#### MEMORANDUM

DATE: November 1, 2016

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2017-0025-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 31, 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 VARIANCE

(3345 Washington Blvd.)

13th Election District

1st Council District

Blind Industries and Services of Maryland

Petitioner

BEFORE THE OFFICE

OF ADMINISTRATIVE

**HEARINGS FOR** 

**BALTIMORE COUNTY** 

CASE NO. 2017-0025-A

#### OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Blind Industries and Services of Maryland, owner of the subject property ("Petitioner"). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R) to permit a front yard setback of 12 ft. in lieu of the required 25 ft. A site plan was marked as Petitioner's Exhibit 1.

E. Lee Nicol and professional engineer Rick Richardson appeared in support of the petition. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) and the Department of Planning (DOP). Neither agency opposed the request.

The subject property is approximately 10.48 acres and is zoned ML-IM. The site was previously used as a warehouse and shipping facility for the Coca Cola Company. Petitioner acquired the property in 2006 and has manufacturing and storage operations on the large site. Petitioner proposes to construct a 5,000 sq. ft. (40' x 125') storage building on the property adjacent to the loading dock area. Due to the unique orientation of the principal building and the loading dock area, the proposed structure would be situated close to the property boundary, necessitating ORDER RECEIVED FOR FILING

Date 9-29-16

By Sln

variance relief.

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and

(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioner has met this test. The large property is irregularly shaped and there are topographical features along the eastern portion of the site. As such the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to construct the storage building in a location that can be accessed conveniently. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of Baltimore County and community opposition.

As noted in the DOP's ZAC comment, the applicable front yard setback is 25 ft. (not 30 ft. as stated in the Petition). The petition was amended to correct this error.

THEREFORE, IT IS ORDERED, this <u>29<sup>th</sup></u> day of September, <u>2016</u>, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a front yard setback of 12 ft. in lieu of the required 25 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 its 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.

ORDER RECEIVED FOR FILING

Date	4-29-16	
Bv	Sen	

2

2. Petitioner must provide landscaping at the site as determined in the sole discretion of the Baltimore County landscape architect.

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:sln

ORDER RECEIVED FOR FILING

Date 9-29-16

By 89-16

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections e of Administrative Law of Baltimore County for the property

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tries and Services of Maryland
ELECTION AND PRINT OR TYPE THE PETITION REQUEST)
imore County and which is described in the description
part hereof, hereby petition for:
1.0 (5.0)
egulations of Baltimore County, to determine whether
Baltimore County to use the herein described property for
E NEEDED VARIANCE REQUESTS
w of Baltimore County, for the following reasons: (Indicate b
BE PRESENTED AT HEARING". If his petition)
ins petition)
ED AT HEARING
ther agree to and are to be bounded by the zoning regulations and restrictions of
nalties of perjury, that I / We are the legal owner(s) of the property which is the su
Legal Owners:
Blind Industries and Services of Maryland/
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Name #1 - Type or Print Signature #1 Signature #2  3345 Washington Boulevard, Baltimore MD Mailing Address City State  21221 Zip Code Telephone # Email Address  Representative to be contacted:  Richardson Engineering, LLC, Rick Richardson Name - Type or Print Signature  30 E. Padonia Road, Suite 500 Timonium, MD
Name #1 - Type or Print  Signature #1  Signature #2  3345 Washington Boulevard, Baltimore  MD  Mailing Address  City  State  21221  Zip Code  Telephone #  Email Address  Representative to be contacted:  Richardson Engineering, LLC, Rick Richardson  Name - Type or Print  Signature
Name #1 - Type or Print Signature #1 Signature #2  3345 Washington Boulevard, Baltimore Mailing Address City State  21227 Zip Code Telephone # Email Address  Representative to be contacted:  Richardson Engineering, LLC, Rick Richardson Name - Type or Print Signature  30 E. Padonia Road, Suite 500 Timonium, MD Mailing Address City State
Name #1 - Type or Print Signature #1 Signature #2  3345 Washington Boulevard, Baltimore MD Mailing Address City State  21221 Zip Code Telephone # Email Address  Representative to be contacted:  Richardson Engineering, LLC, Rick Richardson Name - Type or Print Signature  30 E. Padonia Road, Suite 500 Timonium, MD

REV. 10/4/11

SWIND HE WAY SEE AND THE PROPERTY OF 410 737 2658 Concept & bisming

30 E. Padonia Road, Suite 500 Timonium, Maryland 21093

Tel: 410-560-1502 Fax 443-901-1208

#### Zoning Relief for 3345 Washington Boulevard

Variance per Sections 255.1 and 238.1 to permit a front yard setback of 12' in lieu of the required 30°. 25°.

