IN RE: PETITION FOR ADMIN. VARIANCE
NE/S of Lorraine Avenue, 285 ft. NW
centerline of Cedar Avenue
15th Election District
7th Councilmanic District
(325 Lorraine Avenue)

James R. Plaine & James M. Scharf Petitioners BEFORE THE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 04-440-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, James R. Plaine and James M. Scharf. The variance request is for property located at 325 Lorraine Avenue in the eastern area of Baltimore County. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory structure (garage) in the rear yard to be 19 ft. high in lieu of the 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 Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 4, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments submitted by the Office of Planning dated April 12, 2004, a copy of which is attached hereto and made a part hereto.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, offstreet parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

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

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

THEREFORE, IT IS ORDERED, this 23 day of April, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory structure (garage) in the rear yard to be 19 ft. high in lieu of the permitted 15 ft., be and it 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 convert the garage into a dwelling unit and/or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities;
- 3. The Petitioners shall not allow the accessory structure to be used for commercial purposes; and
- 4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

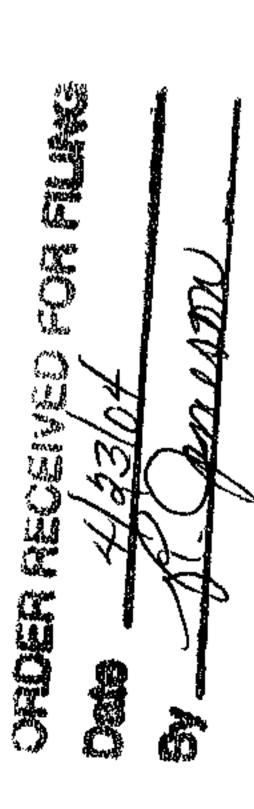
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

April 23, 2004

James R. Plaine James M. Scharf 325 Lorraine Avenue Baltimore, Maryland 21221

Re: Petition for Administrative Variance Case No. 04-440-A

Property: 325 Lorraine Avenue

Dear Messrs. Plaine & Scharf:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been approved 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,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 325 Romaine Ave which is presently zoned DR5-5

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 Variance from Section(s) 400.3 To Fermit A Detaction ACCESSORY STRUCTURE IN THE REAR YARD TO 136 19FT. HIGH IN LIEW OF 15FT.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

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

		_	I/We do solemnly of perjury, that I/we a is the subject of thi	declare and affirm, under the the legal owner(s) of the securition.	ne penalties of property which
Contract Purchaser/L	essee:		Legal Owner(s	<u>):</u>	
Name - Type or Print		·	Name - Type or Print	ROBERT PLA	INE
Signature	<u> </u>		Signature (solvert O Vai	rul
Address		Telephone No.	Name - Type or Print	SMArtin Schop	556405
City	State	Zlp Code	Signature 30 19 12 Ch	Ecen J. Scher Che	bran J
Attorney For Petitione	<u>er:</u>		325 40 Address	TOBINO AVE	Telephone No.
Name - Type or Print			City 3/12/2	State	2/27/ Zlp Code
Signature		······································	Representative	to be Contacted:	l
Contpany		**************************************	Name	······································	
Address	ve. a luv e n e e e e e e e e e e e e e e e e e e e	Telephone No.	Address		Telephone No.
CIf	State	Zip Code	City	State	Zip Code
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CASE NO. OU	· UUO.	David	1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	nmissioner of Baltimore Count	
EV 10/25/01			iewed By <u>&</u> (mated Posting Date	and the second	-20 p

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.

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative

That the Affiant(s) does/do presently reside at

REV 10/25/01

Variance at the above address (indicate hardship or practical difficulty):

I am requesting a variance because the
County law States the Maximum height
for a garage is 15', I would like the
garage to be 19° to house a recreational
Vehicle.
That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.
James Robert Blaine Signature Signature Signature
JAMES ROBERT PLAINE JAMES MARKEN Scharf Kathleon J Scharf Name-Type or Print
,
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 9th, day of 1910 (1910), 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesald, personally appeared
TAMES Robert Plaine and TAMES MALTIN Schart & RAHJeen T. Seling the Afflant(s) herein, personally known of satisfactorily identified to me as such Afflant(s).
AS WITNESS my hand and Notarial Seal
Notary Public L. Rivele

My Commission Expires July 2006

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.

That the Affiant(s) does/do presently reside at

That based upon personal knowledge, the following are Variance at the above address (indicate hardship or practical)	the facts upon which I/we base the request for an Administrative ctical difficulty):
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That the Affiant(s) acknowledge(s) that if a formal deadvertising fee and may be required to provide additional	rmand is filed, Affiant(s) will be required to pay a reposting and al information.
James Robert Blaine Signature	Signature Signature Start Start Week Scharf
JAMES ROBERT PLAINE Name - Type or Print	JAMES MARKEN Scharf Kathleen J Schar
STATE OF MARYLAND, COUNTY OF BALTIMORE, to	
of Maryland, in and for the County aforesaid, personally	1004, before me, a Notary Public of the State
, i.e.	TAMES MAI-TIN Schorf J- KAHleen T. Seling Sentified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
	Notary Public
	My Commission Expires <u>ful</u>
REV 10/25/01	\mathcal{O}



