

## **M E M O R A N D U M**

DATE: July 6, 2016  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2016-0269-A – Appeal Period Expired

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The appeal period for the above-referenced case expired on July 5, 2016. 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**  
(7208 Bellona Avenue)  
9<sup>th</sup> Election District  
2<sup>nd</sup> Council District  
Paul A. and Anne Y. Gurbel  
Petitioners

\* BEFORE THE  
\* OFFICE OF ADMINISTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\* **CASE NO. 2016-0269-A**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Paul A. and Anne Y. Gurbel ("Petitioners"). The Petitioners are requesting Variance relief from § 427.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed fence, to enclose property and swimming pool, located in the front yard and adjoins the front yards of neighboring houses to have a height of 48 in. and 54 in. in lieu of the maximum allowed 42 in. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' 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 May 19, 2016, indicating: "Fencing should be placed behind the existing planting along Bellona Avenue and adequately screened from view along the public road."

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 14, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

**ORDER RECEIVED FOR FILING**

Date 6-3-16

By 65

The Petitioners have filed the supporting affidavits as required by Section 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 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, this 3<sup>rd</sup> day of **June, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 427.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed fence, to enclose property and swimming pool, located in the front yard and adjoins the front yards of neighboring houses to have a height of 48 in. and 54 in. in lieu of the maximum allowed 42 in., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

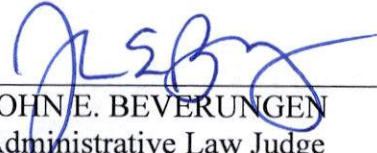
1. Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioners shall comply with the ZAC comment from DPR, dated May 19, 2016; a copy of which is attached hereto and made a part hereof.

ORDER RECEIVED FOR FILING

Date 6-3-16

By DW

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 RECEIVED FOR FILING

Date 6-3-16

By DLW

TO WU

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

**FROM:** Dennis A. <sup>DAK</sup>Kennedy, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For May 16, 2016  
Item No. 2016-0269

**DATE:** May 19, 2016

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

Fencing should be placed behind the existing planting along Bellona Avenue and adequately screened from view along the public road.

\* \* \* \* \*

DAK:CEN  
cc:file

ZAC-ITEM NO 16-0269-05162016.doc

ORDER RECEIVED FOR FILING

Date 6-3-16

By BW



# 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 Hearings for Baltimore County for the property located at:

Address 7208 Bellona Ave Baltimore, MD 21212 Currently zoned DR1  
 Deed Reference 34386 1 00468 10 Digit Tax Account # 0919851151  
 Owner(s) Printed Name(s) Paul Gurbel

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE 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 in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ☒ **ADMINISTRATIVE VARIANCE** from Section(s)

Section 427.1.B – to permit a proposed fence, to enclose property and swimming pool, located in the front yard and adjoins the front yards of neighboring houses to have a height of 48 inches and 54 inches in lieu of the maximum allowed 42 inches.

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

2. ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

Paul A Gurbel , Anne Y Gurbel  
 Name #1 – Type or Print Name #2 – Type or Print  
[Signature] , [Signature]  
 Signature #1 Signature #2  
7208 Bellona Ave Baltimore MD  
 Mailing Address City State  
21212 , 410 3030134 , gurbel@comcast.net  
 Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print  
 Signature  
 Mailing Address City State  
 Zip Code Telephone # Email Address

Representative to be contacted:

John Thompson  
 Name – Type or Print  
[Signature]  
 Signature  
68 Cataway Rd Timonium MD  
 Mailing Address City State  
21093 , 443-520-3428 , JohnT30@hotmail.com  
 Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 5 day of May, 2016 that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2016-0269-A Filing Date 5/2/16 Estimated Posting Date 5/15/16 Reviewer RD

# Affidavit in Support Administrative Variance

(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: 7208 Bellona Ave Baltimore MD 21212  
Print or Type Address of property City State Zip Code

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

Paul & Anne Gurbel would like to install a 54" Aluminum pool  
fence in their front yard and sides. the fence is taller than  
allowed. the back fence and left side will be a 4' tall black  
chain link. the fence will be placed on their property boundary. It  
will be inside the right side 50' common area. the 54" Aluminum will  
be 979' long with 1 walk gate and 1-10' double gate. the chain link will  
be 456' long. the fence is too tall for the left side neighbor front  
yard.

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

[Signature]  
Signature of Owner (Affiant)  
Paul A Gurbel  
Name- Print or Type

[Signature]  
Signature of Owner (Affiant)  
Anne Y Gurbel  
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 29th day of April, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Paul A Gurbel and Anne Y Gurbel

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

AS WITNESS my hand and Notaries Seal

[Signature]  
Notary Public  
Stephen Flanders  
My Commission Expires 9-8-16

# 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 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.

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Paul & Anne Gurbel would like to install a 54" Aluminum pool fence in their front yard and sides. The fence is taller than allowed. The back fence and left side will be a 4' tall black chain link. The fence will be placed on their property boundary. It will be inside the right side 50' common ave. The 54" Aluminum will be 979' long with 1 walk gate and 1-10' Barbicade gate. The chain link will be 451' long. The fence is too tall for the left side neighbor front yard.

