IN RE: PETITION FOR VARIANCE E/S of Seneca Road, 410 ft. N centerline of Seneca Road 15th Election District 6th Councilmanic District **(1219 Seneca Road)** Nancy & Steve Clay *Petitioner*	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 04-529-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, Nancy and Steve Clay. The Petitioners are requesting variance relief for property located at 1219 Seneca Road in the Middle River area of Baltimore County. Variance relief is requested from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 12 ft. in lieu of the required 50 ft. for an addition. 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 May 12, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In addition, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection & Resource Management (DEPRM) dated June 9, 2004, a copy of which is attached hereto and made a part hereof.

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

ORDER RECEIVED FOR FILING
Date 6/10/04
By

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 posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested administrative variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 10 day of June, 2004, that a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 12 ft. in lieu of the required 50 ft. for an addition, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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

2. Compliance with the ZAC comments made by DEPRM dated June 9, 2004, a copy of which is attached hereto and made a part hereof.

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 6/10/04
By R. Jackson

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

June ~~14~~ 11, 2004

Mr. & Mrs. Steve Clay
1219 Seneca Road
Baltimore, Maryland 21220

Re: Petition for Administrative Variance
Case No. 04-529-A
Property: 1219 Seneca Road

Dear Mr. & Mrs. Clay:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Buck Jones
500 Vogts Lane
Baltimore, MD 21221

Printed on Recycled Paper

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 1219 Seneca Road
Address
Baltimore, Md 21220
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

The property has been in Nancy Clay's family since 1960. Steve and Nancy Clay are looking forward to retirement and wish to keep their property in their family. By expanding their existing house they will be able to have their son and his family reside at their home, and pay typical bills so as to make it affordable for Steve and Nancy Clay to enjoy retirement.

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.

Signature

STEVE CLAY
Name - Type or Print

Signature

NANCY CLAY
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28 day of January, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Steve Clay & Nancy Clay

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

NOTARY PUBLIC

Date January 28, 2004

Notary Public

My Commission Expires November 1, 2007

REV 09/15/98

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1219 Seneca Road

which is presently zoned RCS

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) 1A04.3.B.2.(BCZR)

TO PERMIT A SIDE YARD SETBACK OF 12-FEET IN LIEU OF THE REQUIRED 50-FEET.

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 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):

Steve Clay

Name - Type or Print

X Steve Clay

Signature

Nancy Clay

Name - Type or Print

X Nancy Clay

Signature

1219 Seneca Road 410-335-4136

Address Telephone No.

Baltimore Md 21220

City State Zip Code

Representative to be Contacted:

Buck Jones

Name

500 Vogts Lane 410-574-9337

Address Telephone No

Baltimore Md 21221

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 04-529-A

Reviewed By D. THOMPSON **Date** 5/6/04

Estimated Posting Date 5/16/04

REV 9/15/98

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 1219 SENECA ROAD.

BEGINNING AT A POINT ON THE EAST SIDE OF SENECA ROAD. WHICH IS 30' FEET WIDE AT THE DISTANCE OF 410' FEET NORTH OF THE CENTER LINE OF THE NEAREST IMPROVED INTERSECTING STREET SENECA ROAD WHICH IS 30' FEET WIDE. BEING LOT # 189, 190, 191 IN THE SUBDIVISION OF BOWLEYS QUARTERS, PLAT #2 AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 9, FOLIO #12, CONTAINING 40,200 SQUARE FEET. ALSO KNOWN AS 1219 SENECA ROAD AND LOCATED IN THE 15 ELECTION DISTRICT, 6 COUNCILMANIC DISTRICT.

04-529-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 36028

DATE 5/6/04 ACCOUNT 001-000-6150

AMOUNT $ 65.00

RECEIVED FROM: BUCK JONES

FOR: ITEM # 514 04-529-A

1219 SENECA RD. BY D. THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
5/06/2004	5/06/2004	10:57:47	2

RED W302 MAIL JEVA JEE
>>RECEIPT # 336069 5/06/2004 OE1A
Dept 5 528 ZONING VERIFICATION
CR NO. 036028
Recept Tot $65.00
$65.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date May 18, 2004

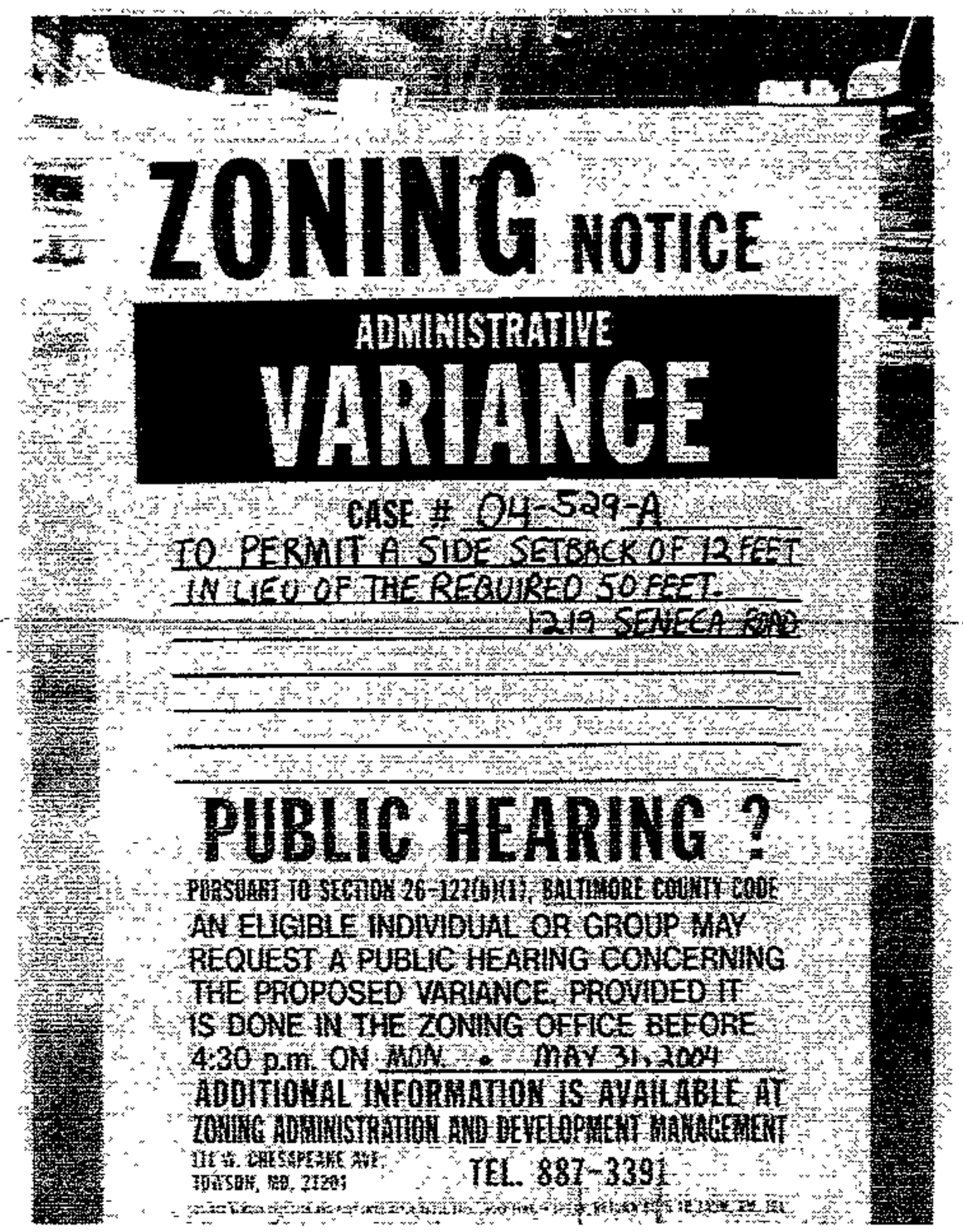
RE: Case Number 04-529-A

Petitioner/Developer FREE-STATE GENERAL CONTRACTORS/ETAL

Date of Hearing/Closing May 31, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1219 SENECA ROAD

The sign(s) were posted on May 12, 2004



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04-529 -A Address 1219 SENECA RD.