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 325 Rangaine. Ave

		which is presently zoned 12/35-5
This Petition shall be filed with the Edwards of the property situate in Baltin made a part hereof, hereby petition for a factor of the composition of the compositio	Pepartment of Permi nore County and which Variance from Section	ts and Development Management. The undersigned, legal this described in the description and plat attached hereto and on(s) 400.3 To Former A DETACHED FOR BE 19 FT. HOULD
of the zoning regulations of Baltimore C of this petition form.	ounty, to the zoning la	aw of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised I, or we, agree to pay expenses of above Varegulations and restrictions of Baltimore Cou	arighee gawanigina nac	tion and findhor against a gual agail a la la contra taile and a la contra taile and a la contra taile and the
		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:		Legal Owner(s):
Name - Type or Print	! 	Name - Type or Print O. Name - Type or Print
Signature	<u> </u>	Signature Name - Type of Print Signature Signature
Address	Telephone No	Name - Type or Print Kathleen J. Schap J.
City	Zip Code	Signature 200 Hacker St. School School
Attorney For Petitioner:		325 407731NO AVE 410-682. Address Telephone No.
Name - Type or Print		City State Zip Code
Signature	 	Representative to be Contacted:
Company	**************************************	Name
Address	Telephone No.	Address Telephone No.
City	Zlp Code	City State Zip Code
A Public Hearing having been formally demand this day oftimes the property and that the property and the property	ded and/or found to be nat the subject matter of the orty be reposted.	required, it is ordered by the Zoning Commissioner of Baltimore County ils petition be set for a public hearing, advertised, as required by the zoning

	Zoning Commissioner of Baltimore County
CASE NO. 04-440-	Reviewed By 800 Date 03-24-04
REV 10/25/01	Estimated Posting Date O4-04-04

Zoning Description

Zoning Description For: 325 Lorraine Ave.

Beginning at a point on the NE side of
Lorraine Ave. Which is 40ft.
wide at the distance of the nearest improved intersecting street Cedar Ave.
which is 40ft wide. *Being lot # 24
Block 1I, section #E in the subdivision of No Name
as recorded in Baltimore County Plat Book #5, Folio # 39,
containing 7,000 . Also known as 325 Lorraine Ave
and located in the 15 Election District, 7.

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BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCRELL AND IS RECEIPT	S INDONN S			PNK- AGBICY YELOW-CUSTOMES
BALTIMORE OFFICE OF BUD		RECEIVED		DISTRIBUTION WHITE-CASHER

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CERTIFICATE OF POSTING

	RE: Case No.: 04-440-A
	Petitioner/Developer: 3001975
	Date of Hearing/Closing: 4/19/04
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen:	*
This letter is to certify under the penalties of penosted, conspicuously on the property located at	rjury that the necessary sign(s) required by law were
325 4	ORRAINE AVE
**************************************	·
Che sign(s) were posted on	4/4/04.
	(Month, Day, Year)
	Sincerely, -
	Robert Black 4/4/04
	(Signature of Sign Poster) (Date)
	SSG Robert Black
TO PURT AND CHARLED IN THE STATE OF THE STAT	(Print Name)
	1508 Leslie Road
	(Address)
	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 O4-440-(-)
Petitioner JAMES M SCHAPS
Address or Location. 325 KOMAINE NUE
PLEASE FORWARD ADVERTISING BILL TO
Name JAMES M Schors
Address 327 LONDING AUE
BOLT: NO 21221
Telephone Number: 4/10238-2420

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number	04	440	-A	Address	325	Cor	T. A-L.		<u>DC.</u>
Contact Person	n:	Planner	Please Print Your		MDEN	Phone N	lumber:	410-887-	3391
Filing Date:	03	24-04	· Pos	ting Date:	04040	24 Clos	sing Date	e: <u>OCt</u> .	19.0
Any contact me through the con	nade ntact	with this off person (plan	ice regardin ner) using th	g the statu ne case num	us of the a nber.	ıdministrativ	/e varian	ce shoul	d be
repostin is again	g mu: resp	OST: The perof of this form) st be done or onsible for a refore the perof.	and the per nly by one o Il associated	titioner is re if the sign p d costs. Th	esponsible i osters on the ne zoning n	for all printi he approved office sign	ng/postin d list and must be	g costs. the petit	Any ioner
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Department of Permits Development Management

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





James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

April 19, 2004

James Robert Plaine James Martin Scharf 325 Lorraine Avenue Baltimore, Maryland 21221

Dear Mr. Plaine and Mr. Scharf:

RE: Case Number:04-440-A, 325 Lorraine Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 24, 2004.

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,

U. CallibalD

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsei

Fire Department

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





James T. Smith, Jr., County Executive John J. Hohman, Chief

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

March 31, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: March 31, 2004

Item No.:

436-449

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.

6. 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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: May 18, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 12, 2004

Item Nos. 436, 437, 438, 439, 440, 441,

445, 446, 447, 448, and 449

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley (25/JPD)

DATE:

April 5, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 8, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-436

04-437

04-438

04-439

Q4-440

04-441

04-445

04-446

04-447

04-448 04-449

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petitions

Case #:

04-440 – Administrative Variance

DATE: April 12, 2004

RECEIVED

APR 1 4 2004

ZONING COMMISSIONER

The Office of Planning does not oppose the petitioner's request to permit an accessory structure to have a height of 19 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities; and,
- 2. The accessory structure shall not be used for commercial purposes.

