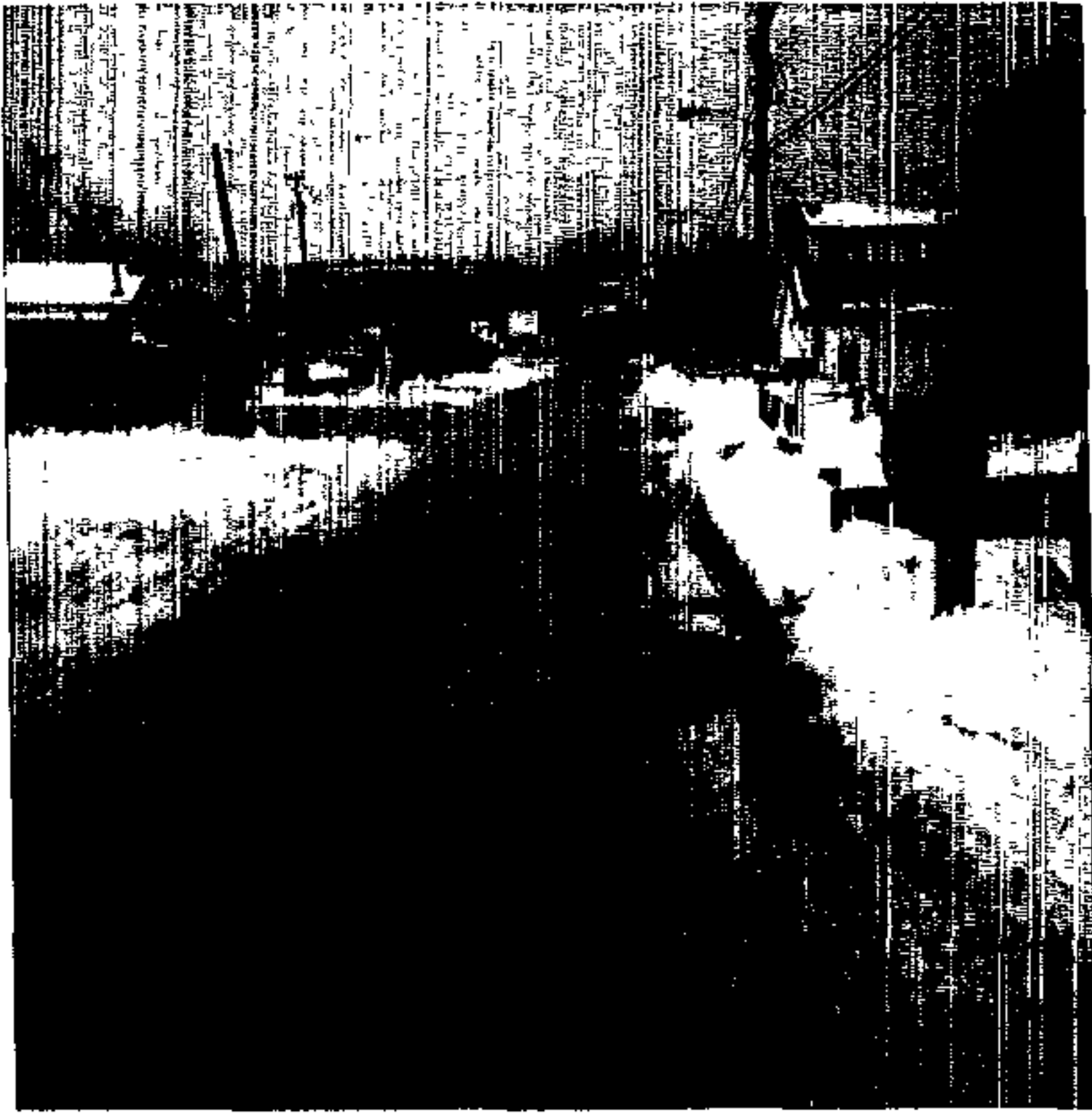


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