IN RE: PETITION FOR VARIANCE

NW/S Blenheim Road, 1,250' SW of the c/l

Sweet Air Road

(14100 Blenheim Road)

10<sup>th</sup> Election District

4<sup>th</sup> Council District

Patricia A. Zaccari

Petitioner

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 05-130-A

\* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Patricia A. Zaccari. The Petitioner requests variance relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side and rear yard setbacks of 45 feet each in lieu of the minimum required 50 feet for proposed additions to accommodate the needs of a disabled child. 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 Patricia A. Zaccari, property owner, and J. Scott Dallas, the Registered Property Line Surveyor who prepared the site plan for this property. There were no Protestants or other interested persons present.

Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) states:

"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, off-street 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

Date RECENED FOR FILING
By Sy Stering

 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 subject property under consideration is a square-shaped parcel, approximately 200 feet wide by 230 feet deep, located on the northwest side of Blenheim Road, just south of Sweet Air Road in Phoenix. The property contains a gross area of 1.06 acres, more or less, zoned R.C.5 and is improved with a one-story, single-family dwelling. In addition to the dwelling, a macadam driveway extends into the property from Blenheim Road. The Petitioner has owned and resided on the property with her son for many years. Testimony indicated that the Petitioner's son is disabled and currently resides in the basement of the home. Because of his disability, it has become increasingly difficult for him to go up and down stairs. Moreover, Ms. Zaccari is also getting older and has physical mobility constraints of her own. The Petitioner proposes making improvements to her home to accommodate her disabled son and her future use of the residence. In this regard, the Petitioner proposes a 37' x 26' addition to the rear of the dwelling to provide new living quarters for her son and a 14' x 28' addition on the south side of the dwelling to provide a new master bedroom. It was indicated that cedar siding would be utilized on the exterior of the proposed additions so as to blend with the color of the brick used on the existing dwelling. Variance relief is necessary due to the location of existing improvements on the property and the layout of the existing dwelling.

On behalf of the Petitioner, Mr. Dallas testified that the existing home is a small rancher that was constructed in 1977. The home sits back on the lot approximately 112 feet from Sweet Air Road and is completely screened from view on both sides where the additions are proposed by 36-foot tall trees. It was also indicated that there will be no impact on the septic reserve area in the front of the property and the proposed addition to the rear will be located 30 feet from the existing well.

After due consideration of the testimony and evidence presented, I am persuaded to grant the variance. In my judgment, the Petitioner has complied with the requirements of Section

ORDER RECEWED/FOR FILING

By

By

307 of the B.C.Z.R. and that strict compliance with the zoning regulations would result in a practical difficulty and unreasonable hardship upon the Petitioner. The variance requested is minimal and will not result in any detrimental impact to adjacent properties or the surrounding locale. As noted above, no one appeared in opposition to the request and there were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency. However, the Department of Environmental Protection and Resource Management (DEPRM) advised that an evaluation of the septic system may be required prior to building permit approval.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_ day of November 2004 that the Petition for Variance seeking relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side and rear yard setbacks of 45 feet each in lieu of the minimum required 50 feet for proposed additions, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at her 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 proposed additions must be constructed with materials similar and/or complementary to the existing dwelling.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Zoning Commissioner for Baltimore County

WJW:bjs

#### 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 William J. Wiseman III, Zoning Commissioner

November 16, 2004

Ms. Patricia A. Zaccari 14100 Blenheim Road Phoenix, Maryland 21131

RE: PETITION FOR VARIANCE
NW/S Blenheim Road, 1,250' SW of the c/l Sweet Air Road
(14100 Blenheim Road)
10<sup>th</sup> Election District — 6<sup>th</sup> Council District
Patricia A. Zaccari - Petitioner
Case No. 05-130-A

Dear Ms. Zaccari:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance 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.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

cc: People's Counsel; Case File





# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property	located at	, #	14100	greuuejw	Rđ.	:	
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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)

1 A 04.3B.2 to allow side yard and rear yard setbacks of 45 feet in lieu of the required minimum 50 feet.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Additions shown will accomodate Ms. Zaccari's son, who has a severe learning disability and will occupy somewhat "separate" quarters as he progresses toward independence. Additions proposed will not negatively impact the structural design of the existing house. Zaccari's physical mobility constraints require a one-story layout for future use of the residence.