Prepared by:

Section Chief:

AFK/LL: MAC





Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

JRA

MARYLAND DEPARTMENT OF TRANSPORTATION

4.5.04 Date:

Item No.

Baltimore County

RE:

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

Robert L. Ehrlich, Jr., Governor

Michael S. Steele, Lt. Governor

Dear. Ms. Matthews:

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).

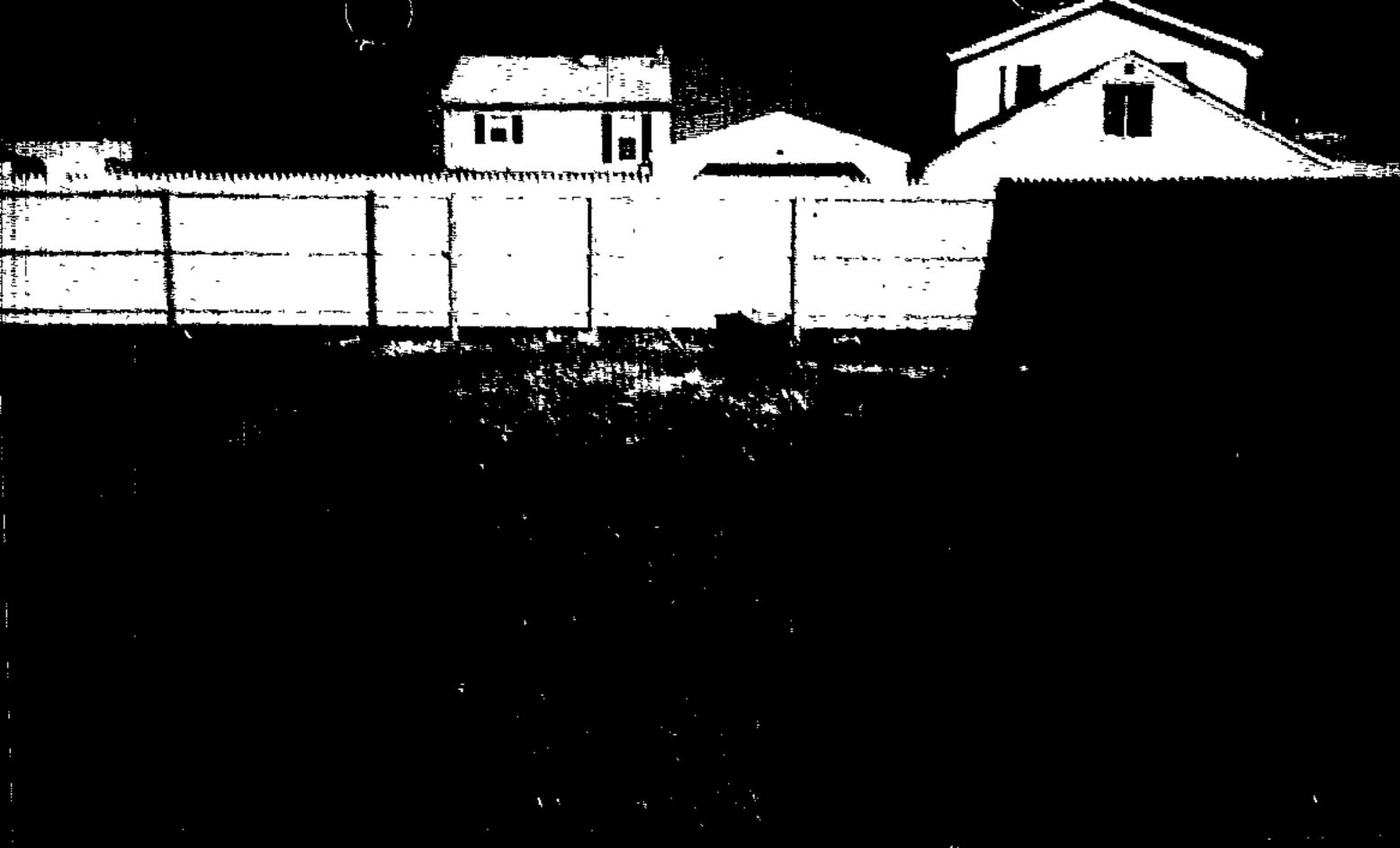
Very truly yours,

L. L. Hell.

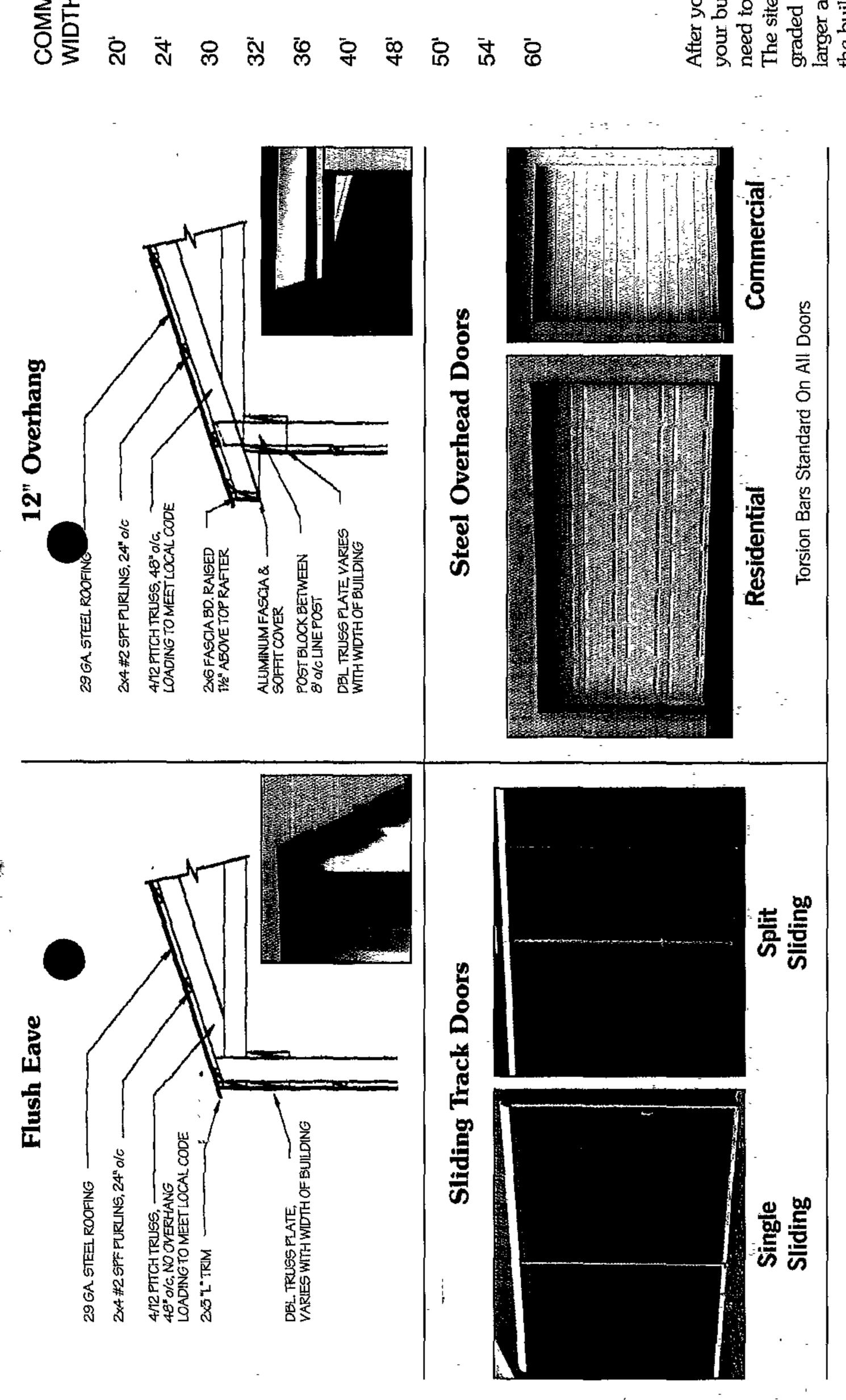
Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

REPARED BY JAMES M SCHARF SCALE OF DRAWING: 1" = 30'	NORTH 50'	SSEX 210 # 39 LOT # 24 SECTION # E ALLEY 141 84 55 867 807 84 55 867 807 84 55 867 807 84 55 867 807 84 55 867 807 84 55 867 807 85 867 807 86 9 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8	PLAT TO ACCOMPANY PETITION FOR ZONING WARIAN PROPERTY ADDRESS 325 LOFFAINE AND SERVING WARIAN
