

IN RE: PETITION FOR SPECIAL HEARING *

(404 E. and 406 E. Pennsylvania Ave.) *

9th Election District *

5th Councilmanic District *

Luz Elena Ampudia-Kordell & *

Elizabeth Kordell *

Petitioners *

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0141-SPH

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Special Hearing filed by J. Neil Lanzi, Esquire, on behalf of Luz Elena Ampudia-Kordell and Elizabeth Kordell, legal owners. The Petitioners are requesting Special Hearing relief pursuant to Section 500.7, 104.1 and 402.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows:

(1) To allow the continuation of the non-conforming multi-family (semi-detached dwelling) use of the subject property containing:

- (a) A lot width of 50 ft. in lieu of the required 80 ft.;
- (b) A lot area of 4,845 sq. ft. in lieu of the required 8,050 sq. ft.;
- (c) A minimum side yard of 8 ft. in lieu of the required 15 ft. (interior lot); and
- (d) A minimum sum of side yards of 20 ft. in lieu of the required 30 ft. (interior lot).

(2) To allow the continuation of the non-conforming multi-family (semi-detached dwelling) use of the subject property containing:

- (a) A lot area of 4,845 sq. ft. in lieu of the required 6,000 sq. ft., and
- (b) A minimum side yard of 8 ft. in lieu of the required 10 ft.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING

Date 2-27-13

By den

Appearing at the public hearing held for this case were Sadie and Richard Goldring, Andrew Kulp, Anthony and Luz E. Ampudia-Kordell, Heather Wirth and Thomas J. Hoff, J. Neil Lanzi, Esquire appeared and represented the Petitioners. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no interested citizens in attendance in opposition to Petitioners request and the file does not contain any letters of protest or opposition.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file; particularly that of the Department of Planning as follows:

"The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request for a non-conforming use provided, only two units are allowed. This condition shall be made part of any relief granted. Additionally, the Department of Planning does not oppose the requested variances for lot area, lot width and side yard setbacks.

Lastly, it has been confirmed via the community, that the site has been used as a semi-detached (multi-family) dwelling for many years."

Testimony and evidence revealed that the subject property is 5,845 sq. ft. and is zoned DR 10.5.

Counsel for Petitioners proffered the testimony of Thomas J. Huff, a certified landscape Architect, who has previously testified in approximately 40 to 50 cases concerning landscape and zoning matters. Mr. Huff was accepted as an expert in landscape architecture and zoning.

The witness has been to and is familiar with the subject site. He would introduce the Plat to Accompany the Petition for a Special Hearing (Petitioners Exhibit #1) and photographs of the site (Petitioners Exhibit #2). It is his testimony that the subject property is a multi-family location containing two residences; based upon his investigation, has been so used since 1943.

Mr. Huff then addressed himself to the issues contained in § 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), specifically that the Special Hearing request would not be

ORDER RECEIVED FOR FILING

Date

2-27-13

By

2
den

detrimental to the health, safety or general welfare of the locality involved, as this residence has existed without any difficulties since 1943; that it does not tend to create congestion in roads, streets or alleys therein, as it has not done so since its inception; that it does not create a potential hazard from fire, panic or other danger, since no additional construction will be made or any other such issues created; it would not tend to overcrowd land and cause undue concentration of population, since the two family residence will continue to be used as such if the Special Hearing is granted; that it would not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements, as there is no change in the use of the property at the present time than that which will be carried on if the Special Hearing is granted; that it will not interfere with adequate light and air, as the structure again will be unchanged from that which already exists; that it will not be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations, for the same reason; that it will not be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations, as no new construction or creation of impermeable surface will result from the granting of this Special Hearing; and will not be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains, as this property is located in a DR zone and not in an RC zone.

The witness would have concluded his testimony by rendering his expert opinion that the subject property is a non-conforming use, existing and being used as such, without interruption, since prior to the imposition of Baltimore County Zoning Regulations.

Andrew Kulp would have testified that he is a licensed architect in Maryland, employed by Curry Architect and that he had received his degree in architecture from Auburn University. His

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Date

2-27-13

By

Den

C.V. was admitted as Petitioners Exhibit #3 and he was accepted as an expert in architecture. Counsel proffered on his behalf that the witness would testify that he has been to the subject property, both inside and out. Based on the original construction techniques and details utilized in that construction, he rendered his expert opinion that the subject structure was originally designed and constructed to be a two family residence. The printout regarding the subject structure, noting that the property was built in 1903, was admitted into evidence as Petitioners Exhibit #4.

Counsel then proffered the testimony of Tony Kordell, the husband of the Petitioner. He would testify that they purchased the subject site in 2002, at which time it had two separate family residences. It has remained so up to the present time and is being sold to the Contract Purchaser who will continue to use it as such.