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/6/04 **Posting Date:** 5/16/04 **Closing Date:** 5/31/04

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.

2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.

3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.

4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 04-529 -A Address 1219 SENECA RD.

Petitioner's Name CLAY Telephone 410-335-4136

Posting Date: 5/16/04 **Closing Date:** 5/31/04

Wording for Sign: *To Permit* A SIDE SETBACK OF 12-FEET IN LIEU OF THE REQUIRED 50-FEET.

WCR - Revised 6/28/00

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: 04-529-A

Petitioner: BUCK JONES

Address or Location: 500 VOGTS LANE BALT. MD 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: Steve & Nancy Clay

Address: 1219 Seneca Road
Baltimore, Md 21220

Telephone Number: 410-335-4136

Revised 2/20/98 - SCJ

Department of Permits and Development Management

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

Baltimore County

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

June 1, 2004

Steve Clay
Nancy Clay
1219 Seneca Road
Baltimore, Maryland 21220

Dear Mr. and Mrs. Clay :

RE: Case Number:04-529-A, 1219 Seneca Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 6, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Buck Jones 500 Vogts Lane Baltimore 21221

Printed on Recycled Paper

Fire Department

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

Baltimore County

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

May 9, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: May 1, 2004

Item No.: 516, 518, 519-522, 524, 525, 527-529

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

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

State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5.25.04

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

RE: Baltimore County
Item No. 529 DT

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,

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

AN 5/3

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED
JUN - 9 2004
ZONING COMMISSIONER

TO: Tim Kotroco

FROM: John D. Oltman, Jr JDO

DATE: June 9, 2004

SUBJECT: Zoning Item # 04- 529
Address 1219 Seneca Rd. (Clay Property)

Zoning Advisory Committee Meeting of May 24, 2004

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

__X__ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

__X__ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

ORDER RECEIVED FOR FILING
Date 6/10/04
By R. Jamison

Reviewer: Keith Kelley Date: April 30, 2004

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

DATE: June 9, 2004

RECEIVED

JUN - 9 2004

ZONING COMMISSIONER

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case 4-518 and 4-529 – Administrative Variance**

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: Mark A Cunningham

Division Chief: Lyn Lanham

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: June 3, 2004

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

SUBJECT: *Zoning Advisory Committee Meeting*
For June 1, 2004
Item No. 529

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

The flood protection elevation for this site is 11.2 feet.

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

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

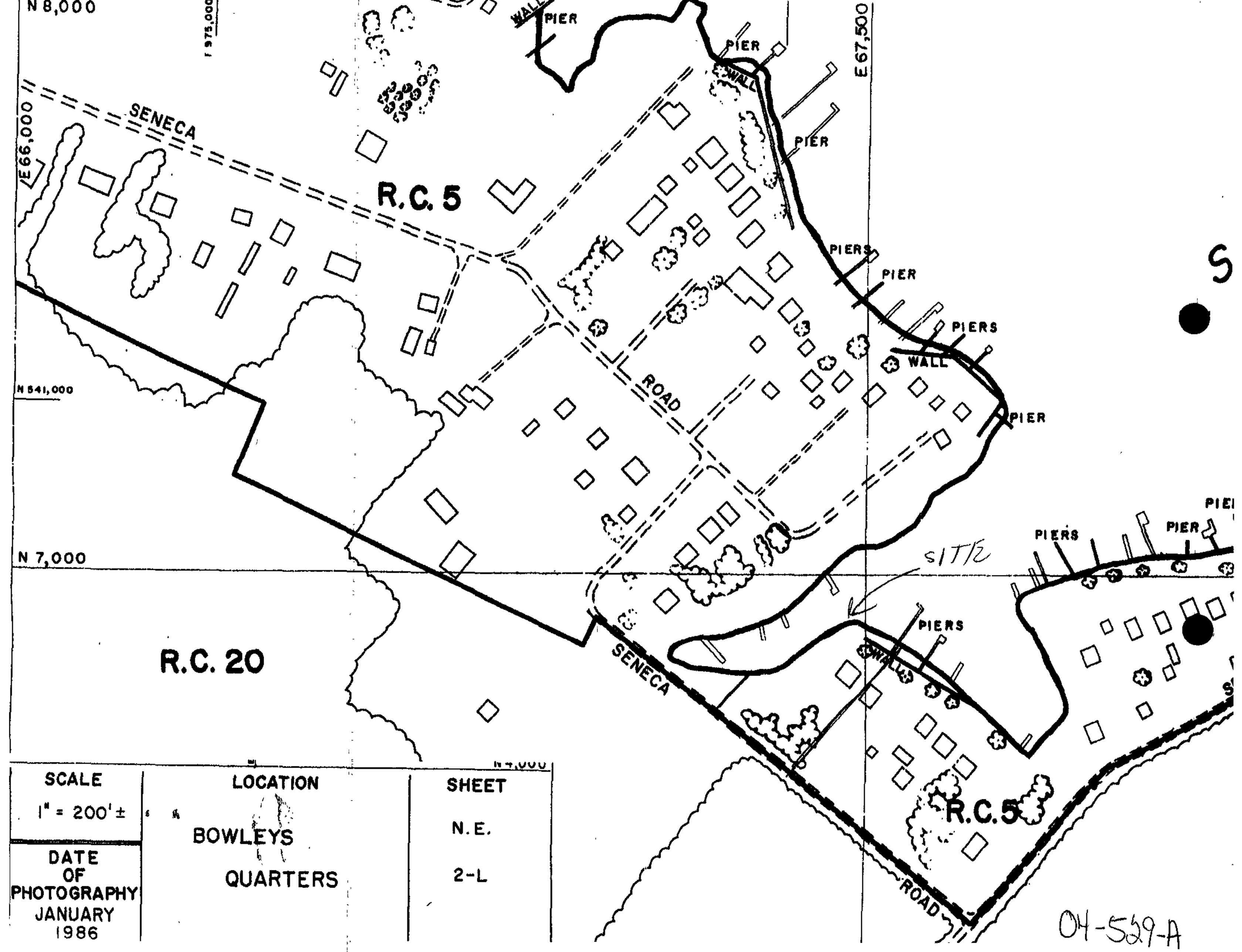
The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