サナロー	REVIEWED BY ITEN # CASE #	PRIOR ZONING HEARING MATION TO ADDITIONAL REQUIRED INFORMATION DEL WATER AVE SCALE: 1" = 1000' LOCATION INFORMATION ELECTION DISTRICT 7 COUNCILMANIC DISTRICT 7 COUN	CE SP

Pet. Ch.#/



04. Of. PARO CARIO WHETCEGARAGE 19. (a) We 50. ENTONIONS MONOTOR S-CALEC-Accer weaklor BE USED, YEAR



fandard Features

40,

- 25, 30 & 40 pound Snow Loads o/o _8@ Pitch -4/ @48" o/c **Engineered Roof Trusses**
 - .60 4"x6" & 6"x6" Solid Sawn Posts -
- Southern Yellow Pine Truss Supports প্ত 2"x4" Spruce Roof & Sidewall Purlins @24" o/c
- All on Painted Steel Manufacturer's Warranty Steel Roofing & Siding - 25 year 29 ga.
 - No Seams or Z-Flashing 1 pc. Steel on Gable Ends and Roofs - No Sea Residential Aluminum Soffit & Fascia Systems
- Completely Insured Professional Crews for Installation - All

Options

Wood and T1-11 galvalume ed steel colors, shingles and cupolas steel colors, also galvanized, A wide variety of paint A wide variety of paint ROOFING-SIDING.