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

[Signature]  
Signature of Owner (Affiant)

Paul A Gurbel  
Name- Print or Type

[Signature]  
Signature of Owner (Affiant)

Anne Y Gurbel  
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 29th day of April, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Paul A Gurbel and Anne Y Gurbel

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

AS WITNESS my hand and Notaries Seal

[Signature]  
Notary Public  
Stephen Flinders  
My Commission Expires 9-8-16



# 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 Hearings for Baltimore County for the property located at:

Address 7208 Bellona Ave Baltimore, MD 21212 Currently zoned DR1  
Deed Reference 34386/00468 10 Digit Tax Account # 0919851151  
Owner(s) Printed Name(s) Paul Gurbel

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE 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 in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ☒ **ADMINISTRATIVE VARIANCE** from Section(s)

Section 427.1.B – to permit a proposed fence, to enclose property and swimming pool, located in the front yard and adjoins the front yards of neighboring houses to have a height of 48 inches and 54 inches in lieu of the maximum allowed 42 inches.

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

2. ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

Paul A Gurbel, Anne Y Gurbel  
Name #1 – Type or Print Name #2 – Type or Print

[Signature], [Signature]  
Signature #1 Signature #2

7208 Bellona Ave Baltimore MD  
Mailing Address City State

21212, 410 3030134, gurbel@comcast.net  
Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

John Thompson  
Name – Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County this 5 day of May, 2016 that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2016-0269-A

Filing Date 5/2/16

Estimated Posting Date 5/15/16

Reviewer [Signature]

# 7208 Bellona Avenue

## Property Description

Beginning at a point on the south side of Bellona Avenue, which has a 40-foot right of way, at the distance of 38 feet east of the centerline of the nearest improved intersecting street Bowen Mill Road, which has a 40-foot right of way.

BEGINNING for the same in the center line of Bellona Avenue at the beginning of the land described in a deed from Title Guarantee and Trust Company to Katharine Kendall Bartlett dated June 30, 1921, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 541 folio 385, etc., and running thence binding on the first line and part of the second line of said land description in said deed South 21 degrees and 45 minutes West 200 feet and South 0 degrees, 19 minutes and 40 seconds West 162.57 feet, thence for a line of division across the land described in said deed North 71 degrees, 46 minutes and 30 seconds West 318.18 feet to the West side of a road there situate, said road being called 25 feet wide in the deed above referred to, but having since been widened to 50 feet by the addition of a strip of land 25 feet wide extending Eastwardly from the former East side of said 25 foot road, thence binding along the outlines of said land described in said deed as now surveyed and on the West side of said road with the use thereof in common with others entitled thereto the five following courses and distances: (1) North 15 degrees, 33 minutes and 10 seconds East 31.06 feet; (2) North 4 degrees, 52 minutes and 30 seconds East 67.30 feet; (3) North 3 degrees, 29 minutes and 20 seconds West 67.22 feet; (4) North 7 degrees, 31 minutes and 00 seconds West 159.23 feet; and (5) North 2 degrees, 44 minutes and 30 seconds West 128.97 feet to the center line of Bellona Avenue and thence, binding on said center line of said Bellona Avenue South 62 degrees and 53 minutes East 443 feet to the place of beginning.

SUBJECT to the use of a right-of-way for utilities 7 feet wide heretofore laid out Northwesterly and Westerly from the lines first and secondly herein described.

SUBJECT also to use in common with others entitled thereto of a roadway 50 feet in width running along and across the westernmost boundary lines of the premises herein above described.

CONTAINING 3.07 Acres of Land more or less, of which 0.51 of an acre is in the 50 foot road.

The improvements thereon being known as No. 7208 Bellona Avenue.

BEING the same lot of ground which by Deed dated July 30, 1962 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 4026, folio 035, was granted and conveyed by J. KEMP BARTLETT, III, and LETITIA W. BARTLETT, his wife, et al., and MARYLAND NATIONAL BANK, et al., to STUART D. SUNDAY and DOROTHY H. SUNDAY, his wife, the within grantors. The said STUART D. SUNDAY having since died on

9th Election District  
2nd Councilmanic District

Item #0269

# CERTIFICATE OF POSTING

Date: 5-14-16

RE: Case Number: 2016-0269-A

Petitioner/Developer: Paul Gurbel

Date of Hearing/Closing: 5-30-16

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 7208 Bellona Ave

The signs(s) were posted on 5-14-16  
(Month, Day, Year)

J. Lawrence Pilson  
(Signature of Sign Poster)

J. LAWRENCE PILSON  
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road  
(Street Address of Sign Poster)

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

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

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 2016- 0269 -A Address 7208 Bellona Ave

Contact Person: David Duvall Phone Number: 410-887-3391  
Planner, Please Print Your Name

Filing Date: May 2 Posting Date: May 15 Closing Date: May 30

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

- 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.
- 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.
- 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.
- 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 2016- 0269 -A Address 7208 Bellona Ave

Petitioner's Name Paul Gurbel Telephone 410 303 0134

Posting Date: 5/15/14 Closing Date: 5/30/14

Wording for Sign: To Permit a proposed fence, to enclose property and swimming pool, located in the front yard and adjoins the front yard of neighboring houses to have a height of 48 inches and 54 inches in lieu of the maximum allowed 42 inches

Revised 7/21/15

# ZONING NOTICE

## ADMINISTRATIVE VARIANCE

CASE # 2016-0269-A  
TO PERMIT A PROPOSED FENCE TO  
ENCLOSE PROPERTY AND SWIMMING POOL LOCATED IN  
THE FRONT YARD AND ADJOINS THE FRONT YARD OF  
NEIGHBORING HOMES TO HAVE A HEIGHT OF 48 INCHES  
AND 51 INCHES IN LIEU OF THE MAXIMUM ALLOWED  
42 INCHES

### PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,  
AN ELIGIBLE INDIVIDUAL OR GROUP MAY  
REQUEST A PUBLIC HEARING CONCERNING  
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS  
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE  
5:00 P.M. ON 5/30/16

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF  
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,  
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391  
DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW  
HANDICAPPED ACCESSIBLE

# 7208 Bellona Avenue

## Property Description

Beginning at a point on the south side of Bellona Avenue, which has a 40-foot right of way, at the distance of 38 feet east of the centerline of the nearest improved intersecting street Bowen Mill Road, which has a 40-foot right of way.