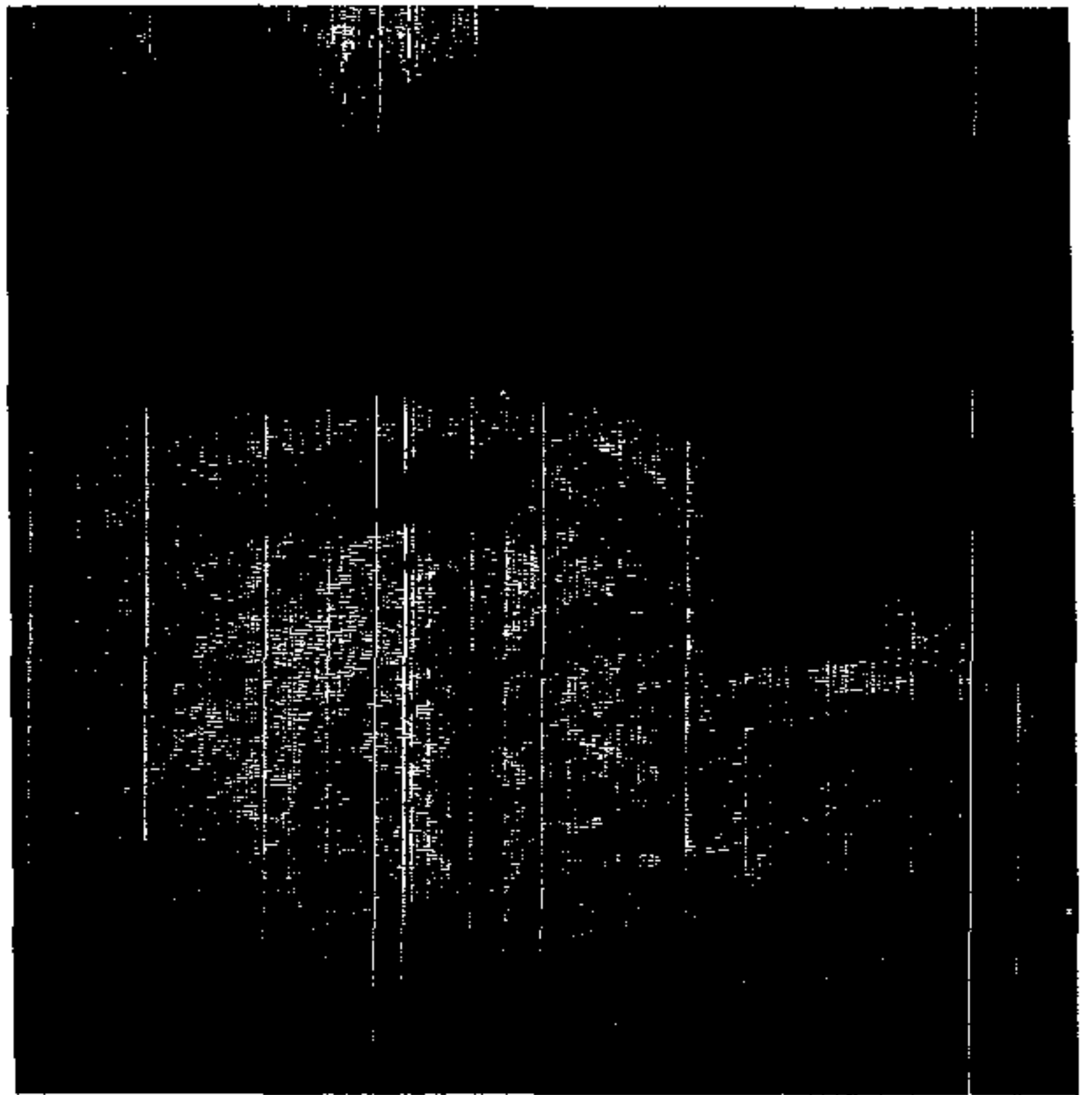
(SHEET S.E. 2-H)



