

JOHN A. OLSZEWSKI, JR. County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

September 18, 2024

Linda Sines – <u>kooperdog@hotmail.com</u> 3152 Baybriar Road Dundalk, MD 21222

RE:

Petition for Administrative Variance

Case No. 2024-0197-A

Property: 3152 Baybriar Road

Dear Ms. Sines:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

DEREK I. BAUMGARDNER Administrative Law Judge for Baltimore County

DJB:dlw Enclosure

c: Whitney Ruby - offices.fics@gmail.com

IN RE: PETITION FOR ADMIN. VARIANCE

BEFORE THE

(3152 Baybriar Road) 12<sup>th</sup> Election District

OFFICE OF ADMINISTRATIVE

7<sup>th</sup> Council District

HEARINGS FOR

Linda Sines

Petitioner

**BALTIMORE COUNTY** 

CASE NO. 2024-0197-A

## **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Administrative Variance filed by the legal owner of the property, Linda Sines ("Petitioner") for the property located at 3152 Baybriar Road, Dundalk (the "Property"). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations ("BCZR"), Section 1B02.3.C.1, to approve a rear dwelling addition with a 6 ft. left side yard setback in lieu of the required 10 ft. The Property and requested relief are more fully depicted on the site plan that was marked and accepted into evidence (the "Site Plan"). (Pet. Ex. 1). Street view photographs were marked and accepted into evidence. (Pet. Ex. 2A-2O). The property is located within the Chesapeake Bay Critical Area ("CBCA") and is subject to Critical Area requirements as noted in the Zoning Advisory Committee ("ZAC") comment received September 11, 2024 submitted by the Department of Environmental Protection and Sustainability ("DEPS"). In addition, a ZAC comment was contained in the case file, dated August 27, 2024, from the Bureau of Development Plans Review ("DPR") and the Department of Public Works and Transportation ("DPWT"), indicating the following:

"DPR:

Request a site plan which indicates setbacks of existing pool and

accessory building.

DPW-T:

State Document, Record Plat Liber 13 Folio 22, shows an existing 5-foot reservation along the rear property line. The plan provided with the application shows the existing pool and shed may be in the existing easement. The existing pool and shed should be moved outside of the easement."

The Petitioner having filed a Petition for Administrative Variance and the Property having been posted on August 31, 2024, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented. The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code ("BCC").

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 BCZR, Section 307.1. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner. I also find that the requested relief is within the spirit and intent of the BCZR, particularly in light of the lack of opposition.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested Variance will be granted.

THEREFORE, IT IS ORDERED, this <u>18<sup>th</sup></u> day of **September**, 2024, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from the BCZR, Section 1B02.3.C.1, to approve a rear dwelling addition with a 6 ft. left side yard setback in lieu of the required 10 ft., be and it is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

 Petitioner may apply for her appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition. • Petitioner must comply with the DEPS, DPR and DPWT ZAC comments during the permitting process, all of which are attached and made a part hereof.

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

DEREK J. BAUMGARDNER Administrative Law Judge for Baltimore County

DJB:dlw

AV) 9-16

### **BALTIMORE COUNTY, MARYLAND**

### **Inter-Office Correspondence**



SEP. 1.1-2024

OFFICE OF
ADMINISTRATIVE HEARINGS

TO:

Hon. Maureen E. Murphy; Chief Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

September 4, 2024

SUBJECT:

DEPS Comment for Zoning Item

# 2024-0197-A

Address:

3152 BAYBRIAR ROAD

Legal Owner: Linda Sines

Zoning Advisory Committee Meeting of September 3, 2024.

DEPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

This property is located within a Intensely Development Area (IDA) and is subject to Critical Area requirements. New structures (development) on this site must comply with the residential 10% pollutant reduction requirements. The applicant has complied with the 10% pollution reduction requirement by paying a fee-in-lieu; therefore, the relief requested will result in minimal adverse impacts to water quality.

