#### MEMORANDUM

DATE:

September 15, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2016-0013-A - Appeal Period Expired

The appeal period for the above-referenced case expired on September 14, 2015. 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

IN RE: PETITION FOR ADMIN. VARIANCE

(64 Cedar Avenue)

9<sup>th</sup> Election District 5<sup>th</sup> Council District Paula A. Heneberry Petitioner **BEFORE THE** 

OFFICE OF ADMINISTRATIVE

\* HEARINGS FOR

\* BALTIMORE COUNTY

\* CASE NO. 2016-0013-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance by the legal owner of the property, Paula A. Heneberry ("Petitioner"). The Petitioner is requesting Variance relief pursuant to §§ 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed deck with a rear setback of 7.5 ft. in lieu of the required 22.5 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.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment was received from the Bureau of Development Plans Review (DPR), dated August 6, 2015, and recommended Petitioner to provide a 6 ft. high privacy fence or evergreen to effectively screen the deck from 19 Hillside Avenue. In addition, it is to be noted that a letter of support was received from Troy Workman, who resides at 19 Hillside Avenue, indicating his full support without any objection to the Petitioner's request.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 26, 2015, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER R	ECEIVED FOR FILING	
Date	8-14-15	
By		

The Petitioner has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (B.C.C.). 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 Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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

THEREFORE, IT IS ORDERED this 14th day of August, 2015, by the Administrative Law Judge for Baltimore County that the Petition for Administrative Variance seeking relief from §§ 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed deck with a rear setback of 7.5 ft. in lieu of the required 22.5 ft..., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at her own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
- Petitioner must comply with the ZAC comment, dated August 6, 2015, from DPR; a copy of which is attached hereto and made a part hereof.

ORDER	RECEIVED FOR FILING	
Date	8-4-15	_
Bv	(pu)	

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

JOHN E. BEVERUNGEN

Administrative Law Judge for Baltimore County

JEB:dlw

ORDER	RECEI	VED	FOR	FILING

Date 8-14-15

By\_\_\_\_\_



## AD STRATIVE ZONING PLOON

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections

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

Deed Reference 14847 / 00431 Owner(s) Printed Name(s) Paula Heneberry	10 Digit Tax Account # 0 9 1 9 2 7 0 1 1 0
(SELECT THE HEARING(S) BY MARKING $\underline{\mathbf{X}}$ AT THE APPRO	PRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the	reverse of this Petition form must be completed and notarized.
The undersigned, who own and occupy the property situate attached hereto and made a part hereof, hereby petition for	
1. X ADMINISTRATIVE VARIANCE from Section(s)	302.3.C. 18301.1 of the BCZR
There in her of the	with a rear set back of eguired 22.5 Sect.
of the zoning regulations of Baltimore County, to the zoning	
2 ADMINISTRATIVE SPECIAL HEARING to approach County Code: (indicate type of work in this space: i.e., to rain	ove a waiver pursuant to Section 32-4-107(b) of the Baltimore ze, alter or construct addition to building)
time engitespie on and south	registron influent act back und
of the Baltimore County Code, to the development law of Ba Property is to be posted and advertised as prescribed by the zoning regular	tions,
I/ we agree to pay expenses of above petition(s), advertising, posting, etc. Baltimore County adopted pursuant to the zoning law for Baltimore County	
	Our and a VID addition and a Vi
	Owner(s)/Petitioner(s):
	Pavla Heneberry
	Alama #4 Time as Driet ' Alama #0 Time as Driet
	Name #1 – Type or Print  Name #2 – Type or Print  Paula Heneberry
	Paula Heneberry
	Paula Heneberry Signature #1 Signature #2
	Paula Heneberry Signature #1  64 Cedar Ave Towson Mailing Address  City State  21286  410 934-9744  phenebe 1@jhmi.edu
Attorney for Owner(s)/Patitioner(s):	Panla Heneberry Signature #1  64 Cedar Ave Towson Mailing Address City State  21286, 410 934-9744 Zip Code Telephone #  Email Address
Attorney for Owner(s)/Petitioner(s):	Panla Heneberry Signature #1  Signature #2  64 Cedar Ave Towson Mailing Address City State  21286 , 410 934-9744 , phenebe 1@jhmi.edu  Zip Code Telephone # Email Address  Representative to be contacted:
Attorney for Owner(s)/Petitioner(s):	Panla Hereberry Signature #1  64 Cedar Ave Towson Mailing Address City State  21286, 410 934-9744 Zip Code Telephone # Email Address  Representative to be contacted:  SAME
Attorney for Owner(s)/Petitioner(s):  Name- Type or Print	Panla Heneberry Signature #1  Signature #2  64 Cedar Ave Towson Mailing Address City State  21286 , 410 934-9744 , phenebe 1@jhmi.edu  Zip Code Telephone # Email Address  Representative to be contacted:
Attorney for Owner(s)/Petitioner(s):  Name- Type or Print  Signature	Panla Hereberry Signature #1  64 Cedar Ave Towson Mailing Address City State  21286, 410 934-9744 Zip Code Telephone # Email Address  Representative to be contacted:  SAME
Attorney for Owner(s)/Petitioner(s):  Name- Type or Print  Signature  Mailing to tess  City State	Faula Heneberry Signature #1  64 Cedar Ave Towson Mailing Address City State  21286 , 410 934-9744 , phenebe 1@jhmi.edu Zip Code Telephone # Email Address  Representative to be contacted:  SAME Name - Type or Print
Name-Type or Print  Signature	Faula Heneberry Signature #1  64 Cedar Ave Towson Mailing Address City State  21286
Name-Type or Print  Signature  Mailing Address  City State  Zip Code at Email Address  A PUBLIC HEARING having been formally demanded and/or found to	Fanla Hereberry Signature #1 Signature #2  64 Cedar Ave Towson MD  Mailing Address City State  21286 , 410 934-9744 , phenebe 1@jhmi.edu  Zip Code Telephone # Email Address  Representative to be contacted:  SAME  Name - Type or Print  Signature  Mailing Address City State
Name-Type or Print  Signature  Mailing Address  City State  Zip Code at Email Address  A PUBLIC HEARING having been formally demanded and/or found to County, this day of	Signature #1 Signature #2  64 Cedar Ave Towson MD  Mailing Address City State  21286
Name-Type or Print  Signature  Mailing Address  City State  Zip Code at Email Address  A PUBLIC HEARING having been formally demanded and/or found to County, this day of	Faula Hurbury Signature #1  64 Cedar Ave Towson Mailing Address City State  21286

