IN RE: PETITION FOR ADMIN. VARIANCE

NE corner of Francis Green Circle and Boundbrook 15th Election District 7th Councilmanic District (19 Francis Green Circle)

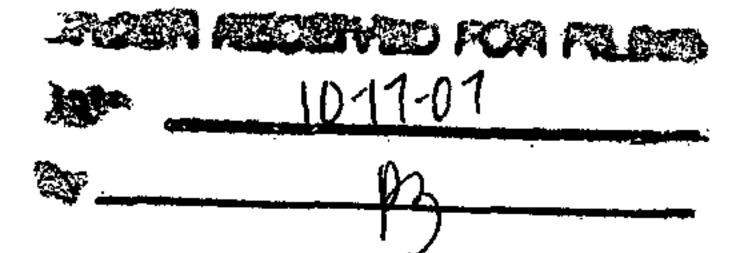
Teresa A. Marshall and Charles F. Metzger, Sr. Petitioners

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 08-137-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Teresa A. Marshall and Charles F. Metzger, Sr. for property located at 19 Francis Green Circle. The variance request is from Sections 1B02.3.B and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with windows with a minimum 6 foot setback to the street right-of-way line in lieu of the required 25 feet, and to amend the latest Final Development Plan for Woodward Square, Lot 63. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct the addition in order to provide living area for the elderly parents who are moving in and require 24-hour care. The house is located on the northeast corner of Francis Greene Circle and Boundbrook roads and the side yard is narrower than other yards in the area. Photographs submitted by the Petitioners show a number of additions to homes in the area. These additions include carports and detached garages.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

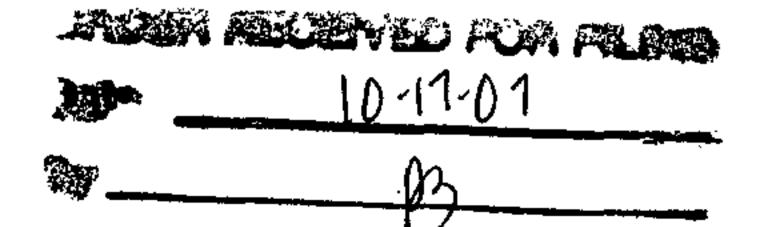


The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 30, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 variance should be granted.

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.



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

OMAS H. BOSTWI

Deputy Zoning Commissioner

for Baltimore County

THB:pz

10-11-01 M



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

October 17, 2007

TERESA A. MARSHALL AND CHARLES F. METZGER, SR. 19 FRANCIS GREEN CIRCLE BALTIMORE MD 21221

Re: Petition for Administrative Variance Case No. 08-137-A Property: 19 Francis Green Circle

Dear Ms. Marshall and Mr. Metzger:

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,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

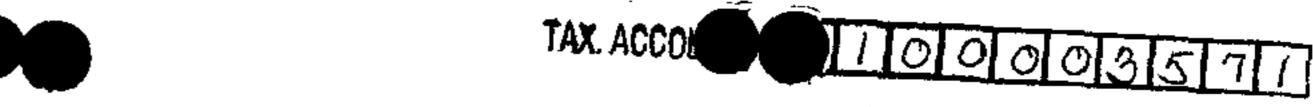
for Baltimore County

THB:pz

Enclosure

c: Douglas Robert Metzger, 4715 Ballygar Road, Nottingham MD 21236





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 19 Francis Green Cicil
which is presently zoned DR 5.5

I/We do solemnly declare and affirm, under the penalties of

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) 1002.56, 504 (OCER)

To permit an addition with windows with a minimum 6-foot setback to the street right-of-way line in lieu of the required 25-feet and to amend the latest Final Development Plan for "Woodward Square", Lot 63.

