

IN RE: PETITION FOR ADMIN. VARIANCE
E side of Kirkwood Rd, 215 feet S of the c/l
c/l of Green Street
7th Election District
3rd Councilmanic District
(20413 Kirkwood Shop Road)

Scott D. and Sally O'Hara
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0184-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, Scott D. and Sally O'Hara for property located at 20413 Kirkwood Shop Road. The variance request is from Section 104.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed addition on a non-conforming single family dwelling in excess of the permitted 25% of the ground floor area of the building so used. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an addition to accommodate elderly parents, one of whom is wheelchair bound. The existing dwelling contains 897 square feet and additional living space is necessary. The proposed addition measures 24 feet x 25.4 feet. Due to the layout of the dwelling, the location of the wellhead and septic system, the addition cannot be constructed elsewhere. No dwellings are within 150 feet of the subject property.

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 November 21, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 12-28-10

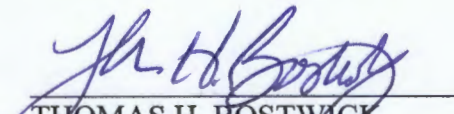
The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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 Petitioners.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 28th day of December, 2010 that a variance from Section 104.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed addition on a non-conforming single family dwelling in excess of the permitted 25% of the ground floor area of the building so used be and is hereby GRANTED, subject to the following:

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.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB/pz

ORDER RECEIVED FOR FILING

Date 12-28-10

By P3



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 28, 2010

SCOTT D. AND SALLY O'HARA
20413 KIRKWOOD SHOP ROAD
WHITE HALL, MD 21161

Re: Petition for Administrative Variance
Case No. 2011-0184-A
Property: 20413 Kirkwood Shop Road

Dear Mr. and Mrs. O'Hara:

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 20413 KIRKWOOD SHOP RD.
which is presently zoned RESIDENTIAL

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)

Sections: 104.3

To permit a proposed addition on a non-conforming single family dwelling in excess of the permitted 25% of the ground floor area of the building so used.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Date _____ Telephone No. _____
City _____ By _____ State _____ Zip Code _____

Legal Owner(s):

SCOTT D. O'HARA
Name - Type or Print _____
Signature _____
SALLY O'HARA
Name - Type or Print _____
Signature _____
20413 KIRKWOOD SHOP RD 410-428-4824
Address _____ Telephone No. _____
WHITE HALL, MD 21161
City _____ State _____ Zip Code _____

Representative to be Contacted:

SCOTT D. O'HARA
Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

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

CASE NO. 2011-0184-A

REV 10/25/01

Zoning Commissioner of Baltimore County
Reviewed By [Signature] Date 11/18/10
Estimated Posting Date 12/5/10

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 20413 KIRKWOOD SHOP RD.
Address
WHITE HALL, MD 21161
City State Zip Code

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

WE'D LIKE TO PUT THE PROPOSED ADDITION ON OUR HOME TO ACCOMMODATE MY ELDERLY PARENTS WHO HAVE PHYSICAL DISABILITIES; ONE NEEDS WHEELCHAIR ACCESS. WE CAN'T MOVE THE ADDITION BACK BECAUSE OF THE LOCATION OF THE WELLHEAD AND IT WOULD MAKE WHEELCHAIR ACCESSIBILITY MORE DIFFICULT. WE ALSO WOULD LIKE TO KEEP THE RANCH-STYLE LOOK AND PRESERVE THE AESTHETIC VALUE OF OUR HOME. THE ADDITION IS MORE THAN 25% OF THE EXISTING DWELLING.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
Signature
SCOTT D. O'HARA
Name - Type or Print

[Signature]
Signature
SALLY O'HARA
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of November, 2016, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Scott D. O'Hara and Sally O'Hara
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



REV 10/25/01

[Signature]
Notary Public
My Commission Expires 10/16/2011

Zoning description for 20413 Kirkwood Shop Rd. White Hall, MD 21161.

Beginning at a point on the east side of Kirkwood Shop Rd. which is 20 ft. wide at the distance of 215 ft. south of the center line of the nearest improved intersecting street, Green Rd., which is 20 ft. wide.