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9th Election District  
2nd Councilmanic District

Item #0269

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

No. **139237**

Date: **5/2/16**

**PAID RECEIPT**

BUSINESS ACTUAL TIME IN  
5/04/2016 5/02/2016 11:28:20 5

723 US05 WALKIN R005 LRB  
>>> RECEIPT # 048865 5/02/2016 GFLN

Dept 5 528 ZONING VERIFICATION  
CR NO. 139237

Recpt Tot \$75.00  
\$75.00 CK \$0.00 CA  
Baltimore County, Maryland

| Fund | Dept | Unit | Sub Unit | Rev Source/ Obj | Sub Rev/ Sub Obj | Dept-Obj | BS Acct | Amount |
|------|------|------|----------|-----------------|------------------|----------|---------|--------|
| 001  | 806  | 0000 |          | 6150            |                  |          |         | 875    |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |

Total: **875**

Rec From:

For: **Zoning Hearing Case # 2016-0269-A**

**DISTRIBUTION**

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING  
PLEASE PRESS HARD!!!!

**CASHIER'S  
VALIDATION**



KEVIN KAMENETZ  
*County Executive*

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

June 1, 2016

Paul A & Anne Y Gurbel  
7208 Bellona Avenue  
Timonium MD 21212

RE: Case Number: 2016-0269 A, Address: 7208 Bellona Avenue

Dear Mr. & Ms. Gurbel:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 2, 2016. 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." in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel  
John Thompson. 68 Oakway Road, Timonium MD 21093

Larry Hogan, Governor  
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary  
Gregory C. Johnson, P.E., Administrator

Date: 5/9/16

Ms. Kristen Lewis  
Baltimore County Department of  
Permits, Approvals & Inspections  
County Office Building, Room 109  
Towson, Maryland 21204

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 5/9/16. A field inspection and internal review reveals that an entrance onto MD 134 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2016-0269-A.

Administrative Variance  
Paul A. & Anne Gurbel  
7208 Bellona Avenue MD 134

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Zeller".

Wendy Wolcott, PLA  
Acting Metropolitan District Engineer – District 4  
Baltimore & Harford Counties

WW/RAZ

TO WCR

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**FROM:** Dennis A. Kennedy<sup>DAK</sup>, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For May 16, 2016  
Item No. 2016-0269

**DATE:** May 19, 2016

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

Fencing should be placed behind the existing planting along Bellona Avenue and adequately screened from view along the public road.

\* \* \* \* \*

DAK:CEN  
cc:file

ZAC-ITEM NO 16-0269-05162016.doc

C H E C K L I S T

| <u>Comment Received</u> | <u>Department</u>                                                     | <u>Support/Oppose/<br/>Conditions/<br/>Comments/<br/>No Comment</u> |
|-------------------------|-----------------------------------------------------------------------|---------------------------------------------------------------------|
| <u>5-19</u>             | DEVELOPMENT PLANS REVIEW<br>(if not received, date e-mail sent _____) | <u>C</u>                                                            |
| _____                   | DEPS<br>(if not received, date e-mail sent _____)                     | _____                                                               |
| _____                   | FIRE DEPARTMENT                                                       | _____                                                               |
| _____                   | PLANNING<br>(if not received, date e-mail sent _____)                 | _____                                                               |
| <u>5-9</u>              | STATE HIGHWAY ADMINISTRATION                                          | <u>No objection</u>                                                 |
| _____                   | TRAFFIC ENGINEERING                                                   | _____                                                               |
| _____                   | COMMUNITY ASSOCIATION                                                 | _____                                                               |
| _____                   | ADJACENT PROPERTY OWNERS                                              | _____                                                               |

ZONING VIOLATION (Case No. \_\_\_\_\_)

PRIOR ZONING (Case No. 2014-0289-A - (JB) 7-30-14)

NEWSPAPER ADVERTISEMENT Date: \_\_\_\_\_

SIGN POSTING Date: 5-14-16 by P. EisenPEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: \_\_\_\_\_

Prior zoning  
7-2014

IN RE: PETITION FOR ADMIN. VARIANCE \* BEFORE THE  
(7208 Bellona Avenue) \*  
9<sup>th</sup> Election District \* OFFICE OF ADMINISTRATIVE  
2<sup>nd</sup> Council District \*  
Paul A. and Anne Y. Gurbel \* HEARINGS FOR  
Petitioners \* BALTIMORE COUNTY  
\* CASE NO. 2014-0289-A

\* \* \* \* \*

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Paul A. and Anne Y. Gurbel (“Petitioners”). The Petitioners are requesting Variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a breezeway to be built between an existing dwelling and an existing detached garage, which will make the side setback of the garage (once attached) deficient at 9’ in lieu of the required 20’. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as 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 submitted from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 11, 2014, 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 (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 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 B.C.C. and the B.C.Z.R., and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 30<sup>th</sup> day of July, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a breezeway to be built between an existing dwelling and an existing detached garage, which will make the side setback of the garage (once attached) deficient at 9' in lieu of the required 20', be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- The 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.