split Ö single width any height or Sliders --**DOORS**

all steel, insulated or non-insulated any size, Overheads -

-24" Eaves - 12" - 24", Gables 12" **OVERHANGS**

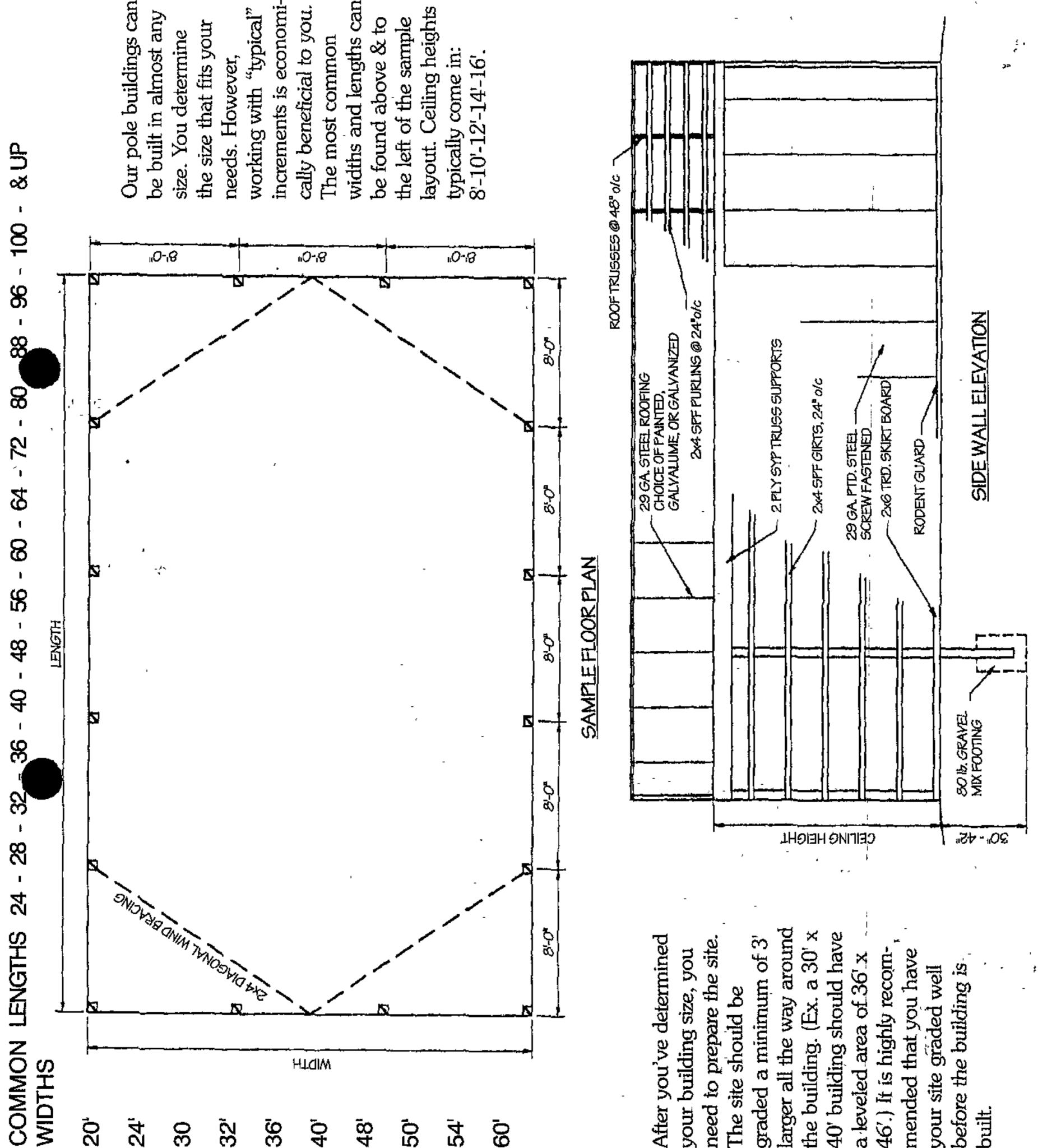
sizes available - many Insulated or non-insulated WINDOWS