Beginning at a point on the east side of Kirkwood Shop Road, this being the place of beginning of the whole tract of land as described from Willard Blevins and wife to Raymond Wilson Sewell and wife dated on June 28, 1952, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2135, folio 13, and running thence along the first line of said Deed and bearing thereon south 66 1/4 degrees east 210 feet to a point; thence by a line of division through the land of said Raymond Wilson Sewell south 30 degrees west 208.0 feet to a point, thence by a second line of division north 66 1/4 degrees west 210 feet to a point in the Kirkwood Shop Road, thence along said road and the sixth line of the whole tract and bearing thereon north 30 degrees east 208.8 feet to the place of beginning. Containing one acre of land, more or less.

Also known as 20413 Kirkwood Shop Rd. and located in the 7th Election District, 3rd Councilmanic District.

2011-0184-A

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

Date: 11/21/10

RE: Case Number: 2011-0184-A

Petitioner/Developer: Scott O'Hara

Date of Hearing/Closing: 12/20/10

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 20413 Kirkwood Shop Rd

The sign(s) were posted on 11/21/10
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE ADMINISTRATIVE VARIANCE

CASE # 2011-0184-A
TO PERMIT A PROPOSED ADDITION
ON A NON-CONFORMING SINGLE
FAMILY DWELLING IN EXCESS OF THE
PERMITTED 25% OF THE GROUND FLOOR
AREA OF THE BUILDING TO BE USED

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON 12/20/10
ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
100 N. TOWSON, MD 21204, (410) 887-3391
FOR MORE INFORMATION, PLEASE CALL THE ABOVE OFFICE, UNDER PENALTY OF LAW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0184 -A Address 20413 Kirkwood Shop Rd.
Contact Person: LEONARD WASILEWSKI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11/18/10 Posting Date: 12/5/10 Closing Date: 12/20/10

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

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2011- 0184 -A Address 20413 Kirkwood Shop Rd.
Petitioner's Name Scott & Sally O'HARA Telephone 410-428-4824
Posting Date: 12/5/10 Closing Date: 12/20/10
Wording for Sign: To Permit

To permit a proposed addition on a non-conforming single family dwelling in
excess of the permitted 25% of the ground floor area of the building so used.

WCR - Revised 7/7/08



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

December 20, 2010

Scott & Sally O'Hara
20413 Kirkwood Shop Rd.
White Hall Maryland 21161

Dear Scott & Sally:

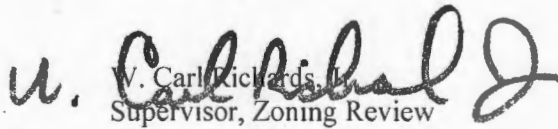
RE: 2011-0184-A 20413 Kirkwood Shop Rd

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 18, 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:rjc
Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 9, 2010

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For December 13, 2010
Item Nos. 2011- 152, 180, 182, 183,
184, 185, 186, 187 and 188

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-12132010 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: George Klunk, (Interim) Director
Department of Permits and
Development Management

DATE: December 15, 2010

RECEIVED

FROM: Michael J. Mayhew
(Acting) Director, Office of Planning

DEC 21 2010

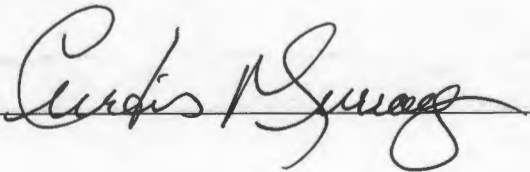
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 11-184- 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





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

State Highway
Administration

Beverley K. Swaim-Staley, Secretary
Noel J. Podersen, Administrator

Maryland Department of Transportation

Date: DEC. 3, 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 2011-0184-A
20413 KIRKWOOD SHOP RD
O'HARA 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. 2011-0184-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,

For: Steven D. Foster, Chief
Access Management Division

SDF/mb

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410-545-0300 • www.marylandroads.com

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

December 09, 2010

ATTENTION: Kristen Mathews
ZAC 12-6-2010

Case Number(s): 2011-0152-SPHA
2011-0180-A
2011-0181-A
2011-0182-A
2011-0183-SPH
2011-0184-A
2011-0185-SPH
2011-0186-A
2011-0187-A
2011-0188-A

The fire marshal's office has no comments at this time.