Why

9-13-2016

30 E. Padonia Road, Suite 500 Timonium, Maryland 21093

410-560-1502, fax 443-901-1208

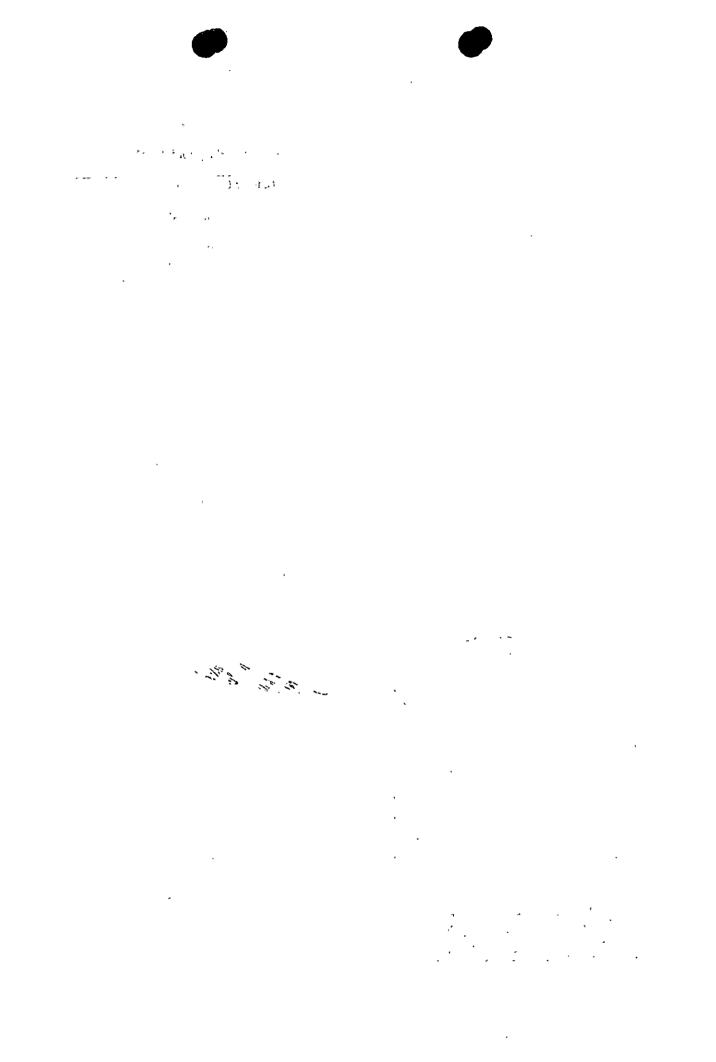
# ZONING DESCRIPTION 3345 WASHINGTON BLVD. 13<sup>TH</sup> ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING at a point on the east side of Washington Blvd. which is 80' wide, at the distance of 636' north of the centerline of Lansdowne Rd. which has a varying width. Being lot 1, Block n/a, Section n/a, in the subdivision of "Blind Industries and Services of Maryland" recorded in the land records of Baltimore County in Plat Book S.M. 78 Folio 417; containing a net area of 456,503.40 square feet, or 10.486 acres of land, more or less. Located in the 13<sup>th</sup> Election District and 1<sup>st</sup> Council District.





