IN RE: PETITION FOR ADMIN. VARIANCE

N side of Mount Laurel Court; 2,314.77 feet N of Saint Paul Avenue 4th Election District 3rd Councilmanic District

(12621 Mt. Laurel Court)

Michael R. Rosman *Petitioner*

BEFORE THE

4

* DEPUTY ZONING

* COMMISSIONER

* FOR BALTIMORE COUNTY

Case No. 2010-0196-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 owner of the subject property, Michael R. Rosman for property located at 12621 Mt. Laurel Court. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations to allow an addition to an accessory structure (shed) in the side yard rather than rear yard. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Due to the orientation of the dwelling on the lot, location of the driveway, topography of the property, and the location of the septic system, the shed addition cannot be constructed elsewhere. The shed addition needs to be proximate to the driveway and west of the existing shed so that the shed is accessible for storage. The property contains 2.02 acres and is split zoned RC 2 and RC 5.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management (DEPRM) dated February 2, 2010 which indicates that development of the property must comply with the Regulations for the Protection of Water quality, Streams, Wetlands and Floodplains and must also comply with the Forest Conservation Regulations. Prior to the issuance of a permit, this property may have to comply with the forest Conservation Law

ORDER RECEIVED FOR FILING

Date	2-17-10	
By	B3	

and a single lot declaration of intent submittal may be required. DEPRM would support the location of the proposed addition to the existing shed on the side of the dwelling rather than to the rear, since there is an existing stream onsite located near the rear property line.

A comment letter was received from John and Elizabeth Horsham who reside and 12622 Mt. Laurel Court. They did not wish to formally challenge the variance request. They state that the shed is used for the Petitioner's business and that the driveway accessing both properties is private. They assert that many vehicles and large delivery trucks use this shared driveway coming to Petitioner's property for his business and private purposes. Mr. and Mrs. Horsham expressed concern that the shed addition will increase Petitioner's business and increase traffic on the shared driveway. They request that Petitioner's driveway be large enough to enable the vehicles to turn around on Petitioner's property.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 24, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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.

Although I cannot require the Petitioner to enlarge his driveway, and if the Petitioner is indeed receiving numerous delivery trucks, then in the interest of neighbor harmony, Petitioner should consider enlarging the driveway to accommodate the delivery vehicles.

ORDER RECEIVED FOR FILING

Date 2.17.10

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.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this _______ day of February, 2010 that a variance from Section 400.1 of the Baltimore County Zoning Regulations to allow an addition to an accessory structure (shed) in the side yard rather than rear yard is hereby GRANTED, subject to the following:

- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- 3. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
- 4. Prior to the issuance of a building permit, this property may have to comply with the Forest Conservation Law and a single lot declaration of intent submittal may be required.

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

THOMAS H. BOSTWICK Deputy Zaning Commissioner

for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date_____

3



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

February 17, 2010

MICHAEL R. ROSMAN 12621 MT. LAUREL COURT REISTERSTOWN MD 21136

Re: Petition for Administrative Variance

Case No. 2010-0196-A

Property: 12621 Mt. Laurel Court

Dear Mr. Rosman:

Enclosed please find the decision rendered in the above-captioned case.

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

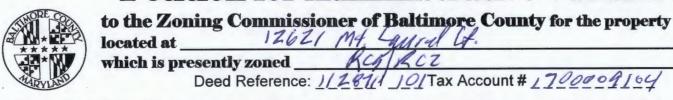
for Baltimore County

THB:pz

Enclosure

c: John and Elizabeth Horsham, 12622 Mt. Laurel Court, Reisterstown MD 21136

Petition for Administrative Variance



This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.1, to allow an addition to an accessory structure (shed) in the side yard rather than rear yard

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and ac I, or we, agree to pay expenses of by the zoning regulations and restr	above Administra	ative Variance, a	zoning regulations. advertising, posting, etc. and further agree to and are to be bounded ed 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/Lesse	e:		Legal Owner(s):
			Michael R. Rosman
Name - Type or Print			Name - Type or Print
Signature			Signature
Address	Tel	ephone No.	Name - Type or Print
City	State	Zip Code	Signature MY. 12621 Laurel Court 910 627-0669
Attorney For Petitioner:			Address / Telephone No.
Michael R. McCann			Reisterstown, Maryland 21136
Name - Type or Print			City State Zip Code Representative to be Contacted:
Signature			Michael R. McCann
Company 118 W. Pennsylvania Avenue	e 410-8	25-2150	Name 118 W. Pennsylvania Avenue 410-825-2150
Address		ephone No.	Address Telephone No.
Towson, Maryland 21	204 State	Zin Codo	Towson, Maryland 21204 City State Zip Code
City	State	Zip Code	City State Zip Code
A Public Hearing having been forma this day of regulations of Baltimore County and th	that the	subject matter of	quired, it is ordered by the Zoning Commissioner of Baltimore County, this petition be set for a public hearing, advertised, as required by the zoning
			Zoning Commissioner of Baltimore County
Case No. 2010-0	196-A	Rev	tewed By JNP/GH Date
ORDER	RECEIVED	FORFILIN	ting Date 1/24/20/0
FRM476_09 Date	2-17-11		Rev 3/09
P:	m		