Lt. Jimmie D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

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



Printed on Recycled Paper

WELL WAIVER REQUEST

Property Owners: Scott and Sally O'Hara

20413 Kirkwood Shop Rd.

White Hall, MD 21161

To: Bill Ensor

105 W. Chesapeake Rd.

Suite 400

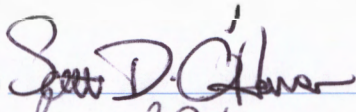
Towson, MD 21204

We request a well waiver asking to retain the well closer than 30ft. which is regulated by code.

- 1) We agree not to use termite pesticides within 30ft. of the proposed addition.
- 2) We agree to raise the well casing above grade with a pitless adapter and sanitary seal
- 3) We agree to take all responsibility for any well damages incurred by granting the variance

Signed:

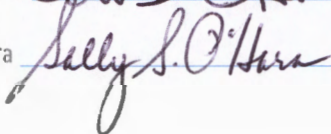
Scott D. O'Hara



Date

11/17/10

Sally S. O'Hara



Date

11/17/10

2011-0184-A

Maryland Department of Assessments and Taxation
Real Property Data Search (vw2.3)
BALTIMORE COUNTY

Account Identifier: District - 07 Account Number - 0719071980

Owner Information			
Owner Name:	OHARA SCOTT D OHARA SALLY	Use:	R
		Principal Residence:	Y
Mailing Address:	20413 KIRKWOOD SHOP RD WHITE HALL MD 21161-9001	Deed Reference:	1 2

Location & Structure Information	
Premises Address	Legal Description
20413 KIRKWOOD SHOP RD	1.006 AC ES 20413 KIRKWOOD SHOP RD E 200 S MEREDITH RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area
8	22	95						2

Special Tax Areas	Town Ad Valorem Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	C
1961	897 SF	1.00 AC	0

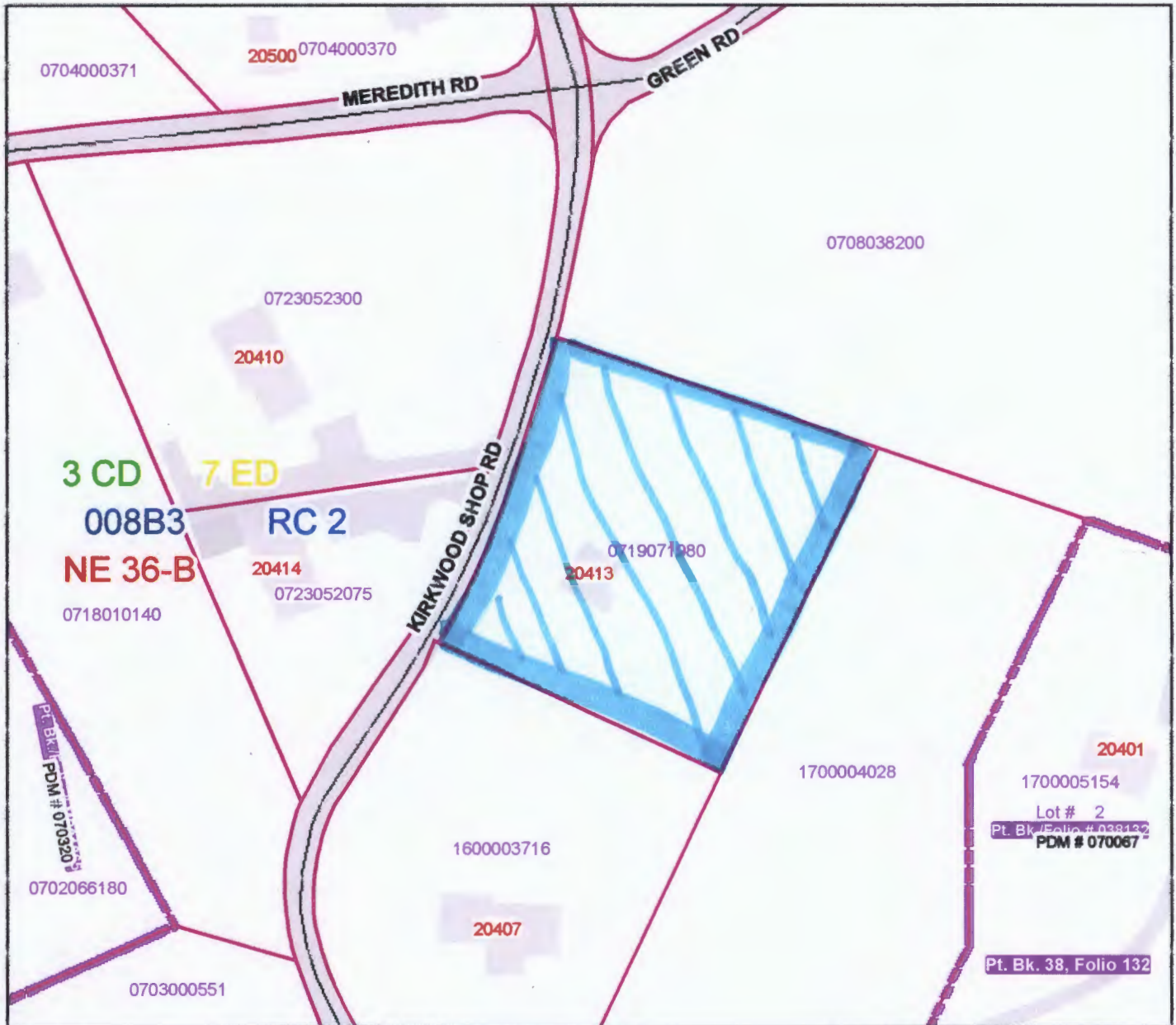
Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information				
	Base Value	Value As Of 01/01/2011	Phase-in Assessments As Of 07/01/2010 As Of 07/01/2011	
Land	100,000	90,000		
Improvements:	69,880	61,800		
Total:	169,880	151,800	169,880	151,800
Preferential Land:	0	0	0	0