An Affidavit dated November 27, 2012 (Petitioners Exhibit #5) was submitted on behalf of Sadie Goldring, stating that she was born and has lived in the immediate area of the subject property since that time, and is familiar with the subject property. She states therein that at least since 1953 the subject site has been used continuously and without interruption as two distinct family dwellings, up to and including the present time. An Affidavit dated November 27, 2012 (Petitioners Exhibit #6) was submitted on behalf of Richard Goldring, setting out that he is familiar with the subject property and has lived in the immediate area since 1940; and that the subject site has been used continuously and without interruption as two distinct family dwellings, up to and including the present time. A final Affidavit dated February 18, 2013 (Petitioners Exhibit #7) was submitted on behalf of Adelaide C. Bentley, who has lived in the immediate area of the subject property all of her life. She is familiar with the subject structure and states therein that since 1953 the subject site has been used continuously and without interruption as two distinct family dwellings, up to and including the present time.

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Date 2-27-13

By pen

Upon the conclusion of counsel's proffer on behalf of the Petitioners, each witness for whom a proffer was presented was sworn and each individually adopted the proffer made on their behalf.

Based on the uncontroverted testimony and documents presented, I am convinced that the subject property was originally constructed to contain two separate family residences; and has been utilized as such continuously and uninterruptedly since its construction (and by Affidavit at least since 1953). Further, I am convinced by Mr. Hoff's expert testimony that the Petitioners request satisfies the requirements of Baltimore County Zoning Regulations § 502.1.

Pursuant to the advertisement, posting of the property, and public hearing, and after considering the testimony and evidence offered, I find that Petitioner's Special Hearing request should be GRANTED.

THEREFORE, IT IS ORDERED, this 27th day of February, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve:

- (1) To allow the continuation of the non-conforming multi-family (semi-detached dwelling) use of the subject property containing:
 - (a) A lot width of 50 ft. in lieu of the required 80 ft.;
 - (b) A lot area of 4,845 sq. ft. in lieu of the required 8,050 sq. ft.;
 - (c) A minimum side yard of 8' in lieu of the required 15' (interior lot); and
 - (d) A minimum sum of side yards of 20' in lieu of the required 30' (interior lot).
- (2) To allow the continuation of the non-conforming multi-family (semi-detached dwelling) use of the subject property containing:
 - (a) A lot area of 4,845 sq. ft. in lieu of the required 6,000 sq. ft., and
 - (b) A minimum side yard of 8 ft. in lieu of the required 10 ft.

, be and is hereby **GRANTED**.

ORDER RECEIVED FOR FILING

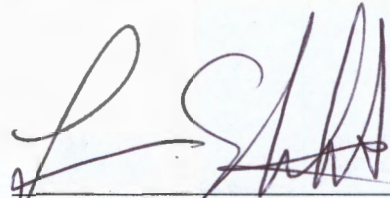
Date 2-27-13

By Den

The relief granted herein shall be subject to and expressly conditioned upon the following:

1. Petitioners may apply for appropriate permits 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, Petitioners would be required to return, and to be responsible for returning, said property to its original condition.
2. The granting of this Special Hearing confirms the non-conforming use and permits its continued use for two residential units only.

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



LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS: sln

ORDER RECEIVED FOR FILING

Date 2-27-13

By sln



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

February 27, 2013

J. Neil Lanzi, Esquire
409 Washington Avenue
Suite 617
Towson, Maryland 21204

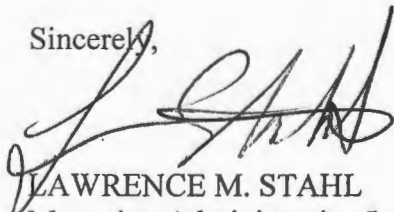
RE: Petition for Special Hearing
Case No.: 2013-0141-SPH
Property: 404 E. and 406 E. Pennsylvania Avenue

Dear Mr. Lanzi:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,


LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:slh
Enclosure

c: Sadie and Richard Goldring, 409 Jefferson Avenue, Towson, Maryland 21286
Andrew Kulp, 244 Ridge Avenue, Towson, Maryland 21286
Heather Wirth, Esquire, P.O. Box 575, Parkton, Maryland 21120
Thomas J. Hoff, 512 Virginia Avenue, Towson, Maryland 21286



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 404 E and 406 E Pennsylvania Avenue which is presently zoned
Deed References: 14532/00202 10 Digit Tax Account # 0902955410
Property Owner(s) Printed Name(s) Luz Elena Ampudia-Kordell Elizabeth F. Kordell

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See Attached

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☐ a Variance from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

M. Heather Lee Wirth, Esquire

Name- Type or Print

M. Wirth, Esquire

Signature

16940 York Road Ste 201D Monkton MD

Mailing Address City State

21111 410-329-2576 heatherwirth@comcast.net

Zip Code Telephone # Email Address

Attorney for Petitioner:

J. Neil Lanzi

Name- Type or Print

J. Lanzi

Signature

409 Washington Ave Ste 617 Towson MD

Mailing Address City State

21204 410-296-0686 nlanzi@lanzilaw.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Luz Elena Ampudia-Kordell / Elizabeth Kordell

Name #1 - Type or Print

Name #2 - Type or Print

Luz Elena Ampudia-Kordell

Elizabeth Kordell

Signature #1

Signature #2

1236 Burke Road Middle River MD

Mailing Address City State

21220 410-528-0149

Zip Code Telephone # Email Address

Representative to be contacted:

J. Neil Lanzi, Esquire

Name - Type or Print

J. Lanzi

Signature

409 Washington Ave Ste 617 Towson MD

Mailing Address City State

21204 410-296-0686 nlanzi@lanzilaw.com

Zip Code Telephone # Email Address

CASE NUMBER 2013-0141-SPH

Filing Date 12/17/12

Do Not Schedule Dates:

Reviewer BK

ORDER RECEIVED FOR FILING

REV. 10/4/11

Date 2-27-13

By Sen

Special Hearing Attachment

Luz Elena Ampudia-Kordell and Elizabeth Kordell, property owners, hereby petition the Administrative Law Judge with regard to the property known as 404 and 406 E. Pennsylvania Avenue for the following zoning relief:

A Special Hearing pursuant to Section 104.1, 402.1 and 500.7 of the BCZR to allow the continuation of the nonconforming multi-family (semi-detached dwelling) use of the subject property containing:

- (a) A lot width of 50' in lieu of the required 80';
- (b) A lot area of 4,845 sq. ft. in lieu of the required 8,050 sq. ft.;
- (c) A minimum side yard of 8' in lieu of the required 15' (interior lot); and
- (d) A minimum sum of side yards of 20' in lieu of the required 30' (interior lot).

In the alternative, the following zoning relief:

A Special Hearing pursuant to Section 104.1, 1B02.3C(1)(Chart) and 500.7 of the BCZR to allow the continuation of the nonconforming multi-family (semi-detached dwelling) use of the subject property containing:

- (a) A lot area of 4,845 sq. ft. in lieu of the required 6,000 sq. ft.; and
- (b) A minimum side yard of 8' in lieu of the required 10'.

THOMAS J. HOFF
Landscape Architects and Land Development Consultants
512 VIRGINIA AVENUE
TOWSON, MD. 21286
410-296-3668
FAX 410-825-3887

December 17, 2012

Description of 404 & 406 East Pennsylvania Avenue to Accompany Petition for a Special Hearing, 9th Election District, 5th Councilmanic District

BEGINNING FOR THE SAME at a point on the south side of Pennsylvania Avenue (40' R/W), 119 feet more or less east of the centerline of Fairmount Avenue.

Thence binding on the south side of Pennsylvania Avenue,

- 1) South 72 degrees 00 minutes 00 seconds East 50.00 feet, thence leaving Pennsylvania Avenue,
- 2) South 20 degrees 00 minutes 00 seconds West 97.00 feet, thence,
- 3) North 72 degrees 00 minutes 00 seconds West 50.00 feet, thence,
- 4) North 20 degrees 00 minutes 00 seconds East 97.00 feet, to the place of beginning.

Containing 0.111 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **92755**

Date: **12/17/12**

PAID RECEIPT

BUSINESS DATE TIME
 12/17/2012 12:17:00 PM 2

REQ MSG: BALTIMORE JUDGE
 RECEIPT # 002755 12/17/2012 0718

Page 1 of 120 ZONES VERIFICATION
 OF NO. 092755

Receipt for \$75.00
 \$75.00 U 1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0030		6150					\$ 75.00

Total: **\$ 75.00**

Rec From: **Neil Lincei, P.A.**

For: **Special Hearing**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

Item # **2013-0141-SPH**

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

RE: CASE NO: 2013-0141-SPH

PETITIONER/DEVELOPER _____

TOM HOFF

DATE OF HEARING/CLOSING: _____

2/22/13

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

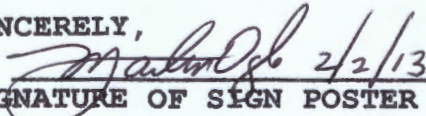
LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT 404 E. & 406 E. PENNSYLVANIA AVE.

THIS SIGN(S) WERE POSTED ON _____

February 2, 2013
(MONTH, DAY, YEAR)

SINCERELY,

 2/2/13
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

ZONING NOTICE

CASE # 2013-0141-SPH

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

PLACE: ROOM 205, JEFFERSON BUILDING 105 WEST CHESAPEAKE
AVENUE TOWSON 21204

DATE/TIME: FRIDAY, FEBRUARY 22, 2013 AT 10:00 A.M.