	2017-0025-4
	RE: Case No.:
	Petitioner/Developer:
	Blind Industries and Services of Marylan
	September 23, 201
	Date of Hearing/Closing:
altimore County Department of ermits, Approvals and Inspections ounty Office Building, Room 111 11 West Chesapeake Avenue owson, Maryland 21204	
ttn: Kristen Lewis:	
adies and Gentlemen:	
	September 3, 2016
ne sign(s) were posted on	(Month, Day, Year)
	Sincerely, September 3, 2016
	(Signature of Sign Poster) (Date)
ZONING NOTICE	SSG Robert Black
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD	(Print Name)
ROOM 205, JEFFERSON BUILDING PLACE: 195 W. CHESAPEAKE AVE, TOWSON MD 21204 DATE AND TIME: Friday, September 23, 2016 at 2:30 p.m.	1508 Leslie Road
REQUEST: Variance to permit a front yard setback of 12 ft, in lieu of the required 30 ft.	(Address)
SOUTHWARD THE CONTROL OF THE CONTROL	Dundalk, Maryland 21222
HANDIC OF D'ACCESSION	(City, State, Zip Code)
	(410) 282-7940
	(Talanhana Number)





501 N. Calvert St., P.O. Box 1377 Baltimore, Maryland 21278-0001 tel: 410/332-6000 800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4420947

#### **Sold To:**

Blind Industries & Service - CU00435810 3345 Washington Blvd HALETHORPE,MD 21227

#### Bill To:

Blind Industries & Service - CU00435810 3345 Washington Blvd HALETHORPE,MD 21227

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Sep 01, 2016

The Baltimore Sun Media Group

Legal Advertising

#### NOTICE OF ZONING HEARING

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

Case: # 2017-0025-A
3345 Washington Boulevard
E/s Washington Boulevard, 636 ft. to centerline of Landsdowne Road
13th Election District - 1st Councilmanic District
Legal Owner(s) Blind industries and Services of Maryland
Variance: to permit a front yard setback of 12 ft. in lieu of the required 30 ft.
Hearing: Friday, September 23, 2016 at 2:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

9/034 September 1



KEVIN KAMENETZ
County Executive

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

August 24, 2016

#### NOTICE OF ZONING HEARING

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

**CASE NUMBER: 2017-0025-A** 

3345 Washington Boulevard

E/s Washington Boulevard, 636 ft. to centerline of Landsdowne Road

13th Election District – 1st Councilmanic District

Legal Owners: Blind Industries and Services of Maryland

Variance to permit a front yard setback of 12 ft. in lieu of the required 30 ft.

Hearing: Friday, September 23, 2016 at 2:30 p.m. in Room 205, Jefferson Building,

105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director

AJ:kl

C: Blind Industries & Services of MD, 3345 Washington Blvd., Baltimore 21227 Rick Richardson, 30 E. Padonia Road, Ste. 500, Timonium 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., SEPTEMBER 3, 2016.

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

TO: PATUXENT PUBLISHING COMPANY

Thursday, September 1, 2016 Issue - Jeffersonian

Please forward billing to:

Blind Industries of Maryland 3345 Washington Blvd. Baltimore, MD 21227 410-737-2658

#### NOTICE OF ZONING HEARING

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

CASE NUMBER: 2017-0025-A

3345 Washington Boulevard

E/s Washington Boulevard, 636 ft. to centerline of Landsdowne Road

13<sup>th</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owners: Blind Industries and Services of Maryland

Variance to permit a front yard setback of 12 ft. in lieu of the required 30 ft.

Hearing: Friday, September 23, 2016 at 2:30 p.m. in Room 205, Jefferson Building,

105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE

3345 Washington Boulevard; E/S Washington

Blvd, N 636' to c/line of Landsdowne Road

13<sup>th</sup> Election & 1<sup>st</sup> Councilmanic Districts

Legal Owner(s): Blind Industries and

Services of Maryland

Petitioner(s)

\* BEFORE THE OFFICE

OF ADMINSTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

\* \* \* \* \* \*

2017-025-A

#### **ENTRY OF APPEARANCE**

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

AUG 0 2 2016

Peter Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Cank S Demlie

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

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 2nd day of August, 2016, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, LLC, 30 E. Padonia Avenue, Suite 500, Timonium, Maryland 21093, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

#### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

·
For Newspaper Advertising:
Case Number:2017 - 0025 - A
Property Address: 3345 WASHINGTON BWD
Property Description: 3345
Legal Owners (Petitioners): BLIND INDUSTRIES & SERVICES OF MD
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: BLIND INDUSTRIES OF MARYLAND
Company/Firm (if applicable):
Address: 3345 WASHINGTON BLVD
BALT. ND 721227
Telephone Number: 410-737-2658

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

September 14, 2016

Blind Industries and Services of Maryland 3345 Washington Boulevard Baltimore MD 21227

RE: Case Number: 2017-0025 A, Address: 3345 Washington Boulevard

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 22, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

**Enclosures** 

c: People's Counsel
Rick Richardson, Richardson Engineering, 30 E Padonia Road, Suite 500, Timonium MD 21093



Larry Hogan, Governor Boyd K. Rutherford, Lt. Governor Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 8/1/16

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 3/1/6. A field inspection and internal review reveals that an entrance onto US ( consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Number 2017-0025-A.