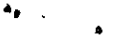
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JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:dlw



Item #0269



2004 2005



Item #0209



2024/04/24



Item # 0269







back wall





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1920-1921

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Real Property Data Search ( w4)

Guide to searching the database

## Search Result for BALTIMORE COUNTY

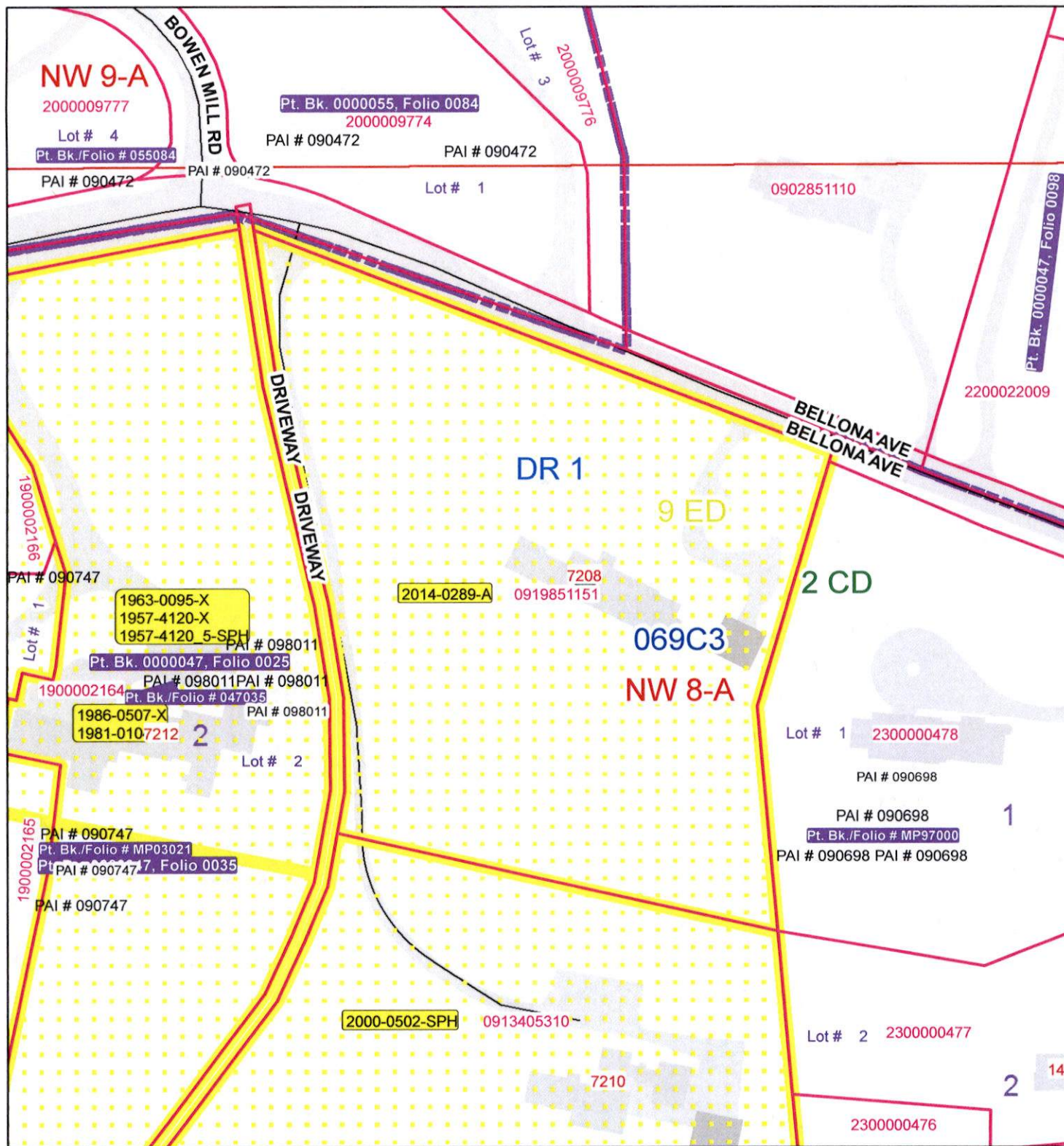
| View Map                                                 |                                        | View GroundRent Redemption                       |                               | View GroundRent Registration                                  |                                           |
|----------------------------------------------------------|----------------------------------------|--------------------------------------------------|-------------------------------|---------------------------------------------------------------|-------------------------------------------|
| <b>Account Identifier:</b>                               |                                        | <b>District - 09 Account Number - 0919851151</b> |                               |                                                               |                                           |
| Owner Information                                        |                                        |                                                  |                               |                                                               |                                           |
| <b>Owner Name:</b>                                       | GURBEL PAUL A<br>GURBEL ANNE Y         |                                                  | <b>Use:</b>                   | RESIDENTIAL<br>YES                                            |                                           |
| <b>Mailing Address:</b>                                  | 7208 BELLONA AVE<br>BALTIMORE MD 21212 |                                                  | <b>Principal Residence:</b>   | YES                                                           |                                           |
|                                                          |                                        |                                                  | <b>Deed Reference:</b>        | /34386/ 00468                                                 |                                           |
| Location & Structure Information                         |                                        |                                                  |                               |                                                               |                                           |
| <b>Premises Address:</b>                                 |                                        | 7208 BELLONA AVE<br>0-0000                       |                               | <b>Legal Description:</b>                                     | 3.07 AC SS BELLONA A<br>750 WE CHARLES ST |
| <b>Map:</b>                                              | <b>Grid:</b>                           | <b>Parcel:</b>                                   | <b>Sub District:</b>          | <b>Subdivision:</b>                                           | <b>Section: Block: Lot:</b>               |
| 0069                                                     | 0023                                   | 0754                                             |                               | 0000                                                          |                                           |
|                                                          |                                        |                                                  |                               | <b>Assessment Year:</b>                                       | <b>Plat No: Plat Ref:</b>                 |
|                                                          |                                        |                                                  |                               | 2014                                                          |                                           |
| <b>Special Tax Areas:</b>                                |                                        |                                                  | <b>Town:</b>                  | NONE                                                          |                                           |
|                                                          |                                        |                                                  | <b>Ad Valorem:</b>            |                                                               |                                           |
|                                                          |                                        |                                                  | <b>Tax Class:</b>             |                                                               |                                           |
| <b>Primary Structure Built</b>                           | <b>Above Grade Enclosed Area</b>       | <b>Finished Basement Area</b>                    | <b>Property Land Area</b>     | <b>County Use</b>                                             |                                           |
| 1923                                                     | 6,121 SF                               |                                                  | 3.0700 AC                     | 04                                                            |                                           |
| <b>Stories</b>                                           | <b>Basement</b>                        | <b>Type</b>                                      | <b>Exterior</b>               | <b>Full/Half Bath</b>                                         | <b>Garage</b>                             |
| 2 1/2                                                    | YES                                    | STANDARD UNIT                                    | STUCCO                        | 6 full/ 2 half                                                | 1 Detached                                |
| <b>Last Major Renovation</b>                             |                                        |                                                  |                               |                                                               |                                           |
|                                                          |                                        |                                                  |                               |                                                               |                                           |