REQUEST: SPECIAL HEARING TO ALLOW THE CONTINUATION OF THE
NON-CONFORMING MULTI-FAMILY (SEMI-DETACHED DWELLING) USE OF
THE SUBJECT PROPERTY CONTAINING: A LOT WIDTH OF 50 FT. IN LIEU OF THE
REQUIRED 80 FT.; A LOT AREA OF 4,845 SQ. FT. IN LIEU OF THE REQUIRED 8,050
SQ. FT.; A MINIMUM SIDE YARD OF 8 FT. IN LIEU OF THE REQUIRED 15 FT.
(INTERIOR LOT); AND A MINIMUM SUM OF SIDE YARDS OF 20 FT. IN LIEU OF
THE REQUIRED 30 FT. (INTERIOR LOT). SPECIAL HEARING TO ALLOW THE
CONTINUATION OF THE NON-CONFORMING MULTI-FAMILY (SEMI-DETACHED
DWELLING) USE OF THE SUBJECT PROPERTY CONTAINING: A LOT AREA OF
4,845 SQ. FT. IN LIEU OF THE REQUIRED 8,050 SQ. FT.; A MINIMUM SIDE
YARD OF 8 FT. IN LIEU OF THE REQUIRED 15 FT.

POSTPONEMENTS DUE TO WEATHER AND OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFORM HEARING CALL 410-891-5291

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

MEETING IS HANDICAP ACCESSIBLE

M. J. Smith Jr. 2/2/13

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: #2013-0141-SPH

404 E. & 406 E. Pennsylvania Avenue
S/s Pennsylvania Avenue, 119 ft. E/of centerline of
Fairmount Avenue

9th Election District - 5th Councilmanic District

Legal Owner(s): Luz Elena Ampudia-Kordell & Elizabeth Kordell

Contract Purchaser: M. Heather Lee Wirth, Esq.

Special Hearing to allow the continuation of the non-conforming multi-family (semi-detached dwelling) use of the subject property containing: A lot width of 50 ft. in lieu of the required 80 ft.; a lot area of 4,845 sq. ft. in lieu of 8,050 sq. ft.; a minimum side yard of 8 ft. in lieu of the required 15 ft. (interior lot); and a minimum sum of side yards of 20 ft. in lieu of the required 30 ft. (interior lot). Special Hearing to allow the continuation of the non-conforming multi-family (semi-detached dwelling) use of the subject property containing: a lot area of 4,845 sq. ft. in lieu of the required 6,000 sq. ft.; a minimum side yard of 8 ft. in lieu of the required 10 ft.

Hearing: Friday, February 22, 2013 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
01/367 January 31 901305



501 N. Calvert Street, Baltimore, MD 21278

January 31, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on January 31, 2013.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 31, 2013 Issue - Jeffersonian

Please forward billing to:

J. Neil Lanzi
409 Washington Avenue, Ste. 617
Towson, MD 21204

410-296-0686

NOTICE OF ZONING HEARING

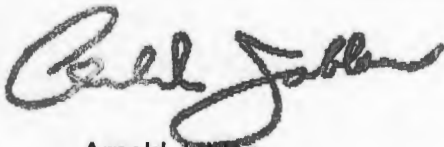
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2013-0141-SPH

404 E. & 406 E. Pennsylvania Avenue
S/s Pennsylvania Avenue, 119 ft. E/of centerline of Fairmount Avenue
9th Election District – 5th Councilmanic District
Legal Owners: Luz Elena Ampudia-Kordell & Elizabeth Kordell
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Hearing: Friday, February 22, 2013 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

January 9, 2013

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

NOTICE OF ZONING HEARING

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CASE NUMBER: 2013-0141-SPH

404 E. & 406 E. Pennsylvania Avenue

S/s Pennsylvania Avenue, 119 ft. E/of centerline of Fairmount Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Luz Elena Ampudia-Kordell & Elizabeth Kordell

Contract Purchaser: M. Heather Lee Wirth, Esq.

Special Hearing to allow the continuation of the non-conforming multi-family (semi-detached dwelling) use of the subject property containing: A lot width of 50 ft. in lieu of the required 80 ft.; a lot area of 4,845 sq. ft. in lieu of the required 8,050 sq. ft.; a minimum side-yard of 8 ft. in lieu of the required 15 ft. (interior lot); and a minimum sum of side yards of 20 ft. in lieu of the required 30 ft. (interior lot). Special Hearing to allow the continuation of the non-conforming multi-family (semi-detached dwelling) use of the subject property containing: a lot area of 4,845 sq. ft. in lieu of the required 6,000 sq. ft; a minimum side yard of 8 ft. in lieu of the required 10 ft.

Hearing: Friday, February 22, 2013 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: J. Neil Lanzi, 409 Washington Avenue, Ste. 617, Towson 21204
Heather Lee Wirth, 16940 York Road, Ste. 201D, Monkton 21111
Kordell Residence, 1236 Burke Road, Middle River 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 2, 2013.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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: 2013-0141-SPH

Petitioner: Luz Elena Ampudia-Kardell Elizabeth Kardell

Address or Location: 404 and 406 E. Pennsylvania Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: J. NEIL LANZI

Address: 409 Washington Avenue #617

Towson MD 21204

Telephone Number: 410 296 0686



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

February 13, 2013

Luz Elena Ampudia-Kordell & Elizabeth Kordella
1236 Burke Road
Middle River MD 21220

RE: Case Number: 2013-0141 SPH, Address: 404 E and 406 E Pennsylvania Avenue

Dear Mr. & Ms. Kordell:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 17, 2012. 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is fluid and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson MD 21204
M. Heather Lee Wirth, Esquire, 16940 York Road, Suite 201D, Monkton MD 21111

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



Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1-7-13

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

RE: Baltimore County

Item No 2013-0141-SPH

Special Hearing

Luz Elena Ampudia-Kordell
404 & 406 E. Pennsylvania Avenue

Dear Ms. Lewis:

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. 2013-0141-SPH.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in dark ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief
Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: January 02, 2013

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For January 07, 2012
Item Nos. 2013-0121, 0139, 0140, 0141, 0142, 0143, 0144 and 0145.

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

DAK:CEN
Cc: file

2-22-13
10am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: January 14, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 404 & 406 East Pennsylvania Avenue

INFORMATION:

Item Number: 13-141

Petitioner: Luz Elena Ampudia-Kordell & Elizabeth Kordell

Zoning: DR 10.5

Requested Action: Special Hearing

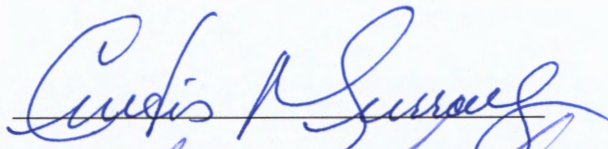
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request for a non-conforming use provided, only two units are allowed. This condition shall be made part of any relief granted. Additionally, the Department of Planning does not oppose the requested variances for lot area, lot width and side yard setbacks.

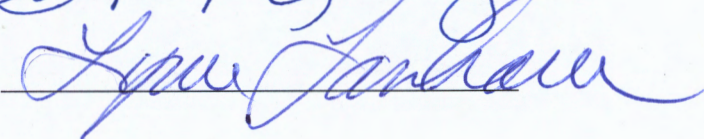
Lastly, it has been confirmed via the community, that the site has been used as a semi-detached (multi-family) dwelling for many years.

For further information concerning the matters stated here in, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Division Chief:
AVA/LL: CM



RECEIVED

JAN 15 2013

OFFICE OF ADMINISTRATIVE HEARINGS

MEMORANDUM

DATE: April 1, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0141-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on March 29, 2013. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
 404 & 406 E. Pennsylvania Ave, S/S Pennsylvania
 Avenue, 119' E of c/line of Fairmount Avenue* OF ADMINSTRATIVE
 9th Election & 5th Councilmanic Districts
 Legal Owner(s): Luz Elena Ampudia-Kordell * HEARINGS FOR
 & Elizabeth Kordell
 Contract Purchaser(s): M. Heather Lee Wirth * BALTIMORE COUNTY
 Petitioner(s) *
 * 2013-141-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 and all documentation filed in the case.

RECEIVED

DEC 28 2012

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
 Deputy People's Counsel
 Jefferson Building, Room 204
 105 West Chesapeake Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of December, 2012, a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

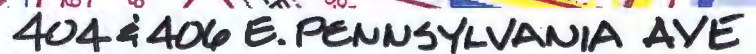
CASE NAME 2013-0141-SFP

CASE NUMBER

DATE 2-22-67

PETITIONER'S SIGN-IN SHEET

[illegible]



Case No.:

2013-0145A

Exhibit Sheet

AS
X-1-13

AS
2-27-13

Petitioner/Developer

Protestants

No. 1	Plan to Accompany Petition for Sp. Hearing	
No. 2	Photographs of site A-O	
No. 3	C.V. of ANDREW KULP architect	
No. 4	SDAT REAL PROPERTY SEARCH FOR SITE	
No. 5	AFFIDAVIT OF SADIE GOLORING	
No. 6	AFFIDAVIT OF RICHARD GOLORING	
No. 7	AFFIDAVIT OF ADELAIDE BONTLEY	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PETITIONER'S

EXHIBIT NO. 2A-0

A



B



C





3



2



4



1







Biography

Rev. Andrew P. Kulp, AIA, NCARB
Senior Project Architect



Stevenson University



First Baptist Church



Eagle Mountain International Church



Vaughn Forest Church



Gateway Baptist Church

Education

1999 Bachelor of Science in Architecture – Auburn University, Auburn, AL
2002 Master of Divinity – Southern Baptist Theological Seminary, Louisville, KY

Active Registration

Nation Council of Architectural Registration Boards – Blue Cover Certification
Registered Architect, States of Maryland and Alabama

