IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE
NE/S Oella Avenue, 190' NW,
centerline of Old Frederick Road
1st Election District
1st Councilmanic District
(207 Oella Avenue)

Wanda & Charles M. Hobeck

Petitioners

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 03-447-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owners of the subject property, Wanda and Charles M. Hobeck. The Petitioners are requesting zoning relief for their property located at 207 Oella Avenue, situated in the Catonsville area of Baltimore County. The Petitioners are proposing to construct a small addition to the east side of their existing single-family dwelling. In order to proceed with the construction of the addition, special hearing relief is necessary to allow a 15 ft. setback from the 100 year floodplain in lieu of the required 20 ft. and variance relief to allow a side yard setback of 11 ft. in lieu of the required 15 ft.

Appearing at the hearing on behalf of the requests were Mr. and Mrs. Hobeck, the owners of the property, Tom Church, the professional engineer who prepared the site plan of the property, and Martin Niessner, the adjacent property owner and the builder who intends to construct the proposed addition. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this special hearing and variance request, consists of 0.270 acres, more or less, zoned D.R.1. The property is improved with an existing single-family dwelling wherein Mr. and Mrs. Hobeck reside. One of the corners of the addition to be constructed infringes into the 20 ft. setback to the 100 year floodplain drainage and utility easement to the rear. In addition, another corner of the addition to be

2 Spalo3

constructed infringes into the side yard setback as shown on the site plan submitted. After considering the testimony and evidence offered at the hearing and the lack of opposition thereto, I find that the special hearing and variance should be granted.

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

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

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

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this Agriculture day of May, 2003, that the Petitioners' request for special hearing and variance, to allow a 15 ft. setback from the 100 year floodplain in lieu of the required 20 ft. and variance relief to allow a side yard setback of 11 ft. in lieu of the required 15 ft. to construct a small addition to the east side of the existing single-family dwelling, be and is hereby GRANTED, subject, however, to the following condition:

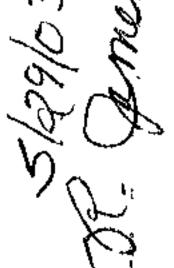
1. The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

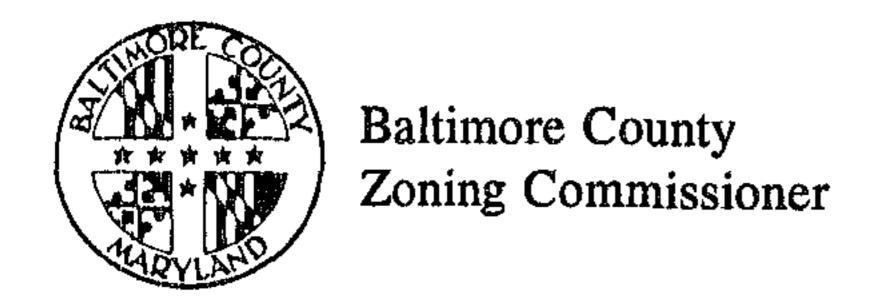
TIMOTHY M. KOTROCO

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

May 29, 2003

Mr. & Mrs. Charles M. Hobeck 207 Oella Avenue Baltimore, Maryland 21228

Re: Petitions for Special Hearing & Variance

Case No. 03-447-SPH Property: 207 Oella Avenue

Dear Mr. & Mrs. Hobeck:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and variance have 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

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Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Tom Church, P.E. 6603 York Road Baltimore, MD 21212

Martin Niessner 4839 Rollingtop Road Ellicott City, MD 21043



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	#207	OELLA	AVE	NUE		
which is presently zoned DR-1						

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

ALLOW a 15' SETBACK FROM A 100-YEAR FLOODPLAIN IN LIEU OF THE REQUIRED 20' SETBACK THAT WHICH IS REQUIRED IN PLATS D-10 OF THE BALTIMORE COUNTY DESIGN MANUAL.