2. Conserve fish, wildlife, and plant habitat; and

There are no Critical Area buffers, or habitat protection areas on the property. Therefore, if the proposed development can comply with all Critical Area lot coverage and any mitigation requirements, this can aid in the conservation of fish, plant, and wildlife habitat in the area watershed.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if

pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

The proposed addition has met the 10% pollution reduction requirement. Therefore, then this development will be consistent with established land-use policies.

Reviewer: Marie Brady, Environmental Impact Review

## BALTIMORE COUNTY, MARYLAND

## INTEROFFICE CORRESPONDENCE

io:

Peter Gutwald, Director

**DATE:** August 27, 2024

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

Department of Permits, Approvals

**SUBJECT:** 

Zoning Advisory Committee Meeting

Case 2024-0197-A

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

**DPR:** Request a site plan which indicates setbacks of existing pool and accessory building.

**DPW-T:** State Document, Record Plat Liber 13 Folio 22, shows an existing 5-foot reservation along the rear property line. The plan provided with the application shows the existing pool and shed may be in the existing easement. The existing pool and shed should be moved outside of the easement.

Landscaping:

Recreations & Parks:

## **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 locat	ed at:
Address 3152 BANBRIAR ROAD		Currently Zone	DR 5,5
Deed Reference <u>26783</u> / <u>235</u>	10 Digit Tax Account #	1216	0 4 5 6 5 0
Owner(s) Printed Name(s) LINDA SINES			
(SELECT THE HEARING(S) BY MARKING $\underline{X}$ AT	THE APPROPRIATE SELECTION	(S) AND ADDING THE	E PETITION REQUEST)
or Administrative Variances, the Affidavit on the reverse	of this Petition form must be comp	leted and notarized.	
he undersigned, who own and occupy the property situate in ereof, hereby petition for an:	n Baltimore County and which is de	escribed in the plan/plat	attached hereto and made a part
. X ADMINISTRATIVE VARIANCE from Section(s)			
CZR 1B02.3.C.1 To approve a rear dwelling add	lition with a 6 ft left side ya	rd setback in lieu c	of the required 10 ft
of the zoning regulations of Baltimore County, to the zoning la	aw of Baltimore County.		
2 ADMINISTRATIVE SPECIAL HEARING to approve work in this space: i.e., to raze, alter or construct addition to	a waiver pursuant to Section 32-4- building)	107(b) of the Baltimore	County Code: (indicate type of
of the zoning regulations of Baltimore County, to the zoning k	aw of Baltimore County.	December 2	
Property is to be posted and advertised as prescribed by the we agree to pay expenses of above petition(s), advertising, saltimore County adopted pursuant to the zoning law for Balt Dwner(s)/Petitioner(s):	posting, etc. and further agree to b	be bound by the zoning	regulations and restrictions of
INDA SINES			
Name #1 - Type or Print	Name # 2 – Type or Print		
Tinal The			
ignature #1 BIS2 BAYBRIAD ROAD	Signature # 2 SALTIMORE MD		
Mailing Address 2122 / 443.122.56+0 Telephone #'s (Cell and Home)	City State   KOOPERGOO P NO	tmail com	
Attorney for Owner(s)/Petitioner(s):		ative to be Contact	ed:
memory for Curror (c)/i cultion of (c)/i	WHITM	V PURV	<b>54.</b>
lame - Type or Print	Name - Type	Por Print /	
signature	Signature &COLL \/	PEDAMP HANH	IMAN Millerwille Mo
failing Address City	State Mailing Addi	ess UNA CIC GCGA	Gity State
Tip Code Telephone # Email Address	Zip Code	7 440.015.0302 Telephone #	Email Address J
A PUBLIC HEARING having been formally demanded and	d/or found to be required, it is or	dered by the Office of A	Administrative Hearings for
Baltimore County, this day of	that the	subject matter of this	petition be set for a public
earing, advertised, and re-posted as required by the zoning	regulations of Baltimore County.		
	Administrativo	Law Judge for Baltimo	ore County
Case Number 2024-0197-A Filing Date			
Case Number Scale   Filing Date	Estimated	Posting Date/_	Reviewer G