Property is to be posted and advertised as prescribed by the zoning regulations. , or we, agree to pay expenses of above Varlance, 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.

Contract Purchaser/Less	ee;	
	•	•
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Signature		<del></del>
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Address	,	Telephone No.
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Attorney For Petitioner:		•
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REU 9/15/98	,	• • •

ORDER RE

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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):

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Patricia A. Zacc	ari '	•	:	•
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<u>14100 Blenheim R</u>	d.	410-59	2-6338	}
Address	+	<del></del>	Telephone N	
Phoenix	MD	21131	•	
City	Sta	ite	Zip Co	đe
Representative to be C	nadand	a de		

#### <u>tepresentative to de Contacteo:</u>

J. Scott Da	llas	(J.S. I	Dallas,	Inc.)
Name P. O.	Box 26	<del></del>	1	<del></del>
13523 Long (		ke 4	410-817-	-4600
Address		<del></del>		elephone No.
Baldwin	MD	21013	3	•
City	<del></del>	State	<del>,                                  </del>	Zip Code

#### OFFICE USE ONLY

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## J. S. DALLAS, IN.

**SURVEYING & ENGINEERING** 

13523 LONG GREEN PIKE P.O. BOX 26 BALDWIN, MD 21013 (410) 817-4600 FAX (410) 817-4602

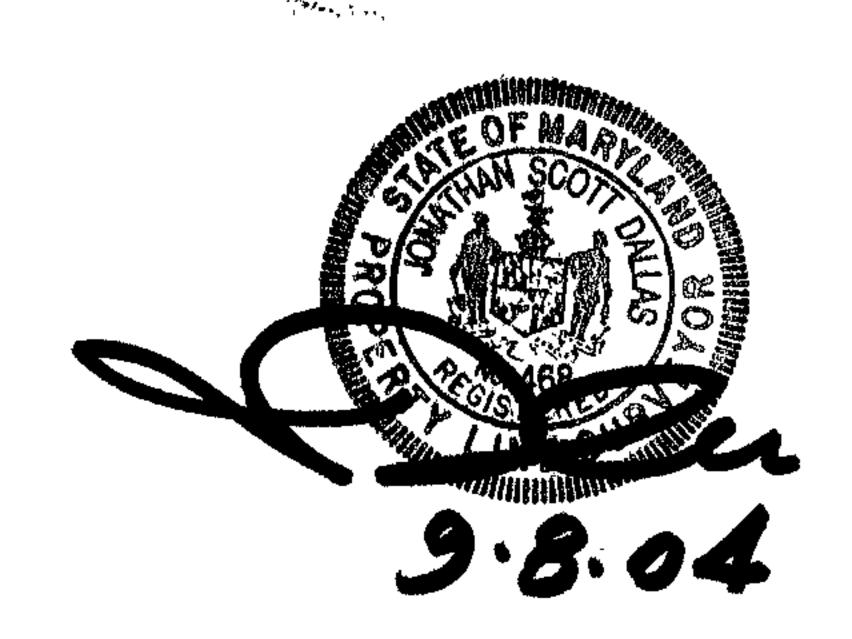
#### ZONING DESCRIPTION OF # 14100 BLENHEIM ROAD

BEGINNING on the northwest side of Blenheim Road, 60 wide, distant 1250 feet, more or less southwest from the center of Sweet Air Road.

**BEING** Lot # 12 on the plat entitled "Section 1 Blenheim Estates" as recorded among the Land Records of Baltimore County in Plat Book 38 folio 120.

CONTAINING 46,132 square feet or 1.06 acres of land, more or less,

ALSO known as # 14100 BLENHEIM ROAD and located in the 10th Election District, 6th Councilmanic District.



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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: #05-130-A
14100 Blenheim Road
N/west side of Blenheim
Road, 1250 feet s/west
centerline of Sweet Air Road
10th Election District
3rd Councilmanic District
Legal Owner(s): Patricia A.
Zaccari
Vertende to allow side

Variance: to allow side yard and rear setbacks of 45 feet in lieu of the required minimum 50 feet eāch.