RWB:CEN:jrb

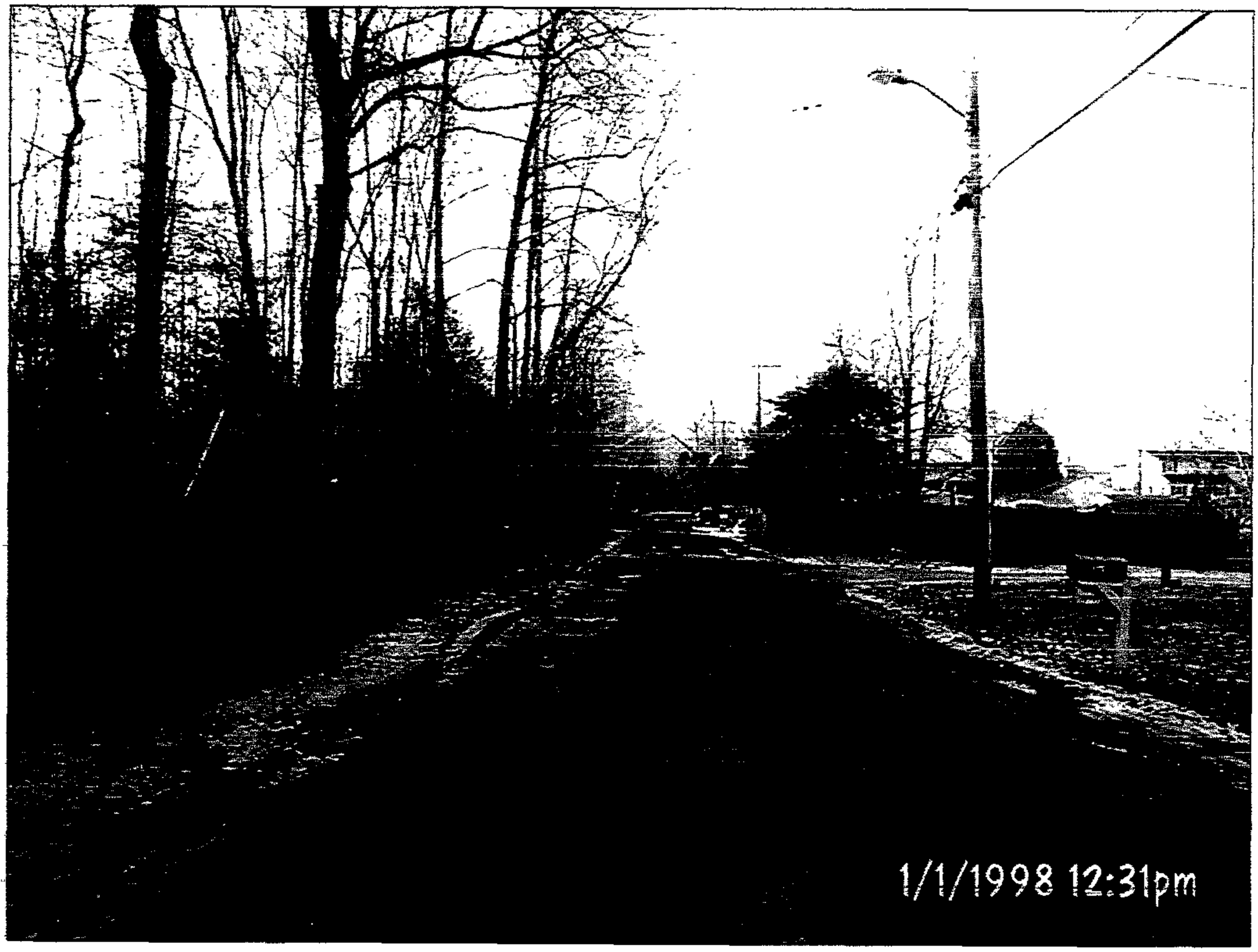
cc: File

ZAC-06-01-2004-ITEM NO 529-06032004



SCALE	LOCATION	SHEET
1" = 200'±	BOWLEYS QUARTERS	N.E. 2-L
DATE OF PHOTOGRAPHY JANUARY 1986		

01-529-A



STANDING ON SENECA ROAD LOOKING NORTH/WEST DOWN THE STREET.

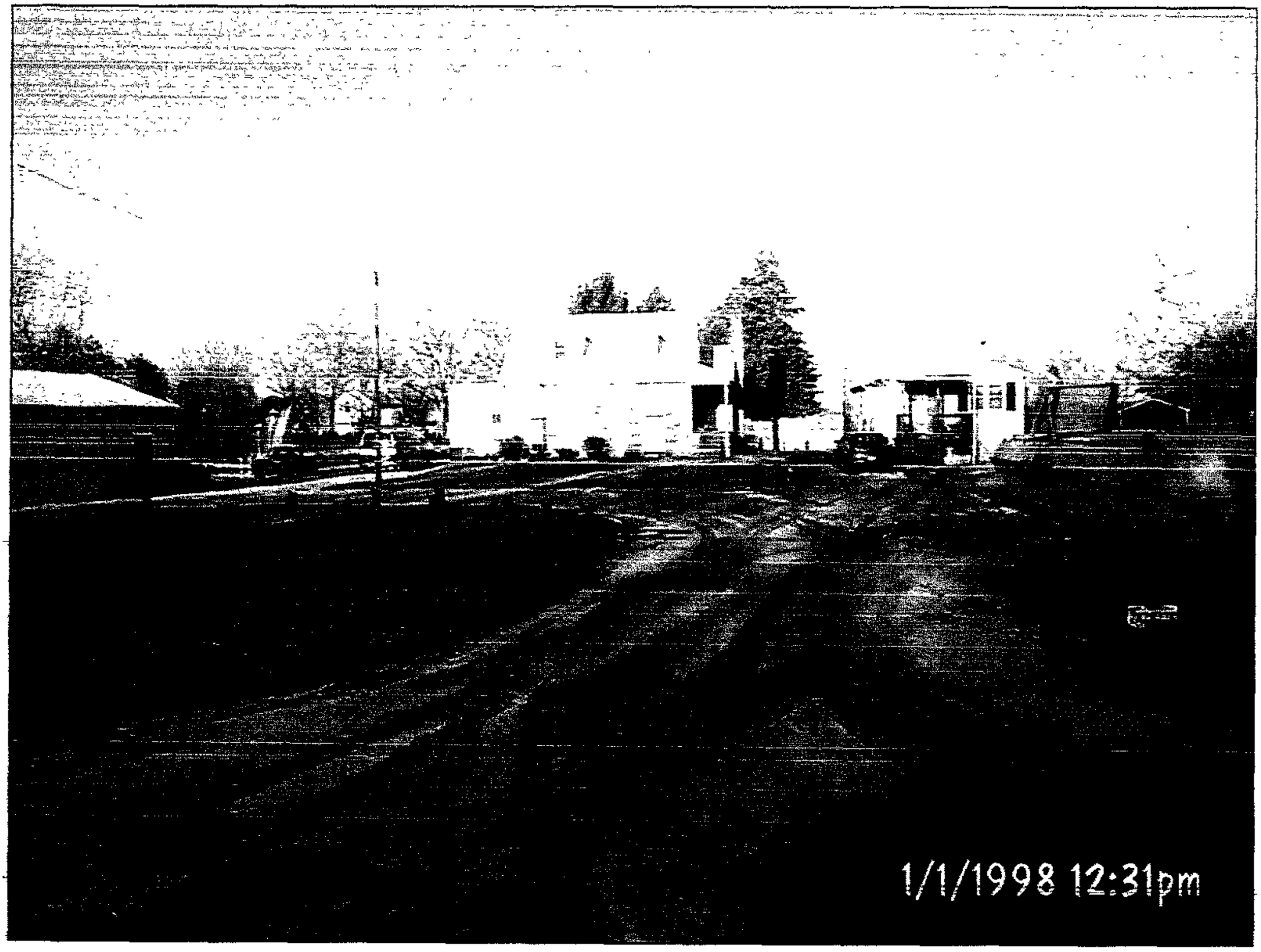
04-529-A

STANDING NEAR SENECA ROAD LOOKING SOUTH/WEST ACROSS THE STREET.

