

IN RE: PETITION FOR VARIANCE
SE/Corner Jonathan's Court and
Falls Road
(1-A Jonathan's Court)
8th Election District
3rd Council District

Anthony Gaspari, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-153-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 owners of the subject property, Anthony Gaspari and his wife, Marsha Gaspari. The Petitioners seek variance relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (shed) to be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on the site plan and photographs submitted, which were accepted into evidence and marked as Petitioner's Exhibits 1 and 2A through 2S, respectively.

Appearing at the requisite public hearing in support of the request were Dr. Anthony Gaspari and his wife, Marsha Gaspari, property owners. Appearing as interested citizens/Protestants were Louise Hahn, adjacent property owner, and Sanjay Kumar, who resides across the street.

Testimony and evidence offered revealed that the subject property is a pie-shaped parcel located with frontage on both Jonathan's Court and Falls Road in the subdivision known as Jonathan's Delight in Hunt Valley. The property contains a gross area of 1.24 acres, more or less, zoned R.C.4, and is improved with a single-family dwelling and an accessory shed. It is this shed which is the subject of the instant request. In this regard, the Petition was filed as the result of an anonymous complaint registered with the Code Enforcement Division of the Department of Permits and Development Management relative to the location of the subject shed. As shown on

ORDER RECEIVED FOR FILING

Date

By

12/19/04
F. J. G.

the site plan, the house is located in the rear portion of the lot where the pie shape comes to a point. Due to the configuration of the lot, the rear of the house is nearly perpendicular to Falls Road. The shed is located in the side yard, immediately across from the garage, not far from the side property line adjoining the Hahn property to the south.

Testimony indicated that the Petitioners have owned and resided on the property for the past 3 years. Shortly after they moved to the property, the Petitioner purchased the subject shed for the purpose of storing lawn and garden tools and equipment and a snowplow. Dr. Gaspari testified that he placed the shed in the side yard immediately across from the garage so that he could easily access the snowplow during inclement weather. He indicated that the shed could not be located immediately adjacent to the garage because there is a slight hill as the driveway approaches the house. Dr. Gaspari testified that he placed the shed for the reasons indicated above and was not aware of any community association covenants or restrictions that would prevent him from doing so. He also testified that there was a large, mature tree in the rear yard and he was concerned that if it ever came down, it would severely damage the shed and its contents. Testimony indicated that the tree, in fact, did come down shortly after the shed was erected. Photographs submitted show the subject shed and its location in relationship to the garage and the adjacent Hahn property.

Relief is requested as set forth above to allow the shed to remain in its present location. The Petitioner argued that the shed has existed at this location for the past 3 years without prior complaint and did not become offensive to anyone until April 2004 following a dispute he had with Mr. Kumar. Apparently, Mr. Kumar had parked a car with a For Sale Sign within the State's right-of-way easement along Falls Road to the rear of the Petitioner's home and the Petitioner called authorities relative to the perceived parking violation. Subsequently, Mr. Kumar moved the car and parked it behind the Hahn property, which apparently escalated the dispute. Shortly thereafter, an anonymous complaint relative to the shed's location was lodged with the Code Enforcement Division of DPDM and the Petitioner was advised to file the instant Petition to resolve the matter.

Mrs. Hahn testified that at the time the Gasparis were preparing the side yard area for placement of the shed, she approached them and asked if they had researched the zoning laws as she was quite certain that the area they had selected was not appropriate. She is certain that at the time of that discussion, no shed was present, only that the area was being prepared. Mrs. Hahn indicated that she tried to be reasonable and never reported the shed to authorities as she did not want to cause hard feelings with her neighbors. Mr. Kumar indicated that he had also "buried the hatchet" so to speak, that life goes on and that he did not call Code Enforcement. However, in his opinion, the shed is not attractive and should be placed not only in the rear yard, as required, but also behind the Gaspari home and out of the neighbors' view.

It is also to be noted that the Gaspari property is located at the entrance to this community, which consists of 21 homes, all of which have frontage on Jonathan's Court. Both Mr. Kumar and Ms. Hahn testified that they find the shed's location objectionable and that the neighbors who drive past the area have also commented that they find it offensive and not in keeping with the neighborhood aesthetics.

After due consideration of the testimony and evidence presented, I am persuaded to deny the variance request. It is clear that the improvements at issue have existed for several years and that it is the result of the breakdown in the relationship between these neighbors that this case comes before me now. However, as stated at the end of the hearing and now bears emphasis, I must consider the request in accordance with the mandate of Cromwell v. Ward, and Section 307 of the B.C.Z.R. rather than whether I think the shed's location is appropriate. The Court interpreted the regulation to require that two tests be met in order for variance relief to be granted. First, it must be shown that the property is unique in some manner and that this uniqueness drives the need for variance relief. Secondly, upon the determination that the property is unique, then it must be considered whether compliance with the regulation would cause a practical difficulty upon the property owner and would be unnecessarily burdensome.

Despite Dr. Gaspari's argument that the property is unique and that contributing factors, such as the hill as you approach the driveway and configuration of the lot, justify his

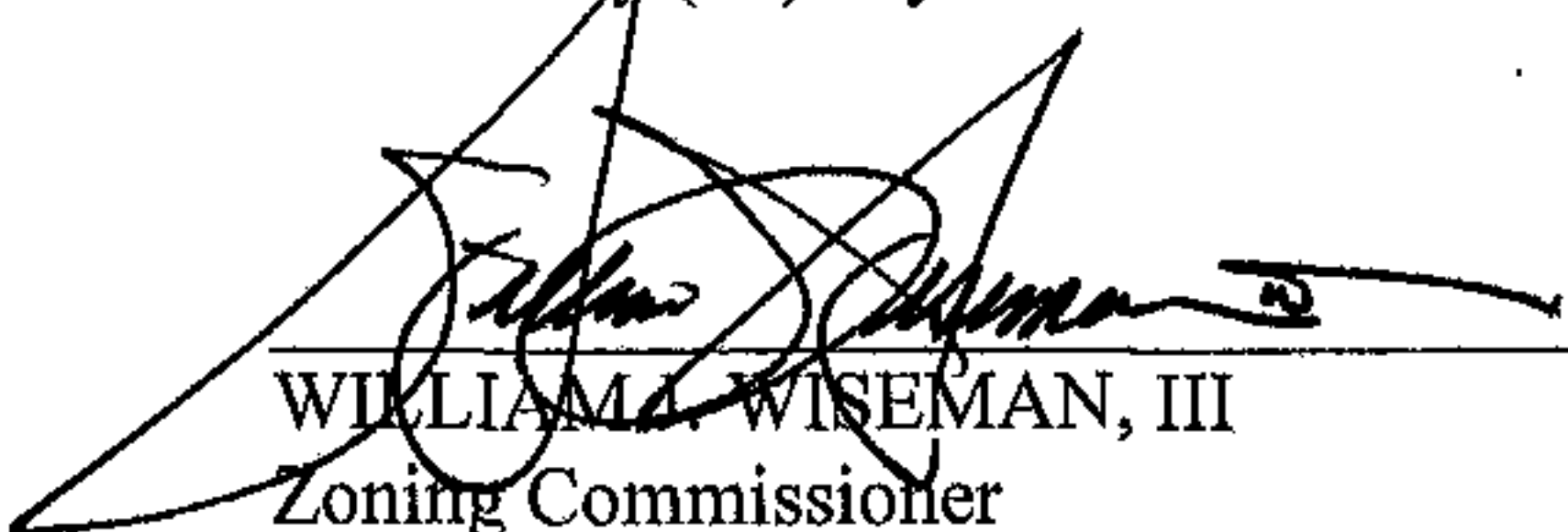
placing the shed in the side yard as opposed to the rear yard, I am not persuaded. In my judgment, the configuration and topography of the lot are not characteristics unique to this lot. Moreover, it was further illustrated through photographs submitted into evidence as Petitioner's Exhibits 2A - 2S, that sufficient room exists in the rear yard to locate the shed in conformance with the zoning regulations. Thus, I am persuaded to deny the variance.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of December 2004 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (shed) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioner shall have 120 days from the date of this Order to relocate the shed to the rear yard in a location compliant with the zoning regulations.

Any appeal of this decision shall be entered within thirty (30) days of the date hereof.


WILLIAM A. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 12/9/04
By [Signature]

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

December 9, 2004

Dr. & Mrs. Anthony Gaspari
1-A Jonathan's Court
Cockeysville, Maryland 21030

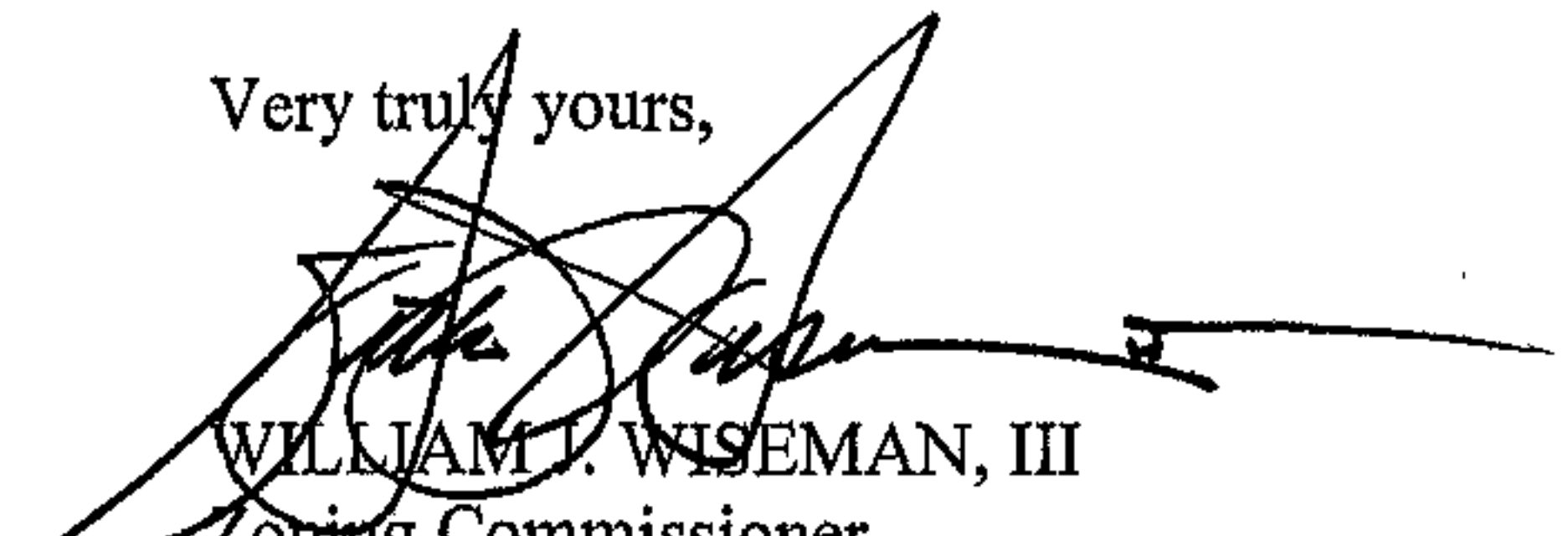
RE: PETITION FOR VARIANCE
SE/Corner Jonathan's Court and Falls Road
(1-A Jonathan's Court)
8th Election District – 3rd Council District
Anthony Gaspari, et ux - Petitioners
Case No. 05-153-A

Dear Dr. & Mrs. Gaspari:

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

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

Very truly yours,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mrs. Louise Hahn
1 Jonathan's Court, Hunt Valley, Md. 21030
Mr. Sanjay Kumar
12 Jonathan's Court, Hunt Valley, Md. 21030
Code Enforcement Division, DPDM; People's Counsel; Case File

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





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1A Jonathan's Ct.
which is presently zoned RC-4

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner, 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) 400.1

To allow an existing accessory structure (shed) in the side yard in lieu of the required rear yard

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1. There are hills adjacent to the driveway at side and rear
 2. The shed has been in existence for 2 years
 3. Evergreen trees are planted in side facing neighbor's rear yard
 4. Shed is adjacent to neighbor's rear yard
- Property is to be posted and advertised as prescribed by the zoning regulations. Shed placement provides easy access for winter plowing of driveway
- 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):

Anthony Gaspari
Name - Type or Print _____
Anthony Gaspari
Signature _____
Martha Gaspari
Name - Type or Print _____
Martha Gaspari
Signature _____

1A Jonathan's Ct 410 308 1392
Address _____ Telephone No. _____
Cockeysville MD 21230
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 hr

UNAVAILABLE FOR HEARING

9-24-04

ORDER RECEIVED FOR FILING
Date 12/29/04
By [Signature]

File No. 05-157A

**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: #05-153-A
1A Jonathan's Court
S/east corner of Jonathan's
Court and Falls Road
8th Election District
3rd Councilmanic District
Legal Owner(s): Anthony
and Marsha Gaspari
Variance: to allow an exist-
ing accessory structure in
the side yard in lieu of the
required rear yard.
Hearing: Wednesday, No-
vember 10, 2004 at 11:00
a.m. in Room 407, County
Courts Building, 401
Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County.