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.

			perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Le	essee:		Legal Owner(s):
Niena Toma as Distant			Jeresa H. Warshall.
Name - Type or Print		•	Name-Type or Print Marshall Mullsa A. Marshall
Signature			Charles F. Metzaer Sr
Address	-	Telephone No.	Name - Type or Print Claules metager
City	State	Zip Code	Signature
Attorney For Petitione	<u>r:</u>		19 Francis Greene Circle 410-687-15
	-		Address Telephone No.
Mana Tura at Dalah	·		<u>Baltimore</u> MD 21221
Name - Type or Print			City State Zip Code
Signature		· 	Representative to be Contacted:
Signature		•	Douglas Robert Metzger
Company			Name Hobert Melzger Name C-443-463-6484
			4715 Ballygar Rd H-410.529-6516
Address		Telephone No.	Address. Telephone No.
			Nothing han Md 21234
City	State	Zip Code	City J Zip Code
A Public Hearing having been this day of regulations of Baltimore County a	,tha	at the subject matter of	be required, it is ordered by the Zoning Commissioner of Baltimore County, of this petition be set for a public hearing, advertised, as required by the zoning
19: 23:			
			Zoning Commissioner of Baltimore County
CASE NO. ELONO	8-137-A		eviewed By D.T. Date 9/18/07
REV 10/25/01		UN PRESENTES	stimated Posting Date 93007
	10-17-01	•	——————————————————————————————————————
		والمراوي فيرث المتن أسيسها	/

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 Address	Francis Greene	arcle
Addr B <u>all</u> City	rinuve (ESSex) 1	tate 21271
That based upon personal knowledge, the following Variance at the above address (indicate hardship or p	are the facts upon which I/we practical difficulty):	base the request for an Administrative
Building on to house have eleberly Parents	as seon as	Rossible to
have elderly Parents	Movie In. Pa	rents are
in need of 24 hou	r cove, wh	nich the Owner,
Teresa Marshall, Well	_	
That the Affiant(s) acknowledge(s) that if a formal advertising fee and may be required to provide additional advertising fee.	demand is filed, Affiant(s) wonal information.	ill be required to pay a reposting and
Signature States	Lerosa	a. Marshall
	Signature	A. Marshall
Name - Type or Print	Name - Type or Print	<u> </u>
		~
I HEREBY CERTIFY, this day of September of Maryland, in and for the County aforesaid, personal	in best appeared, 2007,	before me, a Notary Public of the State
Charles Metzger and	Teresa a. M	arotall
the Affiant(s) herein, personally known or satisfactoril	ly identified to me as such Affia	ant(s).
AS WITNESS my hand and Notarial Seal		
	Shery L.	Schicker
	Notary Public My Commission Expires	may 7= 2010 - 3

REV 10/25/01

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.

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 Address Francis Grene Circle.
State 21221 City State Addiess 21221 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):
Building on to house as soon as possible to.
have elderly parents move in. Throng Parents
are in need of 20 hour care which the owner,
Teresa marshall, well be performing.
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.
Charles Metiger Signature a Marchael
Signature Signature TORES A. Marshall Name - Type or Print Signature Name - Type or Print
Name - Type or Print Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 17th day of September , 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Charles Metzger and Ieresa a. Marshall
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal

My Commission Expires

REV 10/25/01



I/We do solemnly declare and affirm, under the penalties of



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	19	Francis	Gs	cen	Circle)
		resently zon				

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) 1002.35.504 (602R)

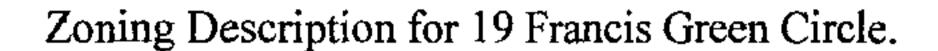
To permit an addition with windows with a minimum 6-foot setback to the street right-of-way line in lieu of the required 25-feet and to amend the latest Final Development Plan for "Woodward Square", Lot 63.