04-529 A

STANDING ON SENECA ROAD LOOKING NORTH AT NEIGHBORS ON LEFT, GARAGE OF PROPERTY TO THE RIGHT IN PICTURE.

04-529-A



STANDING ON SOUTH/WEST CORNER OF PROPERTY BY SENECA ROAD LOOKING NORTH/EAST AT HOUSE ON LEFT, NEIGHBOR'S HOUSE IS ON RIGHT.

04-529-A

STANDING ON SENECA ROAD LOOKING SOUTH/EAST DOWN THE STREET.

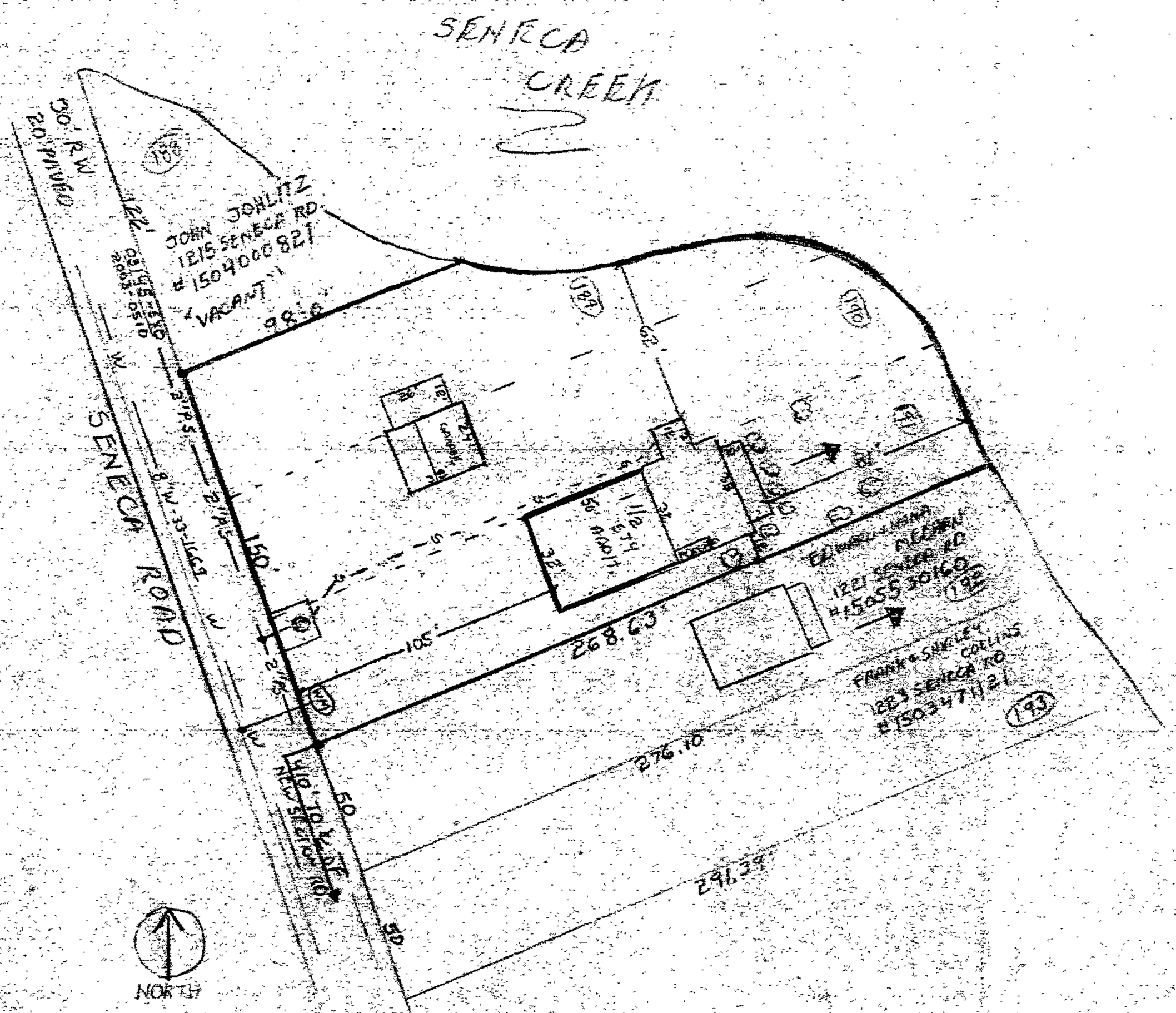
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1219 SENECA RD

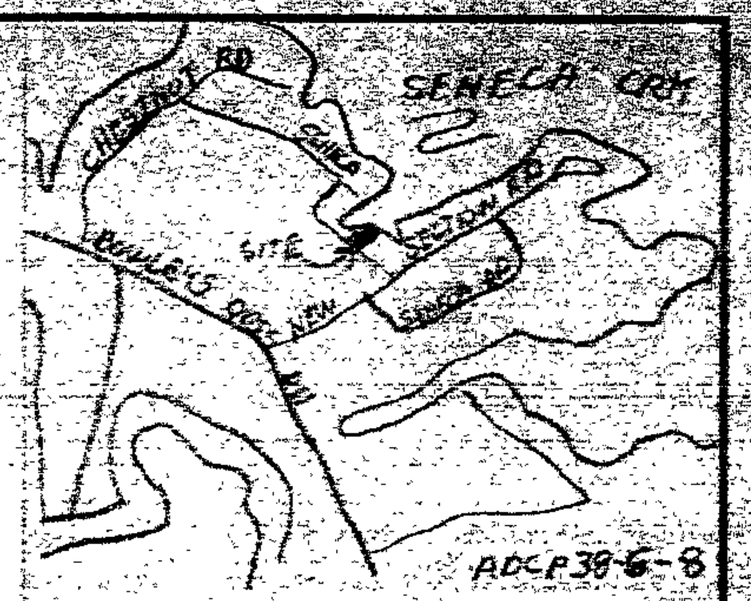
SUBDIVISION NAME BOWLEY'S QUARTERS

PLAT BOOK # 9 FOLIO # 12 LOT # 189/191 SECTION # ___

OWNER STEVE & NANCY CLAY



PREPARED BY: BUCK JONES SCALE OF DRAWING: 50'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1"=200' SCALE MAP # NE2-L

ZONING: RC5

LOT SIZE .929 ACREAGE 40,200 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