# 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.

Address: 3152 BAYBRIAR ROAD	BALTIMORE	MD	21222
Print or Type Address of Property	City	State	Zip Code
La Talifacture Control of the Contro	tical difficulty or hardship h	ere) Y CLAUGHTER N TO CONTINU RRENTLY TWO TO SHARE A ED RODE A WAS USEHOLD AND DROPERTY: BU	AND  JE TO LIVE  BEDEOOMS  BEDEOOM I  BATHROOM  SHER AND  E FINIACIALLY  WHILE HAVING  IT IS TOO
(If additional space for the petition request or the Signature of Owner (Affiant)	above statement is needed, Signature of Own		it to this Form)
Name - Print or Type	Name - Print or T	ype	
The following information is to be cor	npleted by a Notary Publi	c of the State of	Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE			
and for the County aforesaid, personally appeared:	, 2024	, before me a No	otary of Maryland, in
Print name(s) here: LINGA SINES			
the Affiant(s) herein, personally known or satisfactoril	y identified to me as such Affi	ant(s).	
AS WITNESS my hand and Notaries Seal  BEVERLY SKALSKI Notary Public - Maryland  My Commission Expires My Commission Expires 06/17/2025	2024-019	P-A	

#### ZONING PETITION PROPERTY DESCRIPTION

#### PART A

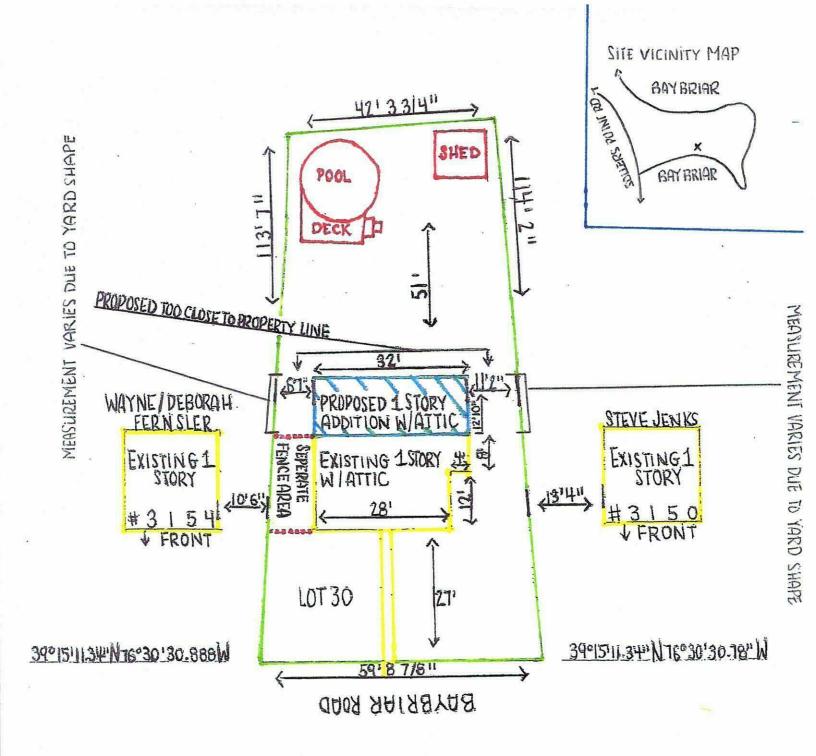
## ZONING PROPERTY DESCRIPTION FOR: 3152 BAYBRIAR ROAD, DUNDLAK, MD 21222

Beginning at a point on the North side of Baybriar Road which is 16 feet wide at the distance of 198 feet East of the centerline of the nearest intersecting street Sollers Point which is 50 feet wide.

#### PART B

Being Lot # 30, Block 9 recorded in Baltimore County Plat Book #13, Folio # 22, containing 5,814 square feet. Located in the 12 Election District.