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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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: Name - Type or Print Name - Type or Print Signature Signature Telephone No. Name - Type or Print Address Zip Code Signature City State 410-687-1591 Giveen Attorney For Petitioner: Telephone No. Address 21221 MD Zip Code State Name - Type or Print Representative to be Contacted: Signature Metzaer Ko bert Company Telephone No. Address Zip Code Zip Code State State City A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, 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 Reviewed By ___ D.T. CASE NO Date _ **Estimated Posting Date** REV 10/25/0 D-17-07



Beginning at a point on the Northeast corner of Francis Green Circle which is 50 ft. wide at the distance of 25 ft. East of the centerline of the nearest improved intersecting street Boundbrook which is 50 ft. wide. Being Lot # 63 in the subdivision of Woodward Square as recorded in Baltimore County Plat Book # 62, Folio #20, containing .1712 acres. Also known as 19 Francis Green Circle and located in the 15th Election District, 7th Councilmanic District.

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CERTIFICATE OF POSTING

	RE: Case No.: (15/-15/-4
	Petitioner/Developer:///A/LSHACL
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	Date of Hearing/Closing: 20-15-0
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rmits and Development Management	
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West Chesapeake Avenue wson, Maryland 21204	•
Ason' Hum lune was a	
TN: Kristen Matthews {(410) 887-33	94}
	4.
dies and Gentlemen:	
is letter is to certify under the penaltic sted conspicuously on the property loc	es of perjury that the necessary sign(s) required by law were eated at:
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ne sign(s) were posted on	7-30-01
	(Month, Day, Year)
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	12 Avest Black 15-3-0
•	(Signature of Sign Poster) (Date)
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ADMINISTRATIVE	SSG Robert Black
VARIANCE	(Print Name)
CASE # 08-137 A	
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REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED WARRANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE	
ASSITIONAL INFORMATION IS AVAILABLE AT PROPERTY AND ASSESSED TO THE REPORT OF THE PROPERTY AND ASSESSED THE PROPERTY ASSESSED.	(City, State, Zip Code)
The part of the control of the contr	. ;
	(410) 282-7940
	(Telephone Number)
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<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case	Number: 08	137	- A	Address 19	FRANCIS	GREENE CIRC	LE
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2.	a formal re		ublic hearing.	Please und	derstand that	wner within 1,0 even if there sing date.	
3.	commission order that to (typically with	er. He may: he matter be thin 7 to 10 da	(a) grant the set in for a sys of the clos	requested republic hearing date) as t	elief; (b) deny ng. You will to whether the	the requested receive writte petition has but by First Class	l relief; or (c) n notification een granted,
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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 ubject 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: 08-137-A
Petitioner: MARSHALL METZGER
Address or Location: 9 FRANCIS GREENE CIRCLE
PLEASE FORWARD ADVERTISING BILL TO: Name: MR. CHARLES F. METZGER, SR.
Address: 9 FRANCIS GREENE CIRCLE
BALTO. MD 21221
Telephone Number: 410-687-591



JAMES T. SMITH, JR. County Executive

October 15, 2007

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

Teresa A. Marshall Charles F. Metzger 19 Francis Green Circle Baltimore, Maryland 21221

Dear Ms. Marshall and Mr. Charles F. Metzger:

RE: Case Number: 08-137-A 19 Francis Green Circle

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 18, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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

11, (°,00.2.0.0)

WCR:rjc Enclosures

c: Peoples Council

Douglas Robert Metzger 4715 Ballygar Rd. Nottingham, MD. 21236





BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: October 1, 2007

ECEIVE OCT 0 1 2007

BY:____

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-137- 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 Amy Mantay in the Office of Planning at 410-887-3480.

Reviewed By: Lucio Hurray

CM/LL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 1, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-137- 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 Amy Mantay in the Office of Planning at 410-887-3480.