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

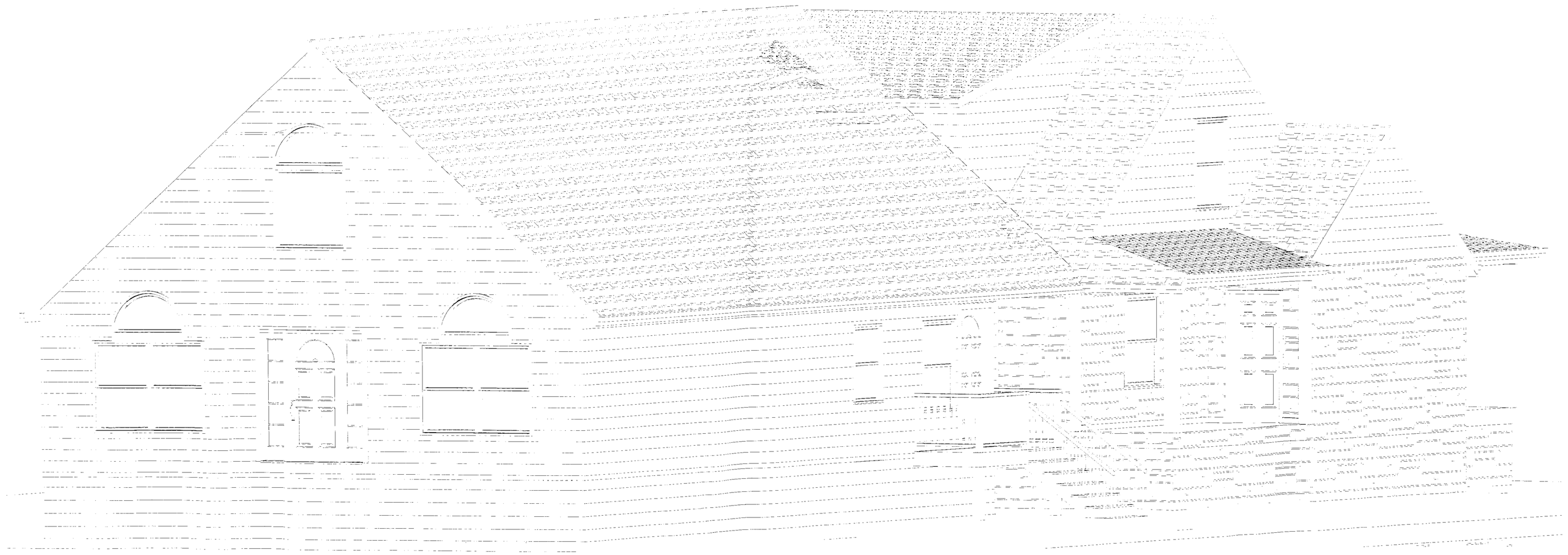
PRIOR ZONING HEARING NONE

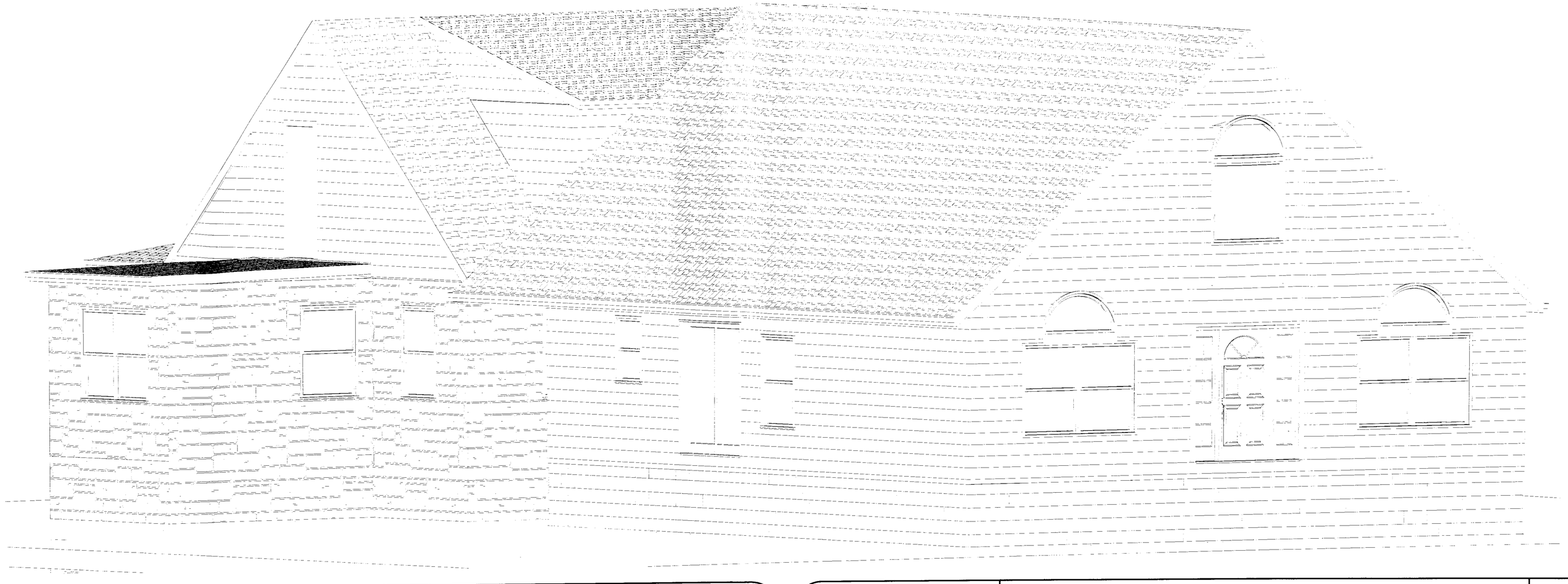
ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
D.T.	529	04-529-A