Blind Industries and Service of Maryland 3345 Washington Boulevard.

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,

Wendy Wolcott, PLA

Acting Metropolitan District Engineer – District 4

Baltimore & Harford Counties

WW/RAZ

## BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Arnold Jablon

**DATE:** August 22, 2016

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

RECEIVED

FROM:

Andrea Van Arsdale

Director, Department of Planning

AUG 3 1 2016

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

OFFICE OF ADMINISTRATIVE HEARINGS

Case Number: 17-025

INFORMATION:

**Property Address:** 

3345 Washington Boulevard

**Petitioner:** 

Blind Industries and Services of Maryland

Zoning:

ML-IM

**Requested Action:** 

Variance

The Department of Planning has reviewed the petition for variance to permit a front yard setback of 12 feet in lieu of the required 30 feet.

A site visit was conducted on August 9, 2016.

The Department has no objection to granting the petitioned zoning relief.

Be advised that discrepancies exist in the current filing. Plan scale is 1"=50', not 1'=20' as indicated on the plan. Further, BCZR § 255.1 requires a front yard of 25' as confirmed in "Site Data Note" No.11 on the approved Development Plan for Blind Industries and Services of Maryland dated June 2007, not 30' as represented on the attachment to the petition.

For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:

**Division Chief:** 

Joyd T. Moxley

AVA/KS/LTM/ka

c: Dennis Wertz

Blind Industries and Services of Maryland Office of the Administrative Hearings People's Counsel for Baltimore County

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

D,

DATE: August 4, 2016

Department of Permits, Approvals And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For August 08, 2016 Item No. 2017-0025

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

If granted, a Landscape Plan will be required per Landscape Manual requirements.

DAK:CEN cc:file

ZAC-ITEM NO 16-0025-08082016.doc

### BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Arnold Jablon

**DATE:** August 22, 2016

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT:

ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 17-025

INFORMATION:

**Property Address:** 

3345 Washington Boulevard

Petitioner:

Blind Industries and Services of Maryland

Zoning:

ML-IM

Requested Action:

Variance

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For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:

Division Chief:

Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz

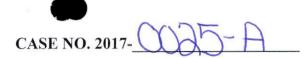
Blind Industries and Services of Maryland
Office of the Administrative Hearings
People's Counsel for Baltimore County

loyd T. Moxley

CASE NAME 3345 WASHINGTON CASE NUMBER 2017-0025-A DATE 9/23/16

# PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL		
E lee Micol	3345 walostuston Blod		<del></del>		
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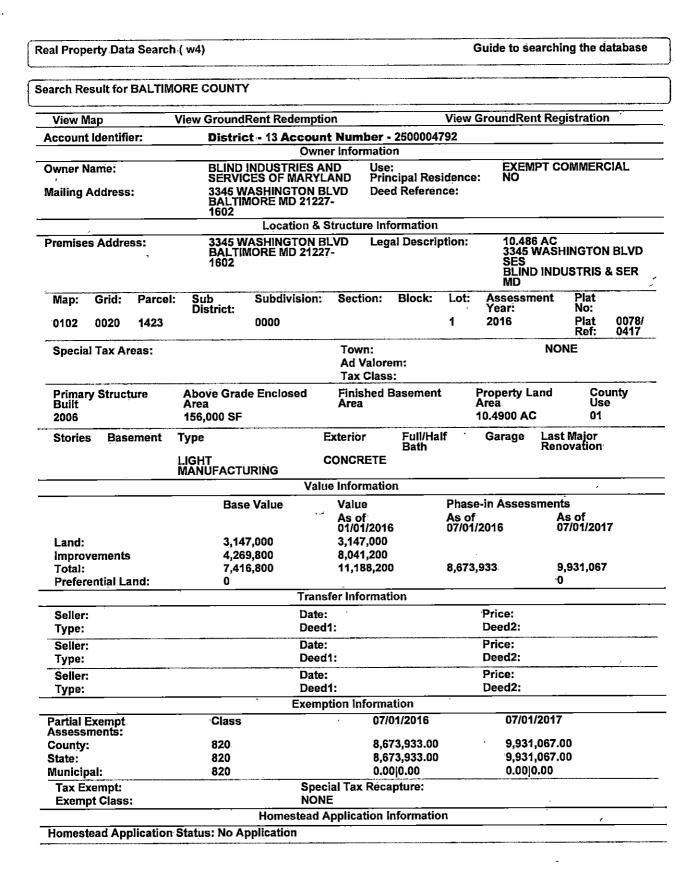