| Value Information                                        |                                        |                                                  |                               |                                                               |                                           |
|                                                          |                                        | <b>Base Value</b>                                | <b>Value As of 01/01/2014</b> | <b>Phase-in Assessments As of 07/01/2015 As of 07/01/2016</b> |                                           |
| <b>Land:</b>                                             |                                        | 843,600                                          | 843,600                       |                                                               |                                           |
| <b>Improvements</b>                                      |                                        | 786,700                                          | 804,000                       |                                                               |                                           |
| <b>Total:</b>                                            |                                        | 1,630,300                                        | 1,647,600                     | 1,641,833                                                     | 1,647,600                                 |
| <b>Preferential Land:</b>                                |                                        | 0                                                |                               |                                                               | 0                                         |
| Transfer Information                                     |                                        |                                                  |                               |                                                               |                                           |
| <b>Seller: ZIZIC THOMAS M</b>                            |                                        | <b>Date: 10/30/2013</b>                          |                               | <b>Price: \$1,810,000</b>                                     |                                           |
| <b>Type: ARMS LENGTH IMPROVED</b>                        |                                        | <b>Deed1: /34386/ 00468</b>                      |                               | <b>Deed2:</b>                                                 |                                           |
| <b>Seller: BANK STEPHEN A</b>                            |                                        | <b>Date: 06/26/1985</b>                          |                               | <b>Price: \$460,000</b>                                       |                                           |
| <b>Type: ARMS LENGTH IMPROVED</b>                        |                                        | <b>Deed1: /06941/ 00473</b>                      |                               | <b>Deed2:</b>                                                 |                                           |
| <b>Seller:</b>                                           |                                        | <b>Date:</b>                                     |                               | <b>Price:</b>                                                 |                                           |
| <b>Type:</b>                                             |                                        | <b>Deed1:</b>                                    |                               | <b>Deed2:</b>                                                 |                                           |
| Exemption Information                                    |                                        |                                                  |                               |                                                               |                                           |
| <b>Partial Exempt Assessments:</b>                       | <b>Class</b>                           | <b>07/01/2015</b>                                |                               | <b>07/01/2016</b>                                             |                                           |
| <b>County:</b>                                           | 000                                    | 0.00                                             |                               |                                                               |                                           |
| <b>State:</b>                                            | 000                                    | 0.00                                             |                               |                                                               |                                           |
| <b>Municipal:</b>                                        | 000                                    | 0.00 0.00                                        |                               | 0.00 0.00                                                     |                                           |
| <b>Tax Exempt:</b>                                       |                                        | <b>Special Tax Recapture:</b>                    |                               |                                                               |                                           |
| <b>Exempt Class:</b>                                     |                                        | NONE                                             |                               |                                                               |                                           |
| Homestead Application Information                        |                                        |                                                  |                               |                                                               |                                           |
| <b>Homestead Application Status: Approved 03/20/2015</b> |                                        |                                                  |                               |                                                               |                                           |

**New Search (<http://sdat.dat.maryland.gov/RealProperty>)**

[illegible]

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at [www.mdp.state.md.us/OurProducts/OurProducts.shtml](http://www.mdp.state.md.us/OurProducts/OurProducts.shtml) (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