## Affidavit in Support Administrative Varianc (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address:	64 Print of T	Cedar Ave	Towson	MD State	21286 Zip Code
	on per	sonal knowledge, t	he following are the fa	cts upon which	I/we base the request for an lifficulty or hardship here)
of hou proper	setbo se w ty a sted	ith entrance	ent for the deck' from dining room of my property. back distance	I would li	becomes very narrow flow for compliance ke to build on back deck would improve my or closest to ctions and fully
(If addit			request or the above stat	ement is needed,	label and attach it to this Form)
Paula t	tene	berry			
Name- Prin			n is to be completed by a	Name- Print or Ty  Notary Public of t	
STATE O	F MAR	RYLAND, COUNTY	OF BALTIMORE, to	wit:	dy.
I HEREB' and for the	Y CER	TIFY, this 12 <sup>th</sup> y aforesaid, persona	lly appeared:	, <u>2015</u> , befo	ore me a Notary of Maryland, in
Print name(s) he		Paula Hen		vw. 3 V.	
the Affiant	(s) here	ein, personally knowr	or satisfactorily identifie	ed to me as such	Affiant(s).
AS WITNE	SS my	hand and Notaries	Seal /	1/2 1/	0.0
£40°	и	2	Notary Public 07//	4/2015	very ravery
			My Commission Ex	pires	

#### Zoning Property Description for 64 Cedar Ave Towson, MD 21286

Beginning at a point on the northwest side of Cedar Avenue which is 28' R/W wide at the distance of 30' northeast of the centerline of the nearest improved intersecting street Hillside Avenue which is 35' R/W wide.