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4388.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.

JT/10/755 Oct 28, 27264

CERTIFICATE OF PUBLICATION

10/26/2004

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 10/26/2004.

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

J. Wilkins

LEGAL ADVERTISING

ZONING DESCRIPTION FOR 1A Jonathan's Court

Beginning at a point on the South East Corner of Jonathan's Court and Falls Road. Being lot 22-A in the subdivision of Jonathan's Delight as recorded in Baltimore County Plat Book #39, Folio #113, containing 1.24 acres. Also known as 1A Jonathan's Court and located in the 8th Election District, 3rd Councilmanic District.

153

Ind. No. 41555
05-1539

924-04

K-201-006-61509

1051

Mr. Campbell

~~Residential Violence Bill~~
4/19/2006

WHITE - CASHIER

YELLOW - CUSTOMER

新華書店
上海分店
經售

卷之八

1

THE

Figure 1

1. 1990年12月25日，在“九七”香港回归前，香港各界人士纷纷发表文章，就香港前途问题提出自己的看法。

THE NEW YORK TIMES

1995年12月

THE UNIVERSITY OF CHICAGO PRESS

— **THE** —

THE

1987

THE

THE

THE NEW YORK PUBLIC LIBRARY

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date October 25, 2004

RE: Case Number 05-153-A

Petitioner/Developer ANTHONY & MARCIA GASPARI

Date of (Hearing) Closing NOVEMBER 10, 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 1-A JOHNATHONS COURT

The sign(s) were posted on

October 22, 2004

ZONING NOTICE

CASE # 05-153-A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 407 COUNTY COURTS BLDG.

PLACE: 401 BOSLEY AVE.

DATE AND TIME: WEDNESDAY NOVEMBER 10, 2004
AT 11:00 A.M.

REQUEST: TO ALLOW AN EXISTING
ACCESSORY STRUCTURE IN THE
SIDE YARD IN LIEU OF THE
REQUIRED REAR YARD.

1-A JOHNATHONS COURT

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 837-3301

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

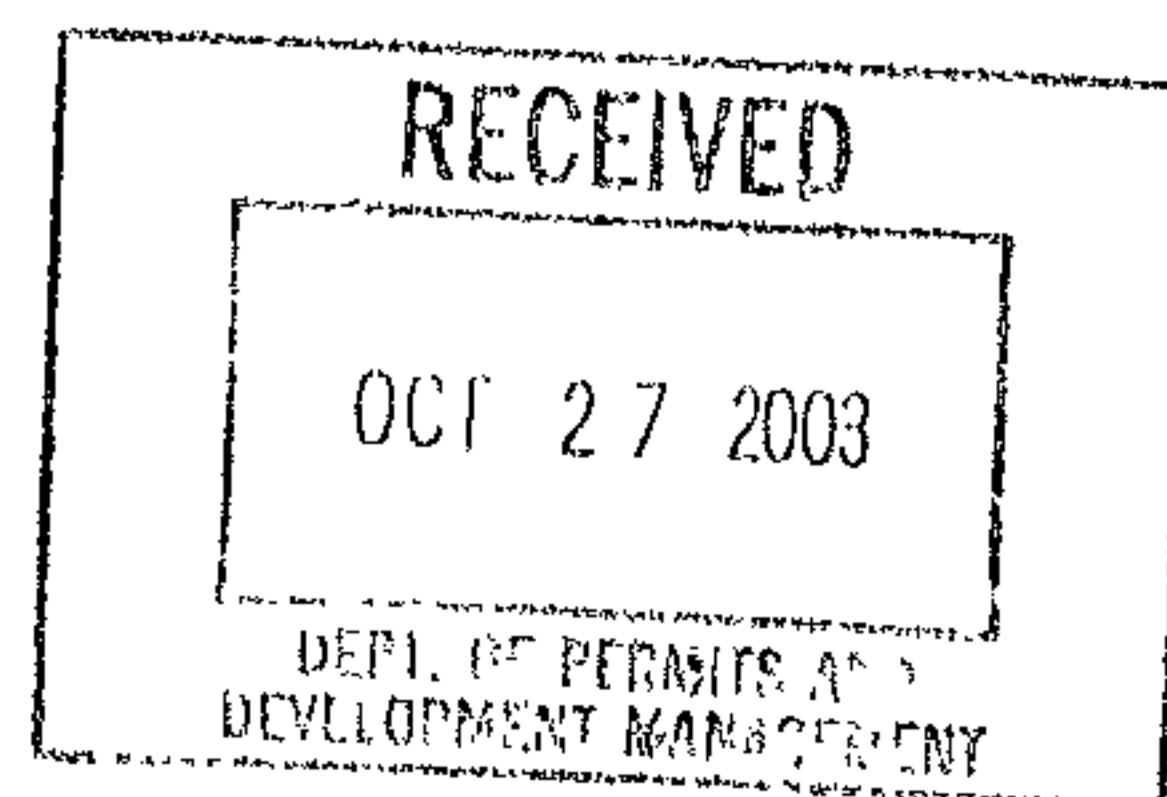
Linda O'Keefe
(Signature of Sign Poster)

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)



TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 26, 2004 Issue - Jeffersonian

Please forward billing to:

Mr. & Mrs. Anthony Gaspari
1A Jonathan's Court
Cockeysville, MD 21030

410-308-1392

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: 05-153-A

1A Jonathan's Court
S/east corner of Jonathan's Court and Falls Road
8th Election District – 3rd Councilmanic District
Legal Owners: Anthony and Marsha Gaspari

Variance to allow an existing accessory structure in the side yard in lieu of the required rear yard.

Hearing: Wednesday, November 10, 2004 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Rm. 407



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**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

October 1, 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: 05-153-A

1A Jonathan's Court
S/east corner of Jonathan's Court and Falls Road
8th Election District – 3rd Councilmanic District
Legal Owners: Anthony and Marsha Gaspari

Variance to allow an existing accessory structure in the side yard in lieu of the required rear yard.

Hearing: Wednesday, November 10, 2004 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Rm. 407

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Anthony & Marsha Gaspari, 1A Jonathan's Court, Cockeysville 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 26, 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.**

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

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 05-153A

Petitioner. MR. & MRS. Anthony Baspari

Address or Location: #1A JONATHAN'S CT.

PLEASE FORWARD ADVERTISING BILL TO

Name: SAME

Address COCKEYSVILLE, MD, 21030

Telephone Number: 410-308-1393

**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

November 3, 2004

Anthony Gaspari
Marsha Gaspar
1 A Jonathan Court
Cockeysville, Maryland 21032

Dear Mr. and Mrs. Gaspar:

RE: Case Number: 05-153-A, 1A Jonathan Court

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

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



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

October 7, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: October 7, 2004

Item No.: 093, 131, 144-155, 157

53

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

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 13, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For October 12, 2004
Item Nos. 093, 146, 147, 148, 149,
150, 152, 153, 154, 155, and 157

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: John D. Oltman, Jr JDO
DATE: October 27, 2004
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of October 4, 2004.

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

05-107 (revised site plan)

05-131

04-144

04-146

04-148

04-149

04-152

04-153

04-154

05
Reviewers: Sue Farinetti, Dave Lykens

BW
11/10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 8, 2004

RECEIVED

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

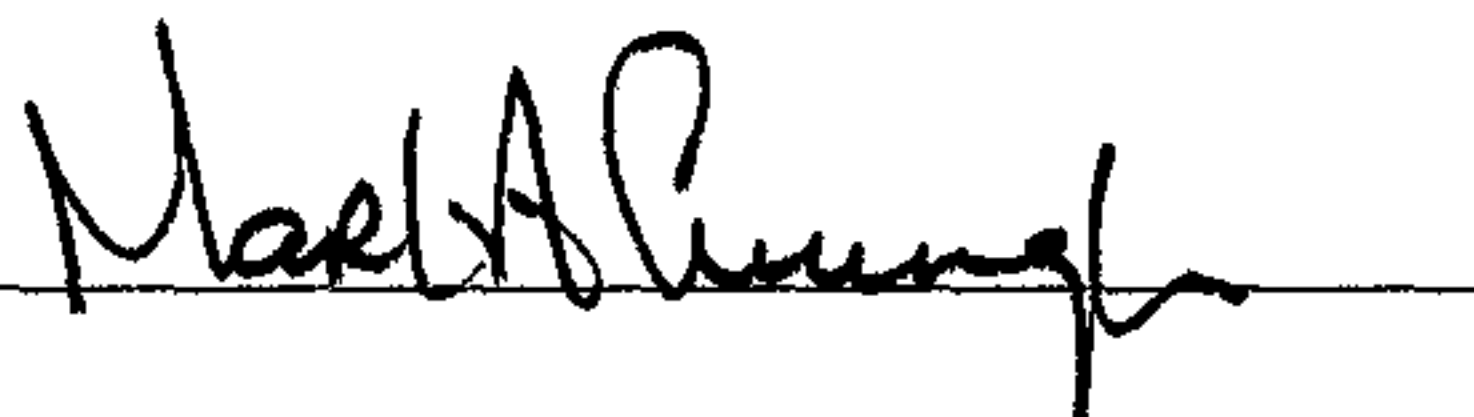
OCT 13 2004

ZONING COMMISSIONER

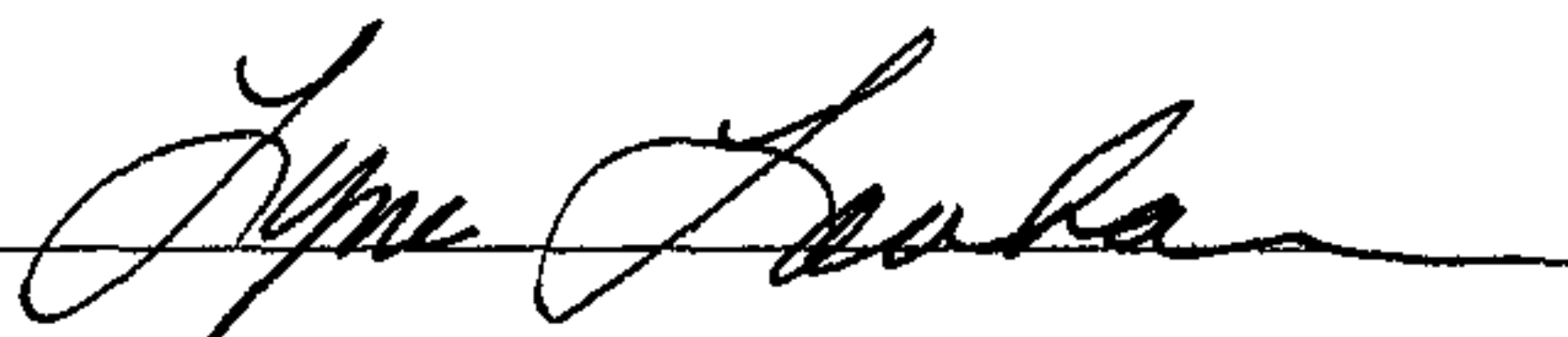
SUBJECT: Zoning Advisory Petition(s): Case(s) 5-153

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

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



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

Maryland Department of Transportation

Date: 10.4.04

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

RE: Baltimore County
Item No. 153 JJS

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, Chief
Engineering Access Permits Division

RE: PETITION FOR VARIANCE * BEFORE THE
1 A Jonathan's Court; SE/corner *
Jonathan's Court & Falls Road * ZONING COMMISSIONER
8th Election & 3rd Councilmanic Districts *
Legal Owner(s): Anthony & Marsha Gaspari * FOR
Petitioner(s) * BALTIMORE COUNTY
* 05-153-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.



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

*Rec'd
10/6/04
Ken*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of October, 2004, a copy of the foregoing Entry of Appearance was mailed to, Anthony & Marsha Gaspari, 1A Jonathan's Court, Cockeysville, MD 21030, Petitioner(s).