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 own and reside at 12621 Mt. Laurel Ct. Road or Street name and that this address is the subject of this variance request as required by law. 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 the hardship or practical difficulty; attach an additional sheet if needed) Petitioner would suffer practical difficulty and/or undue hardship due to the orientation of the home and location of driveway, the topography the property, and the location of the septic system. Proposed shed addition needs to be proximate to the driveway and west of the existing shed so that shed is accessible for storage. Proposed shed addition cannot be located in rear yard, behind existing shed, without imposing hardship and/or practical difficulty due to stope of rear yard and location of septic system. That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information. Signature Michael R. Rosman Name- print or type Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 12 day of JANUARY, 2010, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): MICHAEL R. ROSMAN the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Name of Notary Public PATRICIA D. COOK

PLACE SEAL HERE:

ZONING DESCRIPTION FOR 12621 MT. LAUREL COURT 437.17 feet hortheast REISTERSTOWN, MD 21136

Beginning at a point of the north side of Mt. Laurel Court which is fifty (50) feet wide at 2,314,17 the distance of one-thousand eight-hundred seventy-seven (4,877) feet north of the centerline of the nearest improved intersecting street St. Paul Avenue which is fifty (50) feet wide. Being Lot #65, Section #4 in the subdivision of Sagamore Forest as recorded in Baltimore County Plat Book #39, Folio #122 and containing 2.026 acres. Also known as 12621 Mt. Laurel Court and located in the 4th Election District, 3rd Councilmanic District.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

0196

Case Number 2010-

Address 12621 Mt. Laurel Coort

Contact Person: Jeffvey Revlow 60 Planner, Please Print Your Mame	Phone Number: 410-887-3391
Filing Date: 1/12/20/0 Posting D	ate: 1/24/2010 Closing Date: 2/8/2010
Any contact made with this office regarding the through the contact person (planner) using the case	status of the administrative variance should be
reverse side of this form) and the petitione reposting must be done only by one of the sis again responsible for all associated cost	r is responsible for all printing/posting costs. Any sign posters on the approved list and the petitioner s. The zoning notice sign must be visible on the
a formal request for a public hearing. Pl	ease understand that even if there is no formal
commissioner. He may: (a) grant the requirement order that the matter be set in for a public he within 10 days of the closing date if all (uested relief; (b) deny the requested relief; or (c) earing. You will receive written notification, usually County agencies' comments are received, as to
(whether due to a neighbor's formal requ commissioner), notification will be forward changed giving notice of the hearing date, t	est or by order of the zoning or deputy zoning ed to you. The sign on the property must be me and location. As when the sign was originally
(Detach Along	Dotted Line)
Petitioner: This Part of the Form is for the Sign	Poster Only
USE THE ADMINISTRATIVE	VARIANCE SIGN FORMAT
Case Number 2010- 0196 -A Address _	12621 Mt. Laurel Court
Petitioner's Name Michael R. Rosman	Telephone 4/0-627-0669
Posting Date: 1/24/2010	Closing Date: 2/8/20/0
- // - A	DST: The petitioner must use one of the sign posters on the approved list (on the of this form) and the petitioner is responsible for all printing/posting costs. Any st be done only by one of the sign posters on the approved list and the petitioner onsible for all associated costs. The zoning notice sign must be visible on the r before the posting date noted above. It should remain there through the closing the closing date is the deadline for an occupant or owner within 1,000 feet to file usest for a public hearing. Please understand that even if there is no formal public hearing, the process is not complete on the closing date. Iter the closing date, the file will be reviewed by the zoning or deputy zoning r. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) matter be set in for a public hearing. You will receive written notification, usually yes of the closing date if all County agencies' comments are received, as to be petition has been granted, denied, or will go to public hearing. The order will be by First Class mail. UBLIC HEARING AND REPOSTING: In cases that must go to a public hearing to a neighbor's formal request or by order of the zoning or deputy zoning region of the hearing date, time and location. As when the sign was originally cation of this change and a photograph of the altered sign must be forwarded to (Detach Along Dotted Line) INTERIOR OF THE ADMINISTRATIVE VARIANCE SIGN FORMAT Order A Address 12621 Mt. Laurel Court Court Court Telephone 410-627-0669