Support/Oppose/

## CHECKLIST

Comment Received	<u>Department</u>	Conditions/ Comments/ No Comment
8-4	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	Do obi
8-27	PLANNING (if not received, date e-mail sent)	M/camment
8-1-16	STATE HIGHWAY ADMINISTRATION	LO OPT.
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATIO	ON (Case No	
PRIOR ZONING	(Case No	)
NEWSPAPER ADV	ERTISEMENT Date: 9-1-10	
SIGN POSTING	Date: 9-3-16	by SSG Black
PEOPLE'S COUNSE	EL APPEARANCE Yes No $\square$	
PEOPLE'S COUNSE	EL COMMENT LETTER Yes  No	
Comments, if any: _		

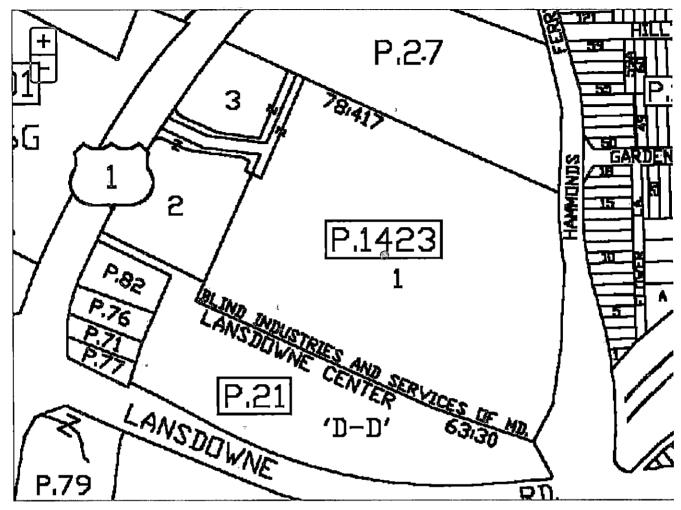






New Search (http://sdat.dat.maryland.gov/RealProperty)