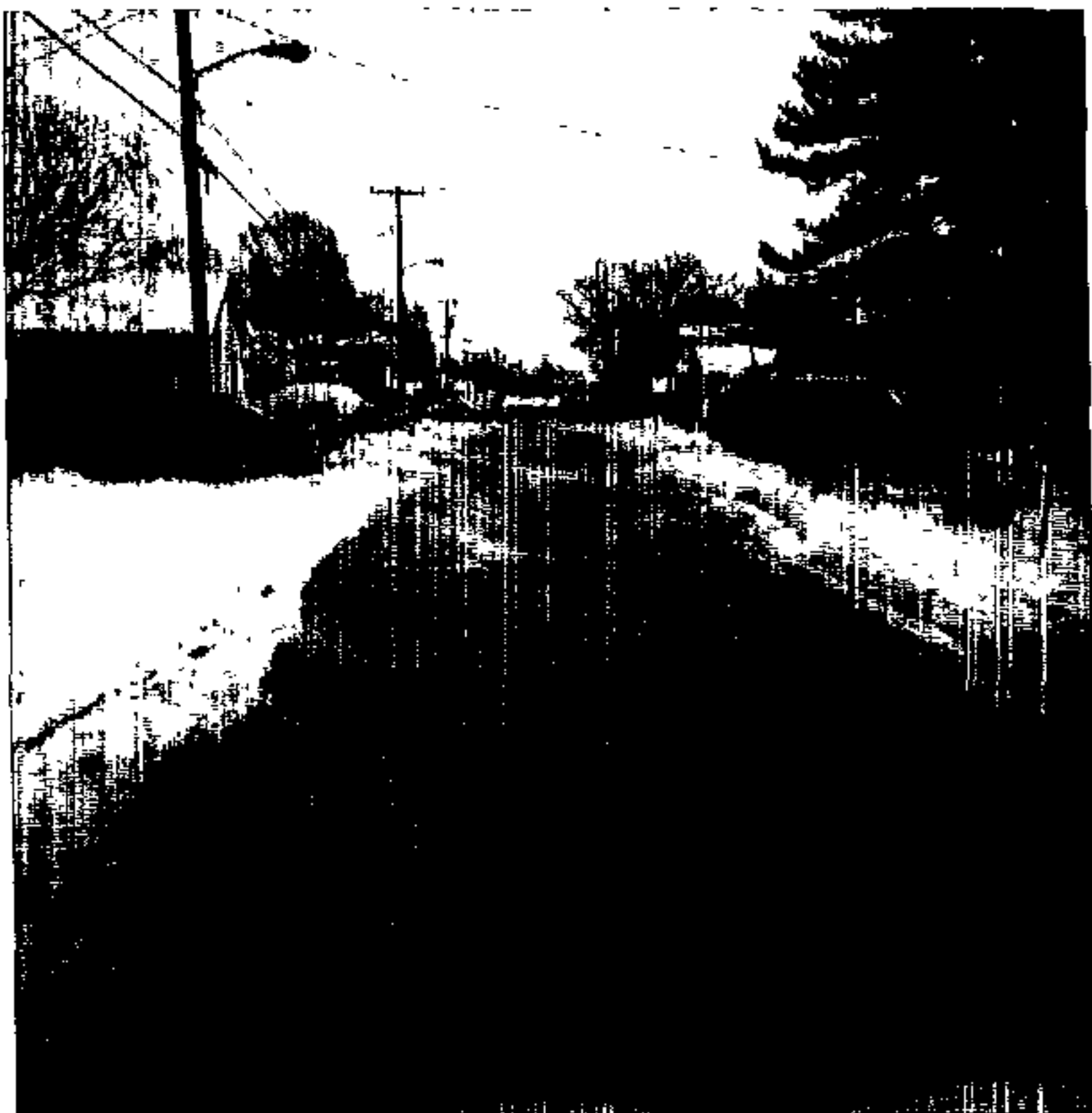
photograph
03-185-5PH



DEC
5 2002



DEC 5 2002



DEC
5 2002