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: October 1, 2004

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 153
Legal Owner/Petitioner Mr. & Mrs. Anthony Gaspari
Contract Purchaser: N/A
Property Address: 1a Jonathans Ct
Location Description: S/E corner Jonathans Ct & Falls Rd

VIIOLATION INFORMATION: Case No. 04-7245
Defendants: Mr. & Mrs. Anthony Gaspari

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
------	---------

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- | | | |
|--------------------------|-----|---|
| ☐ | 1. | Complaint letter/memo/email/fax (if applicable) |
| X | 2. | Complaint Intake Form/Code Enforcement Officer's report and notes |
| X | 3. | State Tax Assessment printout |
| ☐ | 4. | State Tax Parcel Map (if applicable) |
| ☐ | 5. | MVA Registration printout (if applicable) |
| ☐ | 6. | Deed (if applicable) |
| ☐ | 7. | Lease-Residential or Commercial (if applicable) |
| ☐ | 8. | Photographs including dates taken |
| X | 9. | Correction Notice/Code Violation Notice |
| ☐ | 10. | Citation and Proof of Service (if applicable) |
| ☐ | 11. | Certified Mail Receipt (if applicable) |
| ☐ | 12. | Final Order of the Code Official/Hearing Officer (if applicable) |
| ☐ | 13. | Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable) |
| ☐ | 14. | Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable). |

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/ph
C: Code Enforcement Officer



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 04-7245	Property No. 2300011019	Zoning: BCZR 101, 102, 1, 400
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Name(s): **Caspari Anthony**
Caspari Marsha

Address: **1-A Jonathans CT**

Violation Location: **Same**

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

**IMC Sec 105 Building permit Required
for Shed - obtain permit
BCZR 101, 102, 1, 400 Cannot have
Shed in side yard without zoning
approval**

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before: 8/26/04	Date Issued: 8/12/04
---------------------------------	--------------------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: **Paul Hohne**

INSPECTOR: **[Signature]**

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than:	Date Issued:
-----------------	--------------

INSPECTOR: _____

Inspector - Hohne

Area Case #	Location	Apt	Zip	Date Rec	Reinsp Dt
017 04-7245	1A JONATHANS CT		21030	8/11/2004	

Tax Acct #: 2300011019

Owner: GASPARI, ANTHONY & MARSHA

Complainant Name: (Last) ANONYMOUS (First)
 Addr:

Str # Dir Street Name Type Apt

City ST Zip
 Phone: (Home) (Work)

Problem: OVERSIZE SHED IN SIDE YD, ALSO MAY REQ. PERMIT

8/12/04 - Found large shed in side yard. Issued
 CN to obtain building permit for shed and
 zoning approval to have it in side yard. Recheck
 8/26/04

[Handwritten signature]

[Handwritten signature]

P/U Date		Closed Date		Gary F to update	
Anonymous Complaint	Complainant Updated	Updated by voice message	Unable to update	Update not necessary	
Executive office Complaint	Yes	No	If Yes is Executive memo attached?	Yes	No

entered KH

DE ENFORCEMENT REPORT

WB

DATE: 08/11/04 INTAKE BY: CJP CASE #: 04-7295 INSPEC:

COMPLAINT LOCATION: 1 A Jonathans CT

Hunt Valley ZIP CODE: 21030 DIST: 08

COMPLAINANT NAME: Anonymous PHONE #: (H) (W)

ADDRESS: ZIP CODE:

PROBLEM: Shed in side yard, also may req. permit (oversize)

IS THIS A RENTAL UNIT? YES NO

IF YES, IS THIS SECTION 8? YES NO

OWNER/TENANT INFORMATION: Michail - Penelope Makris

TAX ACCOUNT #: ZONING:

INSPECTION:

REINSPECTION:

REINSPECTION:

REINSPECTION:

DATE: 08/11/2004

STANDARD ASSESSMENT INQUIRY (1)

TIME: 13:34:54

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
23 00 011019	08	2-0	04-00	H	NO		06/15/04
GASPARI ANTHONY				DESC-1.. IMPS1.24 AC PRT LT 22			
GASPARI MARSHA				DESC-2.. JONATHANS DELIGHT			
1-A JONATHANS CT				PREMISE. 00001 A JONATHANS CT			

00000-0000

COCKEYSVILLE

MD 21030-1419 FORMER OWNER: SPELLMAN PAUL T

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	112,640	112,640		FCV	ASSESS	ASSESS
IMPV:	316,030	316,030	TOTAL..	428,670	428,670	428,670
TOTL:	428,670	428,670	PREF...	0	0	0
PREF:	0	0	CURT...	428,670	428,670	428,670
CURT:	428,670	428,670	EXEMPT.		0	0
DATE:	09/01	09/01				

---- TAXABLE BASIS ---- FM DATE

ASSESS: 428,670 11/17/01

ASSESS: 428,670

ASSESS: 0

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

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

December 23, 2004

Dr. & Mrs. Anthony Gaspari
1-A Jonathan's Court
Cockeysville, Maryland 21030

RE: PETITION FOR VARIANCE
(1-A Jonathan's Court)
Case No. 05-153-A

Dear Dr. & Mrs. Gaspari:

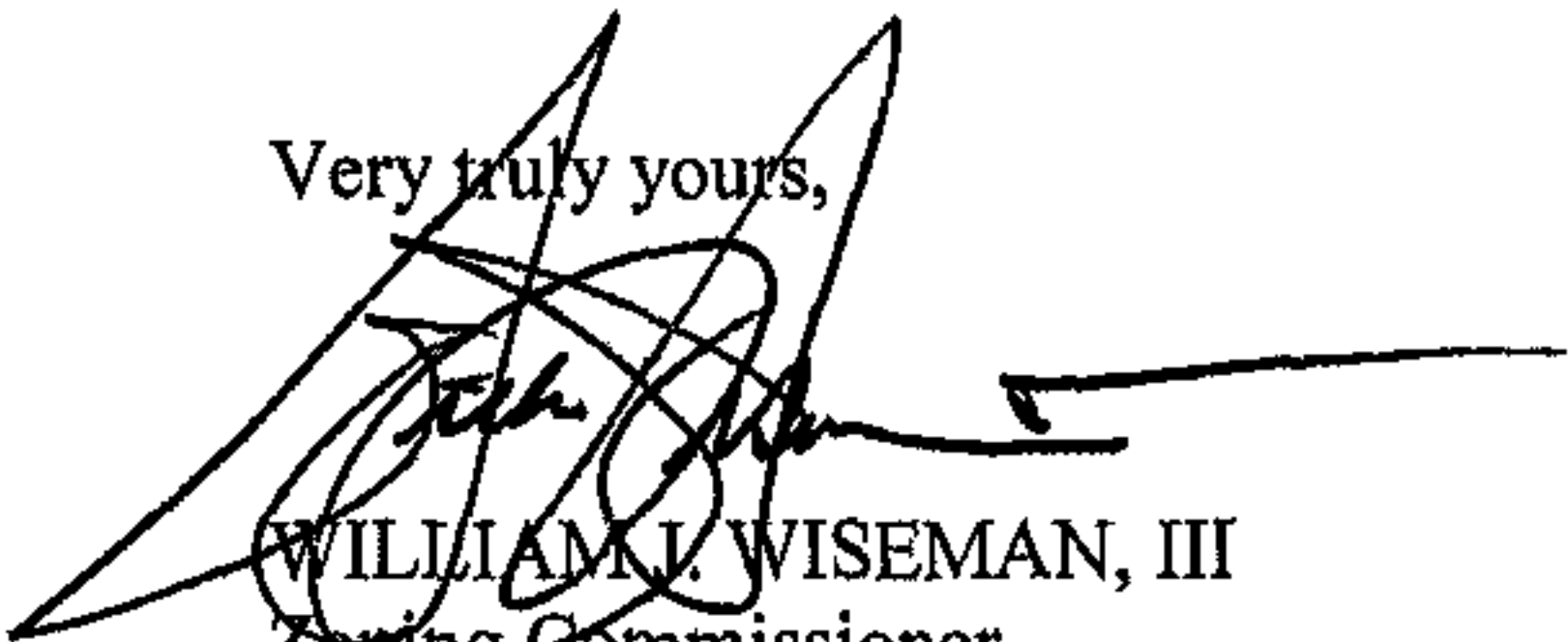
In response to your letter of December 17, 2004 concerning my decision in the above-captioned matter, the following comments are offered. Your letter has been accepted as a Motion for Clarification of my Order.

I don't wish to be argumentative, but I can assure you that my decision was not made with any bias towards you or your wife. Furthermore, I did, in fact, drive past your home to gain an appropriate perspective of the shed's location prior to reaching a decision in your case. With regard to the anonymous complaint, a copy of the active violation (Case No. 04-7245) is contained within the case file and therefore, available for your review. I never represented to you that the complaint was filed by Mr. or Mrs. Makris, but simply asked whether you had ever heard of Michael and Penelope Makris as their names appeared on one of the Code Enforcement reports.

I'm sorry that my decision in your case was not more favorable; however, your request for another zoning hearing before an alternate Zoning Commissioner cannot be provided. Your only source of relief is to file an appeal to the County's Board of Appeals. Thus, in that your Motion for Clarification has stayed the appeal period, you now have thirty (30) days from the date of this letter to file an appeal of my decision with the Department of Permits and Development Management.

I trust that I have addressed the concerns raised in your letter and extend my best wishes to you and your family in the New Year.

Very truly yours,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Code Enforcement Division, DPDM; People's Counsel; Case File

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



Anthony and Marsha Gaspari
1A Jonathan's Court
Cockeysville, MD 21030

RECEIVED

DEC 20 2004

ZONING COMMISSIONER

Mr. William J. Wiseman, III
Zoning Commissioner
Suite 405, County Courts Building
401 Bosley Avenue
Towson, MD 21204

December 17, 2004

RE: Case No. 05-153-A

Dear Mr. Wiseman;

We have several comments and concerns about our hearing related to variance for the placement of our shed on our property at 1A Jonathan's Court in Cockeysville, MD. Because of these concerns about the fairness of our initial hearing, we request another hearing with someone other than you presiding. Your decision to deny variance was based on your narrow focus related to Cromwell v. Ward, with no consideration of a number of highly relevant mitigating circumstances. We summarize these circumstances below:

1) In the original complaint and your summary of the hearing, it was stated that the complaint was "anonymous". However, at the beginning of the hearing, you indicated that the complaint originated from Mr. Makris, a neighbor who lives at 14 Jonathan's Court. As you know, Mr. Makris did not attend the public hearing. I spoke to Mr. Makris the evening of the hearing, and he denied filing this complaint. Mr. Makris told me he had no objection to the shed, and knew nothing of a complaint to Baltimore County related to our shed on our property. Mr. Makris is willing to state this in writing.

We want this discrepancy clarified. If Mr. Makris is stated as the origin of the complaint, then it is not an anonymous complaint, but a *false* complaint. We therefore request a closed hearing for variance with the *false* complaint dropped.

2) At the hearing, you indicated you would make a site visit to inspect our property for its unique features, as well as the placement of our shed. There is no indication that you made any site visit, since you did not describe it in your summary. As well, Mrs. Gaspari works at our home at 1A Jonathan's Court most of the day, and did not observe you inspecting our property and shed at any time after the hearing. Because of this, you were not able to appreciate some of the critical arguments related to our shed, and its placement on our property. The failure to complete the promised inspection is unfair, because it results in an incomplete evaluation of our case.

3) Quoting of Mr. Kumar in hearing proceedings: In the summary of the hearing, you reported that Mr. Kumar stated that: "neighbors who drive past the area have also commented that they find it offensive and not in keeping with the neighborhood aesthetics". This statement is really hearsay. In the absence of any other neighbors making a direct statement at the hearing, this statement is really Kumar projecting his opinion onto other neighbors, and should not be summarized as evidence. You gave this unsubstantiated comment importance by summarizing it in writing, indicating your bias. This statement should be removed from the summary and consideration of the evidence of the hearing. It is also another reason why we request another zoning officer to preside over our hearing.

4) Testimony of Mrs. Hahn about placement of the shed: We wish to add further information about the recommendations from the Hahns about placement of the shed. The Hahns did approach us about alternate sites of placement at the time we were preparing the site for the shed. It was not mentioned that they recommended we place the shed behind a bank of large pine trees behind our property, so they would not be able to see the shed from their property. It is noteworthy that the site they recommended is the state easement land directly behind our property. We were concerned about vandalism, theft, and the illegal use of a state easement to place our personal property, the shed. This recommendation by the Hahns raised our doubts as to their motivation, and their true knowledge of Baltimore County Zoning Commission regulations that they suggested. It is an important reason for the selection of the site of the shed placement.

5) Regarding meeting the criteria of Cromwell versus Ward, I have the following comments:

a) Uniqueness of the property:

At the time of the placement of the shed, the existence of a large, mature willow tree (approximately 100 feet tall) in the side yard of the Hahn's would render this site hazardous to the placement of the shed. This site on our property under consideration is fully in our rear yard, and is closest to our driveway. It was the preferred site for placement of the shed, except for the hazard of this natural feature of the local landscape. It is noted that during a recent winter storm (after the shed was placed), the tree indeed fell down. If the shed were in its original proposed site fully in our rear yard, it would no longer be standing because this large tree would have destroyed it, along with our property stored inside of the shed. Thus, my concerns about this hazard were correct.

Therefore, the uniqueness of the property at the time the shed was erected was indeed a relevant issue.

The tree stump for the tree in question remains on the Hahn's property. This feature of the uniqueness of our property would have been best appreciated if Mr. Wiseman completed a site visit, which he did not.

b) Hardship caused by moving the shed to the rear yard:

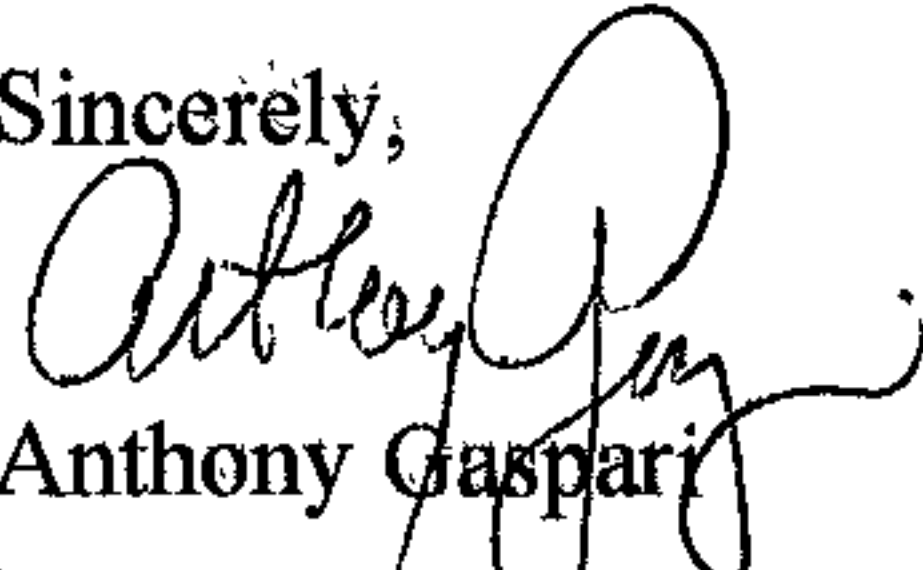
First, it is necessary for me to store my snowplow in my shed because there of a lack of space in our garage. The snowplow cannot be stored outside because of aesthetics, protecting it from the elements and concerns about thieves. Moving the shed containing the snowplow into the rear yard would cause me hardship during the winter-time. During this time of year, when there are numerous snowfalls, I must be able to maneuver my snowplow from its storage location in the shed onto the driveway to clear a path on our driveway. Our driveway is 170 feet long, which is too long to be shoveled by hand.

In its current location, the shed is approximately 20 feet from the driveway. With moderate and heavy snowfalls requiring the use of the plow, I can move the tractor onto the driveway after clearing a short path across the lawn to the driveway. If the shed is moved into the rear yard, it will be necessary for me to shovel an additional 80 feet of pathway from the shed to the driveway. I am a physician at the University of Maryland involved in patient care. I am also involved with the state response force for bioterrorism, so I must be able to egress from my property with ease at all times. The additional time to prepare a longer pathway to access my

driveway will represent a hardship for me. This feature of the hardship issue would have been best appreciated if Mr. Wiseman completed a site visit, which he did not.

We submit the comments for your review, and request a response and another hearing, with the dropping of the false complaint, with an alternate zoning commissioner presiding over a closed hearing of our application for variance.

Sincerely,



Anthony Gaspari



Marsha Gaspari

From: "Anthony A. Gaspari MD" <agasp001@umaryland.edu>
To: <wwiseman@co.ba.md.us>
Date: 11/11/2004 3:19:24 PM
Subject: Zoning Hearing: 1A Jonathan's Court

Hello Mr. Wiseman,

As you recall, you presided over the hearing for the zoning variance for the shed on my property on 1A Jonathan's Court. Because you revealed during the hearing that Mr. Makris filed the original complaint related to the shed, I contacted him to find out why he did not attend the hearing.

I was suprised to find out that he denied filing a complaint. In fact, he was upset that his name was on the complaint. He was not aware of the shed or the hearing. I have no reason to believe Mr. Makris would object to the shed. Mr. Makris is completing an addition on his property, and has had this addition inspected recently. I asked him if he would object to you contacting him, and he had no objections. I encourage you to contact him to confirm this information.

Contact information: Mike Makris 14 Jonathan's Court, Cockeysville, MD 21030
telephone #: 410-667-4835.

I tried to reach Mr. Paul Hohne, the inspector who received the complaint to gain more insight into this discrepancy, but I was unable to reach him today due to the holiday. I will continue to try and reach him. I would appreciate you speaking with Mr. Hohne as well, in an attempt to clarify whether this complaint was generated using standard operating procedures.

I would like a satisfactory answer as to who indeed filed the complaint. I suspect it was my neighbor, Mr. Sonjay Kumar (12 Jonathan's Court), who works for the state of MD, and may have exerted undue influence on the inspectors to file an erroneous complaint. As you know, Mr. Kumar and I have a history of disagreements. Thus, I believe he somehow was responsible for the generation of this compliant.

Lastly, I do hope you are willing to make a site visit to our property to inspect the shed, and its location. If you are willing to do so, I would be greatful if you would please notify my wife (telephone 410-308-1392), who would like to be present to point out features of our property that are relevant to the placement of the shed.

Sincerley,

Anthony A. Gaspari, MD

[Click here for a plain text ADA compliant screen.](#)



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)
[Ground Rent](#)

Account Identifier: District - 08 Account Number - 2300011019

Owner Information

Owner Name: GASPARI ANTHONY
 GASPARI MARSHA
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 1-A JONATHANS CT
 COCKEYSVILLE MD 21030-1419
Deed Reference: 1) /15464/ 576
 2)

Location & Structure Information

Premises Address

1 A JONATHANS CT

Legal Description

1.24 AC PRT LT 22
 1-A JONATHANS CT
 JONATHANS DELIGHT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	MS
41	22	30					22A	81	Plat Ref:	39/ 113

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2001	3,004 SF	1.24 AC	04
Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2002	Phase-In Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	112,640	112,640		
Improvements:	316,030	316,030		
Total:	428,670	428,670	428,670	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: SPELLMAN PAUL T	Date: 08/14/2001	Price: \$165,000
Type: UNIMPROVED ARMS-LENGTH	Deed1: /15464/ 576	Deed2:
Seller: SPELLMAN PAUL T	Date: 12/08/2000	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14854/ 572	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

DATE _____

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CASE NAME 05-153A
CASE NUMBER _____
DATE _____

CITIZEN'S SIGN-IN SHEET

[illegible]

Case No.: 05-153A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SCALE DRAWING PLAT WITH PETITION	
No. 2	2A chm 25 (19 photos) Photographs	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 14 JONATHAN'S CT

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME JONATHAN'S DELIGHT

PLAT BOOK # 39 FOLIO # 113 LOT # 22A SECTION #

OWNER ANTHONY + MARSHA GASPARI 9.14.04

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

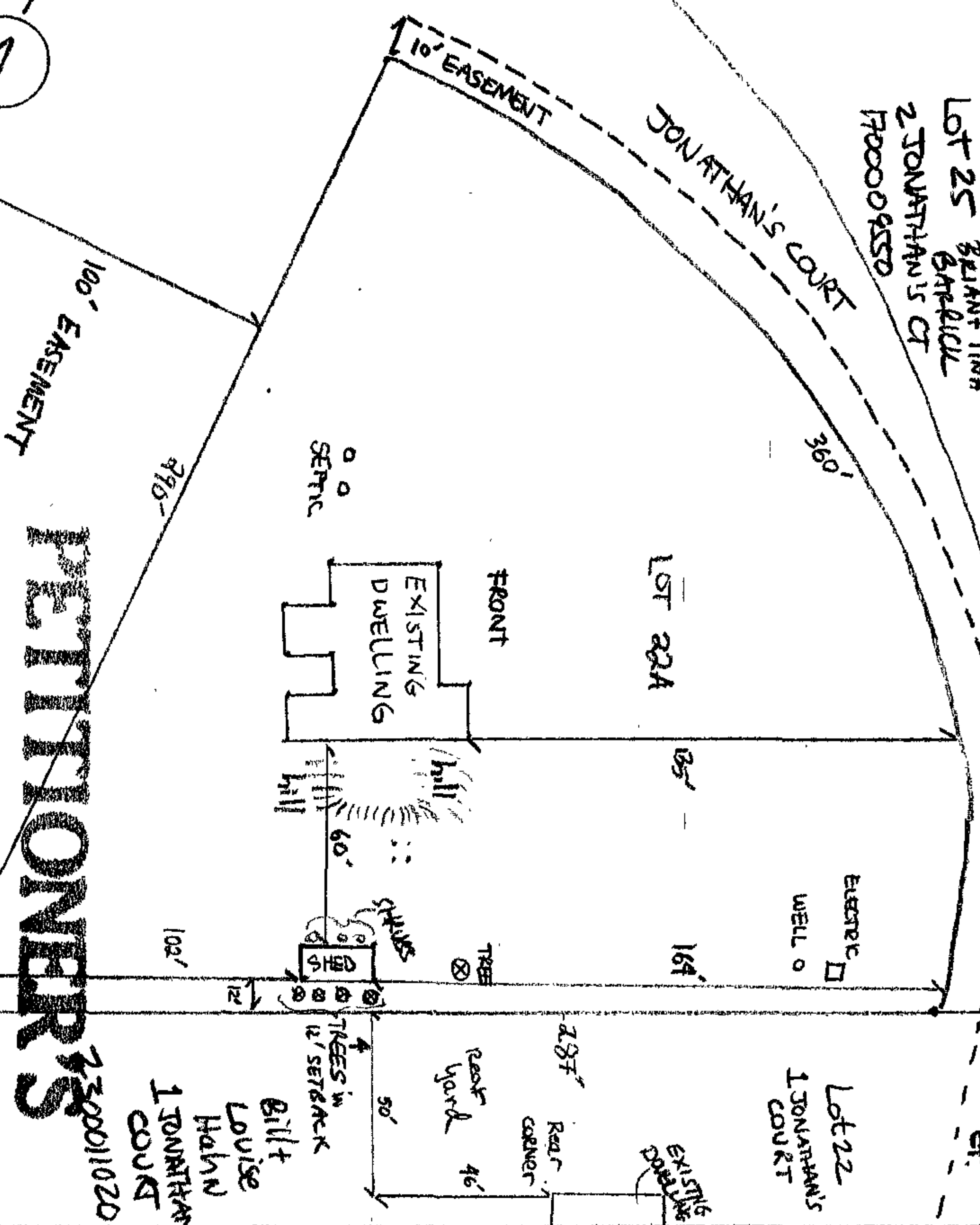
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10 JONATHAN'S CT
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Lot 6
1700009536

SONIA + RENE
12 JONATHAN'S CT

Lot 25
2 JONATHAN'S CT
1700009550

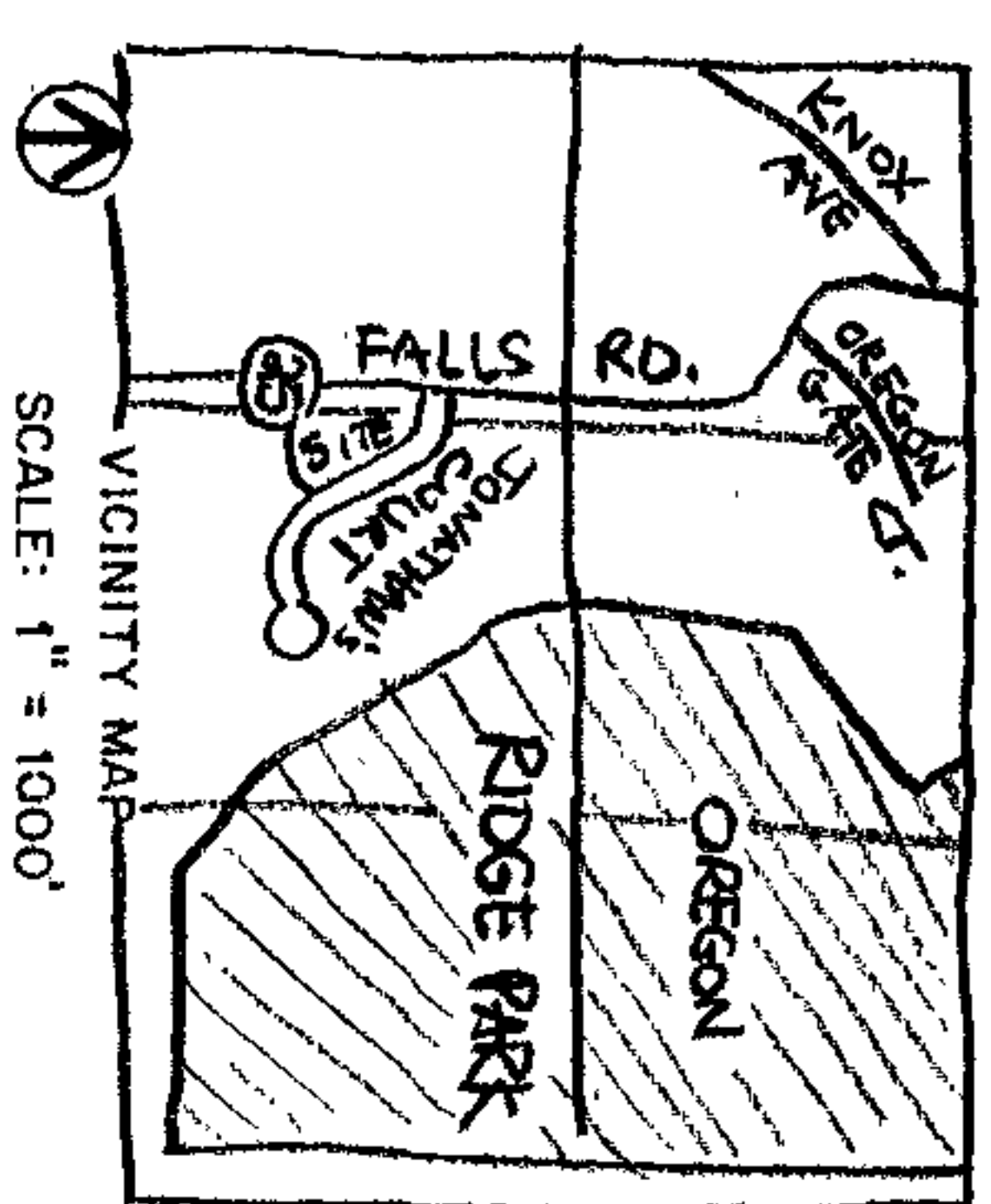
Lot 22
1 JONATHAN'S COURT



PETITIONER'S EXHIBIT

PREPARED BY AA6

SCALE OF DRAWING: 1" = 50'



LOCATION INFORMATION

ELECTION DISTRICT 8th

COUNCILMANIC DISTRICT 3rd

1" = 200' SCALE MAP # NW 18-E

ZONING RC-4

LOT SIZE 1.24 ACRES 540,144 SQUARE FEET

SEWER ☐ PUBLIC ☒ PRIVATE

WATER ☐ PUBLIC ☒ PRIVATE

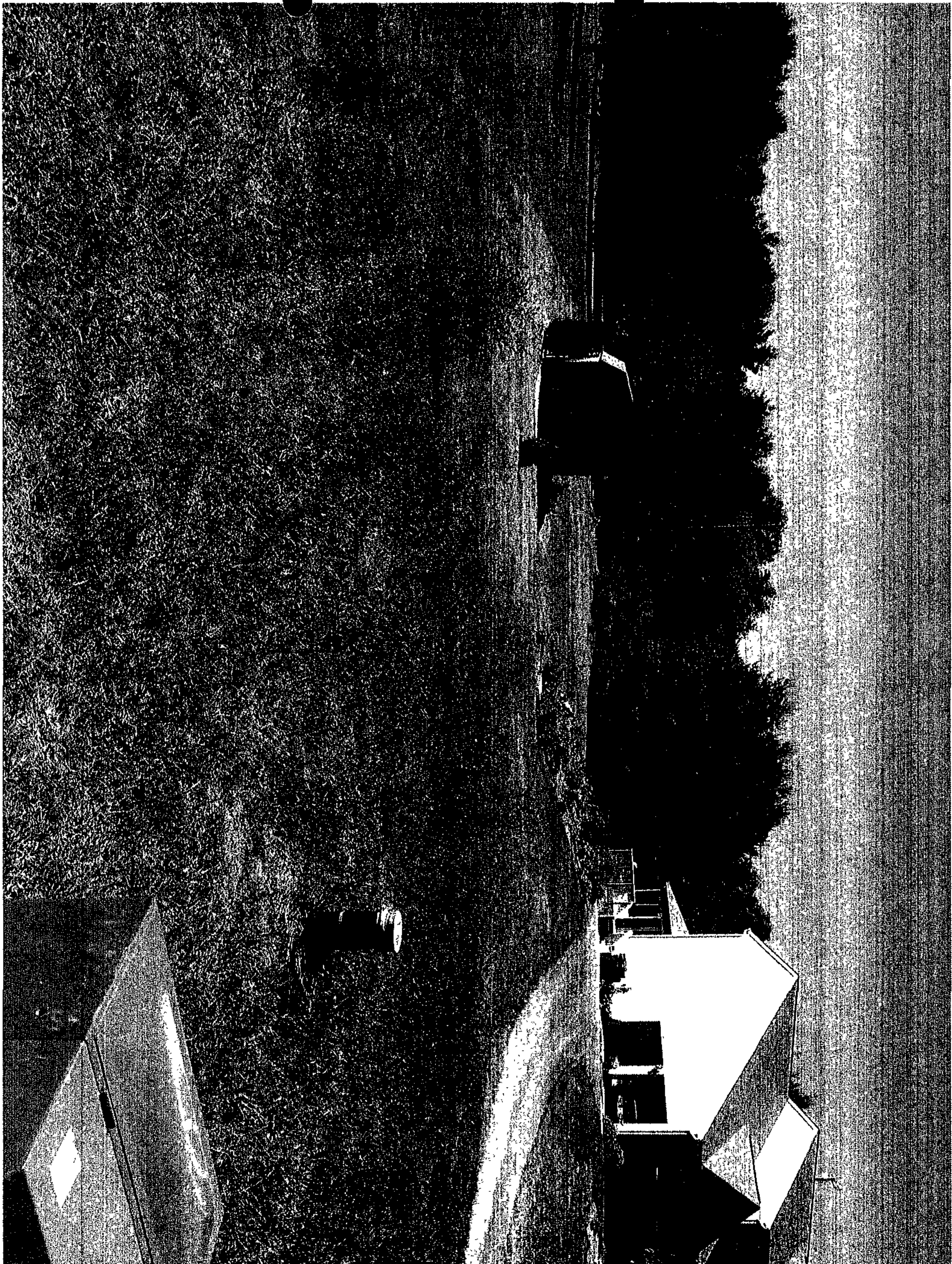
CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY / BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING ☐ YES ☒ NO

ZONING OFFICE USE ONLY
REVIEWED BY 153 CASE #

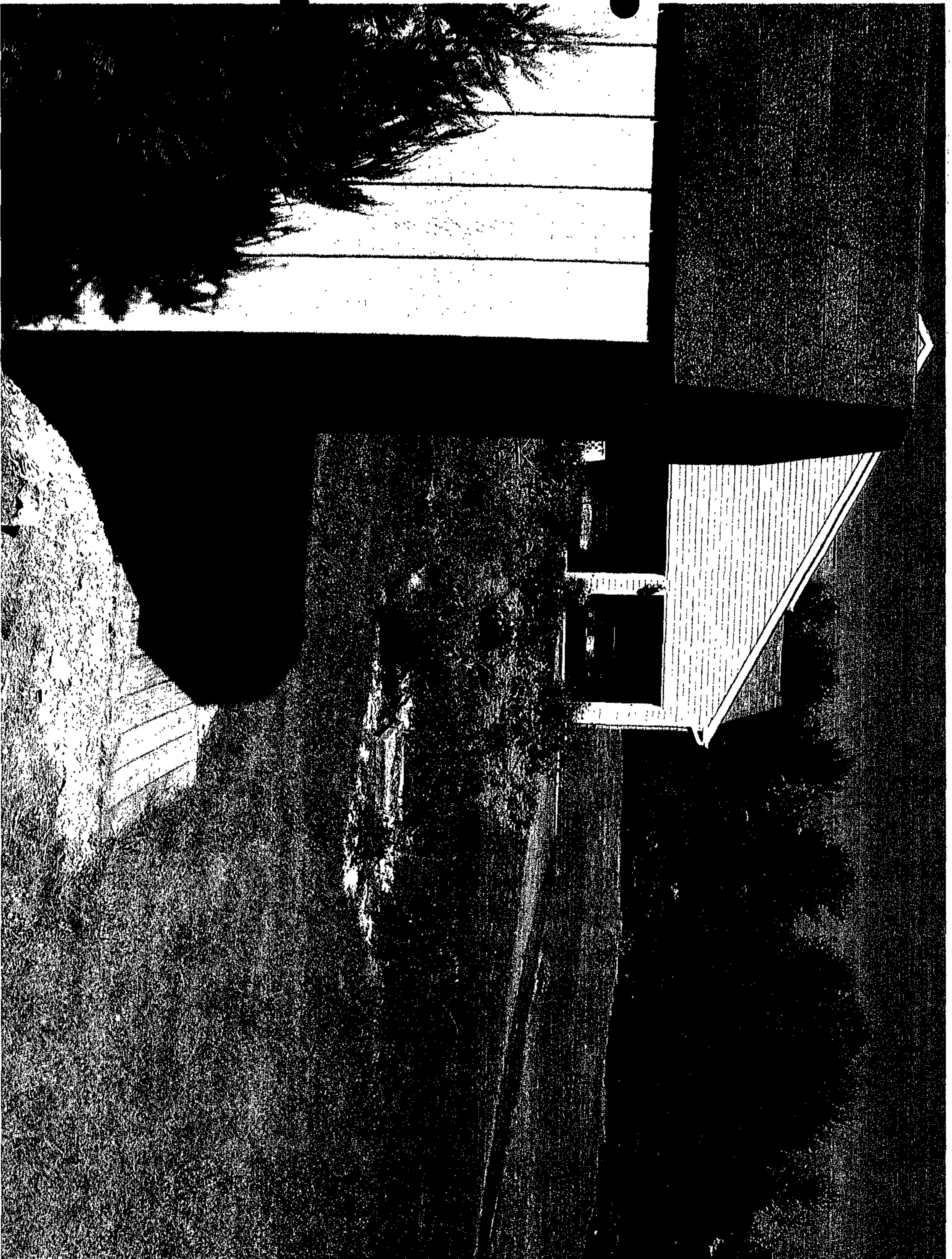


**RETIROOVER'S
EXHIBIT**

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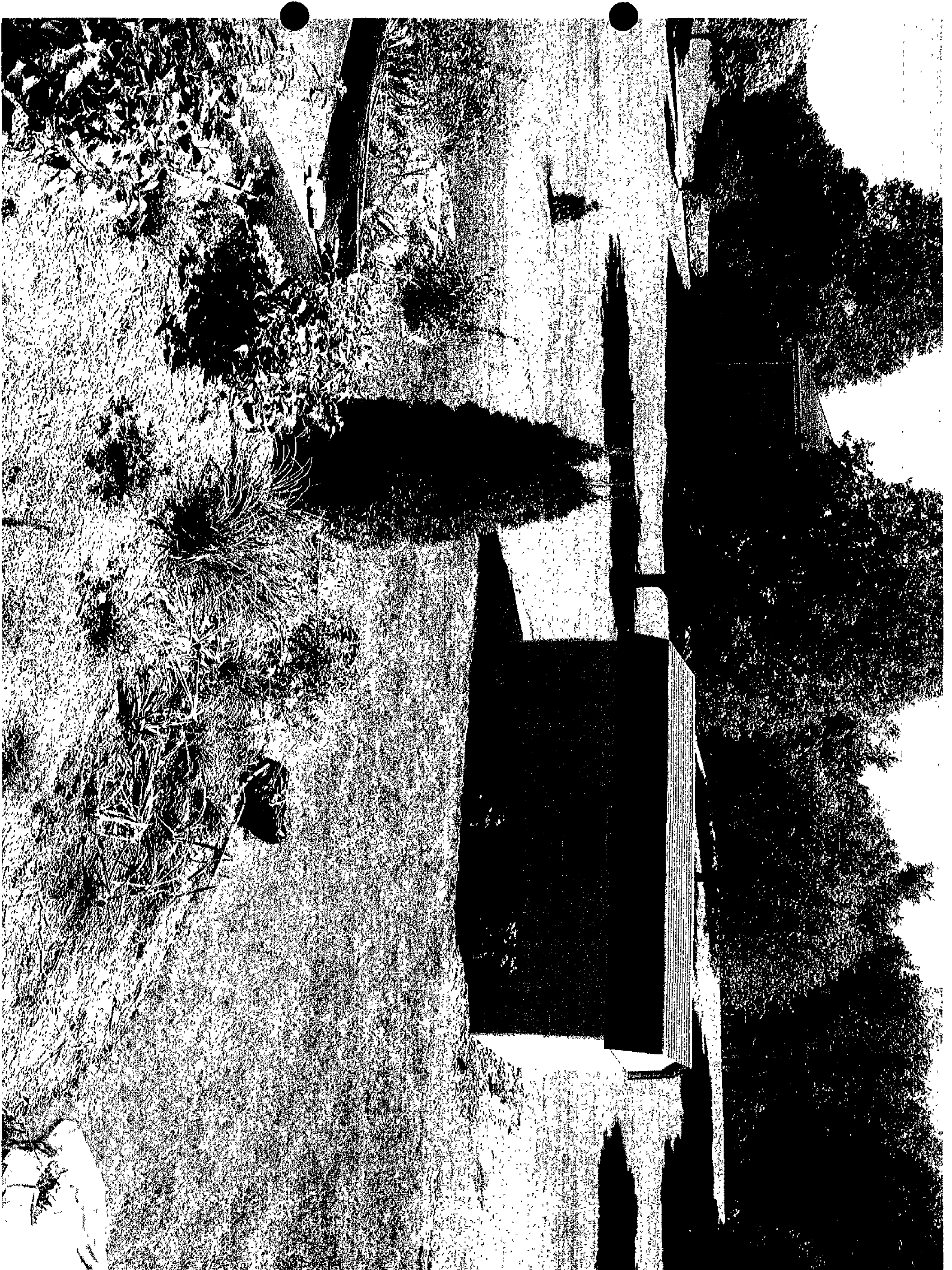


**LETTERMAN'S
EXHIBIT 2B**

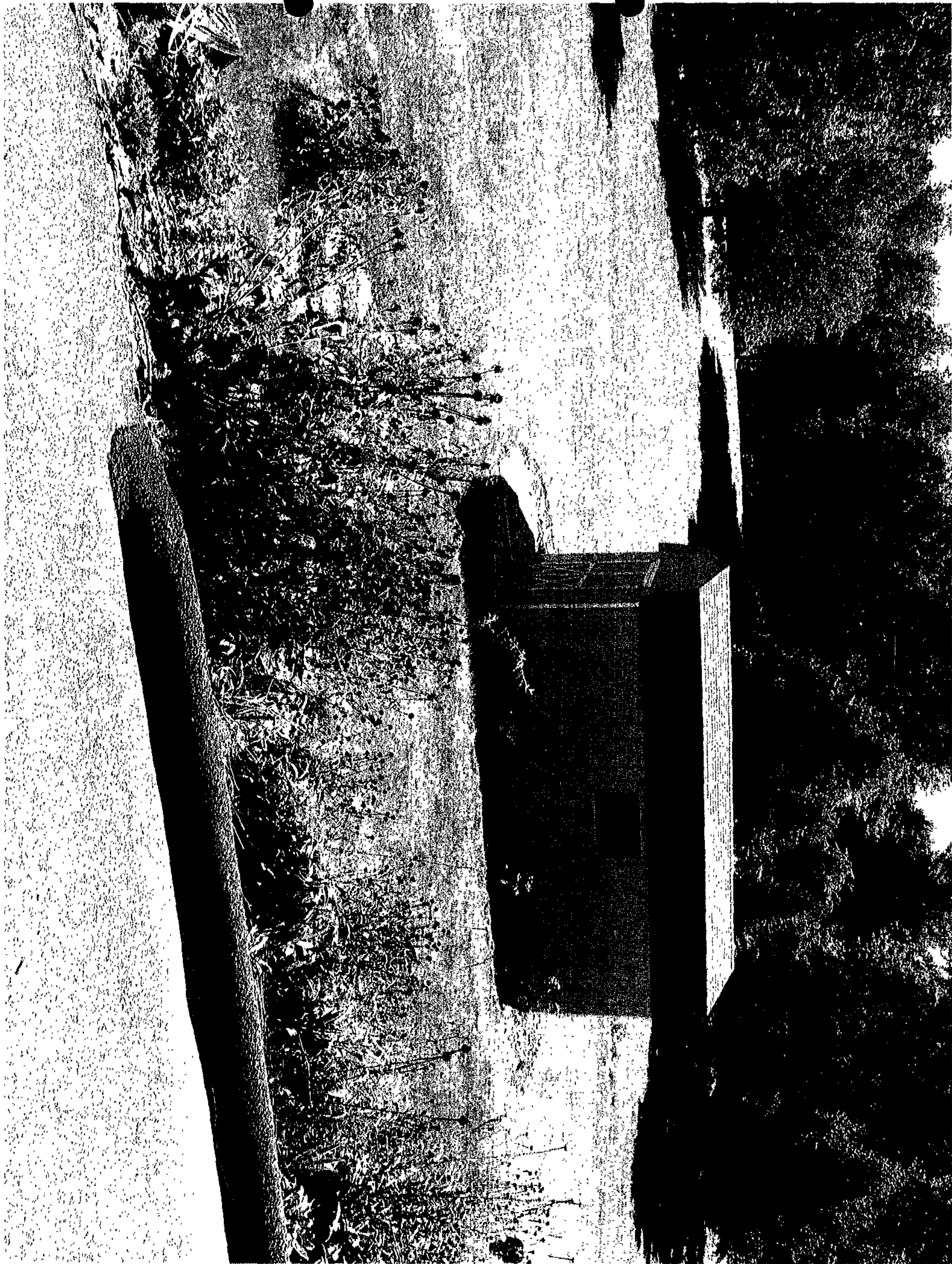


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**PETITIONER'S
EXHIBIT 2D**



RETIROVERO

EXHIBIT

2E



EXHIBIT 2

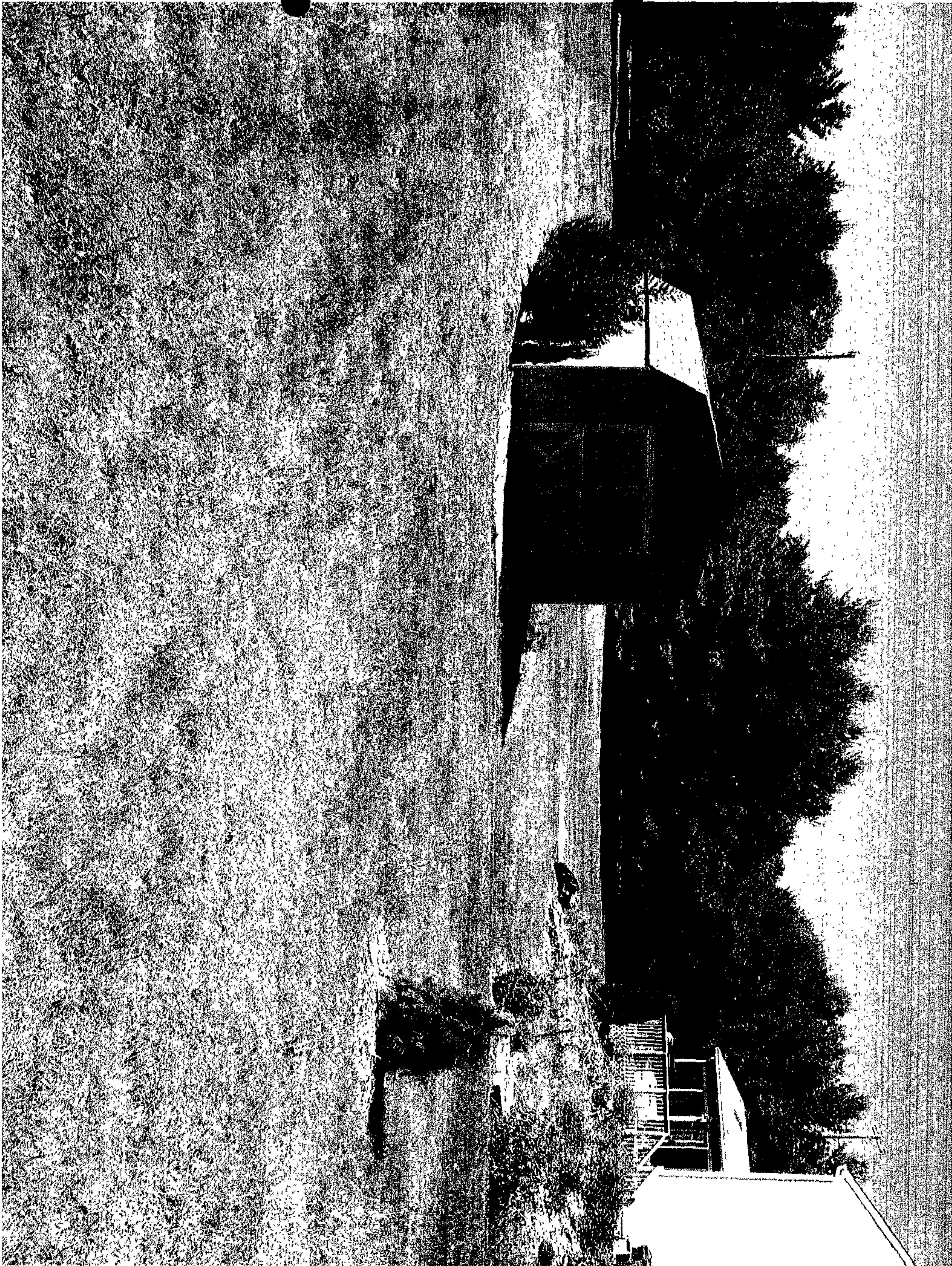
EXHIBIT

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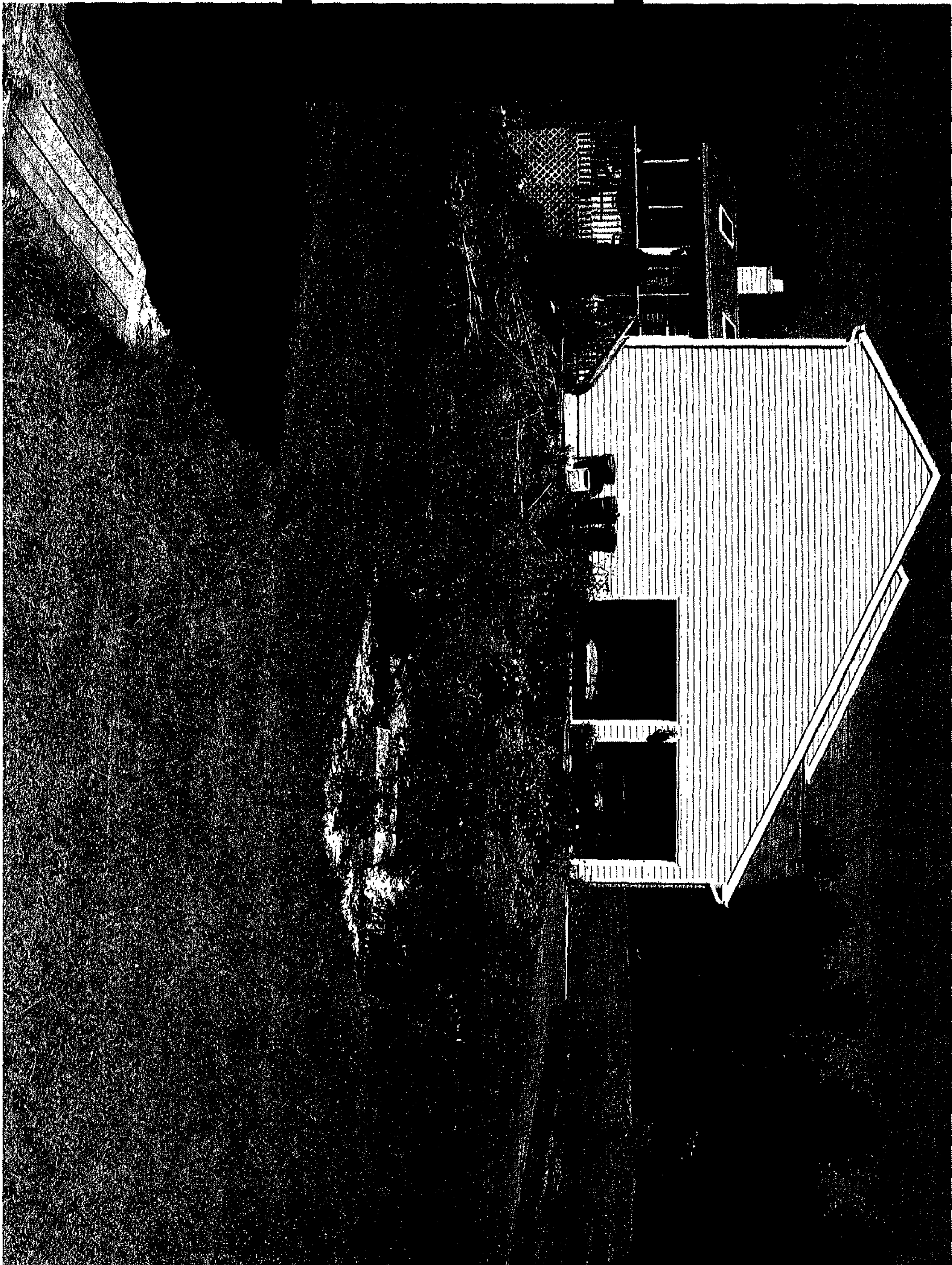
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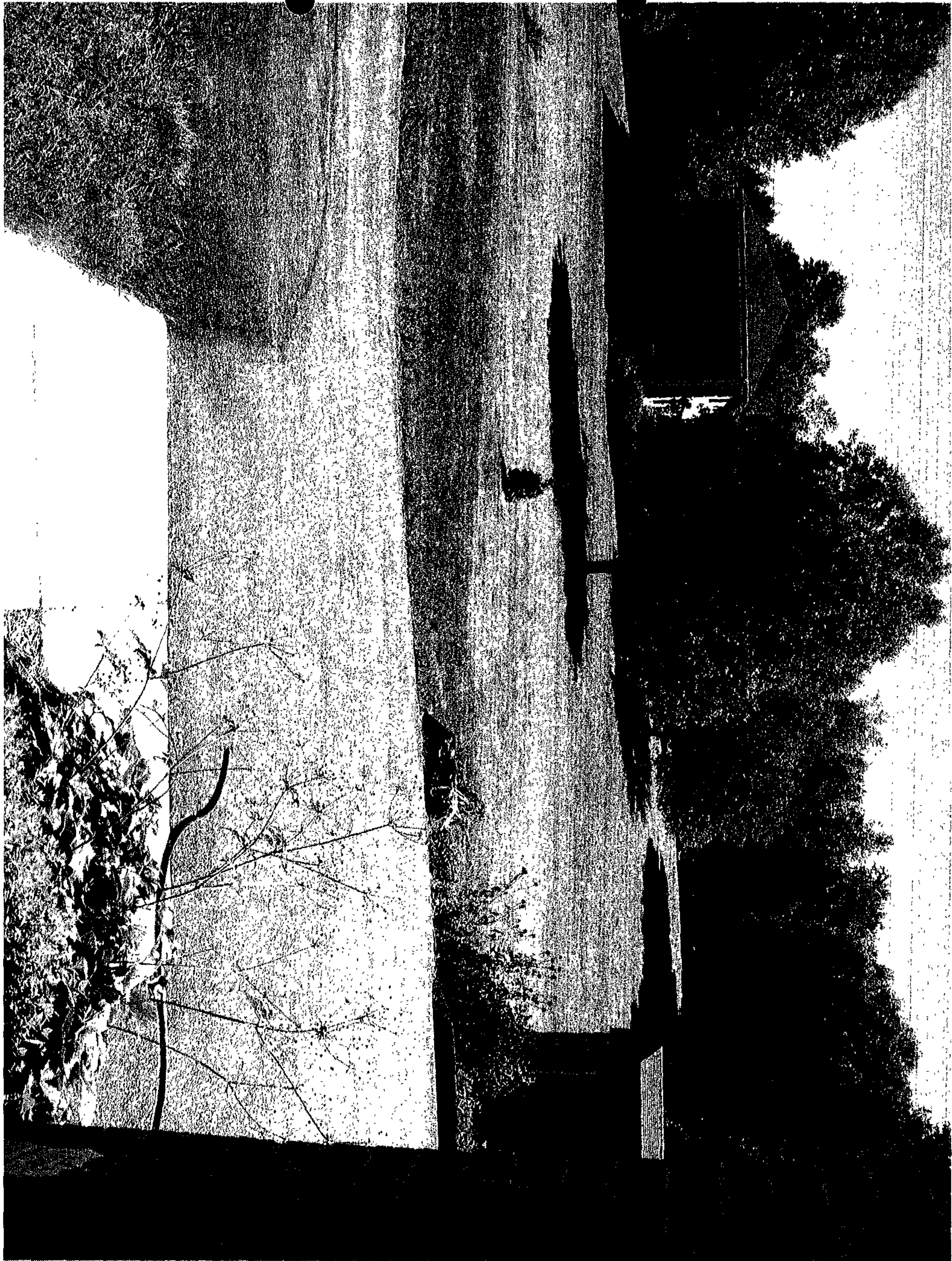
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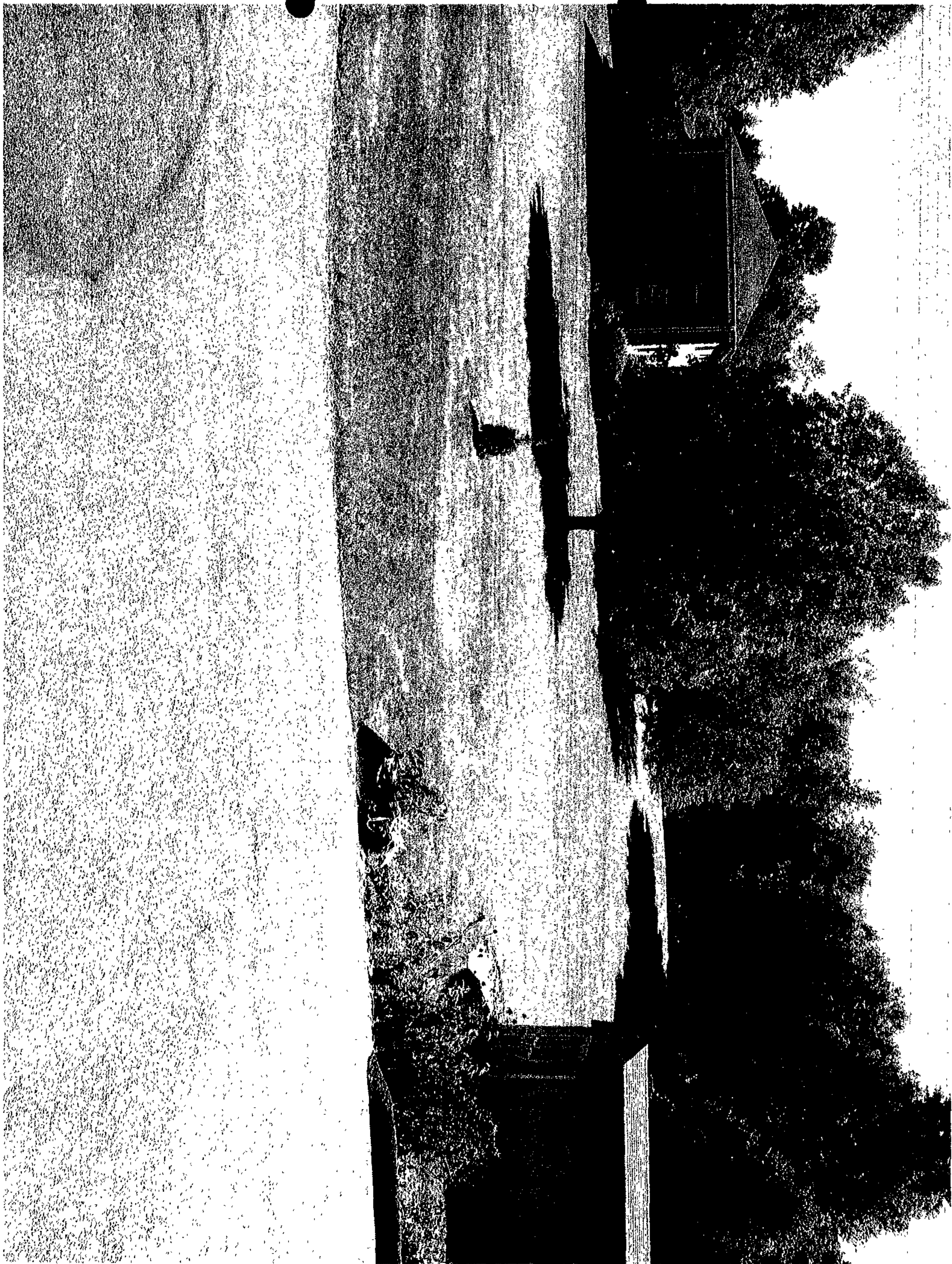
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REYNOLDS
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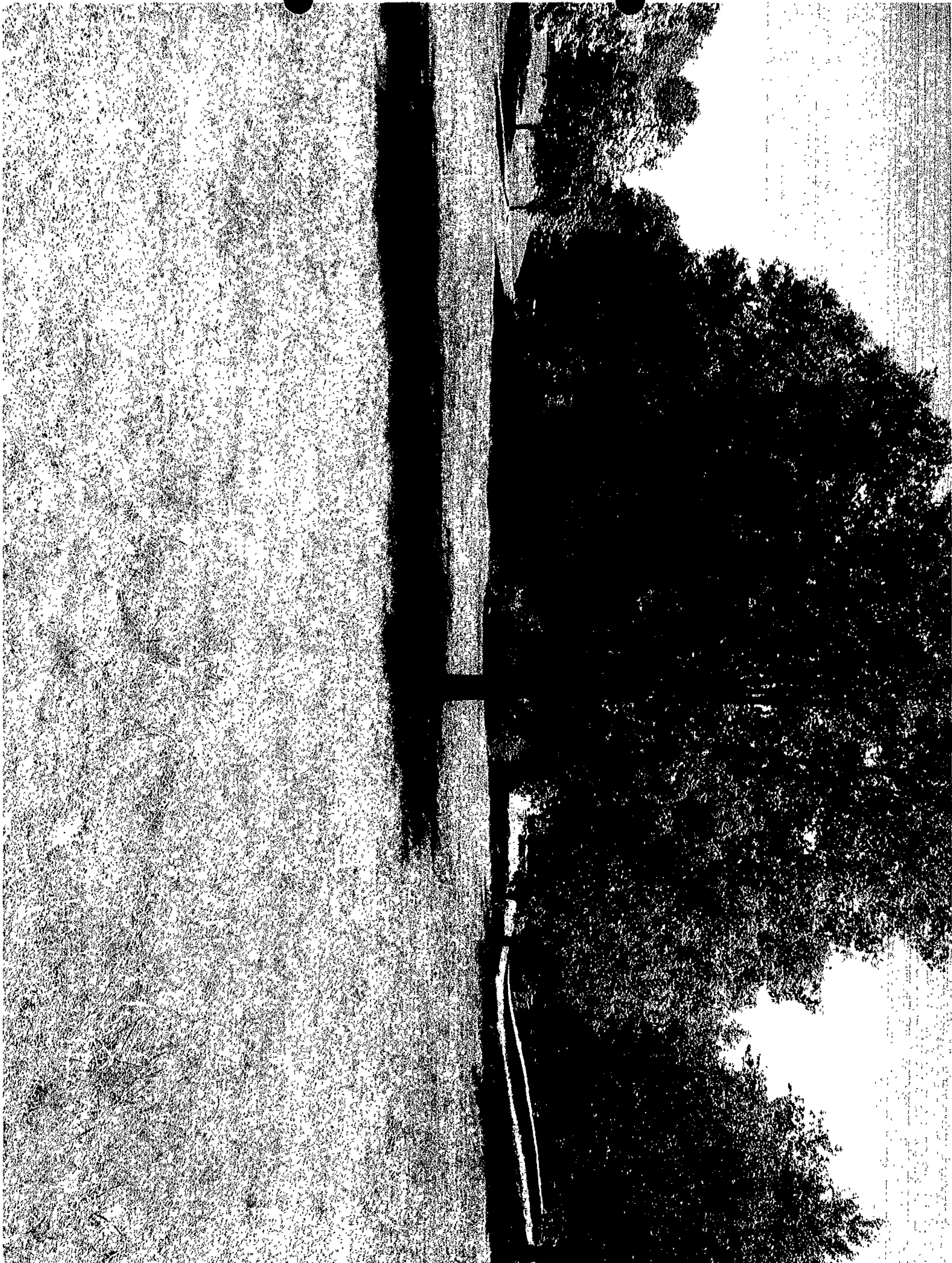
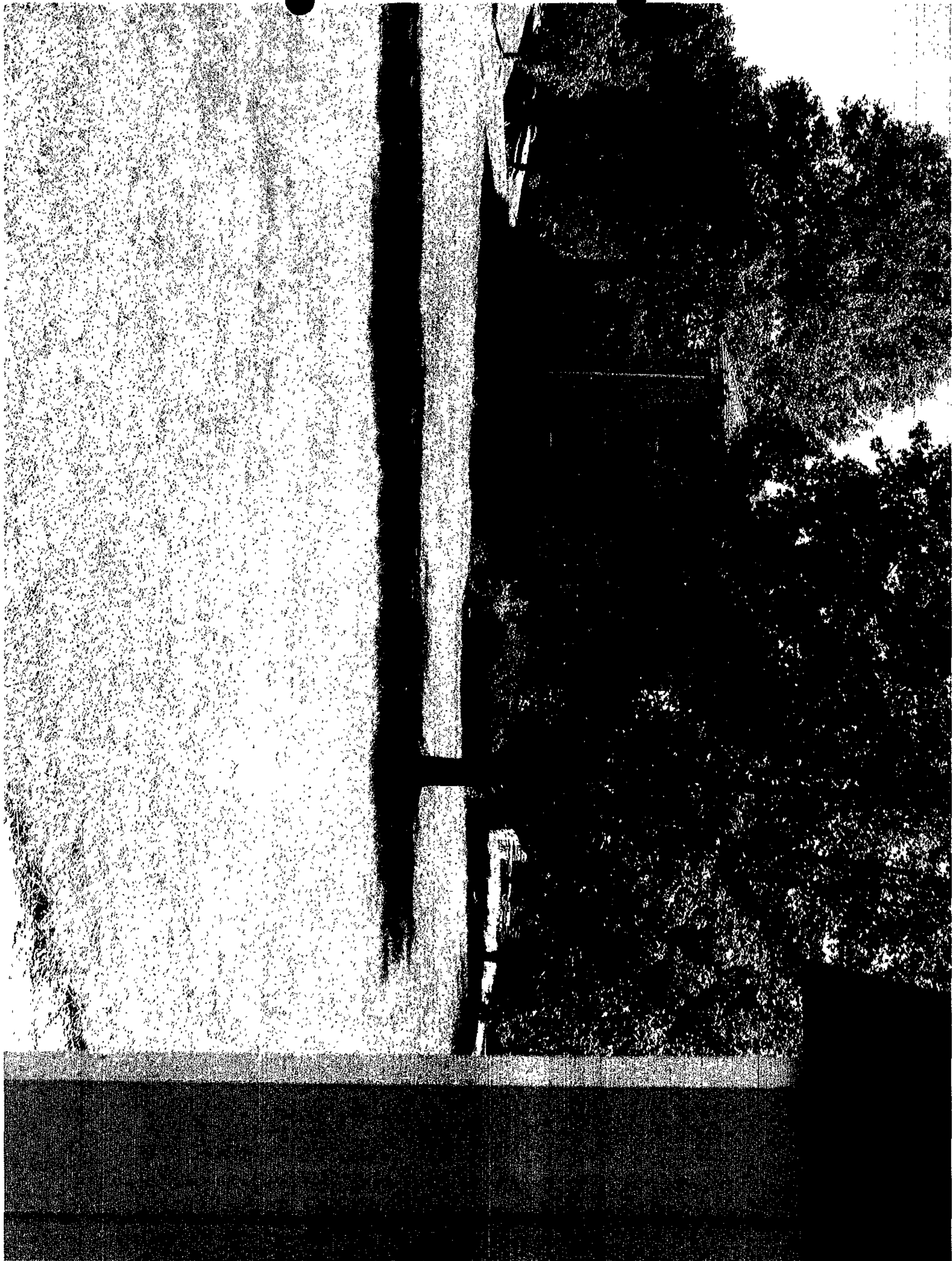


EXHIBIT 2

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**PETITIONER'S
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PETITIONER'S
EXHIBIT 20

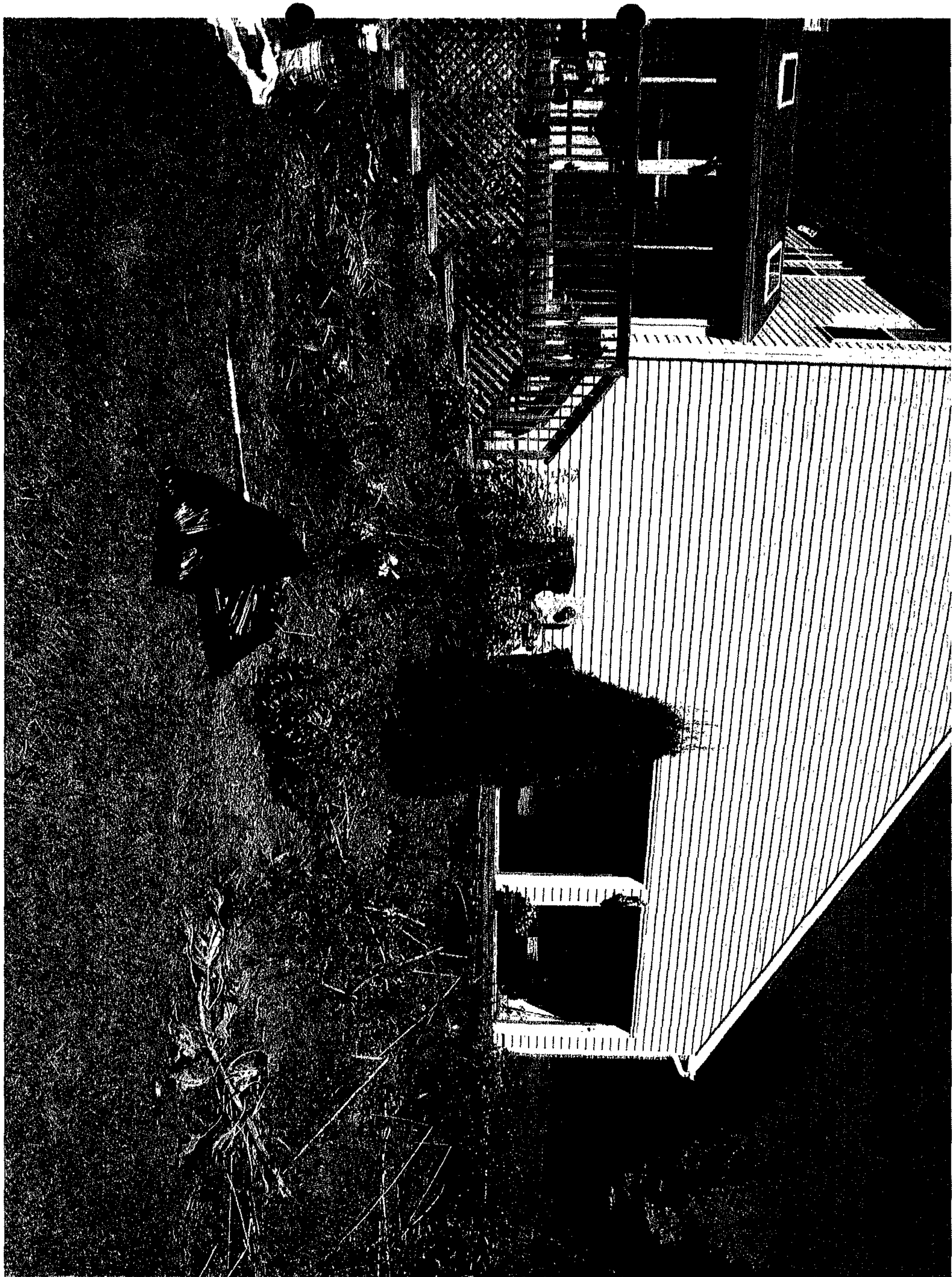


EXHIBIT 27

EXHIBIT 27

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DEFINITIONS

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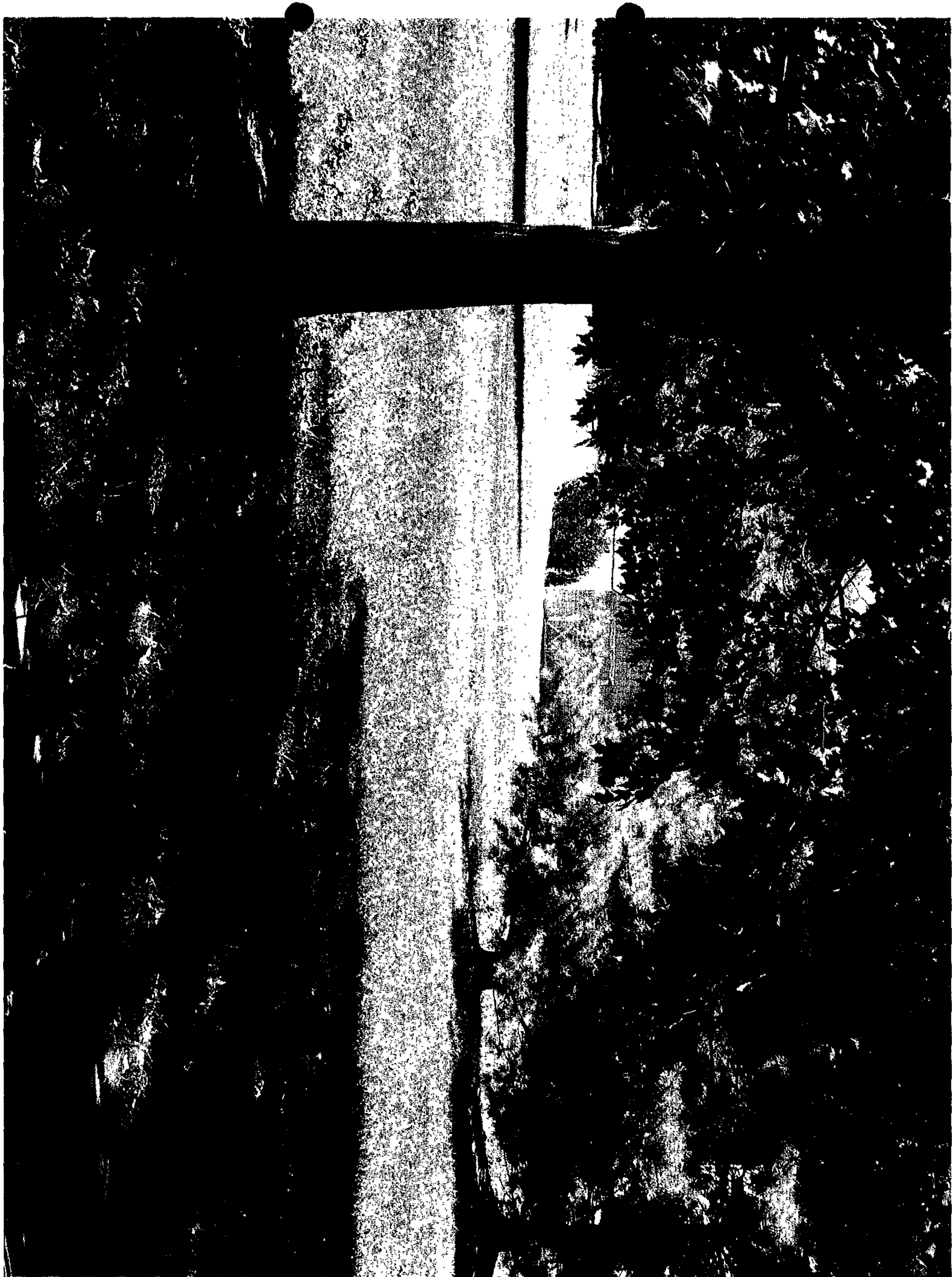
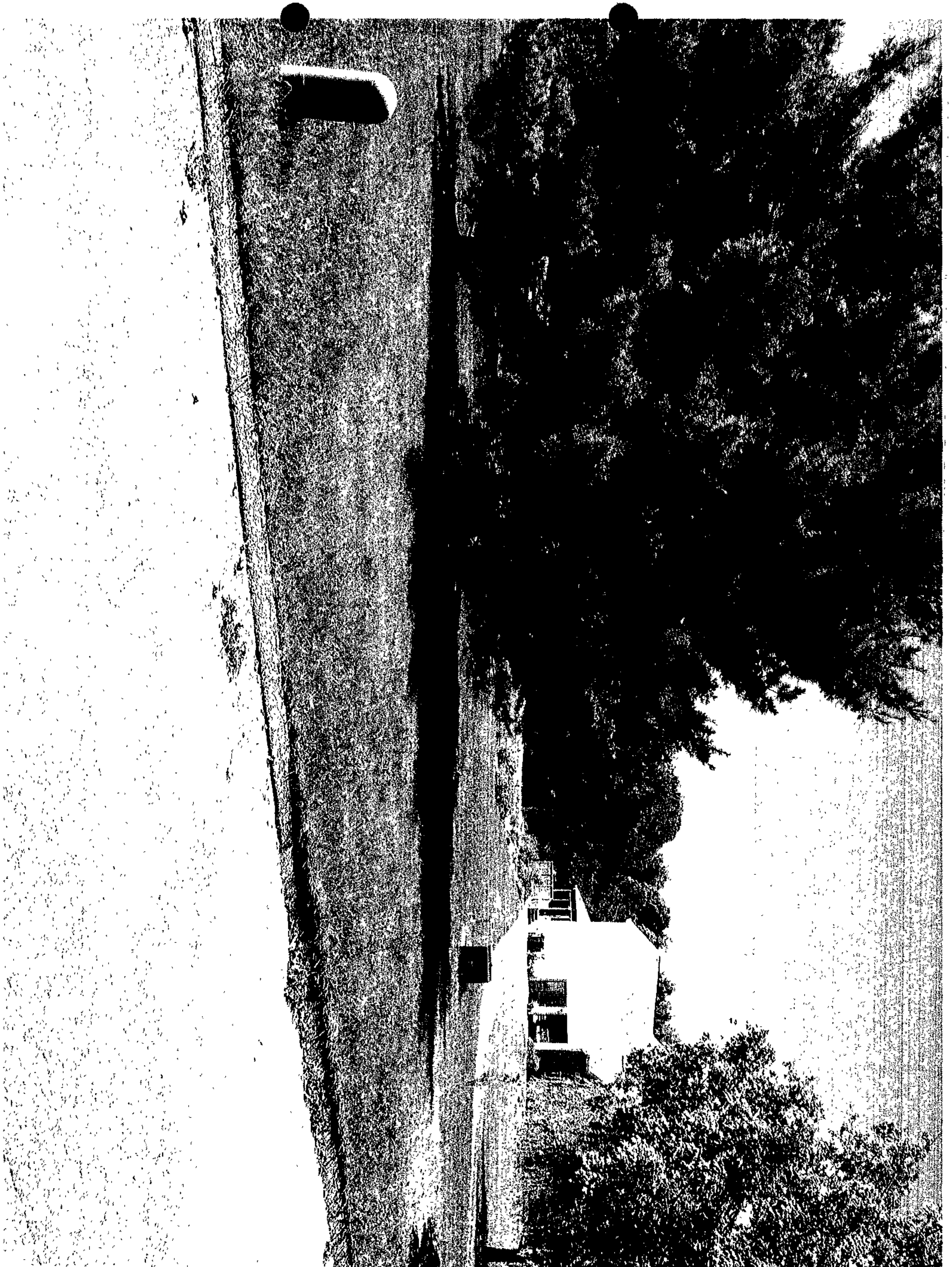


EXHIBIT 1

EXHIBIT 1

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