District: 13 Account Number: 2500004792

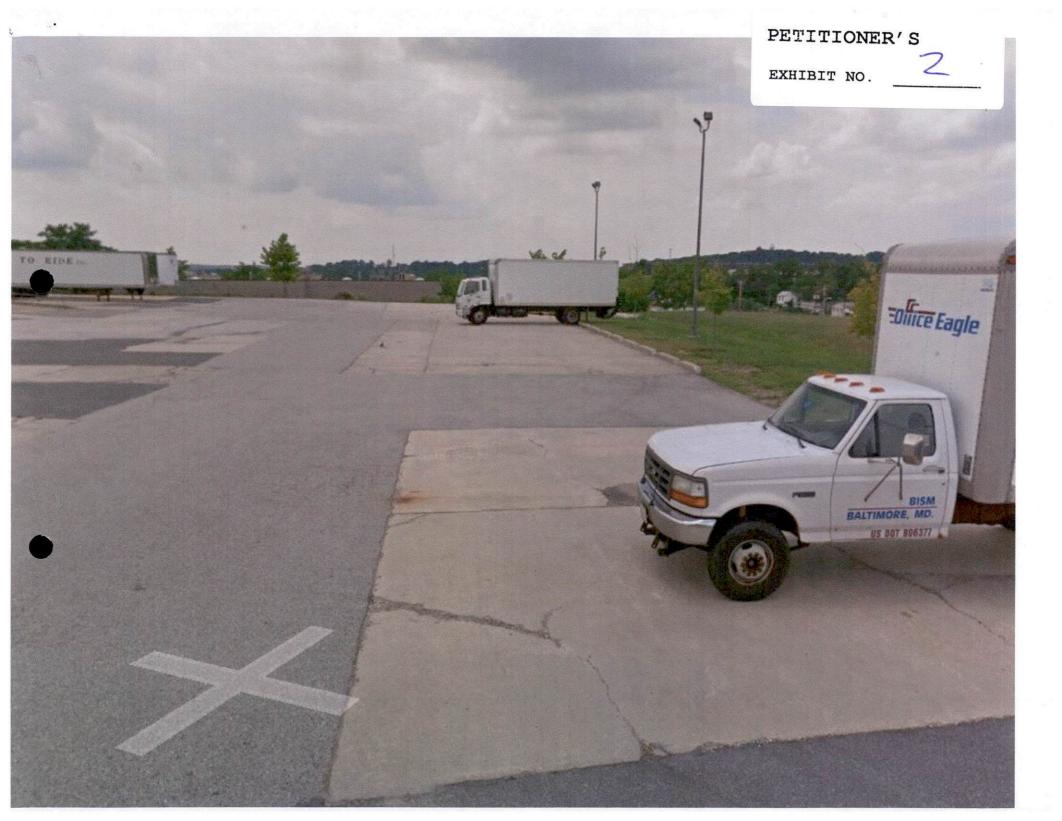


The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

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 (http://www.plats.net).

Property maps provided courtesy of the Maryland Department of Planning.

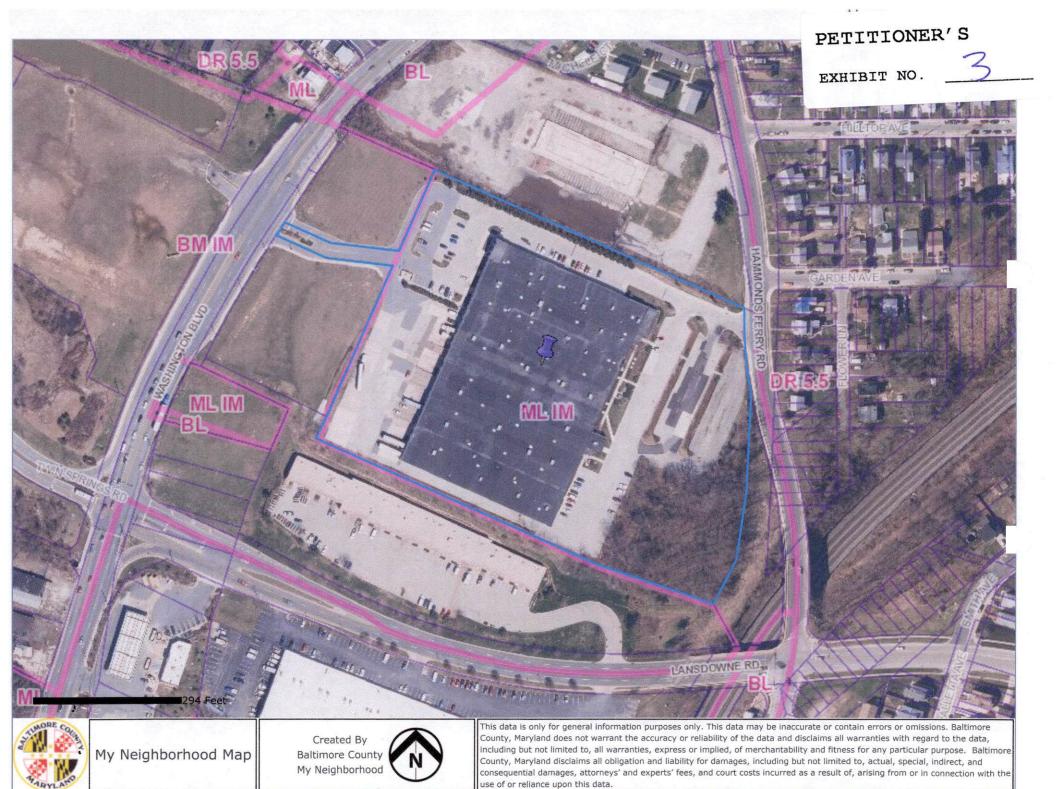
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (http://www.mdp.state.md.us/OurProducts/OurProducts.shtml).











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