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:		is the subject of this Petition. Legal Owner(s):				
]	N/A		CHARLES MICHAEL HOB	ECK		
Name - Type or Print			Name - Type or Print Charles Michael	Hobeck		
Signature			Signature			
Address	-, 	Telephone No.	WANDA HOBECK Name Type or Print Wanda Co	ech	······································	
City	State	Zip Code	Signature 7500	Cae		
Attorney For Petition	<u>ier:</u>		207 OELLA AVENUE	人41	0-461-0866 Telephone No.	
	N/A		BALTIMORE,	MD	21228	
Name - Type or Print	······································		City	State	Zip Code	
Signature		, ,	Representative to be of THOMAS A. CHURCH, P			
Company	······································		DEVELOPMENT ENGINEE	RING CONSUL	TANTS, INC.	
-			6603 YORK ROAD		410-377-2600	
Address		Telephone No.	Address		Telephone No.	
City &	State	Zip Code	BALTIMORE, City	MD State	21212 Zip Code	
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			ESTIMATED LENGTH	OF HEARING	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
Case No. 0 3 -	447-56	PLA	UNAVAILABLE FOR HE		<u></u>	
	·	Rev	iewed By LTM	Date 3/2	7/03	



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #207 OELLA AVENUE

which is presently zoned DR-1

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)

1802.3.C.1 TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH ADDITION

TO HAVE A SIDEYARD OF 11' IN LIEU OF THE REQUIRED 15' SIDEYARD.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Owners desire to build a two-story addition with a two car garage on the first story and extra rooms on the second story. Addition must be 24' wide and the same depth (27'±) to accommodate two vehicles, and current setbacks do not allow for the required dimensions. Two stories are required to provide an architecturally aesthetic and uniform appearance. Extra rooms on second story will be used for additional living space by residents.

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.

N/AName - Type or Print Signature Telephone No. Address Zip Code State City Attorney For Petitioner: N/AName - Type or Print Signature Company Telephone No. Address Zip Code State City

Contract Purchaser/Lessee:

Case No. 03-447-5PHA

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

CHARLES MICHAEL HOBECK Name - Type or Print Charles Michael - Ho Signature	beck	······································		
Name - Type of Print WANDA HOBECK Name - Type of Print Wanda Volume Signature				
207 OELLA AVENUE	× 410	-461-0866		
Address		Telephone No.		
BALTIMORE,	MD	21228 Z ip Code		
City	State	Zip Code		
Representative to be Conta THOMAS A. CHURCH, P.E. DEVELOPMENT ENGINEERING		TANTS, INC.		
Name				
6603 YORK ROAD		410-377-2600		
Address		Telephone No.		
BALTIMORE,	MD	21212		
City	State	Zip Code		
OFFICE USE ONLY				

Date

ESTIMATED LENGTH OF HEARING _

UNAVAILABLE FOR HEARING

Reviewed By CTM

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road Baltimore, Maryland 21212 (410) 377-2600 (410) 377-2625 Fax

ZONING DESCRIPTION FOR #207 OELLA AVENUE

BEGINNING at a point on the northeast side of Oella Avenue which is 50 feet wide at the distance of 140 feet northwest of the centerline of the nearest improved intersecting street Old Frederick Road which if 50 feet wide. Being Lot #2 in the subdivision of "Property of Martin J. Niessner, Sr." as recorded in Baltimore County Plat Book Liber E.H.K. Jr. 55, Folio 9.

Containing 10,010 square feet or 0.230 acres of land, more or less.

Also known as #207 Oella Avenue and located in the First Election District, First Councilmanic District.

95-102 January 27, 2003



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COUNTY, MARYLAND & FINANCE RECEIPT ANEOUS BUDGET BALTIMORE OFFICE OF MISCELL

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VALIDATION

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NOTICE OF ZOMING HEASING

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: #03-447-SPHA
207 Cella Avenue
Nicest side of Cella Avenue, 190 feet northwest of centerline of Old Frederick Road
1st Election District—1st Councilmanic District
Legal Owner(s): Charles and Wanda Hobeck
Special Hearing: to allow a 15-feet setback from a 100-year flood plain in lieu of the required 20-foot setback that which is required in plats D-10 of the Baltimore County Design Manual. Variance: to permit an existing single family dwelling with addition to have a sideyard of 11 feet in lieu of the required 15 foot sideyard.

Hearing: Wednesday, May 28, 2003 at 9:00 a.m. in Room 407. County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Battimore 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.

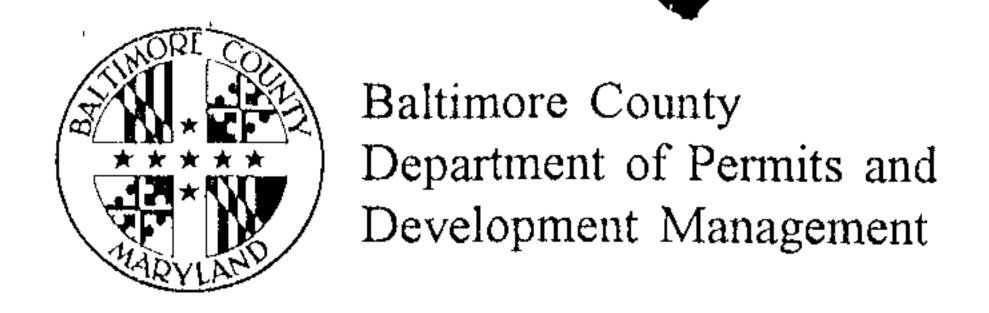
JT 5/680 May 13

, 20<u>03</u>

☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News	THIS IS TO CERTIFY, that the annexed advertisement was publish in the following weekly newspaper published in Baltimore County, Md once in each of $\frac{1}{2003}$ successive weeks, the first publication appearin on $\frac{5 3}{2003}$.	
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CERTIFICATE OF POSTING

	RE: Case No.: 03-447-SPHA
	Petitioner/Developer: CHARLES +
	WANDA HOBECK
	Date of Hearing/Closing: 5/28/03
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Becky Hart {(410) 887-3394}	
Ladies and Gentlemen:	
This letter is to certify under the penalties of penaltie	erjury that the necessary sign(s) required by law were t:
207 OELLA AVE	
The sign(s) were posted on	5/10/03 (Month, Day, Year)
	Sincerely,
	1-12-1
	5/10/03
	(Signature of Sign Poster) (Date)
	SSG Robert Black
THE POSSIC IN ARMS WILL BE MEET BY THE TONING COMMISSIONER TO THE TONING COMMISSION WE	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
;	(410) 282-7940
	(Telephone Number)



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

Fax: 410-887-5708

April 8, 2003

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: 03-447-SPHA

207 Oella Avenue

N/east side Oella Avenue, 190 feet northwest of centerline of Old Frederick Road 1st Election District – 1st Councilmanic District

Legal Owner: Charles and Wanda Hobeck

Special Hearing to allow a 15-foot setback from a 100-year flood plain in lieu of the required 20-foot setback that which is required in plats D-10 of the Baltimore County Design Manual. Variance to permit an existing single family dwelling with addition to have a sideyard of 11 feet in lieu of the required 15 foot sideyard.

Hearings: Wednesday, May 28, 2003 at 9:00 a.m. in Rm. 407, County Courts

Building, 401 Bosley Avenue

Arnold Jabion Director

AJ:klm

C: Charles and Wanda Hobeck, 207 Oella Avenue, Baltimore 21228
Thomas A. Church, Development Engineering Consultants, 6603 York Rd., Baltimore 21212

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 13, 2003.

- (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

Tuesday, May 13, 2003 Issue - Jeffersonian

Please forward billing to:

Thomas A. Church, P.E.

410-377-2600 Development Engineering Consultants, Inc.

6603 York Road

Baltimore, MD 21212

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: 03-447-SPHA

207 Oella Avenue

N/east side Oella Avenue, 190 feet northwest of centerline of Old Frederick Road 1st Election District – 1st Councilmanic District

Legal Owner: Charles and Wanda Hobeck

Special Hearing to allow a 15-foot setback from a 100-year flood plain in lieu of the required 20-foot setback that which is required in plats D-10 of the Baltimore County Design Manual. Variance to permit an existing single family dwelling with addition to have a sideyard of 11 feet in lieu of the required 15 foot sideyard.

Wednesday, May 28, 2003 at 9:00 a.m. in Rm. 407, County Courts Hearings:

Building, 401 Bosley Avenue

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.

> 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

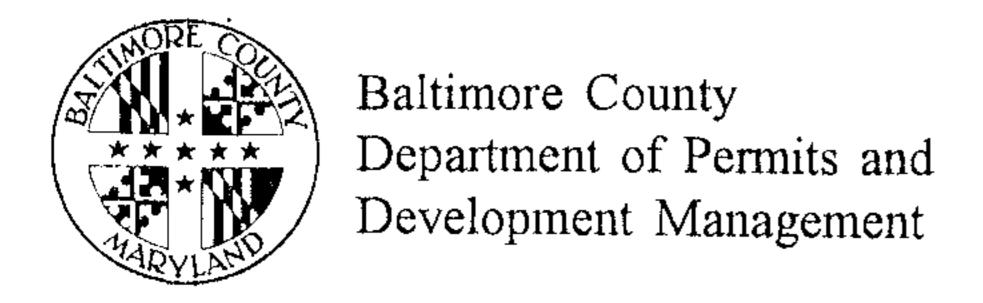
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <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: 03-447-SPHA
Petitioner: CHARLES MICHAEL AND WANDA HOBECK
Address or Location: 9207 OELLA AVENUE
PLEASE FORWARD ADVERTISING BILL TO:
Name: THOMAS A. CHURCH, P.E.
DEVELOPMENT ENGINEERING CONSULTANTS, INC. Address: 6603 YORK ROAD, BALTIMORE, MD 21212
1
Telephone Number: 410-377-2600



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

Fax: 410-887-5708

May 23, 2003

Charles Michael Hobeck Wanda Hobeck 207 Oella Avenue Baltimore, MD 21228

Dear Mr. and Mrs. Hobeck:

RE: Case Number: 03-447-SPHA, 207 Oella Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 27, 2003.

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, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Thomas A. Church, Development Engineering Consultants, Inc.; 6603 York Rd.,
Baltimore 21212



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

April 08, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: April 7, 2003

Item No.:

445-455

Dear Ms. Hart:

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.

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

cc: File

on Recycled Paper



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Nell J. Pedersen, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4.8-03

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

RE: Baltimore County

Item No. 447

LTM

Dear. Ms. Hart:

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



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 03-447

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/LL:MAC

KECEIVED

DATE: April 16, 2003

APR 1 5 2003

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 28, 2003

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 14, 2003 Item No. 447

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

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above flood plain elevation in all construction.

RWB:CEN:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE
207 Oella Avenuc; NE/Side Oella Ave, 190'* ZONING COMMISSIONER
NW c/line Old Frederick Road
1st Election & 1st Councilmanic Districts * FOR
Legal Owner(s): Charles and Wanda Hobeck
Petitioner(s) * BALTIMORE COUNTY

* 03-447-SPHA

* * * * * * * *

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 _____ day of April, 2003, a copy of the foregoing Entry of Appearance was mailed to Thomas A Church, PE, Development Engineeering Consultants, Inc, 6603 York Road, Baltimore, MD 21212, Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME 201 been by CASE NUMBER #03-447-50

PETITIONER'S SIGN-IN SHEET

E- MAIL			
CHTY, STATE, ZIP OHTONSVILLE MD 21228 CATOWSVILLE MD 21228 CHIERRY PH 21043			
ADDRESS SOT OFLICA AUE 207 OFLICA AUE ABSALVAMMAN DA			
NAME Level WANDA Hobeck MIKE Hoseck Marke Hoseck			