Pet Ex #1

SCALE:	APPROVED BY:	DRAWN BY:
DATE:		REVISED:
		DRAWING NUMBER

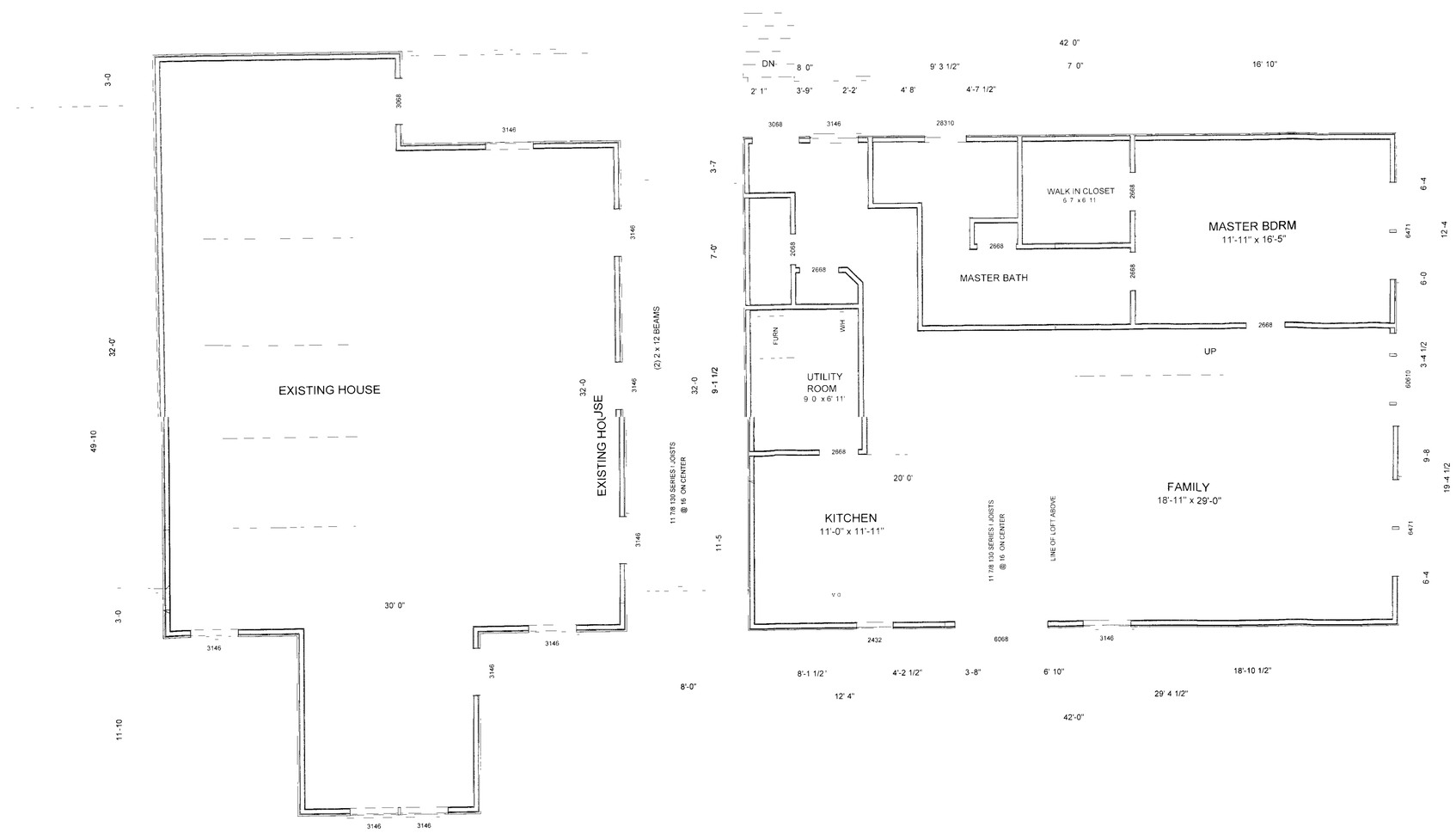




FREESTATE GENERAL CONTRACTORS

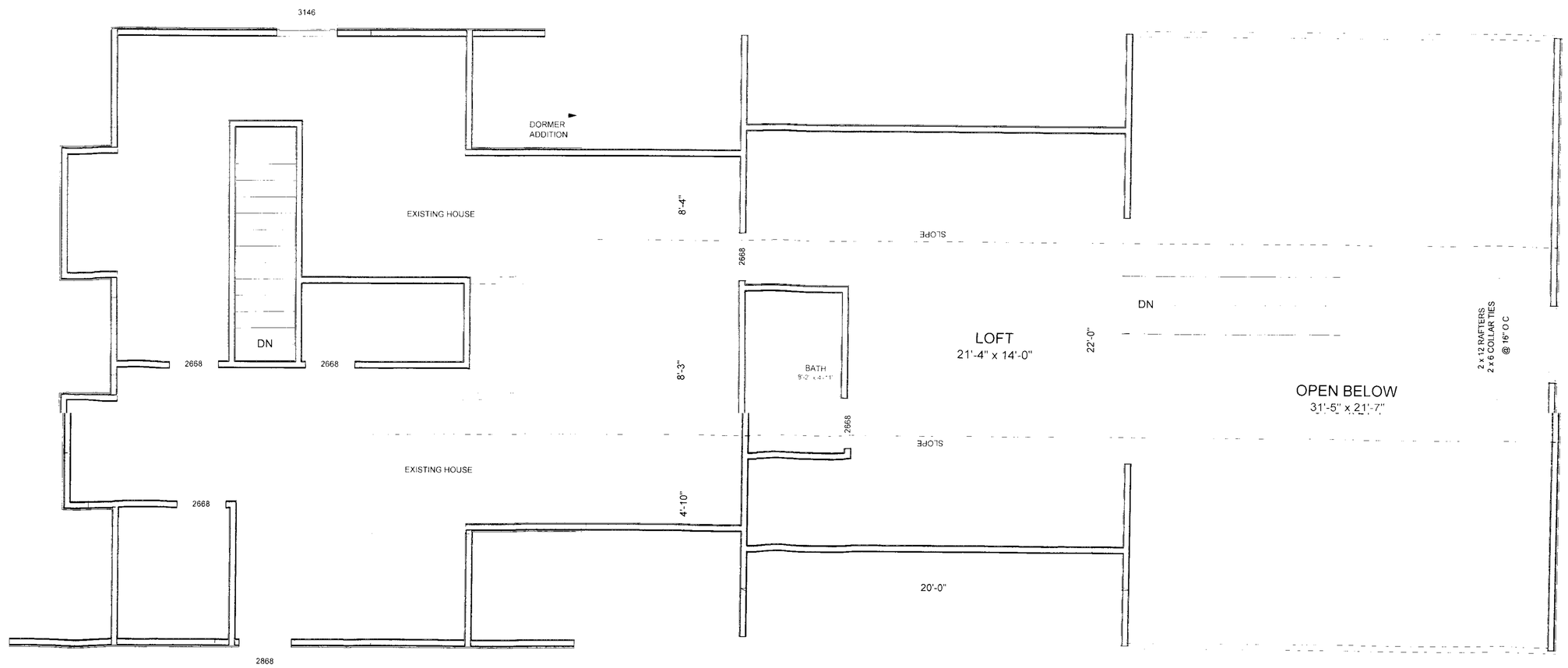
SCALE 1/4" = 1'	**CLAY ADDITION**	DRAWN BY SKIP
DATE 01-20-04	3 D PLANS	PAGE # **1**

04-529-A



FREESTATE GENERAL CONTRACTORS

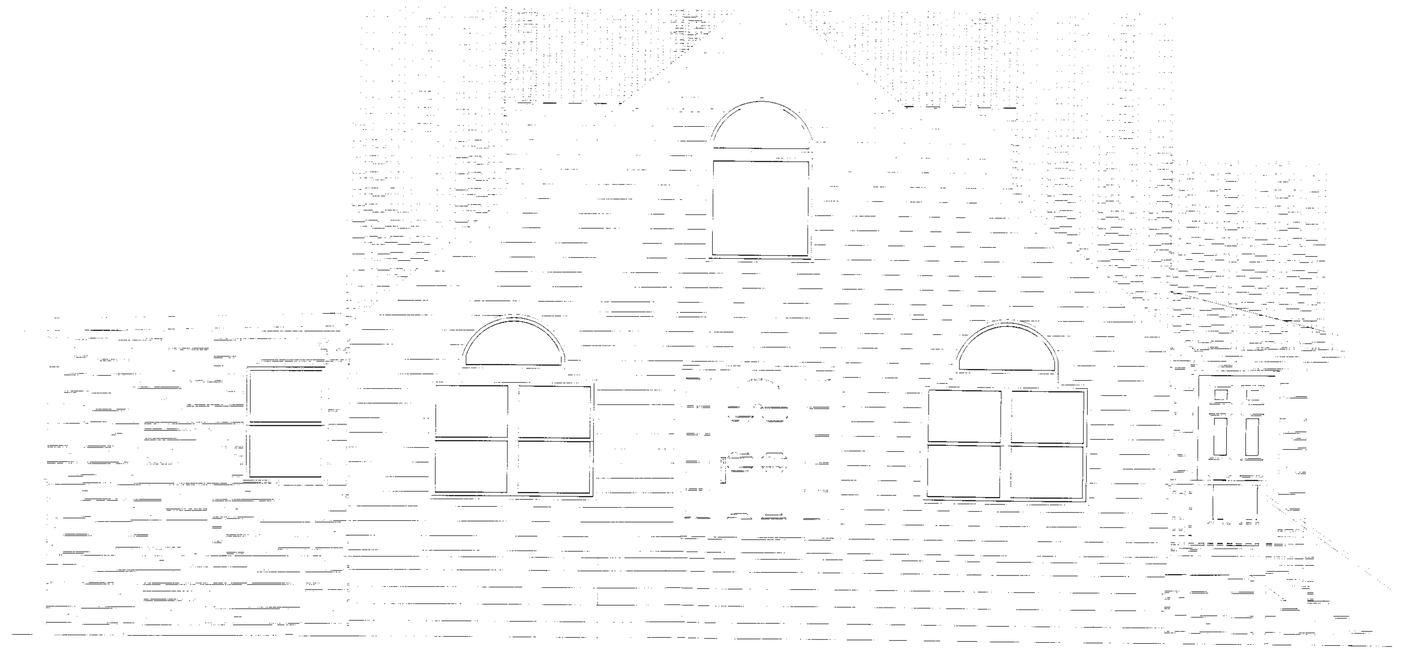
SCALE 1/4" = 1'	**CLAY ADDITION**	DRAWN BY SKIP
DATE 01-20-04	FIRST FLOOR PLAN	PAGE # **2**