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:
Petitioner: Michael R. Rosman
Address or Location: 12621 Mt. Lavrel Ct. Reistneydown MD 21136
PLEASE FORWARD ADVERTISING BILL TO: Name: McGull R McGum
Address: 118 W. Rmngylvmic Ang Towan, MO ZIZOY
Telephone Number: 40 325-2150

OFFICI	E OF BUD	GET AN	MARYLAN ID FINANC I RECEIPT	E		No.	4937	9 /2 /2010	PAID PECEIPT SENANC ACTION (1986 OF
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	2010	-0196	,-A (R	DIMAN)				
	S-12-25					G.			CASHIER'S

CERTIFICATE OF POSTING

	RE: Case No 2010-0196-A						
	Petitioner/Developer MICHAEL MC CANN						
	Date Of Hearing/Closing. 2/8/10						
Baltimore County	7						
	Nopment Management						
County Office Bui							
TH West Chesap	Cake Avenue						
Attention:							
adies and Gentle	men						
	tify under penalties of perjury that the necessary law were posted conspicuously on the property /2/2/ MT. LAULEL COURT						
his sign(s) were p	Month, Day, Year Sincerely, Signature of Sign Poster and Date Martin Ogle 60 Chelmsford Court Baltimore, Md, 21220 443-629-3411						





JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

February 9, 2010

Michael R. McCann 118 W. Pennsylvania Ave. Towson, MD 21204

Dear: Michael R. McCann

RE: Case Number 2010-0196-A, 12621 Mt. Laurel Ct.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 12, 2010. 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

WCR:lnw

Enclosures

c: People's Counsel

Michael Rosman; 12621 Laurel Ct.; Reisterstown, MD 21136

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: January 22, 2010

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 1, 2010

Item Nos. 2010-0189, 190, 191, 192, 193, 195, 196, 197, 198 and 199

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-02012010 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 10-196- 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 Jessie Bialek in the Office of Planning at 410-887-3480.

Prepared By:

CM/LL

RECEIVED

DATE: January 25, 2010

JAN 26 2010

ZONING COMMISSIONER

2-8-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

FEB 0 2 2010

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

February 2, 2010

SUBJECT:

Zoning Item # 10-196-A

Address

12621 Mt. Laurel Court

(Rosman Property)

Zoning Advisory Committee Meeting of January 18, 2010.

- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
 - X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
 - X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

- 1. Prior to issuance of a permit, this property may have to comply with the Forest Conservation Law and a single lot declaration of intent submittal may be required.
- 2. This office would support the location of the proposed addition to the existing shed on the side of the dwelling rather than to the rear, since there is an existing stream onsite located near the rear property line.

Reviewer:

J. Russo

Date: 2/1/10



JAMES T. SMITH. JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 January 27, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 18, 2010

Item Numbers: 0189,0190,0191,0192,0194,0195,0196,0198,0199

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.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File

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

Beverley K. Swaim-Staley, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: JAN. 20,2010

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

RE: **Baltimore County**

Item No. 2010-0196-A

12621 MT LAUREL GT ROSMAN PROPERTY ADMIN. 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. 2010. 0196-A.

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

Very truly yours,

Engineering Access Permits

SDF/mb

RECEIVED

12622 Mt. Laurel Court Reisterstown, MD 21136 FEB 0 2 2010

ZONING COMMISSIONER

January 30, 2010

RE: Case No. 2010 0196-A

Mr. William Wiseman, III Baltimore County Permits and Development Management 111 W. Chesapeake Avenue Towson, MD 21204

Dear Mr. Wiseman:

This is in reference to Case No. 2010 0162-A, 12621 Mt. Laurel Court - Administrative Variance to allow an addition to an accessory structure (shed) in the side yard rather than rear yard.

Our property is 12622 Mt. Laurel Court, adjacent to this property. We do not formally challenge this Variance, but wish to make the history of the property known. The shed is currently used for the owner's business. The driveway accessing both properties is private. Many vehicles and large delivery trucks use this shared driveway coming to his property for his business and private purposes. Our concern is that this addition to the accessory structure (shed) will increase his business, thereby increasing traffic on the shared driveway. We would like the space in his driveway to be large enough to enable the vehicles to turn around on his property.

This is a very secluded area of Sagamore Forest; traffic does not access the driveway unless coming to either of our houses. One of our reasons for choosing this house was for the privacy it provided.

Thank you for your consideration in this matter.