Hearing: Wednesday, October 27, 2004 of 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handidapped 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.
10/013 Oct.7 10/013 Oct.7

### CERTIFICATE OF PUBLICATION

10 7,2004
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each of successive weeks, the first publication appearing
$\frac{107}{3}$ , $\frac{200+}{3}$
The Jeffersonian
Arbutus Times
Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL MOVERTISING

	RE: Case No.: 05-130-A
	Petitioner/Developer:
	PATRICIA ZACCARI
•	Date of Hearing/Closing: 10/27/04
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention:	
Ladies and Gentlemen:	•
This letter is to certify under the penalties of were posted conspicuously on the property lo	perjury that the necessary sign(s) required by law cated at
14100	BLENHEIM RO
·	· ····································
The sign(s) were posted on	10/9/04
•	(Month, Day, Year)
CASE # 05-130-A	· Sincerely,
THE CONTRACT OF THE PARTY OF TH	(Signature of Sign Poster and Date)  RICHARD E. HOFFMAN  (Printed Name)  904 DELLWOOD DR.  (Address)  [Address]  (City, State, Zip Code)  (410) 879-3127  (Telephone Number)

MODELENHEIMRD POSTED 10/9/04 Pulle Gest 10/9/01

# Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



#### **Baltimore County**

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

September 20, 2004

#### **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: 05-130-A

14100 Blenheim Road

N/west side of Blenheim Road, 1250 feet s/west centerline of Sweet Air Road

10<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Patricia A. Zaccari

Variance to allow side yard and rear setbacks of 45 feet in lieu of the required minimum 50 feet each.

Hearing: Wednesday, October 27, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Patricia A. Zaccari, 14100 Blenheim Road, Phoenix 21131 J. Scott Dallas, P.O. Box 26, 13523 Long Green Pike, Baldwin 21013

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 9, 2004.

- (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

Thursday, October 7, 2004 Issue - Jeffersonian

Please forward billing to:

Patricia A. Zaccari 14100 Blenheim Road Phoenix, MD 21131

410-592-6338

#### **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:

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N/west side of Blenheim Road, 1250 feet s/west centerline of Sweet Air Road

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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.

# 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:	
lem Number or Case Number 05 - 130 - A	
Petitioner Patricia A. Zaccari	<del></del>
Address or Location: 14100 13/enheim Road	· (21131)
LEASE FORWARD ADVERTISING BILL TO  Jame. Patricia A. Zaccari	•
ddress 14100 Blenheim Road	
Phoenix, MD. 21131	
elephone Number: 410 - 592 - 6338	· · · · · · · · · · · · · · · · · · ·
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# Department of Permits and Development Management

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





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

October 20, 2004

Patricia A. Zaccari 14100 Blenheim Road Phoenix, Maryland 21131

Dear Ms. Zaccari:

RE: Case Number:05-130-A, 14100 Blenheim Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 8, 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. Callalal D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

J. Scott Dallas P.O. Box 26 13523 Long Green Pike Baldwin 21013



Visit the County's Website at www.baltimorecountyonline.info

#### Fire Department



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



Saltimore 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

September 21, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: September 20, 2004

Item No.:

125, 127, 139, 132-13

Pursuant to your request, the referenced plan(s) have been reviewed 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 Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

BPR

Maryland Department of Transportation

Date:

RE:

9.17.04

**Baltimore County** 

Item No. 1307

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

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,

Steven D. Foster, Acting Chief Engineering Access Permits Division

1. 1. Hell

# BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED

"NING COMMISSIONER

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr Joo

DATE:

October 26, 2004

SUBJECT:

Zoning Item

# 05-130

Address

14100 Blenheim Road

Zoning Advisory Committee Meeting of September 20, 2004.

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

An evaluation of the septic system may be required prior to building permit approval.

Reviewer:

Martha Mickey, Sue Farinetti

Date: October 26, 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: September 22, 2004

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SEP 2 3 2004

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-130

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

Division Chief:

MAC/LL



#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 4, 2004

Department of Permits & Development Management

FROM

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For September 27, 2004

Item Nos. 125(130)133, 135, and 137

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

RWB:CEN:jrb

cc: File

**RE: PETITION FOR VARIANCE** 

14100 Blenheim Rd; NW/side Blenheim Rd,

1,250' SW c/line of Sweet Air Road

10<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts

Legal Owner(s): Patricia A. Zaccari

Petitioner(s)

**BEFORE THE** 

**ZONING COMMISSIONER** 

**FOR** 

BALTIMORE COUNTY

05-130-A

#### 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.

RECEIVED

Per.....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLES DEMILIO

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 22<sup>nd</sup> day of September, 2004, a copy of the foregoing Entry of Appearance was mailed to, J.S. Dallas, P.O. Box 26, 13523 Long Green Pike, Baldwin, MD 21013, Representative for Petitioner(s).