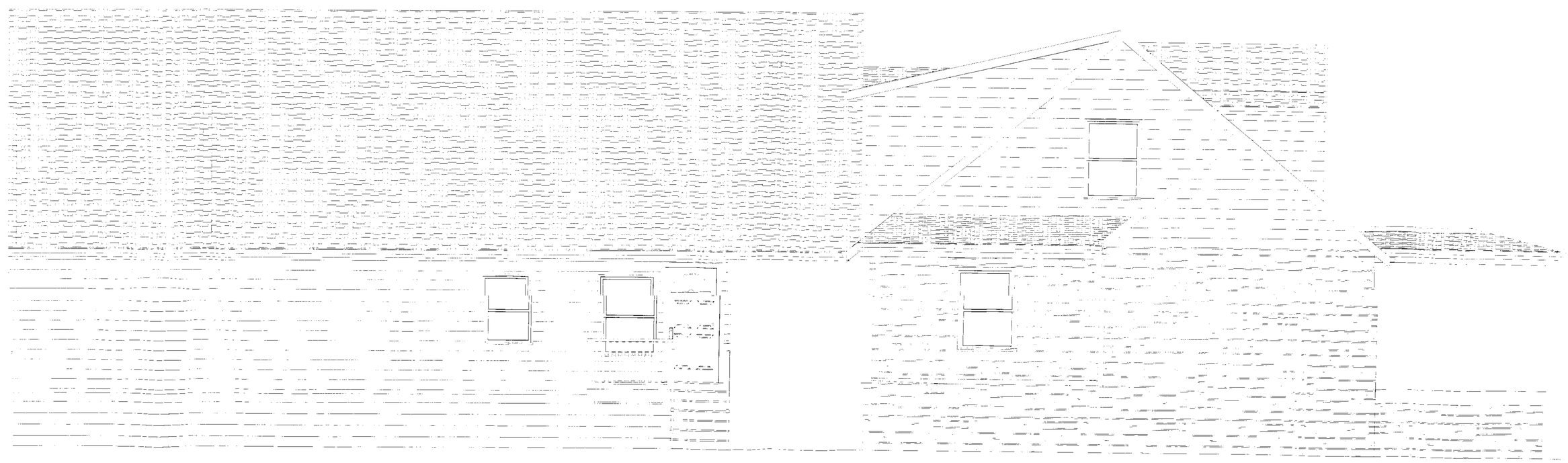
FREESTATE GENERAL CONTRACTORS

SCALE 1/4" = 1'	**CLAY ADDITION**	DRAWN BY SKIP
DATE 01-20-04	SECOND FLOOR PLAN	PAGE # **3**

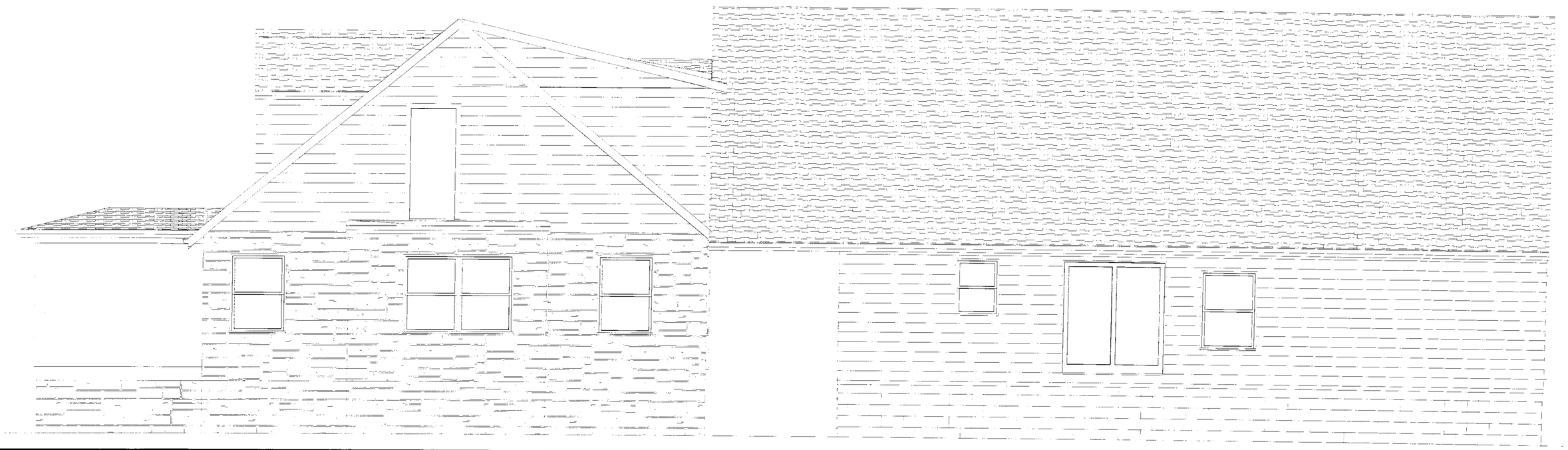
FRONT



RIGHT SIDE

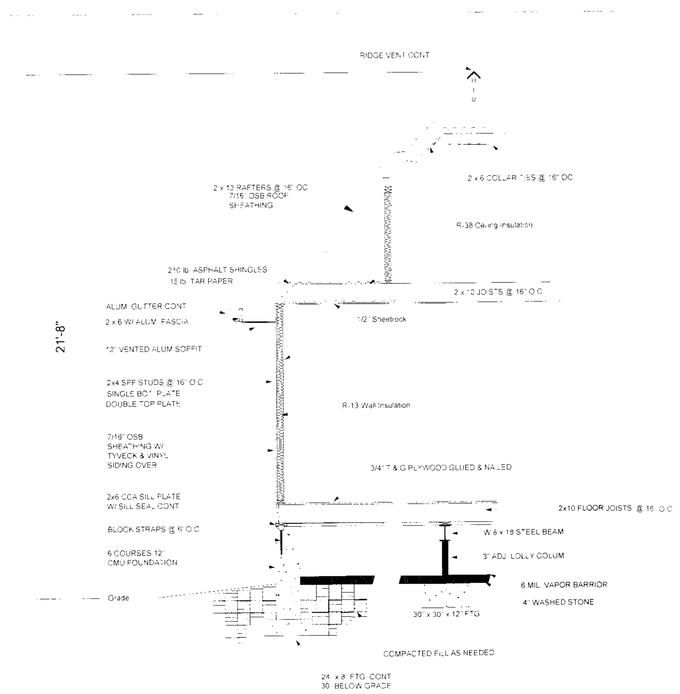


LEFT SIDE

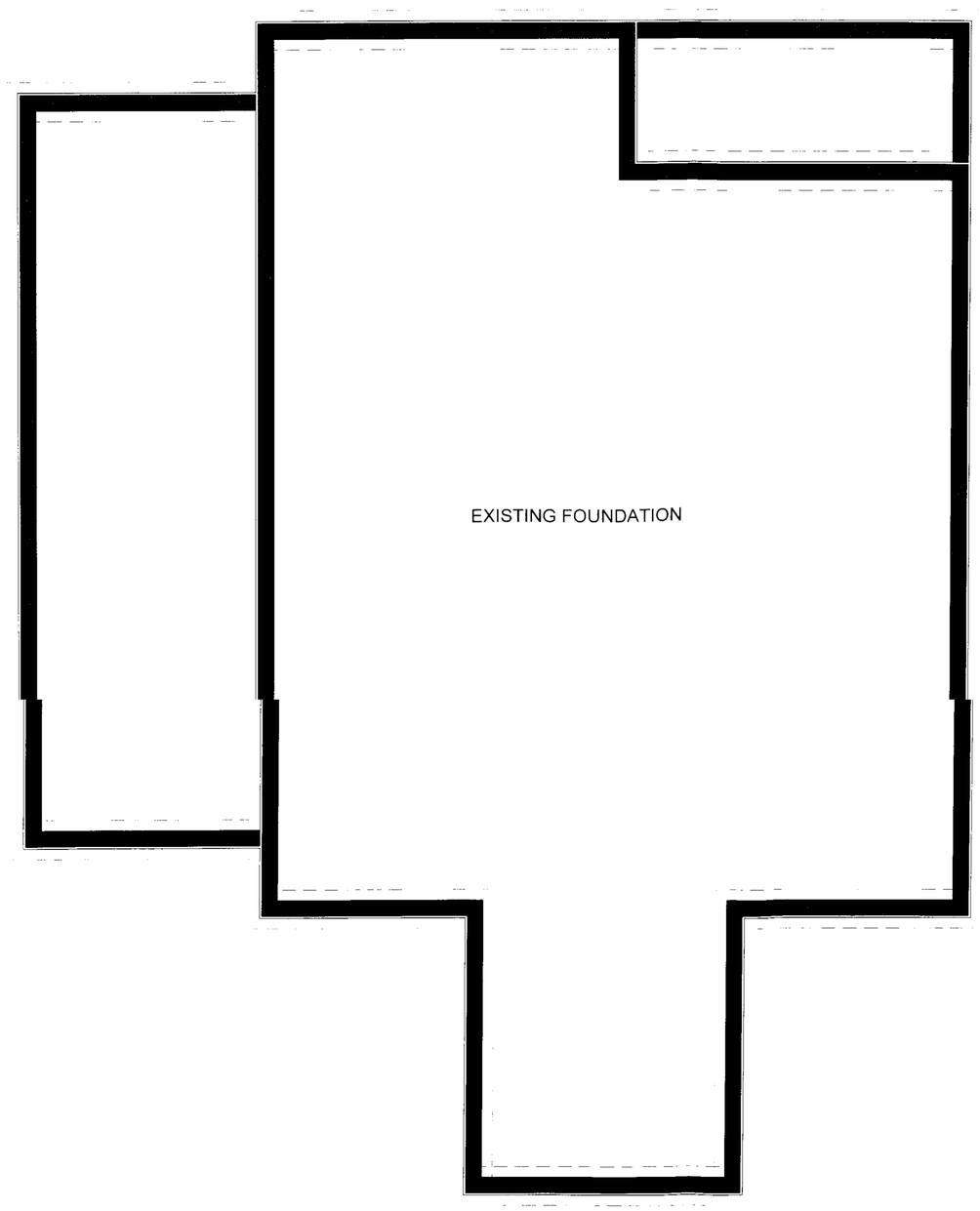