Employment History

2009-Present | Senior Project Architect | Curry Architects, Towson, MD

Religious/Education:

- Trinity Lutheran Church – Joppa, MD: Gym addition, classrooms, band room, & library
- Stevenson University, Stadium – Owings Mills, MD: New 3,500+ seat athletic stadium
- Linwood Center for Autistic Children – Ellicott City, MD: 35,000 SF, classrooms, cafeteria and offices

Commercial:

- MVA/Hilltop Shopping Center – Baltimore City, Park Heights: Addition and renovation
- Two Boots Pizza, Power Plant Live – Baltimore City, Power Plant Live: Int. renovation
- Two Boots Pizza, Fitzgerald – Baltimore City, The Fitzgerald at U.B. Midtown: International tenant fitout

**2005-2009 | Project Manager/Director of Church Architecture |
Godwin-Jones Architecture & Interior Design, Inc. Montgomery, AL**

Religious/Education:

- First Baptist Church – Opelika, AL: Three phase addition and renovation – sanctuary addition, gym conversion, youth/education/administration building
- Vaughn Forest Church – Montgomery, AL: 1,600-3,200 seat expandable worship center with working stage and fly loft
- Eagle Mountain Int'l Church – Newark, TX: Master plan & children/youth facility
- Gateway Baptist Church – Montgomery, AL: Master plan & multi-purpose building
- Journey Church – Millbrook, AL: Renovation of existing church warehouse

Other:

- The Waters - Live-Works – Pike Road, AL: New urbanism development
- The Waters - Courtyard Homes – Pike Road, AL: New urbanism development
- Apartments – Troy, AL: New apartment complex
- Apartments and Townhomes – Auburn, AL: Apartment & townhome complex

2002-2005 | Project Manager | McKee & Associates, Montgomery, AL

Religious/Education:

- Concord Baptist Church – Calera, AL: Multipurpose building
- Wallace Community College, Cherry Hall – Dothan, AL: conversion of gym into theater/auditorium with small-scale working stage
- Troy University, New Academic Building – Troy, AL: Three-story academic building including auditorium lecture halls, standard classrooms, and offices
- Stapleton School – Stapleton, AL: New library and administration building

Commercial:

- Alabama High School Athletic Association – Montgomery, AL: New facility

PETITIONER'S

EXHIBIT NO. 4

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 09 Account Number - 0902955410

Owner Information

Owner Name: AMPUDIA-KORDELL LUZ ELENA
KORDELL ELIZABETH F
Use: RESIDENTIAL
Mailing Address: 1236 BURKE RD
BALTIMORE MD 21220-4415
Principal Residence: NO
Deed Reference: 1) /14532/ 00202
2)

Location & Structure Information

Premises Address
404 E PENNSYLVANIA AVE
BALTIMORE 21286-5408

Legal Description
& 406 E PENNSYLVANIA SS
110 FT E OF FAIRMOUNT AV

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
070A	0012	0132		0000				2	

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1903	1,736 SF	4,850 SF	04

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value As Of 01/01/2011	Phase-in Assessments As Of 07/01/2012	As Of 07/01/2013
Land	83,500	83,500		
Improvements:	92,480	78,500		
Total:	175,980	162,000	162,000	162,000
Preferential Land:	0			0

Transfer Information

Seller:	Type:	Date:	Deed1:	Price:	Deed2:
HOOPER W DONALD SR	ARMS LENGTH IMPROVED	06/16/2000	/14532/ 00202	\$75,000	
JOHNSON ALICE MACK	NON-ARMS LENGTH OTHER	08/14/1995	/11164/ 00489	\$45,000	
BYER CATHERINE J	NON-ARMS LENGTH OTHER	06/14/1974	/08143/ 00615	\$0	

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:
Exempt Class: **Special Tax Recapture:** NONE

Homestead Application Information

Homestead Application Status: No Application

PETITIONER'S

EXHIBIT NO. 5

AFFIDAVIT

My name is Sadie Goldring and I currently reside at 409 Jefferson Ave in Baltimore County, Maryland. I was born on July 11, 1942 in Baltimore, Maryland and I am currently 70 years old.

I am very familiar with the property known as 404 and 406 East Pennsylvania Avenue in Towson, Maryland 21286. As long as I can remember, there have been two adjoining residences located on this property. I have lived in East Towson since 1942 and remain in East Towson to this day. I have lived at my current address of 409 Jefferson Ave. Towson since 2011. I am very familiar with this neighborhood especially where the property known as 404 and 406 East Pennsylvania Avenue is located.

In conclusion, for the period of 1953 through the present, I can attest and affirm that the property known as 404 and 406 East Pennsylvania has contained two distinct residential dwelling units located side by side and used as residences, continuously and uninterrupted.

I hereby affirm under the penalties of perjury that the above statements are true and correct.