Reviewed By: Curfin Hurroug

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 2, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 1, 2007

Item Nos. 08-131, 133, 134, 135 137, 138, 139, 140, 141, 142, 143, and 144

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-10012007.doc



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: SEPT. 26, 2007

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

RE:

Baltimore County

Item No. 8-137-A

19 FRANCIS GREEN CIRCLE

MARSHALL METZCIEIZPROPEIZTY ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-137-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

A Steven D. Foster, Chi

Engineering Access Permits

Division

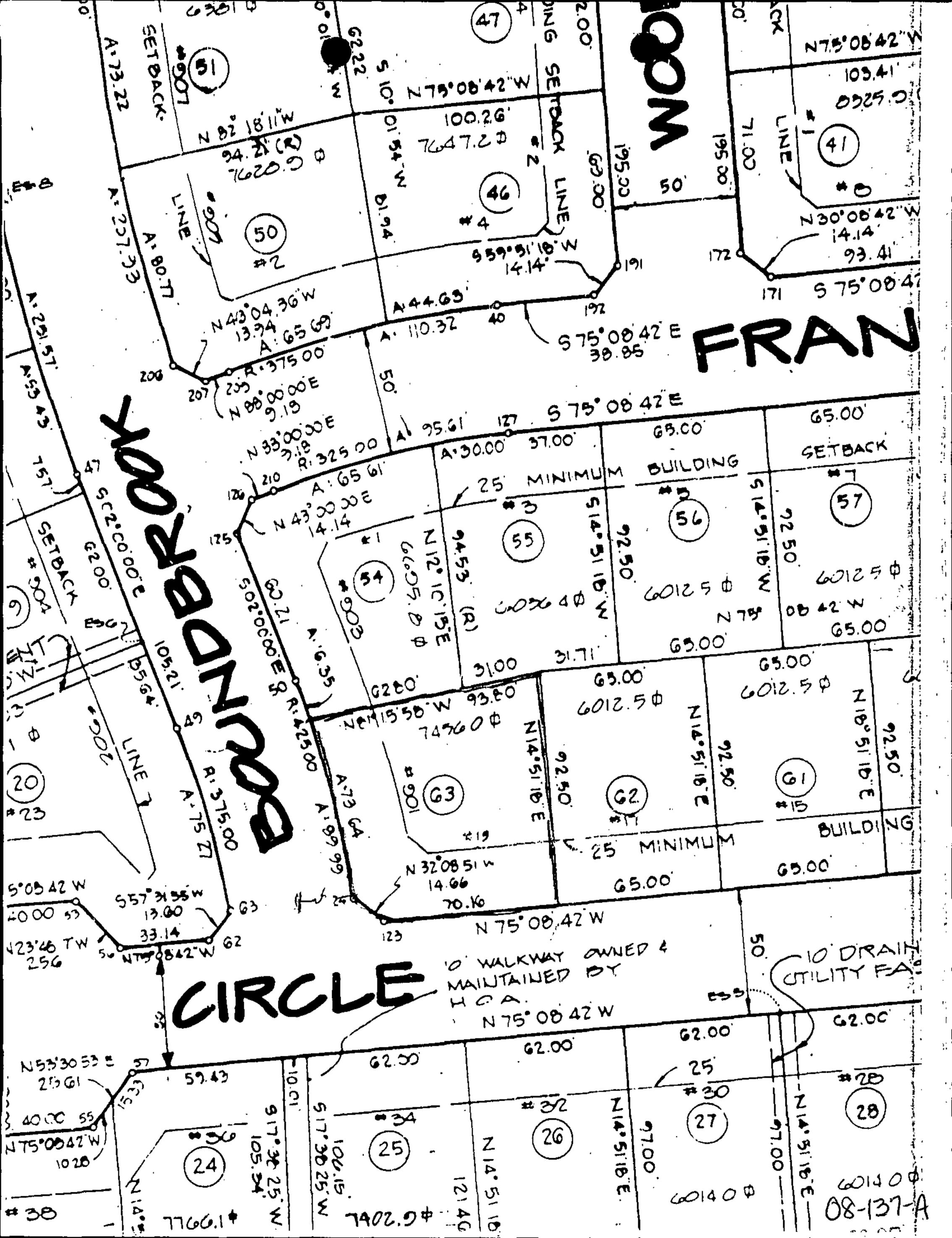
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PLAT BOOK # 62 FOLIO # 63 SECTION #_ OWNER TERESA A. MARSHALL & CHARLES METZ	GER.	South A State of the State of t
TERRY & MARY KING A EXISTING DUELLING	("-30'	SITE
		VICINITY MAP
		SCALE: 1 = 1000
		LOCATION INFORMATION
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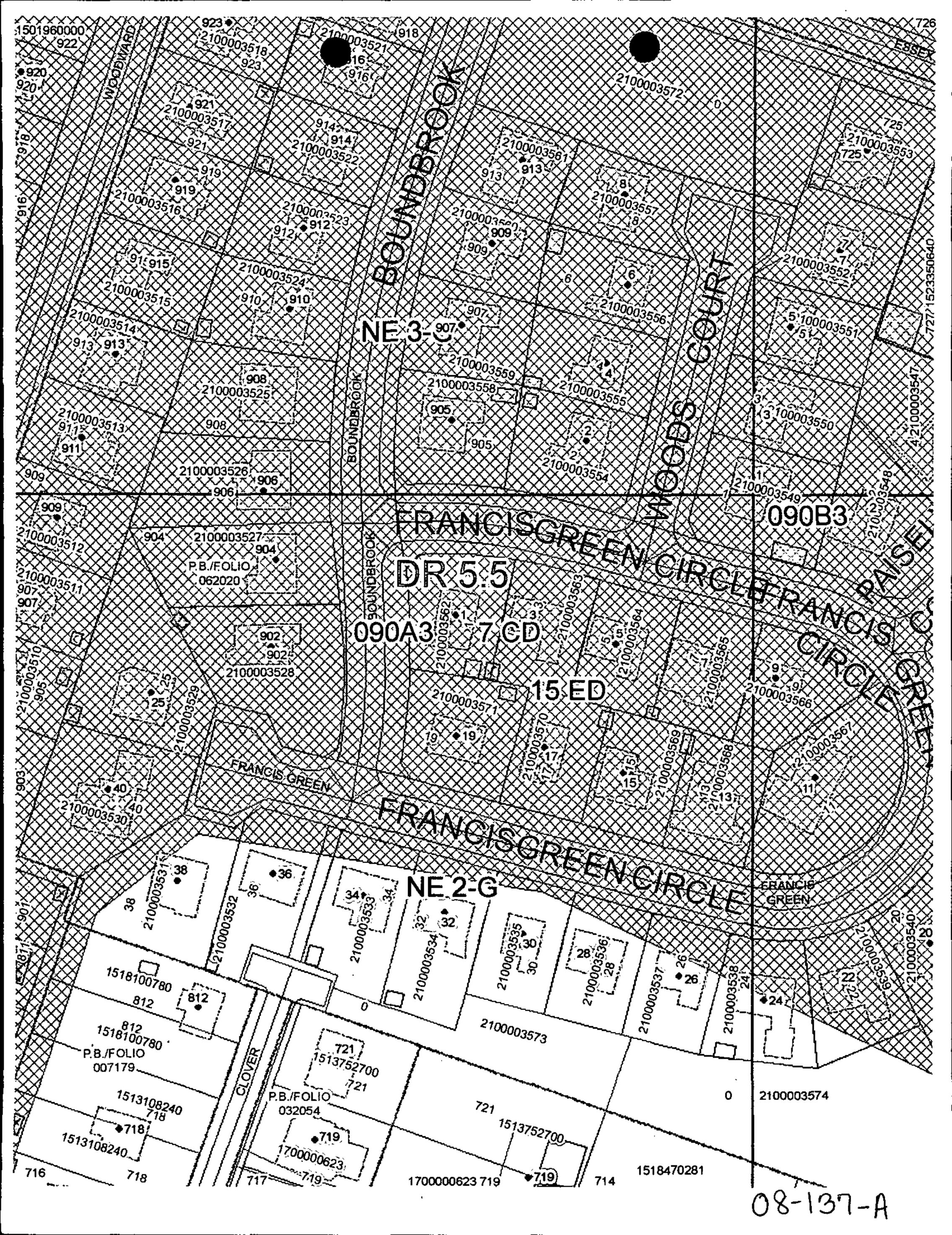
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S. 3