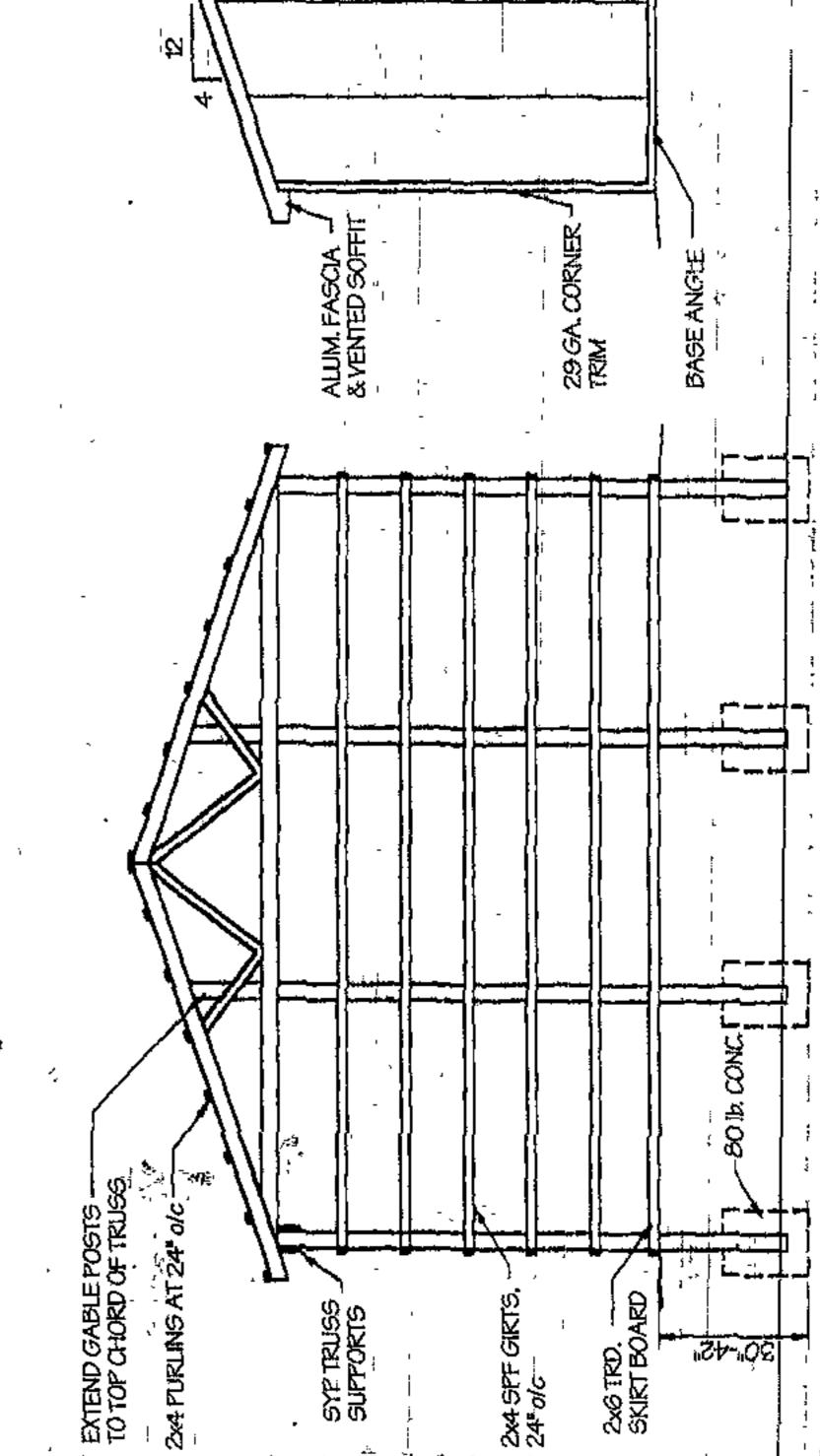
fiberglass white and Sidelites & skylites in clear LITE PANEL

Ridge Vents, Gable Vents and Cupolas VENTS.

or enclosed Almost any size, open LEAN TO'S

dutch doors and accessories Various types, sizes and R-values . Complete horse stalls, HORSE BARN INSULATION.

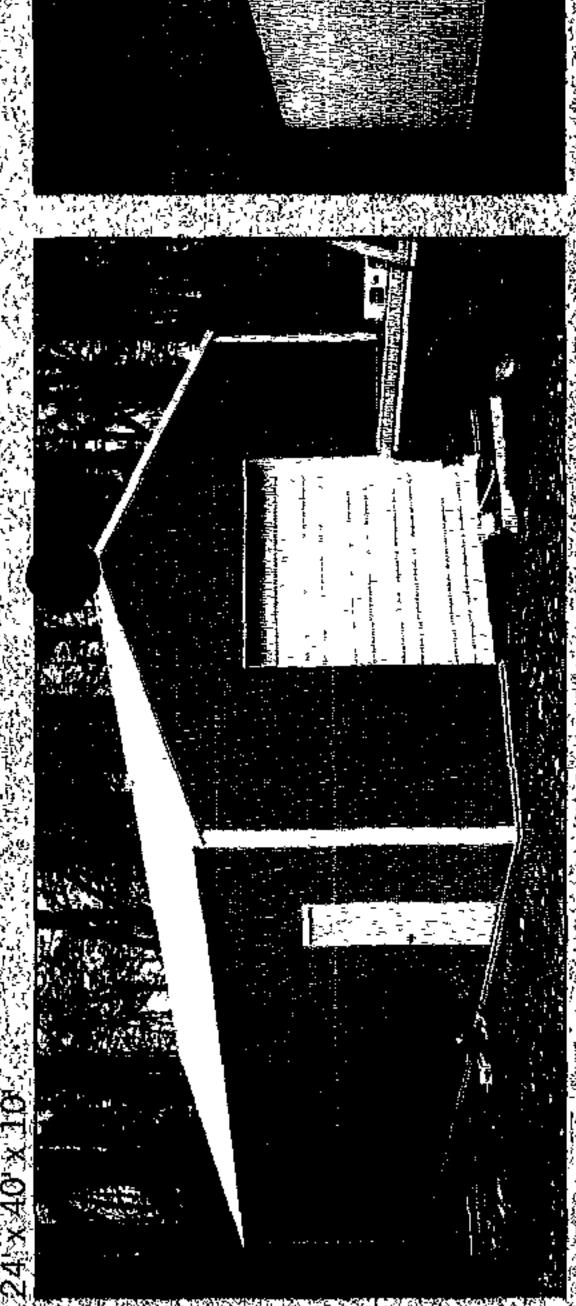




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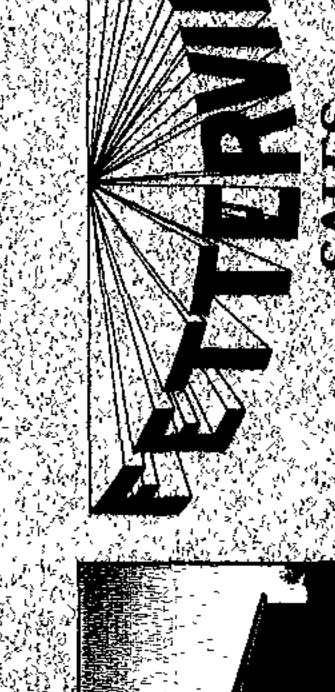
RIDGECAP