11-27-2012
Date

Sadie Goldring

Other than our new address on current address
We lived at 409 East Pennsylvania Ave. for the
last 28 years.

State of Maryland, City of Baltimore

Signed and sworn to before me
this 27 November 2012

Nancy A. McCormick
Comm Expires 12/1/13



PETITIONER'S

EXHIBIT NO. 6

AFFIDAVIT

My name is RICHARD G. GOLDING and I currently reside at 409 Jefferson Ave in Baltimore County, Maryland. I was born on 6-9-40 in Baltimore, Maryland and I am currently 72 years old.

I am very familiar with the property known as 404 and 406 East Pennsylvania Avenue in Towson, Maryland 21286. As long as I can remember, there have been two adjoining residences located on this property. I have lived in East Towson since 1940 and remain in East Towson to this day. I have lived at my current address of 409 Jefferson Ave. since Nov. 16-11 I am very familiar with this neighborhood especially where the property known as 404 and 406 East Pennsylvania Avenue is located.

In conclusion, for the period of 1953 through the present, I can attest and affirm that the property known as 404 and 406 East Pennsylvania has contained two distinct residential dwelling units located side by side and used as residences, continuously and uninterrupted.

I hereby affirm under the penalties of perjury that the above statements are true and correct.

11-27-12
Date

Richard G. Golding

Before we moved to our current address, we lived at 407 E. Pennsylvania Ave. for twenty eight years, the above properties were directly across the street.

State of Maryland, City of Baltimore
Signed and sworn to before me
this 27 of November, 2012

Nancy A. McCormick

Comm. Expires 12/1/13



AFFIDAVIT

My name is Adelaide C. Bentley and I currently reside at 436 E. Penna Ave in Baltimore, Towson, Md Baltimore County, Maryland. I was born on _____ in Baltimore, Md Maryland and I am currently 84 years old.

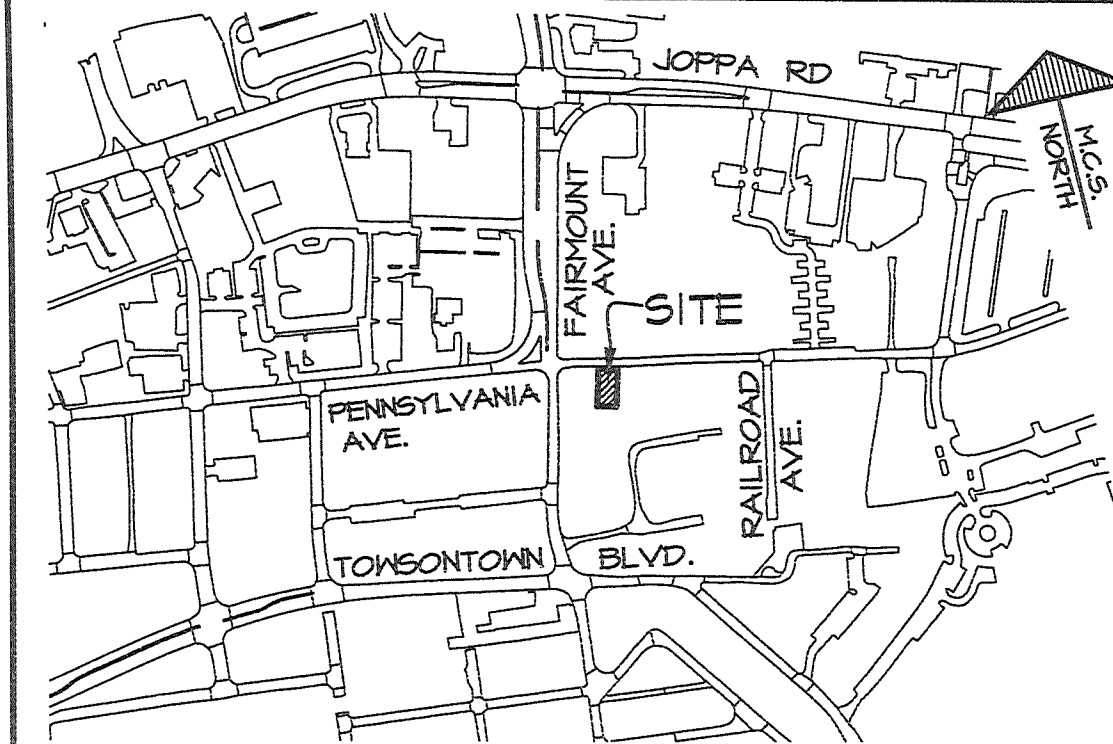
I am very familiar with the property known as 404 and 406 East Pennsylvania Avenue in Towson, Maryland 21286. As long as I can remember, there have been two adjoining residences located on this property. I have lived in East Towson since born and remain in East Towson to this day. I have lived at my current address of 436 E. PENNSYLVANIA AVE since 2006. I am very familiar with this neighborhood especially where the property known as 404 and 406 East Pennsylvania Avenue is located.