PETER MAX ZIMMERMAN

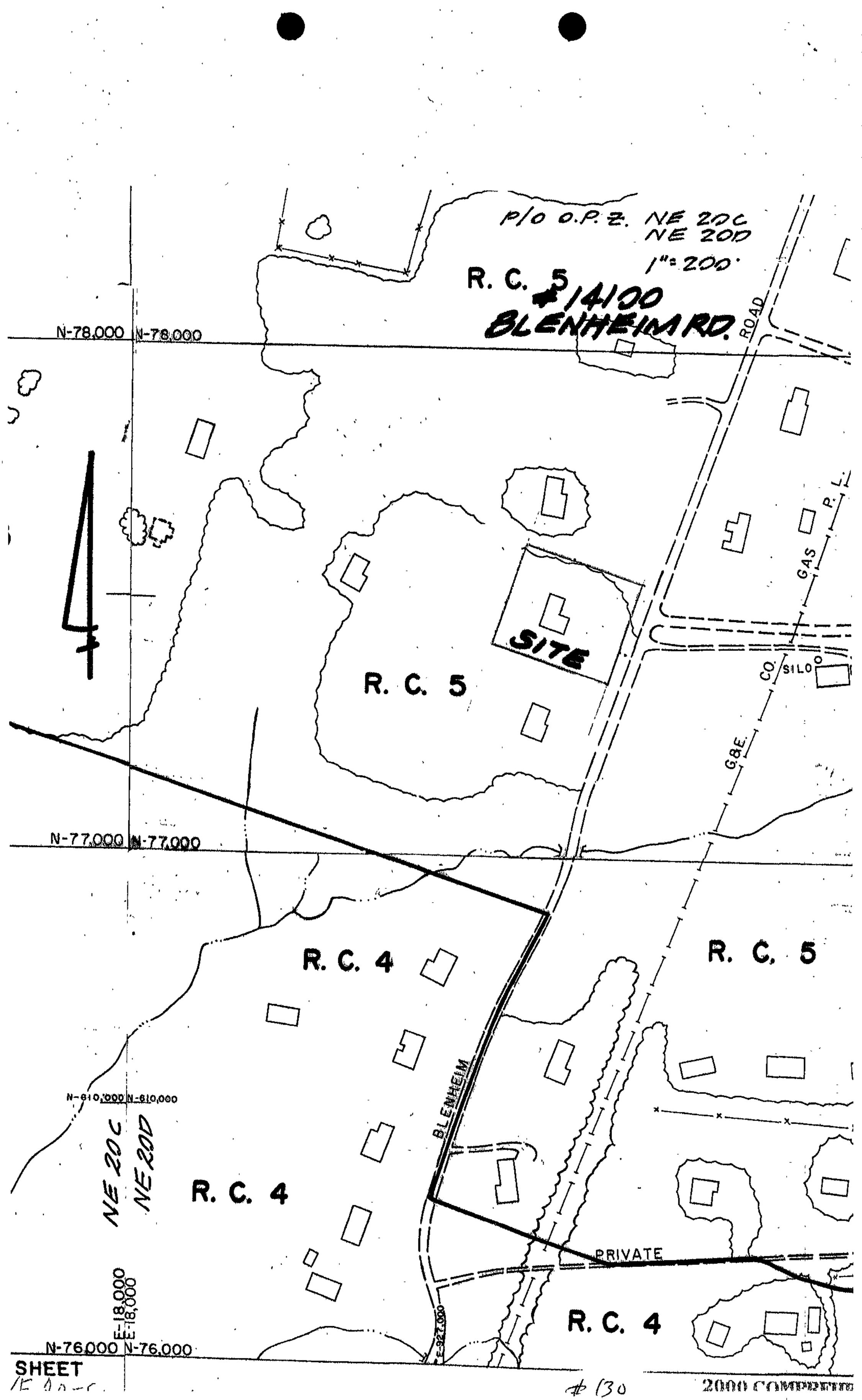
People's Counsel for Baltimore County

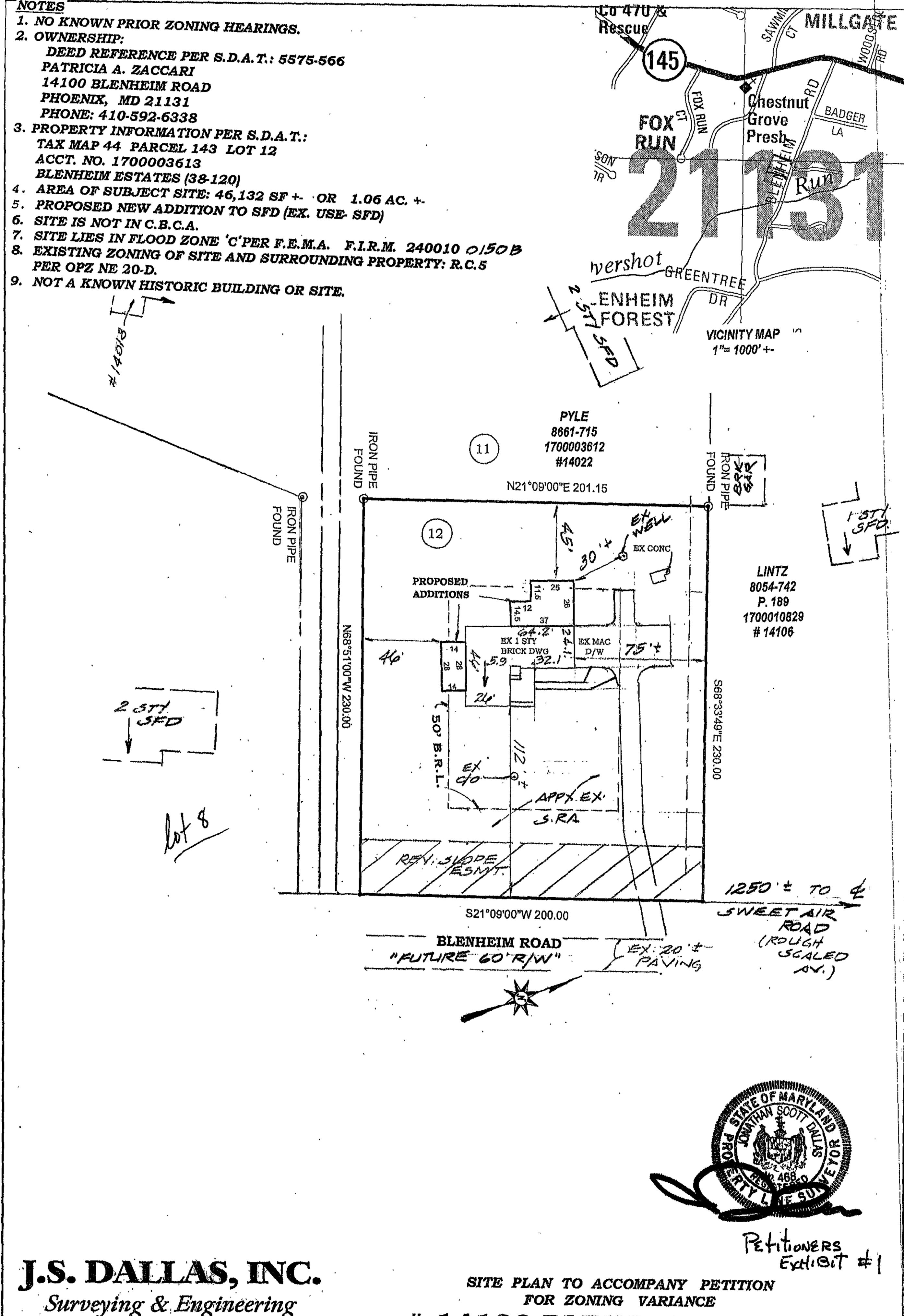
# PLEASE PRINT CLEARLY

CASE NAME OS-130 A CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET

Pagocca amissi. nesc. Hil aol. com. E-MAIL Ø isdina 21013 2113/ STATE, ZIP MD. TD PHOENIX Baldwin CITY, BLEWHEIM R ADDRESS S. Dallas Inc. Patricia N. Scott





Surveying & Engineering 13523 Long Green Pike Baldwin, MD. 21013 (410) 817-4600

# 14100 BLENHEIM

10TH ELEC. DIST.

SCALE: 1"= 50'

BLENHEIM ROAD

FOUNDATION ROAD

AUGUST, 2004