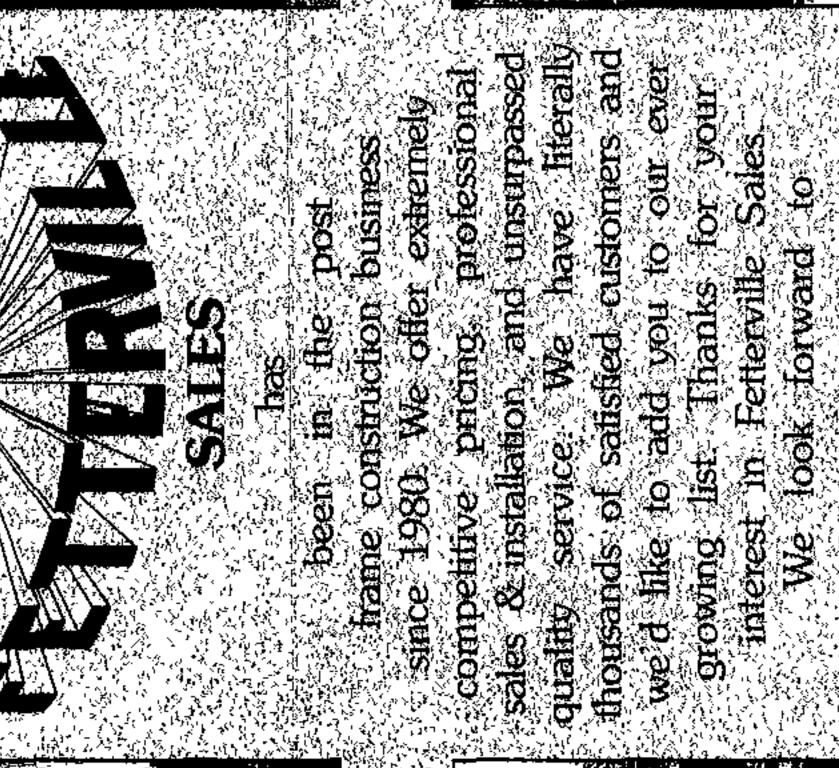
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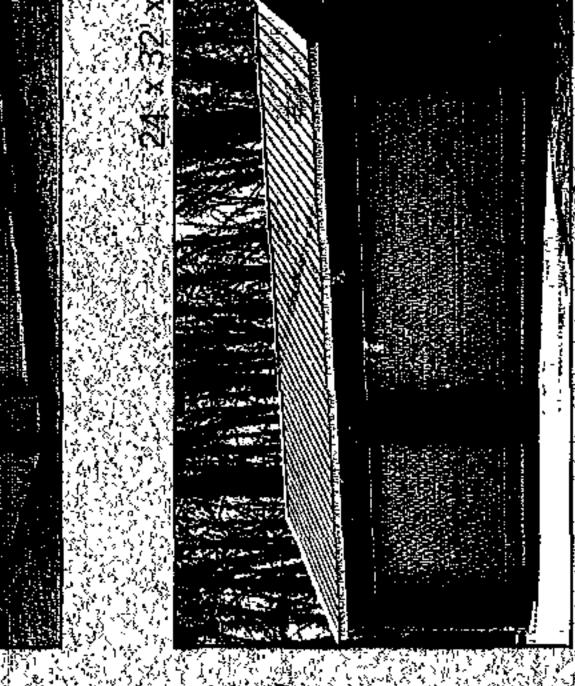


