

IN RE: PETITION FOR ADMIN. VARIANCE *
(3430 Philips Drive)
3rd Election District *
2nd Councilmanic District *
Michael J. and Jayme M. Uhlfelder *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2014-0096-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Michael J. and Jayme M. Uhlfelder. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed accessory structure (swimming pool) to be located in the third of lot closest to the street, on a corner lot, in lieu of the required in the third of the lot farthest removed from the street. The subject property and requested relief are more particularly described on Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 27, 2013, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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

ORDER RECEIVED FOR FILING

Date 11-14-13

By (signature)

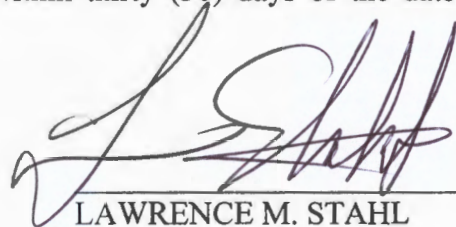
of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result 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 Administrative Law Judge for Baltimore County, this 14th day of November, 2013, that a Variance from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed accessory structure (swimming pool) to be located in the third of lot closest to the street, on a corner lot, in lieu of the required in the third of the lot farthest removed from the street, be and is hereby GRANTED, subject to the following:

- Petitioners may apply for their 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 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.



LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING

Date 11-14-13

By (signature)

KEVIN KAMENETZ
County Executive



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

November 14, 2013

Michael J. Uhlfelder
Jayme M. Uhlfelder
3430 Philips Drive
Baltimore, Maryland 21208-1828

RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
(3430 Philips Drive)
Case No. 2014-0096-A

Dear Mr. and Mrs. Uhlfelder:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Very truly yours,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the typed name.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw
Enclosure

c: Gary Sipes, 9515 Gerwig Lane, Ste. 121, Columbia, MD 21046



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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 3430 Philips Drive Baltimore MD which is presently zoned DR 2

Deed Reference 0026187/361 10 Digit Tax Account # 03 11 00 28 10

Property Owner(s) Printed Name(s) Michael J. Vhlfelder + Jayme M. Vhlfelder

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

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

1. ☒ **ADMINISTRATIVE VARIANCE** from Section 400.1 of B.C.Z.R. to permit a proposed accessory structure (swimming pool) to be located in the third of lot closest to the street, on a corner lot, in lieu of the required in the third of the lot farthest removed from the street.

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

2. ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4-416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

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

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:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners:

Michael J. Vhlfelder, Jayme M. Vhlfelder

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

3430 Philips Dr. Baltimore MD

Mailing Address City State

21208, 410-952-3662, totallycodine@

Zip Code Telephone # Email Address verizon.net

Representative to be contacted:

Gary Sipes

Name- Type or Print

Signature

9515 Germig Lane Columbia MD

Mailing Address City State

21046, 410-995-6600 ext 209, GSipes@mdpools.com

Zip Code Telephone # Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this 11-14-13 day of Nov, 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.

Administrative Law Judge of Baltimore County

CASE NUMBER 2014-0096-A Filing Date 10/16/13 Estimated Posting Date 10/28/13 Reviewer At

-11/11/13

Rev 10/12/11

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the 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 property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 3430 Philips Dr. Pikesville MD 21208
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

Shape of lot and topography require the proposed pool to be located as shown, which is outside the required middle 1/3 of the rear lot.

Moving the pool location to accommodate the 1/3 rule would be a major hardship due to extreme hill and existing electric wire. This hardship and/or practical difficulty is created by our lot being surrounded by streets and the code being different for our odd shaped lot. This is unique to our lot - neighbors do not have this problem.

- ① We can not make reasonable use of the area due to this zoning rule
② We have a peculiar shaped lot ③ The lot shape and location creates the zoning hardship.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

[Signature]
Signature of Affiant
Michael Uhlfelder
Name- Print or Type

[Signature]
Signature of Affiant
Jayne Uhlfelder
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 11th day of October, 2013, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

M. & Jayne Uhlfelder

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public

August 1 2014
My Commission Expires

ZONING PROPERTY DESCRIPTION FOR 3430 Philips Drive
Baltimore, Md 21208

Beginning at a point on the north side of Philips Drive which is 25 feet wide at the distance of 50 feet east of the centerline of Bendon Road which is 50 feet wide. Being Lot # 25, Section A, in the subdivision of second revised plat of Cranwood in Baltimore county Plat Book #23, Folio 132, containing 26,134 square feet. Located in the 3rd Election District and 2nd Council District.

2014 - 0092 - A

No. 105013
Date: 10/16/13

BUSINESS	ACTUAL	TIME	HR
0/16/2013	10/16/2013	11:24:24	8

Dept 5 528 ZONING VERIFICATION

DR NO. 105013

Recpt Tot \$75.00

175.00	OK	1.00	CA
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Baltimore County, Maryland

Fund	Dept	Unit	Sub-Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$75-
Total:									\$75-

Total: 4.38

Rec
From:

MICHAEL UHLFELDER

For:

3430 PHILIPS DR.

2014-0096-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 10/28/2013

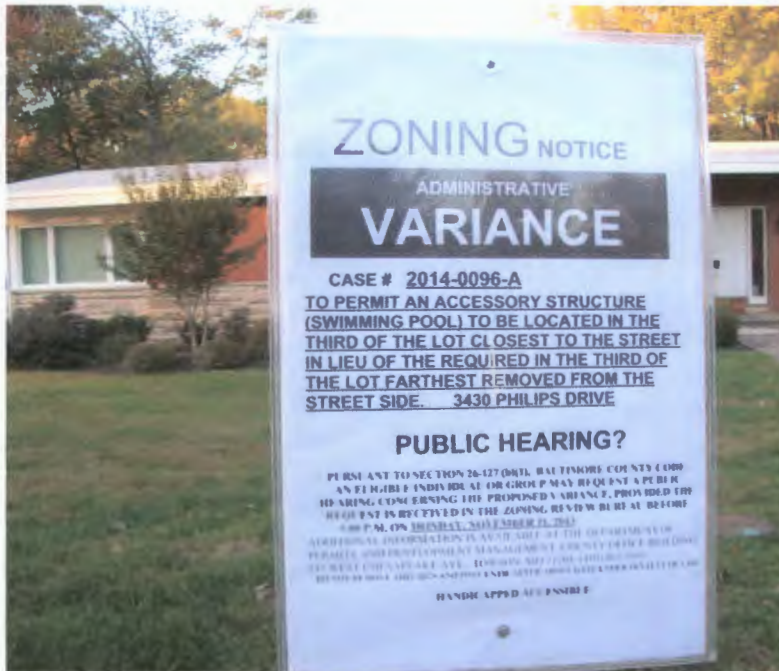
Case Number: CASE # 2014-0096-A

Petitioner / Developer: MICHAEL UHLFELDER

Date of Hearing (Closing): NOVEMBER 11, 2013

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:
3430 PHILIPS DRIVE

The sign(s) were posted on: OCTOBER 27, 2013



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

MEMORANDUM

DATE: December 18, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0096-A – Appeal Period Expired

The appeal period for the above-referenced case expired on December 16, 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

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>10-23</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>10-22</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>10-27-13</u> by <u>O'Keefe</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0096 -A Address 3430 Philips Drive

Contact Person: Aaron Tsui Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10/16/2013 Posting Date: 10/28/2013 Closing Date: 11/11/2013

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 2014- 0096 -A Address 3430 Philips Drive

Petitioner's Name Michael J Uhlfelder Telephone 410-952-3662

Posting Date: 10/28/2013 Closing Date: 11/11/2013

Wording for Sign: To Permit an accessory structure (swimming pool) to be located in the third of the lot closest to the street in lieu of the required in the third of the lot farthest removed from the street side.

Revised 7/06/11

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 10-22-13

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

RE: Baltimore County

Item No 2014-0096-A
Administrative Variance
Michael F. & Jamie M. Uhlfelder
3430 Philips Drive

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. 2014-0096-A.

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,

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

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.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 23, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For October 28, 2013
Item No. 2014-0087, 0091, 0092, 0093, 0095, 0096, 0098 and 0099

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

DAK:CEN
Cc: file

G:\DevPlanRev\ZAC -No Comments\ZAC10282013 -.doc

Real Property Data Search (w1)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 03 Account Number - 0311002810		
Owner Information		
Owner Name:	UHLFELDER MICHAEL J UHLFELDER JAYME M	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	3430 PHILIPS DR BALTIMORE MD 21208-1828	Deed Reference: 1) /26187/ 00361 2)
Location & Structure Information		
Premises Address:	3430 PHILIPS DR 0-0000	Legal Description: 3430 PHILIPS DR CRANWOOD
Map: 0068	Grid: 0016	Parcel: 0049
Sub District:	Subdivision: 0000	Section: A
Block:	Lot: 25	Assessment Year: 2014
Plat No:		Plat Ref: 0023/ 0132
Special Tax Areas:		Town: NONE
		Ad Valorem:
		Tax Class:
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1958	3,098 SF	
Property Land Area	County Use	
26,136 SF	04	
Stories	Basement	Type
1.000000	YES	STANDARD UNIT
Exterior	Full/Half Bath	Garage
BRICK	3 full	1 Carport
Last Major Renovation		
Value Information		
	Base Value	Value
		As of
		01/01/2011
Land:	140,000	140,000
Improvements	212,500	212,500
Total:	352,500	352,500
Preferential Land:	0	
Phase-in Assessments		
	As of	As of
	07/01/2013	07/01/2014
Transfer Information		
Seller: HARRIS SARAH F	Date: 09/19/2007	Price: \$400,000
Type: NON-ARMS LENGTH OTHER	Deed1: /26187/ 00361	Deed2:
Seller: KAPPELMAN SARAH F	Date: 08/31/1983	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /00000/ 00000	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: Approved 06/30/2008		

Baltimore County

[New Search](#)District: **03** Account Number: **0311002810**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml.



☐ Loading... Please Wait. Loading... Please Wait.

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KEVIN KAMENETZ
County Executive

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

November 13, 2013

Michael J. & Jayme M. Uhlfelder
3430 Philips Drive
Baltimore MD 21208

RE: Case Number: 2014-0096 A, Address: 3430 Philips Drive

Dear Mr. & Ms. Uhlfelder:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 16, 2013. 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, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Gary Sipes, 9515 Gerwig Lane, Suite 121, Columbia MD 21046



From Yard looking to deck - Bendon Rd. side →



Looking towards Cranwood Court →

2014-0096-A



Bendon Rd. side →



↑ Prefure of severe hill →

2014-0096-A

electric wind



From Driveway ↑



From back at house looking out ↗

2014-0096-A



FROM UPPER PATH to pool area →



Some

2014-0096-A

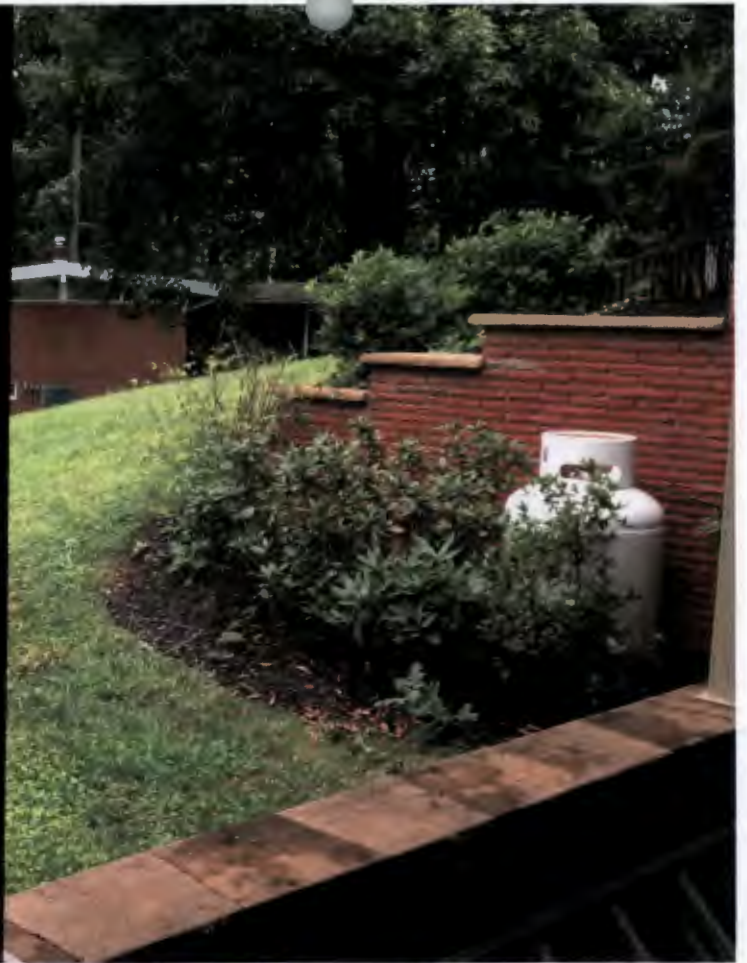


From yard looking at rear of home ↗



From hill to upper patio ↗

2014-0096-A



From under deck looking out to the right



From under deck looking out to the left

2014-0096-A



Proposed Pool Area →



under deck looking left to Benton Road

2014-0096-A

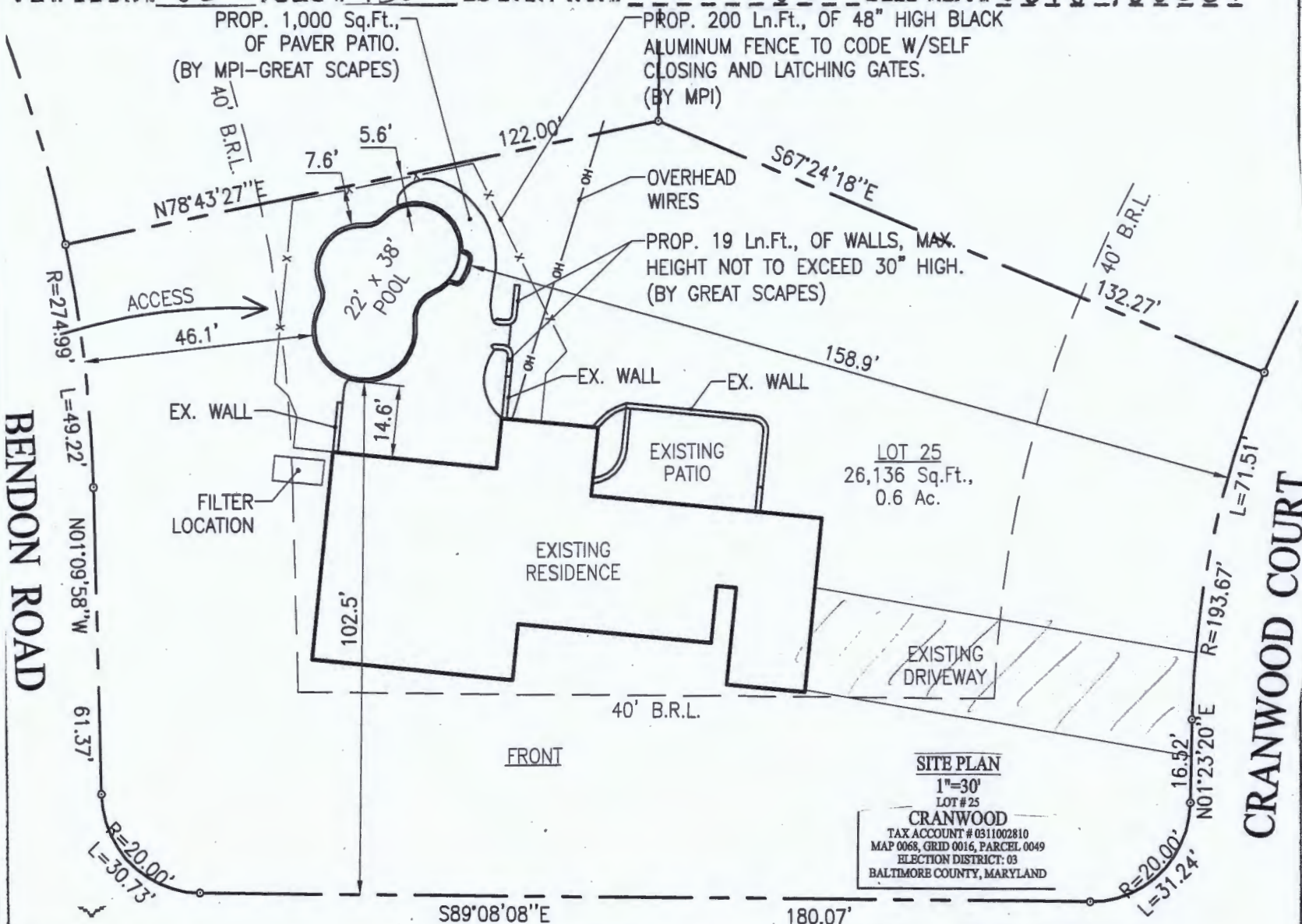
VIOLATION CASE INFO:

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

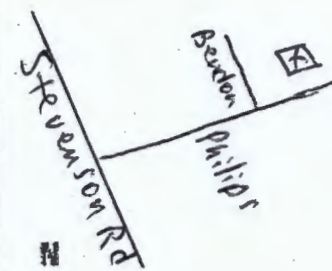
ADDRESS 3430 Philips Dr. Balto. MD 21208 OWNER(S) NAME(S) Mike + Jayme Vhlfelder

SUBDIVISION NAME Cranwood LOT # 25 BLOCK # _____ SECTION # A

PLAT BOOK # 23 FOLIO # 132 10 DIGIT TAX # 0311002810 DEED REF. # 26187/00361



SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 0068

SITE ZONED DR2

ELECTION DISTRICT 3rd

COUNCIL DISTRICT 2nd

LOT AREA ACREAGE .6

OR SQUARE FEET 26136

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

PLAN DRAWN BY Joseph Raley
c/o MD Pools

PHILIPS DRIVE, SCALE: 1 INCH = 30 FEET

10/15/13

2014-0096-A

Lot # 23
0319002490

Lot # 26
0323077100

8203
Lot # 24
0319012610

8202
Lot # 12
0313024650

2 CD
3 ED DR 2

NW 9-E

068B2

Lot # 25
Pt. Bk. 0000023, Folio 0132 34300311002810
Pt. Bk. Folio # 023122 PDM # 030049

0308081240

BENDON RD

CRANWOOD CT

Lot # 32 0323018221

PHILIPS DR

Lot # 4 0311048260

Pt. Bk. 0000022, Folio 0047 0302003750
Lot # 5

3431

Lot # 6 0313059000

3429

2014-0096-A