7208 Bellona Avenue



Publication Date: 5/2/2016

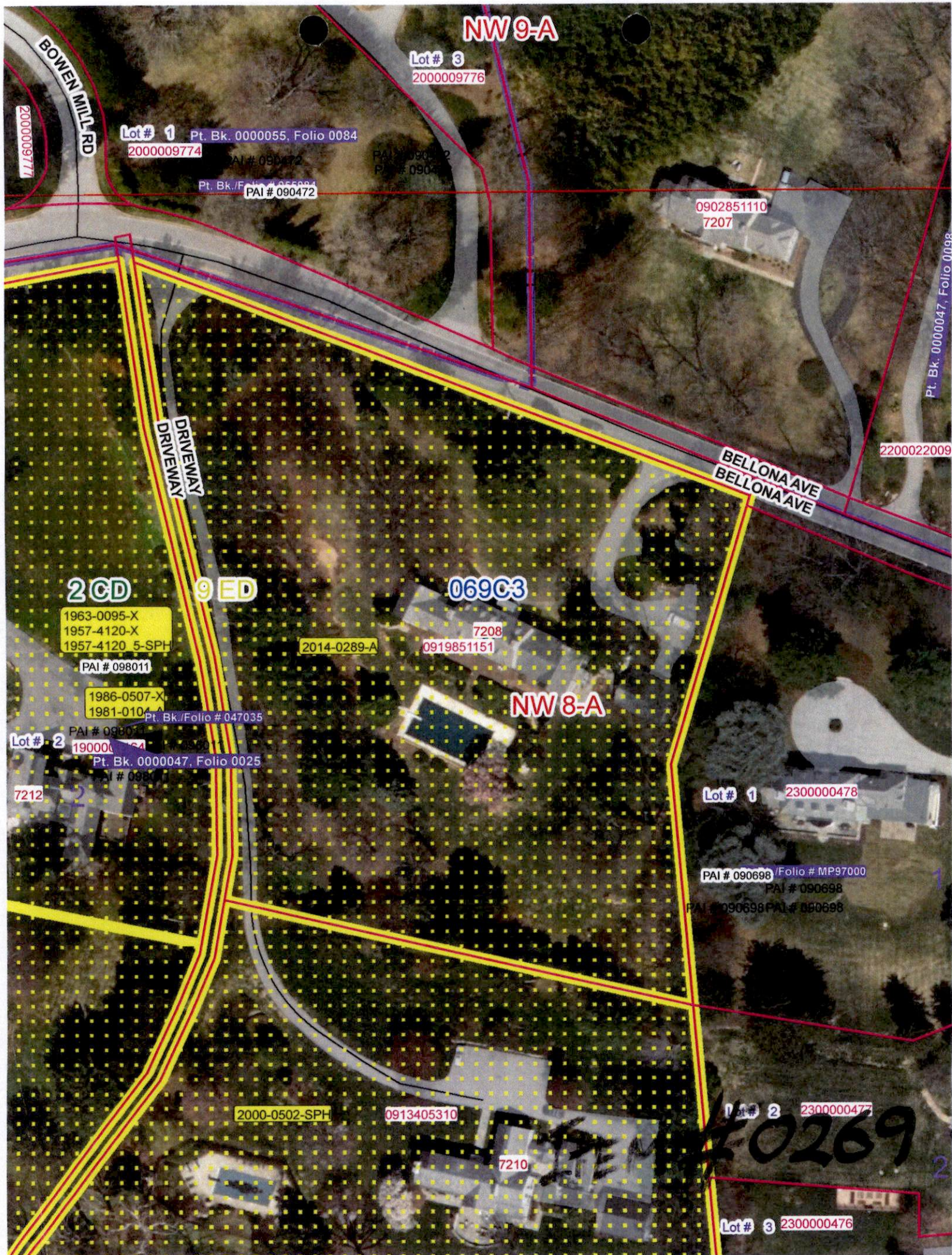


Publication Agency: Permits, Approvals & Inspections  
Projection/Datum: Maryland State Plane,  
FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch = 100 feet

Item # 0269



NW 9-A

Lot # 3  
2000009776

Lot # 1 Pt. Bk. 0000055, Folio 0084  
2000009774

PAI # 090472

PAI # 090472  
PAI # 090472

Pt. Bk. 0000055, Folio 0084  
PAI # 090472

0902851110  
7207

Pt. Bk. 0000047, Folio 0098

2200022009

BELLONA AVE  
BELLONA AVE

2 CD

9 ED

06903

1963-0095-X  
1957-4120-X  
1957-4120 5-SPH  
PAI # 098011

2014-0289-A

7208  
0919851151

NW 8-A

Lot # 2  
1900000064  
Pt. Bk. 0000047, Folio 0025  
PAI # 098011

7212

Lot # 1 2300000478

PAI # 090698 / Folio # MP97000

PAI # 090698

PAI # 090698 PAI # 090698

2000-0502-SPH

0913405310

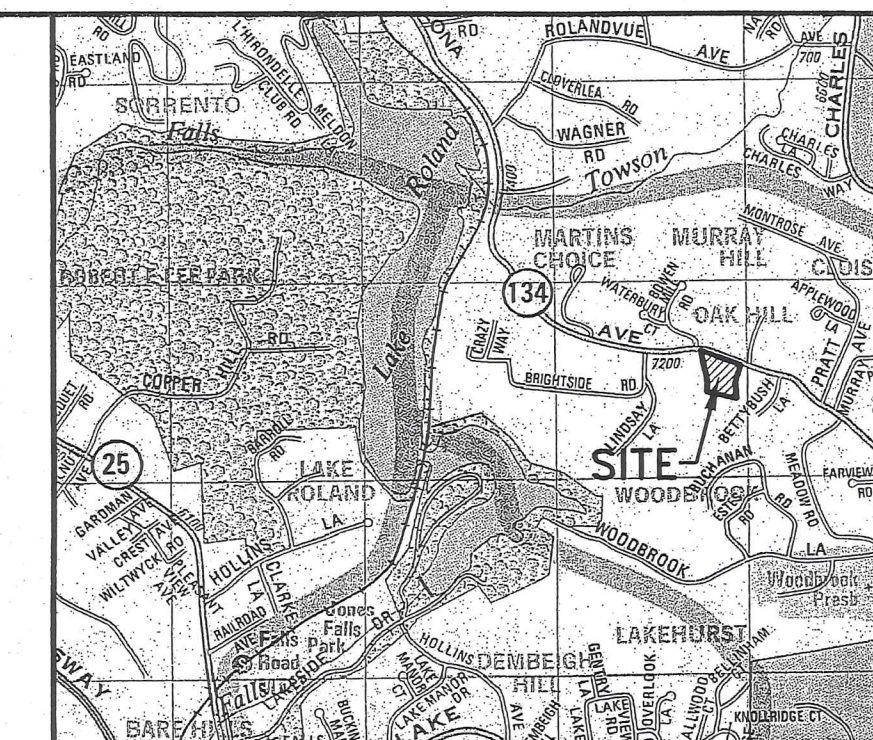
7210

Lot # 2 2300000477

Lot # 3 2300000476

0269

10204

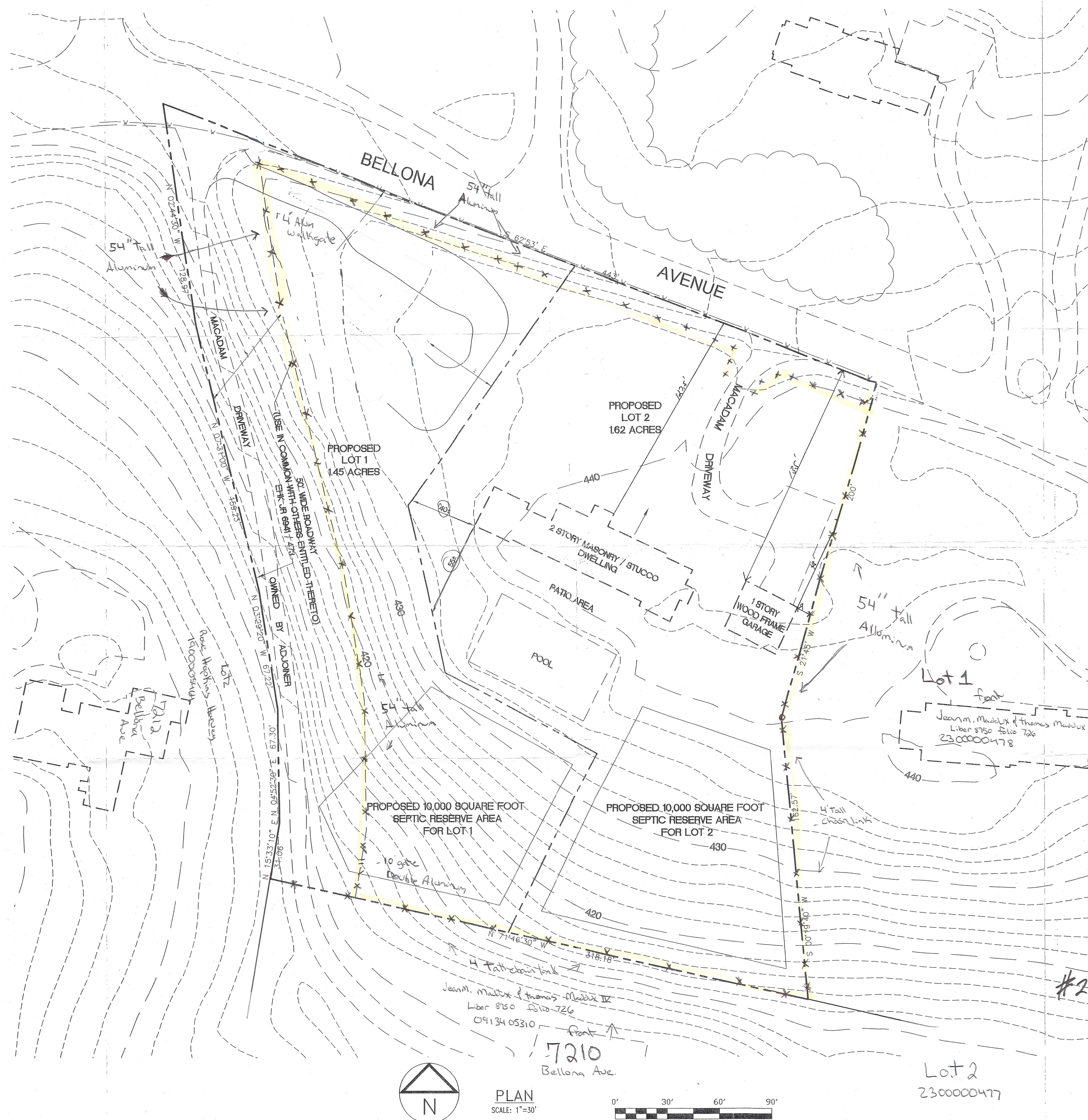


Vicinity Map - Scale: 1" = 2000'  
ADC The Map People - Permitted Use # 20612205

#### GENERAL NOTES:

1. Ownership: Paul L. A. Gurbal & Anne Y. Gurbal
  2. Address: 7208 Bellona Avenue
  3. Total area: 3.07 acres
  4. Deed reference: EHK, Jr. 6941 / 473
  5. Tax Map / Parcel / Tax account #: 69 / 754 / 09-19-851151 Map # 069C3
  6. Zoning: D. R. 1 There are no previous zoning cases on the subject property
  7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 069C3 and the information provided by Baltimore County on the Internet.
  8. Improvements: Boundary Fence For Pool
  9. The subject property is not in a historic district and the improvements on it are not historic.
  10. The existing dwelling and the garage are currently serviced by public water and septic system.
  11. The existing septic system will be back filled and new septic systems will be installed for the two dwellings shown hereon.
  12. There are no underground storage tanks on the subject property.
  13. The subject property is not in the Chesapeake Bay Critical Area.
  14. The subject property is not located within a 100 year flood plain.
  15. The proposed development of Lots 1 & 2 will be for single family dwellings. The existing dwelling and garage will remain.
  16. The creation of proposed Lots 1 & 2 as they are shown hereon will require approval from Baltimore County through the Minor Subdivision process.
  17. The Forest Conservation regulations of the State of Maryland will apply when the minor subdivision is applied for. The regulations will be met by offsite planting or payment of a fee in lieu of planting.
  18. The 50' wide roadway and the driveway on it will remain and continue to provide access to the adjoining property.
  19. The Storm Water Management of the State of Maryland will apply when the minor subdivision is applied for. The regulations will be met by construction of onsite measures when the proposed dwelling is built or payment of a fee in lieu of the onsite measures.
  20. election District 9
  21. Council District 2
- Zoning Ord  