Very truly yours,

John & Elizabeth Horsham



Maryland Department of Assessments and Taxation BALTIMORE COUNTY
Real Property Data Search (2007 vw6.3d)

Go Back **View Map New Search**

		Ow	vner Infor	mation						
Owner Name: ROSMAN MICHAEL R ROSMAN HEDY B Mailing Address: 12621 MT LAUREL CT REISTERSTOWN MD 2113			Use: Principal Residence: Deed Reference:					RESIDENTIAL YES 1) /11287/ 101		
								,,,,,,,		
		Location 8	& Structur	e Inform	ation					
Premises Address						Legal Des	cription			
12621 MT LAUREL CT						2.026 AC				
						SAGAMORE	AUREL COURT FOREST			
Map Grid Parcel	Sub District	Subdivision	Section	Block L	Lot As	ssessment		Plat No:		
49 2 263			4		65	1		Plat Ref:	39/ 12	
	To	own								
Special Tax Areas		d Valorem								
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Primary Structure Built		Enclos			ty Land Ar	ea		ty Use		
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Land	210,400	168,300								
Improvements: Total:	280,720 491,120	212,000 380,300	491,1	120	380,300)				
Preferential Land:	491,120	0	731,	0)				
		Tra	nsfer Info	rmation	~					
Seller: MITCHELL STEN	/EN S			Date:	11/03/	1995	Price:	\$213,000)	
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Seller: KAMM SAMUEL	Z			Date:	03/13/	1995	Price:	\$190,000)	
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	INIS R			Date:	09/19/	1985	Price:	\$40,500		
Seller: HORRIGAN DEN					: / 6995	/ 470	Deed2:			
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Existing Sted 1

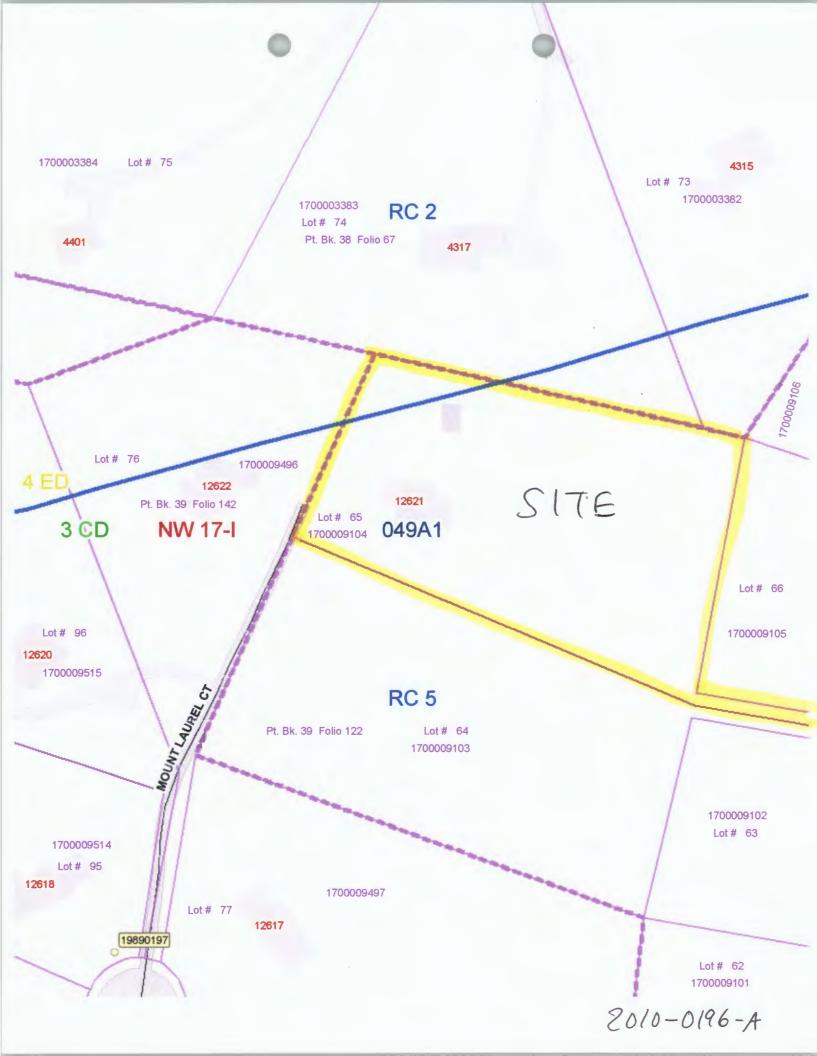
2010-0196-A



Existing Shed 7

House Front Poor 1

2010-1



PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING

PROPERTY ADDRESS 12621 MT LAUREL COURT, REISTERSTOWN, MD 21136

SUBDIVISION NAME SAGAMORE FOREST

PLAT BOOK 39 FOLIO # 122 LOT# 65 SECTION# 4

OWNER MICHAEL R. ROSMAN & HEDY B. ROSMAN