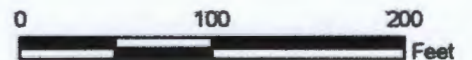
Transfer Information				
Seller:	STANDLEY EARNIE LEE	Date:	10/31/2007	Price:
Type:	IMPROVED ARMS-LENGTH	Deed1:	/26335/ 353	Deed2:
Seller:	BURKE WILMA LEE	Date:	01/17/2006	Price:
Type:	IMPROVED ARMS-LENGTH	Deed1:	/23230/ 23	Deed2:
Seller:	STANDLEY BLANCHE E	Date:	11/14/1991	Price:
Type:	NOT ARMS-LENGTH	Deed1:	/ 8971/ 533	Deed2:

Exemption Information			
Partial Exempt Assessments	Class	07/01/2010	07/01/2011
County	000	0	0
State	000	0	0
Municipal	000	0	0
Tax Exempt:	NO	Special Tax Recapture	
Exempt Class:		* NONE *	

20413 Kirkwood Shop Road 2011-0184-A



DQ Map Notes

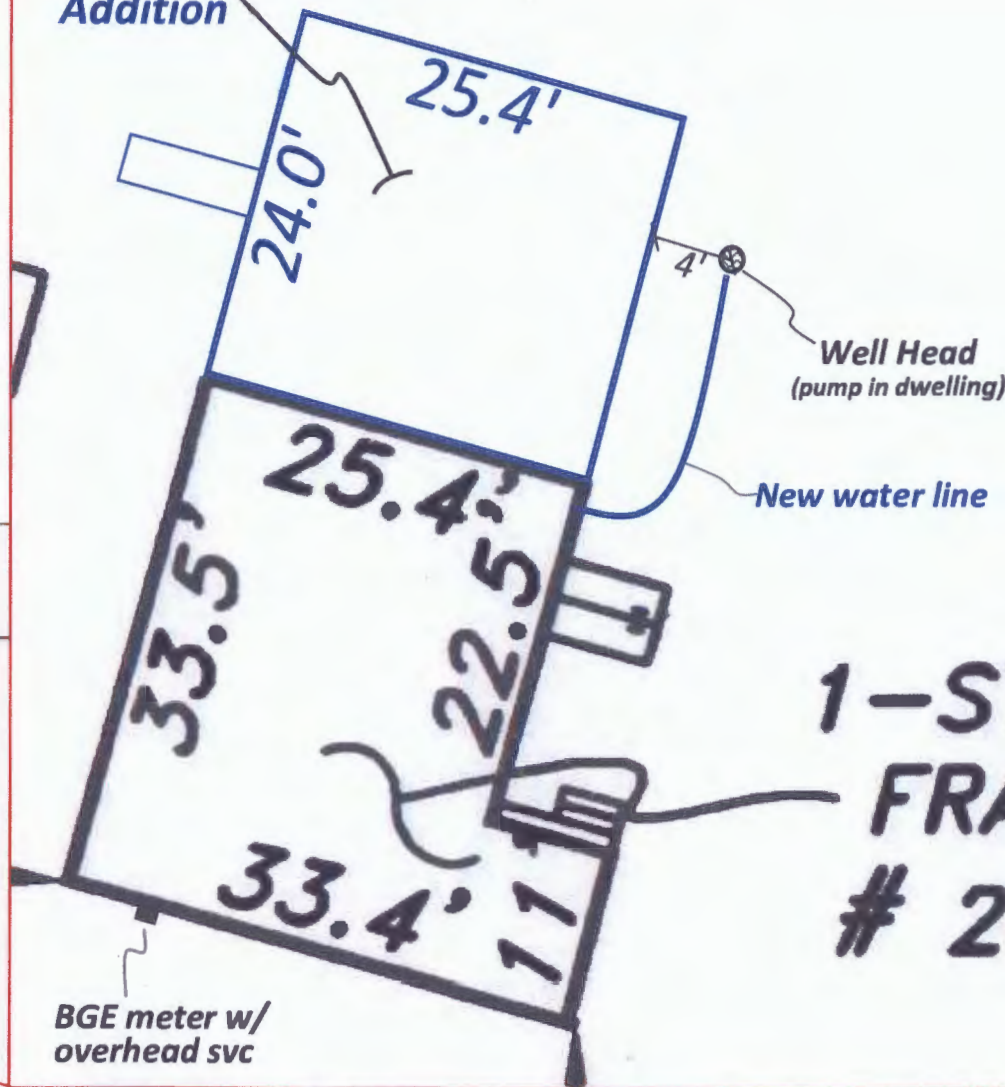


1 inch = 100 feet



Publication Date: November 18, 2010
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot

**Proposed
Addition**



**1-STORY
FRAME
20413**

2011-0184-A

O.B., GLS 2135/13

S 86 1/4° E 210'

1-STORY
FRAME
20413

**BGE meter w/
overhead svc**

S 86 1/4° W 210'



LOCATION DRAWING
20413 Kirkwood Shop Road
Baltimore County, Maryland
Election District - 7

NTT Associates, Inc.
18205 Old Frederick Road
Mt. Airy, Maryland 21771
Ph. (410) 442-2031
Fax No. (410) 442-1315

Scale: 1"=50'
Date: 9-21-07
Field By: M.R.H.
Drawn By: M.R.H.
Drawing # 3546RADGRW

Finish Werks LLC
MHBR No 4716
8600 Foundry St, Savage, MD 20763
(410) 514-6222, (410) 510-1990 (f)
inquiry@finishwerks.com

O'HARA IN-LAW ADDITION
20413 Kirkwood Shop Rd
Baltimore County, Maryland
Election District - 7th
CON DISTRICT - 3RD