Prior #2014-0289-A

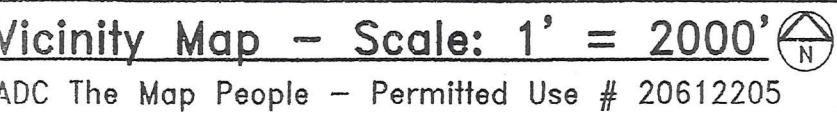
PROPOSED DEVELOPMENT



#2016-0269-A

R.A.

Per. Exh. 1



1. Ownership: Pauli A. Gurbal & Anne Y. Gurbal
2. Address: 7208 Bellona Avenue
3. Total area: 3.07 acres
4. Deed reference: EHK, Jr. 6941 / 473
5. Tax Map / Parcel / Tax account #: 69 / 754 / 09-19-851151 Map # 06963
6. Zoning: D. R. 1 There are no previous zoning cases on the subject property
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS file 06963 and the information provided by Baltimore County on the internet.
8. Improvements: Boundary Fence for Pool
9. The subject property is not in a historic district and the improvements on it are not historic.
10. The existing dwelling and the garage are currently serviced by public water and septic system.
11. The existing septic system will be back filled and new septic systems will be installed for the two dwellings shown hereon.
12. There are no underground storage tanks on the subject property.
13. The subject property is not in the Chesapeake Bay Critical Area.
14. The subject property is not located within a 100 year flood plain.
15. The proposed development of Lots 1 & 2 will be for one family dwellings. The existing dwelling and garage will remain.
16. The creation of proposed Lot 1 & 2 as they are shown hereon will require approval from Baltimore County through the Minor Subdivision process.
17. The Forest Conservation regulations of the State of Maryland will apply when the minor subdivision is applied for. The regulations will be met by offsite planting or payment of a fee in lieu of planting.
18. The 50' wide roadway and the driveway on it will remain and continue to provide access to the adjoining property.
19. The State Water Management regulations of the State of Maryland will apply when the minor subdivision is applied for. The regulations will be met by construction of onsite measures when the proposed dwelling is built or payment of a fee in lieu of the onsite measures.
20. election District 9
21. Council District 2
22. Zoning DR-1
23. Prior # 2014-0289-A

Zoning DR-1  
Prior # 2014-0289-A

20

**BELLONA AVENUE**

**7210 BELLONA AVE.**

**PROPOSED LOT 1 1.45 ACRES**

**PROPOSED LOT 2 1.62 ACRES**

**PROPOSED 10,000 SQUARE FOOT SEPTIC RESERVE AREA FOR LOT 1**

**PROPOSED 10,000 SQUARE FOOT SEPTIC RESERVE AREA FOR LOT 2**

**2 STORY MASONRY / STUCCO DWELLING**

**1 STORY WOOD FRAME GARAGE**

**POOL**

**PATIO AREA**

**DRIVEWAY**

**MACADAM**

**54" tall Aluminum**

**4' tall chain link**

**10' gate Double Aluminum**

**USE IN COMMON WITH OTHERS ENTITLED THERE TO**

**OWNED BY ADJOINER**

**Lot 1 ↑ Front**

**Lot 2**

**7210 Bellona Ave.**

**PLAN SCALE: 1"=30'**

**0' 30' 60' 90'**

**7210**

**2300000477**

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