In conclusion, for the period of 1953 through the present, I can attest and affirm that the property known as 404 and 406 East Pennsylvania has contained two distinct residential dwelling units located side by side and used as residences, continuously and uninterrupted.

I hereby affirm under the penalties of perjury that the above statements are true and correct.

2/18/2013
Date

Adelaide C. Bentley



VICINITY MAP
SCALE: 1"=500'

SITE DATA:

GROSS SITE AREA = 0.134 AC±, 5845 SF±
NET SITE AREA = 0.111 AC±, 4845 SF±
EXISTING ZONING - DR 10.5
ZONING MAPS - 70A2 & 70B2
EXISTING USE - RESIDENTIAL
PROPOSED USE - RESIDENTIAL

ZONING HEARINGS:

ZONING VIOLATIONS:
THERE ARE NO PRIOR ZONING CASES ON THIS PROPERTY. THERE
ARE NO CURRENT OR OUTSTANDING ZONING VIOLATIONS ON THIS
PROPERTY.

DEVELOPMENT HISTORY:

DEVELOPMENT HISTORY:
THERE ARE NO DRC'S, CRG OR DEVELOPMENT PLANS ON THIS
PROPERTY.

BASIC SERVICE MAPS:

BASIC SERVICE MAPS:
THERE ARE NO EXISTING OR IMPENDING FAILURES ON BASIC
SERVICES FOR THIS SITE.

OWNER:

LUZ ELENA AMPUDIA-KORDELL
ELIZABETH KORDELL
1236 BURKE RD
BALTIMORE, MD 21220
DEED REF 14532/202
TAX#0902955410

GENERAL NOTES:

1. PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
2. THERE ARE NO STREAMS OR 100 YEAR FLOODPLAIN ON SITE.
3. THERE ARE NO HISTORIC STRUCTURES LISTED ON THE HISTORIC INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE.
4. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.
5. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
6. BEARINGS AND DISTANCES SHOWN HEREON TAKEN FROM DEEDS AND PLATS.
7. TOPOGRAPHIC INFORMATION SHOWN TAKEN FROM BALTIMORE COUNTY GIS.

ZONING RELIEF REQUESTED:

2017 A SPECIAL HEARING PURSUANT TO SECTION 104.1, 402.1 AND 500.7
OF THE BCZR TO ALLOW THE CONTINUATION OF THE
NONCONFORMING MULTI-FAMILY (SEMI-DETACHED DWELLING) USE
OF THE SUBJECT PROPERTY CONTAINING:

- (a) A LOT WIDTH OF 50' IN LIEU OF THE REQUIRED 80';
- (b) A LOT AREA OF 4,845 SQ. FT. IN LIEU OF THE REQUIRED 8,050 SQ. FT.;
- (c) A MINIMUM SIDE YARD OF 8' IN LIEU OF THE REQUIRED 15' (INTERIOR LOT); AND
- (d) A MINIMUM SUM OF SIDE YARDS OF 20' IN LIEU OF THE REQUIRED 30' (INTERIOR LOT) ~~AND~~ IN THE ALTERNATIVE, THE FOLLOWING ZONING RELIEF:

4. A SPECIAL HEARING PURSUANT TO SECTION 104.1, 1602.3C(1)(CHART) AND 500.7 OF THE BCZR TO ALLOW THE CONTINUATION OF THE NONCONFORMING MULTI-FAMILY (SEMI-DETACHED DWELLING) USE OF THE SUBJECT PROPERTY CONTAINING:

- (a) A LOT AREA OF 4,845 SQ. FT. IN LIEU OF THE REQUIRED 6,000 SQ. FT.;
- (b) A MINIMUM SIDE YARD OF 8' IN LIEU OF THE REQUIRED 10'; AND

THE ADMINISTRATIVE HEARING OFFICER HAS THE POWER TO GRANT SPECIAL HEARINGS THAT WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY OR GENERAL WELFARE OF THE LOCALITY INVOLVED. PETITIONERS WILL BE PROVIDING ADDITIONAL REASONS IN SUPPORT OF THE ZONING RELIEF REQUESTED AT THE HEARING.

PETITIONER' S

EXHIBIT NO. 1

PLAN TO ACCOMPANY PETITION FOR A
SPECIAL HEARING
404 & 406 EAST PENNSYLVANIA AVE

9th ELECTION DISTRICT, 5th COUNCILMANIC, BALTIMORE COUNTY, MD

THOMAS J. HOFF

LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS

512 VIRGINIA AVENUE
TOWSON, MARYLAND 21286
410-296-3668 FAX 410-825-3887

REVISIONS:

SCALE: 1"=20'

DATE: 12/17/12

JOB NO.: 0596-01

DESIGNED: TJ

DRAWN: TJH

DRAWING NUMBER

ZP-1

SHEET 1 OF 1