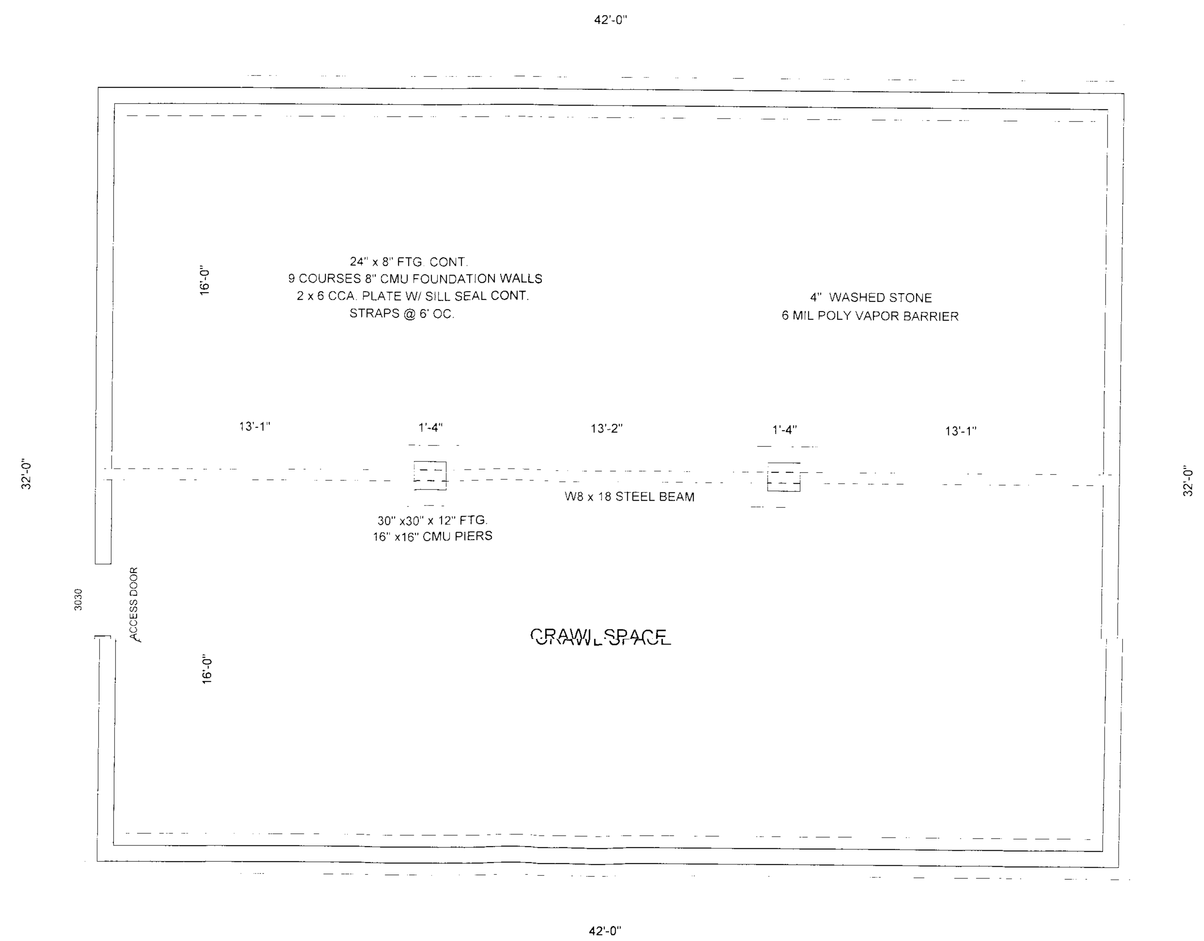
FREESTATE GENERAL CONTRACTORS

SCALE 1/4" = 1'	**CLAY ADDITION**	DRAWN BY SKIP
DATE 01-20-04	ELEVATIONS	PAGE # **4**



CROSS SECTION





FREESTATE GENERAL CONTRACTORS

SCALE 1/4" = 1'	**CLAY ADDITION**	DRAWN BY SKIP
DATE 01-20-04	FOUNDATION	PAGE # **5**