2011-0184-A



2011-0184-A



2011-0184-A



2011-0184-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

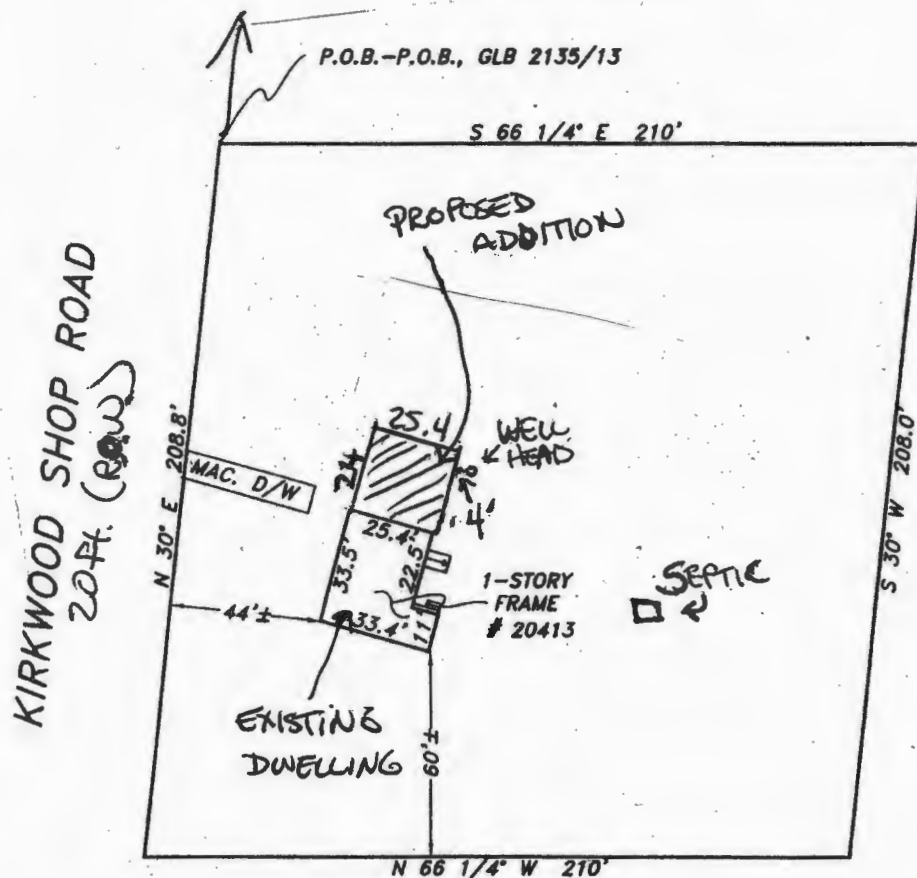
PROPERTY ADDRESS 20413 KIRKWOOD SHOP RD.

SUBDIVISION NAME _____

PLAT BOOK # _____ FOLIO # _____ LOT # _____ SECTION # _____

OWNER SCOTT & SALLY O'HARA

215ft. TO ϕ OF GREEN RD.

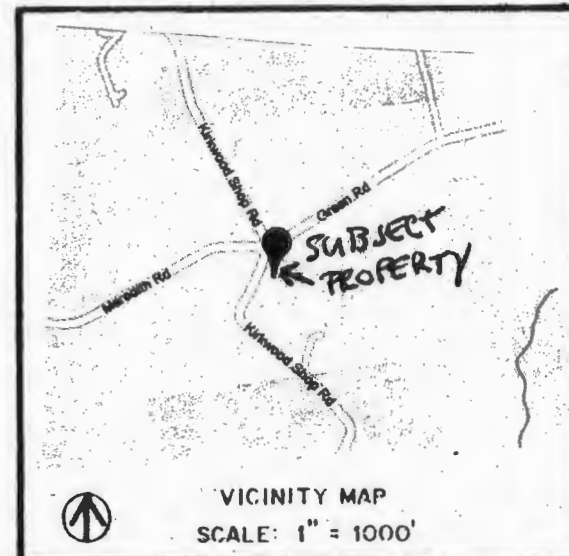


NORTH

* NO OTHER DWELLINGS WITHIN 150ft. OF THE SUBJECT PROPERTY

PREPARED BY SDO

SCALE OF DRAWING: 1" = 50'



LOCATION INFORMATION

ELECTION DISTRICT 7th

COUNCILMANIC DISTRICT 3rd

1" = 200' SCALE MAP # 00883

ZONING RC Z

LOT SIZE 1Ac.

ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒

100 YEAR FLOOD PLAIN	☐	☒
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HISTORIC PROPERTY/ BUILDING	☐	☒
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PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

REVIEWED BY _____ ITEM # _____ CASE # _____

W | 2011 | 0184-A