2024-0197-A





Address: 3152 Baybriar Road, Dundalk, MD 21222 Owner: Linda Sines

SUBDIVISION: 0000 LOT: 30 BLOCK: 9 SECTION: N/A

PLAT BOOK: 13 FOLIO: 22 TAX #: 1216045650 DEED REFERENCE: 00267 83235

ZONING MAP: 10343 ZONING: DR 5. 5 ELECTION DISTRICT: 12 COUNCIL DISTRICT: 7

LOT AREA SQUARE FOOT: 5814 HISTORIC: NO CBCA: YES, REQUIREMENTS SATISFIED

FLOOD PLAIN: NO WATER AND SEWER ARE PUBLIC PRIOR HEARING: NO

VIOLATION CASE NUMBER: R24-02378 (REQUIREMENTS SATISFIED, NOT ACTIVE, POOL DECK)

PLAN DRAWN BY: WHITNEY RUBY ON 08.15.2024

SCALE: 1" IS 20'

2024-0197-A

## **Certification of Posting**

## Case No 2024-0197-A



3152 Baybriar Road – front of property (1 of 2)

## Richard E. Hoffman (signed) 8/31/24

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

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

#### **Inter-Office Correspondence**



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge

Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE: September 4, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0197-A

Address: 3152 BAYBRIAR ROAD

Legal Owner: Linda Sines

Zoning Advisory Committee Meeting of September 3, 2024.

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There are no Critical Area buffers, or habitat protection areas on the property. Therefore, if the proposed development can comply with all Critical Area lot coverage and any mitigation requirements, this can aid in the conservation of fish, plant, and wildlife habitat in the area watershed.

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Reviewer: Marie Brady, Environmental Impact Review

## **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director DATE: August 27, 2024

Department of Permits, Approvals

**FROM:** Vishnu Desai, Supervisor

Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting

Case 2024-0197-A

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

**DPR:** Request a site plan which indicates setbacks of existing pool and accessory building.

**DPW-T:** State Document, Record Plat Liber 13 Folio 22, shows an existing 5-foot reservation along the rear property line. The plan provided with the application shows the existing pool and shed may be in the existing easement. The existing pool and shed should be moved outside of the easement.

Landscaping:

**Recreations & Parks:** 

## BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

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

Case Number: 2024 - 0197 -A Address 3152 BAYBRIAR ROAD , 21222
Contact Person: Phone Number: 410-887-3391  Planner, Please Print Your Name
Filing Date: 8-19-2024 Posting Date: 9-1-2024 Closing Date: 9-16-2024
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 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.
<ol> <li>DEADLINE: The closing date is the deadline for a neighbor (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.</li> </ol>
3. ORDER: After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written 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 Administrative Law Judge), 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.
Petitioner: This Part of the Form is for the Sign Poster Only (Detach Along Dotted Line)
Case Number: 2024 - 0197-A Address 3152 Baybriar RD
Petitioner's Name: Linda Sines Telephone (Cell) 443-722-5670
Posting Date: 9-1-2024 Closing Date: 9-16-2024
Wording for Sign: To Permit a rear dwelling addition with a 6 ft left side yard setback in lieu of the required 10 ft
Revised 1/2022

## **CERTIFICATION OF POSTING**

	RE: Case No.	2024-0197 - A
	Petitioner <u>: Li</u>	nda Sines
	Closing Date:	9/16/24
Baltimore County Department of		
Permits, Approvals and Inspections		
Room 111, County Office Building		
l11 W. Chesapeake Ave.		
Towson, Md. 21204		
This letter is to confirm, under pena	Ities of perjury, t	hat the necessary sign
was posted conspicuously on the pro	operty located at	:
3152 Baybriar Road – Front of	property (1 of 2	<u> </u>
3152 Baybriar Road – Close ug	of sign wording	(2 of 2)
on <u>8/31/24</u>		
	Sincerely	,
	Richard E. Hof	fman (signed) 8/31/24
	904	1 Dellwood Drive
	Fal	lston, Md. 21047
		(443) 243-7360