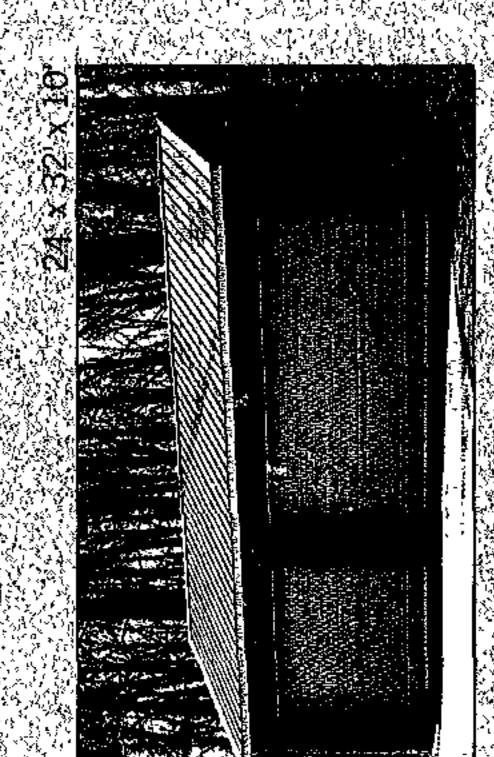
2010

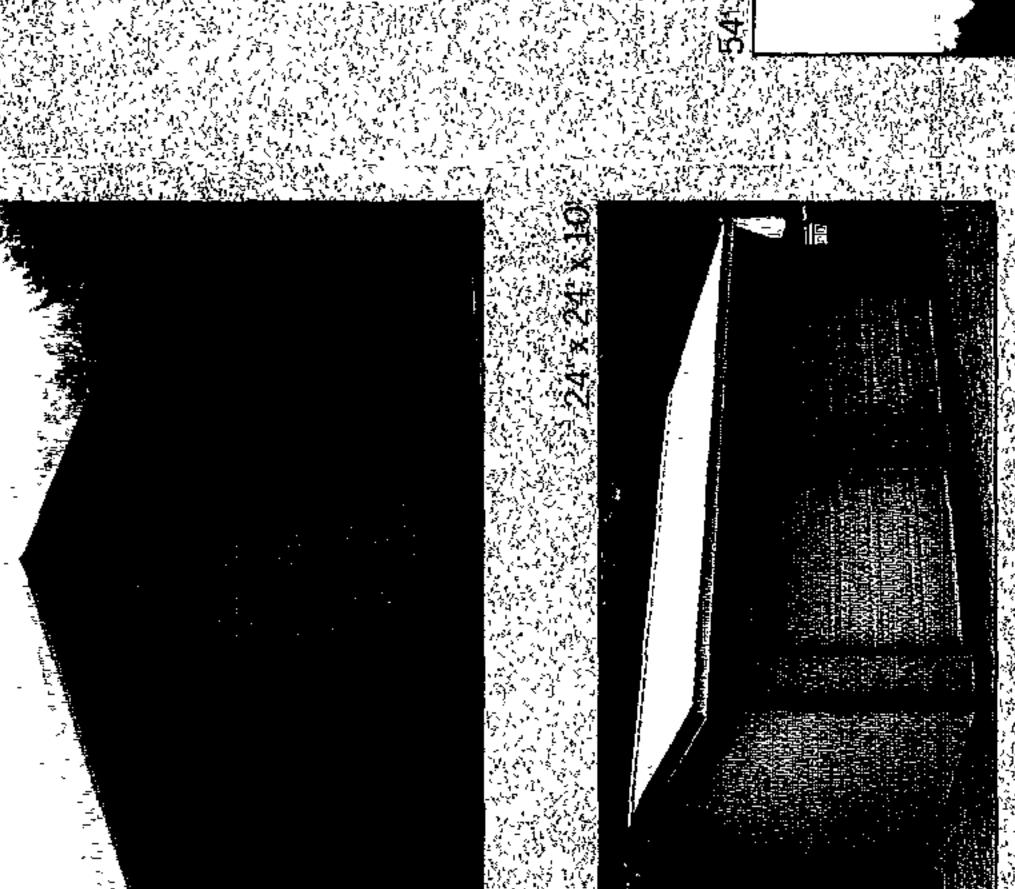


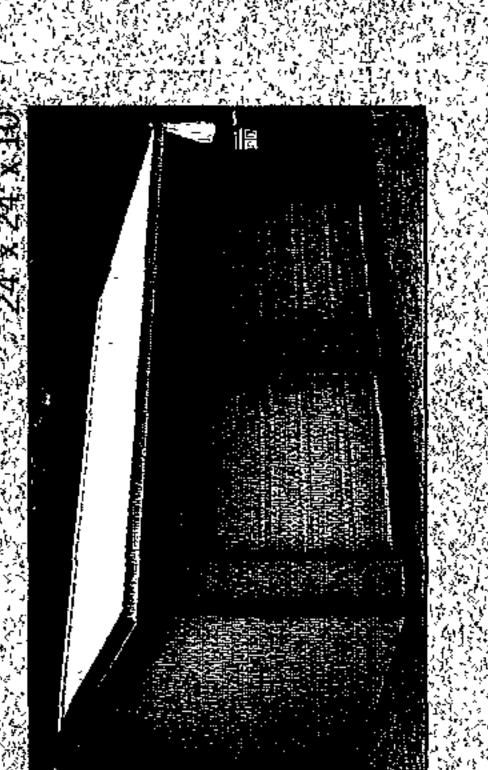


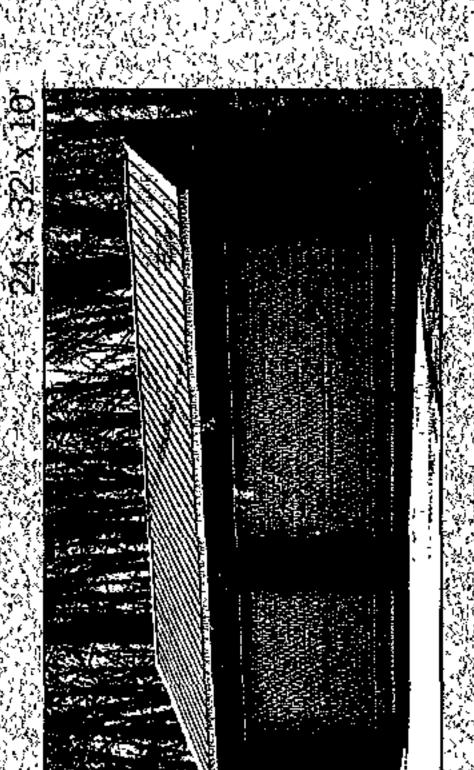












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