VACANT NE DR

PLAT TO ACCOMPANY PETITION FOR ZONING X VARIANCE PROPERTY ADDRESS 19 Francis Greene Circle SEE PAGES 5 & 6 OF THE CHECKLIST FOR	
SUBDIVISION NAME LUCCIO WORD SQUARE PLAT BOOK # 62 FOLIO # 62 SECTION # OWNER TERESA A. WARSHALL & CHARLES METZGER	SOLITA CASA
TERRY & MARY KING EXISTING DUELLING #1	SITE
	VICINITY MAP SCALE: 1 = 1000
EARL & LIMON DODSON	LOCATION INFORMATION ELECTION DISTRICT 3 COUNCILMANIC DISTRICT 7
EXISTING DWELLING HY > DWELLING	1"=200' SCALE MAP # 090 33 ZONING DR-5,5
\$ 19 V #17	LOT SIZE 1712 1456 ACREAGE SQUARE FEET PUBLIC PRIVATE SEWER 17
	WATER X TYES NO
	CHESAPEAKE BAY CRITICAL AREA 100 YEAR FLOOD PLAIN
FRANCIS GREENE CIRCLE 50' RIW	HISTORIC PROPERTY/ BUILDING PRIOR ZONING HEARING NONE
NORTH	ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #
"ARED BY SCALE OF DRAWING: 1" = 30'	D.T. 137 108-137-A

وبمرون بيودي ويوارده ويسمر المراجع والوراة في المراك ويواسي المراك والمواكوة المراك والموافق والمراك والمرك	استان و مارا سراس بار باز و مارا استان باز و باز و باز و باز باز و	
PLAT TO ACCOMPANY PETIT PROPERTY ADDRESS 19 Francis Greene	Circle SEE PAGES 5 8 6 OF THE CHECKLIST F	SPECIAL HEARING OR ADDITIONAL REQUIRED INFORMATION
SUBDIVISION NAME Wood word Squa	re	dife.
PLAT BOOK # 62 FOLIO # 63 SE OWNER TERESA A. MARSHALL & CHAR TERRY & MARY KING EXISTING DWELLING #1	CTION #	SITE SCALE 17-2000' SCALE: 1" = 1000
		LOCATION INFORMATION
B 3 m	EARL A LINDA DODSON	
	DODSON	ELECTION DISTRICT
\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\		COUNCILMANIC DISTRICT /
S 2 1 2 1 1 2 1 1 1 1 1 1 1 1 1 1 1 1 1	EXISTING	1"= 200' SCALE MAP # 090 33
EXISTING CH' >	DWELLING	ZONING DR-5,5
#19	# 17	LOT SIZE 1712 7456 ACREAGE SQUARE FEET
		ACREAGE SQUARE FEET PUBLIC PRIVATE
	· · · · · · · · · · · · · · · · · · ·	SEWER []
		WATER [X
3		YES NO
		CHESAPEAKE BAY CRITICAL AREA
	`	CRITICAL AREA
		100 YEAR FLOOD PLAIN
FRANCIS GREENE CIRCUE		100 YEAR FLOOD PLAIN
FRANCIS GREENE CIRCLE 50' RIW		HISTORIC PROPERTY/ BUILDING BRIOD TONING HEADING
\sim		HISTORIC PROPERTY/ BUILDING PRIOR ZONING HEARING NONE
FRANCIS GREENE CIRCLE 50' RIW NORTH		HISTORIC PROPERTY/ BUILDING BRIOD TONING HEADING





4 Francis Greene Circle



19 Francis Greene Circk

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Francis Greene Circle



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1 Woods



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