OFFICE	OF BUD	GET AN	IARYLAN D FINANC RECEIPT	E			2334		,
		- 0. <del>- 0. 0. 0. 0. 0. 0. 0. 0. 0. 0. 0. 0. 0. </del>			_	Date:	8-16-	2024	
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Western Union	THIS DOCUMENT CONTAINS A TRUE WATERMARK - HOLD UP TO LIGHT TO VIEW  WESTERN UNION FINANCIAL SERVICES INC ISSUER - Denver, Colorado  Payable at Wells Fargo Bank Grand Junction - Downtown, N.A., Grand Junction, Colorado	MONEY ORDER
	*PAY EXACTLY \$75.00 19-6	32366509
NOT GOOD OVER \$50	A 245212 B 073124 T 0950 10 196323665095 L 032907 \$ 75.00	
	VENTY-FIVE DOLLARS AND NO CENTS  PAYMEN  PAYMEN	T FOR/ACCT. #
	NSHAMANOMSPIERSVILE 21108	ASER'S SIGNATURE TO THE PROPERTY LOCK OF THE PROPER

:102100400: 40196323665095#

# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/ neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) 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: 2024-0197-A
Property Address: 3152 BAYBRIAR ROAD, DUNDALK, MD 21222
Legal Owners (Petitioners): LINDA SINES
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: Company/Firm (if applicable): FIRST IMPRESSIONS CONSTRUCTION
Address: 8694 VETERANS HIGHWAY
MILLERSVILLE, MD 21108
Telephone Number: 443.615.5582 OFFICES.FICS@QMAIL.COM

<sup>\*</sup>Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

## Real Property Data Search ( ) Search Result for BALTIMORE COUNTY

View Map	View GroundRent I	Redemption	View GroundRent Registration			
Special Tax Recaptur						
Account Identifier:	District - 1	2 Account Numb	per - 1216045650			
	C	wner Inform	ation			
Owner Name:	SINES LIN	IDA L	Use: Principal Residence	RESIDENTIAL )		
Mailing Address:	3152 BAY	BRIAR RD RE MD 21222-540	Deed Reference:	/26783/ 00235		
	Location	& Structure	Information			
Premises Address:	3152 BAYI BALTIMOR	BRIAR RD RE 21222-5403	Legal Description:	3152 BAYBRIAR RD DUNDALK		
	ghborhood: Subdivis	sion: Section: Blo	ock: Lot: Assessment Y 30 2024	'ear: Plat No: 7 Plat Ref: 0013/ 002		
Town: None						
Primary Structure Bu	ilt Above Grade Livin	g Area Finished	Basement Area Proper	ty Land Area County Us		
1943	672 SF		5,814 5	. /		
StoriesBasementTyp	e Exterio	rQualityFull/Half	BathGarageLast Notic	e of Major Improvemen		
S-SCHLASSIN AUGUST WISCHAM-ED. NAV-ED. NAVOU WINE-S	NDARD UNITSIDING		3			
	1	/alue Informa	ation			
	Base Value	Value	Phase-in Ass	sassmants		
	Duot value	As of 01/01/202	As of	As of 07/01/2025		
Land:	49,800	64,500				
Improvements	63,900	84,100				
Total: Preferential Land:	113,700 0	148,600	125,333	136,967		
r referential Land.	553 2000	ansfer Inforn	nation			
Seller: SHIFLETT LINDA L  Type: NON-ARMS LENGTH OTHER		Date: 03/18/2008 Deed1: /26783/ 00235		Price: \$0 Deed2:		
Seller: GAITHER RUTH MARY		Date: 08/08/2006		Price: \$150,000		
Type: ARMS LENGTH		Deed1: /24272/ 0		eed2:		
Seller: PITZINGER M. Type: NON-ARMS LE		Date: 01/31/2006 Deed1: /23310/ 0		rice: \$0 eed2:		
	Exe	emption Infor	rmation			
Partial Exempt Asses	ssments: Class		07/01/2024	07/01/2025		
County:	000		0.00			
State:	000		0.00			
Municipal:	000		0.00 0.00	0.00 0.00		
Special Tax Recaptur	re: None					
	Homestea	ad Applicatio	n Information			
Homestead Applicati	on Status: Approved	07/23/2008				
	Homeowners' Ta	ax Credit Apr	olication Informa	tion		
Homeowners' Tax Cr				oorseendiid		
TOTHEOWHEIS TAX OF	edit Application Stat	us. No Application	Date.			