Beginning for the same at a stone heretofore set at the beginning of the third line of a parcel of land which by a Deed dated November 15, 1951 and recorded among the Land Records of Baltimore County in Liber GLB No. 2041, folio 264, was conveyed by the Towson Nurseries, incorporated to J Todd Merritt; and running thence with and binding on a part of said third line South fifteen degrees fifty-six minutes West eighty-three feet to the Northeast side of Hillside Avenue as widened and to the end of the fifth line of a parcel of land which by Deed date December 21, 1951 and recorded among the Land Records of Baltimore County in Liber GLB No 2075, folio 555, was conveyed by Todd Merritt to the County Commissioners of Baltimore County; thence binding reversely on the fifth and fourth lines of said last mentioned parcel of land and binding on the Northeast side of Hillside avenue, as widened the two following lines, viz: South fiftyone degrees forty-two minutes thirty seconds East thirty-nine and twenty-seven and one hundredths feet and Easterly by a line curving toward the left having a radius of thirty-seven and fifty one-hundredths feet a distance of forty-seven and thirty-eight one hundredths feet (the chord of said arc bearing South eighty-seven degrees fifty-four minutes fifteen seconds East forty-four and twenty-nine one-hundredths feet) to a point on the Northwest side of Cedar Avenue, as widened; thence binding reversely on a part of the third line of said parcel of land conveyed by Merritt, et al., to the County Commissioners and binding on the Northwest side of Cedar Ave , as widened, North fifty-five degrees fifty-four minutes East fifteen and ninety-nine one hundredths feet; thence leaving said Avenue and running for a line of division north thirty-four degrees six minutes West one hundred sixteen and ninety-one one hundredths feet to the place of beginning.

The improvements thereon being known as No. 64 Cedar Avenue

# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: August 6, 2015

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 3, 2015 Item No. 2016-0013

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

Provide a 6' high privacy fence or evergreen screen to effectively screen the deck from 19 Hillside Avenue.

DAK:CEN cc:file

ZAC-ITEM NO 16-0013-08032015.doc

Date 8-4-5

Comment Received	Department	Conditions/ Comments/ No Comment
8-6	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	•
-	PLANNING (if not received, date e-mail sent)	
7-29	STATE HIGHWAY ADMINISTRATION	Do agestion.
<u> </u>	TRAFFIC ENGINEERING	
7-11 Pau	ADJACENT PROPERTY OWNERS (NOW)	Supports
ZONING VIOLAT		
PRIOR ZONING	(Case No.	
NEWSPAPER ADV	· · · · · · · · · · · · · · · · · · ·	5 by Black
	EL APPEARANCE Yes No C	]
Comments, if any: _	•	

## **CERTIFICATE OF POSTING**

		2016-0013-A
	RE: Case No.:	
LINE ENCHANCE OF	Petitioner/Developer:	Test III
97 - 1 W 16 V 16 V		Paula Heneberry
	Date of Hearing/Closing:	August 10, 2015
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204		
Attn: Kristen Lewis:		
Ladies and Gentlemen:		
This letter is to certify under the penalties posted conspicuously on the property local		
64 Cedar Ave		
	July 26, 2015	4,-
The sign(s) were posted on	(Month, Day, Year)	
	(,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
LINI	Sincerely,	July 26, 2015
	(Signature of Sign Poster)	(Date)
ZONING NOTICE  ADMINISTRATIVE  VARIANCE	SSG Robert B	ack
VARIANCE  CASE #	(Print Name	e)
To Permit a proposed deck with a pear yard setback of 7 ½ feet in lieu of the required 30 feet.	1508 Leslie Re	oad .
PUBLIC HEARING?  REMAIN OF THE WAS THOSE OF THE TOWN COMMON AND AND AND AND AND AND AND AND AND AN	(Address)	
PRODUCTS TECHNICAL CONTROL CON	Dundalk, Marylan	d 21222
	(City, State, Zip	Code)
	(410) 282-794	40
<b>100</b> 0000000000000000000000000000000000	(Telephone Nun	ther)

### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 2016- 0013 -A Address 64 Cedar Ave 21286
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 7 17 15 Posting Date: 7 26 5 Closing Date: 8 10 5
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. <a href="POSTING/COST">POSTING/COST</a> : 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. <u>DEADLINE</u> : 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.
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
Petitioner's Name Paula Heneberry Telephone 410-934-9749
Posting Date: 7/26/15 Closing Date: 8/10/15
Wording for Sign: To Permit a proposed deck with a
rear yard set back of 7/2 teet in lieu of
the required 30 teet.

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET AND FINANCE No. MISCELLANEOUS CASH RECEIPT THE Date: Rev Sub RES WSDZ WALKIR JEVA JEE Source/ Rev/ ELEPT # 723575 7/17/2015 Fund Dept Unit Sub Unit Obj Sub Obj Dept Obj BS Acct Amount: Beok 5 520 ZUNDAG VERIFICATION つら・0日間、1226年 (0150 0000 Recot Tot 175,00 \$75.00 CK \$.00 CA Baltimore County, Haryland Total: Rec . From: For: CASHIER'S DISTRIBUTION **VALIDATION** WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING PLEASE PRESS HARD!!!!





KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

August 12, 2015

Paula Heneberry 64 Cedar Avenue Towson MD 21286

RE: Case Number: 2016-0013 A, Address: 519 Grovethorn Road

Dear Mr. Armstrong:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 14, 2015. 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

U. Carl Rid

WCR: jaw

Enclosures

c: People's Counsel





Pete K. Rahn, Secretary
Douglas H. Simmons, Acting Administrator

Date: 7/29/15

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

Larry Hogan, Governor

Boyd Rutherford, Lt. Governor

RE: Baltimore County

Item No 2016-0013-A Administrative Variance Paula Heneberry 64 Cedar 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. 2016-0013-4.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

David W. Peake

Metropolitan District Engineer Baltimore & Harford Counties

Adele

DWP/RAZ

# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

DATE: August 6, 2015

TO:

Arnold Jablon, Director

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 3, 2015 Item No. 2016-0013

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

Provide a 6' high privacy fence or evergreen screen to effectively screen the deck from 19 Hillside Avenue.

DAK:CEN cc:file

ZAC-ITEM NO 16-0013-08032015.doc





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		Dee	d Refe	rence:	/14847/ (	0431
Locat	tion & Stru	cture Inforn	nation			
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Homestead Application Status: Approved 10/05/2013

July 11,2015

From: Troy Workman, owner 19 Hillside Ave. Towson HD 21286

To: Baltimore County Zoning Dept

Re: Support for Variance Request by Paula Heneberry of 64 Cedar Ave Towson MD 21286

I his letter is to verify that we, Troy and Margverite Workman, property owners of 19 Hillside Are which is adjacent to 64 ledar Ave, fully support without any objection, the variance request of Paula Heneberry to construct a deck that will have a setback of # feet at its narrowest point. and 17.5 feet at its farthest point. This improvement to Ms. Heneberry's property will not negatively impact our use or enjoyment of our property.

7/11/15 Jung Mhl Troy Workman Date

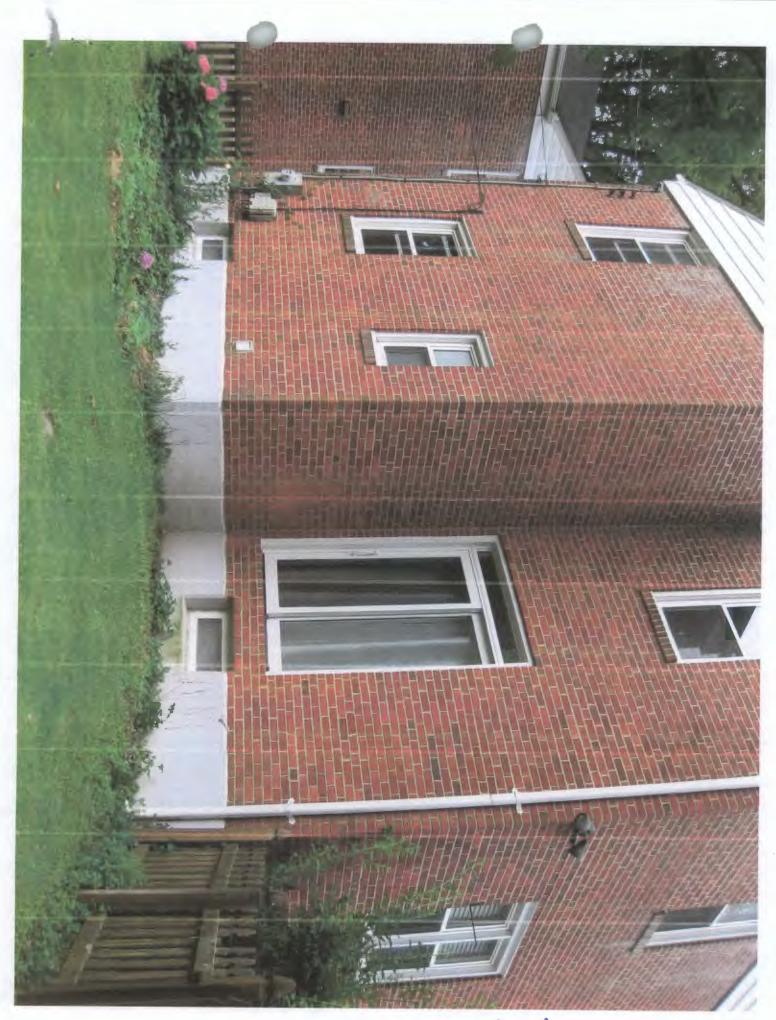
STATE OF MARYLAND COUNTY OF BALTIMORE

I hereby certify, this 11th day of July 2015, before me a Notary Public of Maryland, in and for Baltimore County, personally appeared Troy Workman and acknowledged the foregoing to be their his free act and deed.

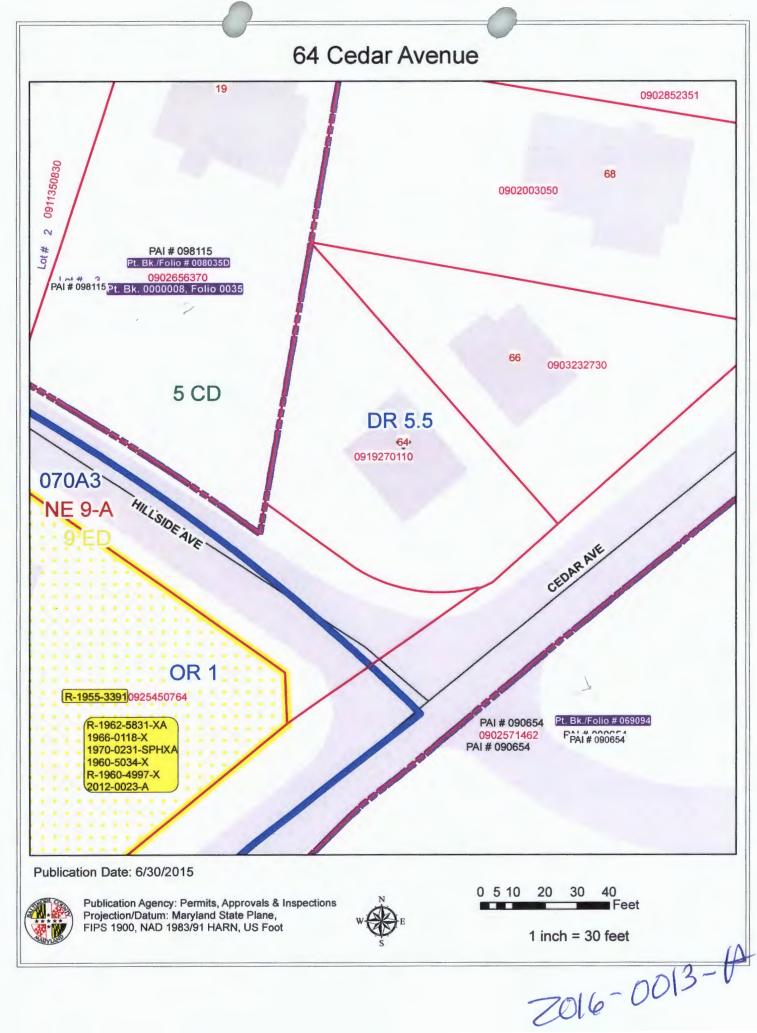
Susan Heneberry Paley S VSAN MENEBERRY PALEY MY COMMISSION EXPIRES: 7/14/15 2016-0013-1 NOTARY PUBLIC



2016-0013-4



2016-0013-A



TYPE INTERIOR OF THE PROPERTY	] SHEVICINITY MAP
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)  ADDRESS 64 CEDAR AVE 21286 OWNER(S) NAME(S) PAULA HENEBERRY	Fird Land Ave
	THE ALGORITH BATTER BAT
SUBDIVISION NAMELOT#_N/A_BLOCK#N/A_SECTION#N/ALOT#_N/A_BLOCK#N/A_SECTION#N/APLAT BOOK# ^FOLIO#_J10 DIGITTAX#C919270110 DEED REF_#14847/00431	Townsain Office HS:
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N CEDAR AVENUE	X / /
PLAN DRAWN BY PAULA HENEBERRY DATE 7/17/15 SCALE: 1 INCH = 20 FEET	
2016-0013-A	VIOLATION CASE INFO:

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	
ADDRESS 64 CEDAR AVE 21286 OWNER(S) NAME(S) PAULA HENEBERRY	ALEWED CO
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PLAT BCOK # FOLIO # 10 DIGIT LAX # (9) 98 7 01 1 QUELLO KET. # 14 0 1 21 0 0 3 5 1 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	MAP IS NO ZONING MAP SITE ZONED ELECTION DIS COUNCIL DIS LOT AREA ACI OR SQUARE F HISTORIC ? IN CBCA ? IN FLOOD PL UTILITIES ? WATER IS: PUBLIC X PRIOR HEAR
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ASE INFO: