



Hillsborough County Florida

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 20-1284	
LUHO HEARING DATE: January 25, 2021	CASE REVIEWER: Chris Grandlienard

REQUEST: The applicant is requesting a setback variance to accommodate an existing rear addition to a single-family home on property zoned RSC-6.

VARIANCE:

Per LDC Section 6.01.01, the required minimum rear yard setback in the RSC-6 district is 25 feet. The applicant requests a 7-foot reduction to the required rear yard setback to allow a setback of 18 feet from the south property line.

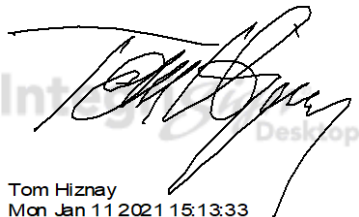
FINDINGS:

- The subject addition, a covered porch, does not conform to the design requirements for a “covered patio” as defined by the LDC and therefore is subject to principal building setbacks.
- The RSC-6 district requires a minimum lot size of 7,000 square feet and minimum lot width of 70. The subject lot is approximately 6,989 square feet in size and 66 feet wide and therefore is nonconforming. However, the lot is part of a platted subdivision recorded in 1957 and therefore has been certified as legally nonconforming per the NCL memo in the case record.

DISCLAIMER:

The variance listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required approvals including but not limited to: subdivision or site development approvals and building permit approvals.

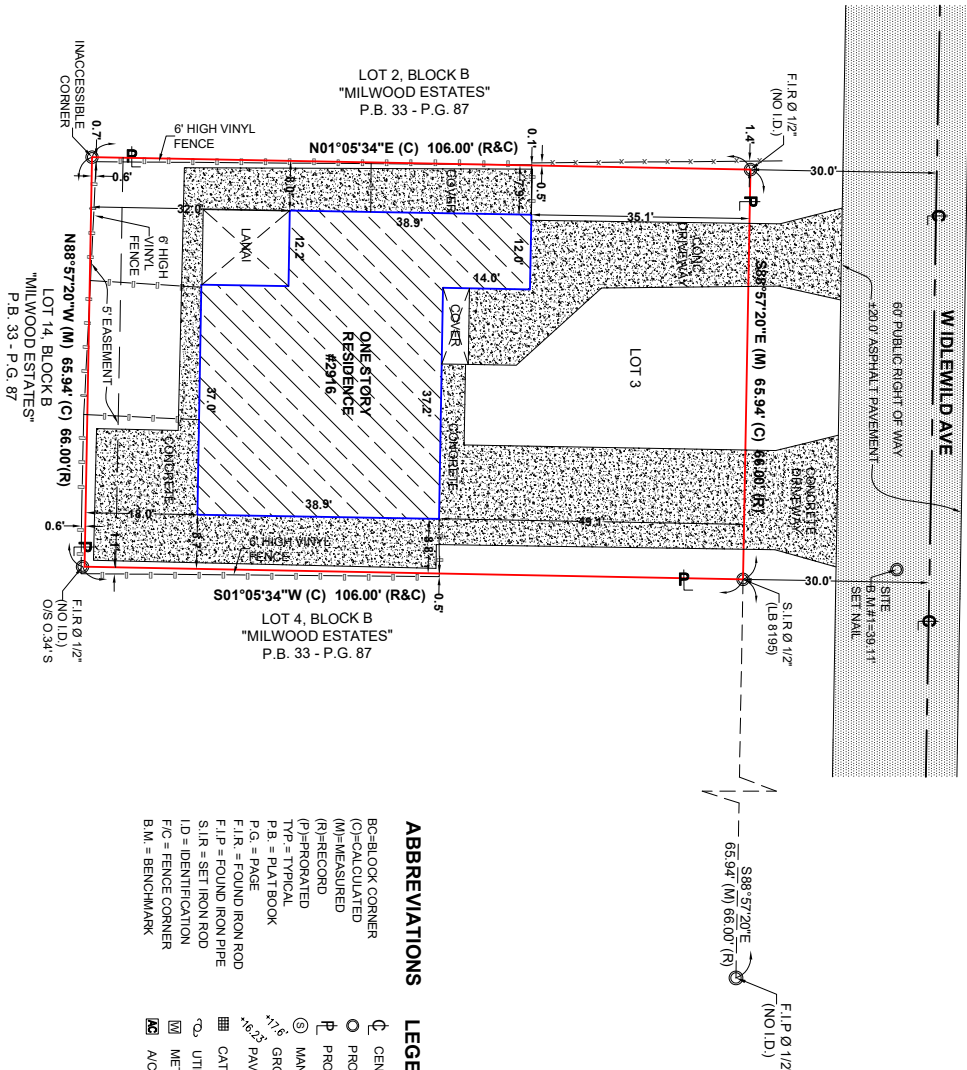
ADMINISTRATOR’S SIGN-OFF



Tom Hiznay
Mon Jan 11 2021 15:13:33

Attachments: Application
Site Plan
Petitioner’s Written Statement
Current Deed

B O U N D A R Y S U R V E Y SECTION 34, TOWNSHIP 28S, RANGE 18E, HILLSBOROUGH COUNTY



ABBREVIATIONS

- BC=BLOCK CORNER
- (C)=CALCULATED
- (M)=MEASURED
- (R)=RECORDED
- (P)=PROPORTIONED
- TP= TYPICAL
- P.B. = PLAT BOOK
- P.G. = PAGE
- F.I.R. = FOUND IRON ROD
- S.I.R. = SET IRON ROD
- I.D. = IDENTIFICATION
- F.C. = FENCE CORNER
- B.M. = BENCHMARK

LEGEND

- CENTER LINE
- PROPERTY CORNER
- PROPERTY LINE
- ⑤ MANHOLE (SANITARY SEWER)
- ③ GROUND ELEVATION
- ① MAHOLE (SANITARY SEWER)
- ② PAVEMENT ELEVATION
- ④ CATCH BASIN
- ⑥ UTILITY POLE
- ⑦ METER (WATER)
- ⑧ AC UNIT

PROPERTY ADDRESS:
2916 WIDLEWILD AVE.
TAMPA, FL 33614
(FOLIO NO. 039842-0000)

DESCRIPTION:

LOT 3 OF BLOCK B OF "MILWOOD ESTATES", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 33 AT PAGE 87 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

FLOOD ZONE INFORMATION:

COMMUNITY CITY OF TAMPA, 120114
MAP/PANEL NO. 12057C0213H
SUFFIX: H
FIRM DATE: 08/28/2008
FLOOD ZONE: X

THERE MAY BE LEGAL RESTRICTIONS ON THE SUBJECT PROPERTY THAT ARE NOT SHOWN ON THE MAP OF SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, OR THE RECORDS OF ANY OTHER JURISDICTION. PRIVATE ENTITIES AS THEIR JURISDICTIONS MAY APPEAR.

THE MAP OF SURVEY IS INTENDED TO BE DISPLAYED AT THE STATED GRAPHIC SCALE IN ENGLISH UNITS OF MEASUREMENT. ATTENTION IS BROUGHT TO THE FACT THAT SAID DRAWING MAY BE ALTERED IN SCALE BY THE REPRODUCTION PROCESS.

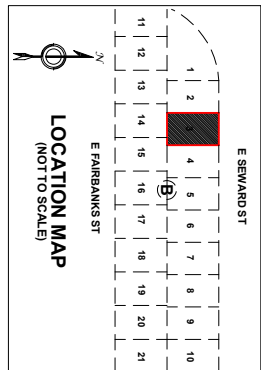
THIS SURVEY WAS CONDUCTED FOR THE PURPOSE OF A BOUNDARY SURVEY ONLY AND IS NOT INTENDED TO DELINEATE THE REGULATORY JURISDICTION OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.

THE ELEVATIONS OF WELL-IDENTIFIED FEATURES AS DEPICTED ON THIS SURVEY AND MAP WERE MEASURED TO AN ESTIMATED VERTICAL POSITIONAL ACCURACY OF 1/10 FOOT FOR NATURAL GROUND SURFACES AND 1/100 FOOT FOR PAVEMENTS, CURBS, AND OTHER MANMADE FEATURES AS MAY EXIST.

BENCHMARK GPS-NAIL ELEVATION: 39.11 FEET (NAVD88)

LEGAL DESCRIPTION WAS FURNISHED BY THE CLIENT.

WELL-IDENTIFIED FEATURES AS DEPICTED ON THIS SURVEY AND MAP WERE MEASURED TO AN ESTIMATED VERTICAL POSITIONAL ACCURACY OF 1/10 FOOT UNLESS OTHERWISE SHOWN.



BEARINGS AS SHOWN HEREON ARE BASED UPON AN ASSUMED VALUE OF S88°57'20"E FOR THE SOUTH RIGHT OF WAY LINE OF WIDLEWILD AVE AS DEPICTED ON THE MAP OF SURVEY.

LEGAL DESCRIPTION SUBJECT TO ANY DEDICATIONS, LIMITATIONS, RESTRICTIONS, RESERVATIONS OR RECORDED EASEMENTS.

THE SURVEYOR MAKES NO REPRESENTATION AS TO OWNERSHIP, POSSESSION OR OCCUPATION OF THE SUBJECT PROPERTY BY ANY ENTITY OR INDIVIDUAL.

SUBSURFACE IMPROVEMENTS AND/OR ENCROACHMENTS WITHIN UPON, ACROSS, ADJACENT OR ADJACENT TO THE SUBJECT PROPERTY WERE NOT LOCATED AND ARE NOT SHOWN.

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, ADDITIONS AND DELETIONS TO THIS MAP OF SURVEY BY OTHER THAN THE SIGNING PARTY ARE PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY.

THIS MAP OF SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON. THE SIGNING PARTY DOES NOT EXTEND TO ANY UNNAMED PARTY.

CERTIFY TO:

SARDY DIVY
ASLEY GARCIA

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THIS "BOUNDARY SURVEY" WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF FLORIDA. I HAVE READ THE ENTIRE SURVEY AND MAP AND BELIEVE THE INFORMATION CONTAINED THEREIN TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND FURTHER THAT SAID "BOUNDARY SURVEY" MEETS THE INTENT OF THE "MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA", PURSUANT TO RULE 5A-17 OF THE FLORIDA ADMINISTRATIVE CODE AND ITS IMPLEMENTING RULE, CHAPTER 472.027 OF THE FLORIDA STATUTES.

SCALE: 1" = 20'



PROFESSIONAL SURVEYOR AND MAPPER
PHONE: (813) 423-5463
FAX: (813) 398-0111
www.gpsflorida.net

ORIGINAL FIELD DATE: 09/30/2019
REVISIONS:

JOB NO. 19-1586
DRAWN: VJZ
SHEET 1/1




Digitally signed by Julio C Rodriguez
DN: c=US, o=Unaffiliated, ou=40142/D00000167D1C67518000019
E=cn+julio.c.rodriguez@unaffiliated.com, cn=Julio C Rodriguez
Date: 2019.10.10 10:51:43 -0400

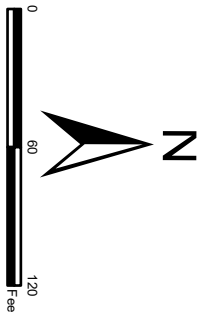


**Immediate Aerial
Zoning Map**

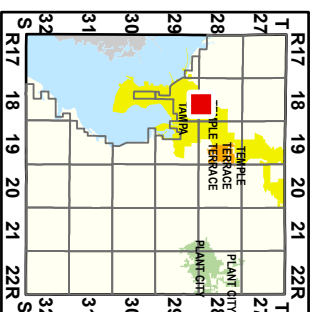
VAR 20-1284

Folio: 30842.0000

-  Application Site
-  Zoning Boundary
-  Parcels



STR: 34-28-18



NOTE: Every reasonable effort has been made to ensure the accuracy of this map. Hillsborough County does not assume any liability arising from use of this map.

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, and is not to be used to determine the legal status of any property or parcel.

SOURCE: This map has been prepared for the purpose of providing a visual representation of the information contained in the public records of Hillsborough County and is compiled from recorded deeds, plats, and other public records. It has been based on BEST AVAILABLE data.

Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map.

Date: 09/25/2020 Path: G:\ZONING\GIS\Data\Zoning-Site.aprx

VARIANCE REQUEST

1. Project Narrative: In the space below describe the variance including any history and/or related facts that may be helpful in understanding the request. This explanation shall also specifically identify what is being requested (e.g. *Variance of 10 feet from the required rear yard setback of 25 feet resulting in a rear yard of 15 feet*). If additional space is needed, please attach extra pages to this application.

Owner requests a variance for a rear enclosed patio which encroaches
approximately 7 ft. into the rear setback. See Narrative attached for details and
history.

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:

6.01.01 Setback requirements for RSC-6

ADDITIONAL INFORMATION

1. Have you been cited by Hillsborough County Code Enforcement? No _____ Yes XX
 If yes, you must submit a copy of the Citation with this Application.
2. Do you have any other applications filed with Hillsborough County that are related to the subject property?
 No _____ Yes XX If yes, please indicate the nature of the application and the case numbers assigned to
 the application(s): Permit for roof replacement and concrete patio slab (see attached).
3. Is this a request for a wetland setback variance? No xxx Yes _____
 If yes, you must complete the *Wetland Setback Memorandum* and all required information must be included with
 this Application Packet (Attachment A).
4. Please indicate the existing or proposed utilities for the subject property:
 Public Water xxx Public Wastewater _____ Private Well _____ Septic Tank _____
5. Is the variance to allow a third lot on well and/or septic or non-residential development with an intensity of three
 ERC's? No xxx Yes _____ If yes, you must submit a final determination of the "Water, Wastewater,
 and/or Reclaimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your
 public hearing (form may be obtained from 19th floor County Center).

VARIANCE CRITERIA RESPONSE

You must provide a response to each of the following questions. If additional space is needed, please attach extra pages to this application.

1. Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located?

See Narrative attached to this application.

2. Describe how the literal requirements of the Land Development Code (LDC) would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.

See Narrative attached to this application.

3. Explain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

See Narrative attached to this application.

4. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan (refer to Section 1.02.02 and 1.02.03 of the LDC for description of intent/purpose).

Pursuant to 1.02.02 and 1.02.03, this variance would further the intent and purpose of the LDC by enhancing the physical appearance of the property and the property's value and that of neighboring owners, which will yield increased property tax revenue. Further, the variance would enhance the overall security of the property thus reducing crime in the neighborhood.

5. Explain how the situation sought to be relieved by the variance does not result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship.

As explained in the Narrative, I constructed the enclosure of the patio area which had previously been approved by the County as being within the applicable zoning/setback requirements. It was not until the very end of the approval process for the enclosure that I was first informed that the patio/enclosure apparently encroaches upon a complete different setback requirement than what I was told when the original patio project was approved. The enclosure does not extend beyond the footprint of that approved patio. Therefore, I acted in reliance on the information given to me by the city in constructing the enclosure, and did not bring the hardship upon myself by any intentional act or illegality or negligence.

6. Explain how allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

See above and Narrative attached to application.

December 27, 2019

Center for Development Services
ATTN: Zoning
601 E. Kennedy Blvd
Tampa, Fl 33602

Re: Variance request for rear setback 2916 W. Idlewild Ave. Tampa, Florida 33614

Sir/Madam:

In or about June 2016, I was granted a permit for construction of a concrete patio on the rear of the property by Hillsborough County Development Services Department (the "Department"), Project number RGB45032 (the "Patio")(see attached). On the permit approving the Patio, it states that the applicable rear setback requirement on my property is 12 feet, and the patio is well within that requirement. Thereafter, in reliance upon this representation in the permit for the Patio, I thereafter set out to enclose the patio (the "Enclosure").

The primary purpose for the enclosure was to shore up the home's rear access following two burglaries that occurred in late 2016 wherein the perpetrators accessed the home through the rear (see attached police reports). Having been permitted to construct the Patio, I did not know that I needed to seek additional approval for the Enclosure to be constructed on the same footprint without any additional expansion or intrusion into the property. In or about October 2018, I was notified by code enforcement that the Enclosure was in violation of Hillsborough County Code section 105.1. The code enforcement officer advised me to install two access points from the Enclosure into the main dwelling (See attached). I complied accordingly, and shortly thereafter the code enforcement official returned to my property and confirmed that the Enclosure was compliant. He instructed me to seek an "after the fact" permit from the Department, which I submitted in or about mid-December 2018.

Thereafter, I was advised in or about January 2019 to submit a site plan review, which I had already submitted with my application, but was apparently lost by the Department, causing me to incur additional expense and delay. After re-submitting new site plans, on or about February 4, 2019 the building plans were approved and the application was sent for approval of the zoning and flood compliance department. In or about November 2019, I learned that the permit had been denied when I was informed for the first time throughout the entire process of constructing the Patio and the Enclosure that the setback requirement for the property's rear is actually 25'—not the 12 feet shown on the permit for the Patio, nor the 18' shown on the survey—and my Enclosure was therefore in violation.

Accordingly, through no fault of my own, I am now in a position where I must obtain a variance with regard to the setback requirement. If not granted a variance, I will have to deconstruct the enclosure, causing substantial financial loss, and return the home to the prior, less-secure condition which allowed multiple burglaries to occur through the home's rear. Granting the variance will not cause any hardships for my neighbors or the community. The Enclosure is not visible from the street or from neighboring properties and in no way poses a nuisance or otherwise negatively affects values of adjacent properties. To the contrary, the Enclosure only enhances the property's value and by extension, all adjacent landowners will benefit, as will the

Locks, Holds, Notices or Comments

[Building Permit Reports Home](#)
[Contractor Licensing Reports Home](#)

Your search returned **9** result(s).

DATE: 12/04/2019 TIME: 3:24 PM

Project No.: ATF02954**Description:** RES/ADDITION**Address:** 2916 W IDLEWILD AVE**City:****Parcel:** 030842.0000**Permit Issue Date:****Permit Status:**

DENIED

L / H / N / C	Text	From	Through
C	INTAKE 12/17/2018 BY JW FILE ROUTED TO CODE COMPLIANCE FOR REVIEW	12/17/2018	12/31/2020
C	FOLDED PLANS	12/17/2018	12/31/2020
N	REC'D NOC	12/17/2018	12/31/2020
C	D.GREEN, ATF02954 PLANS APPEAR TO MATCH WORK ON THE PROPERTY. I WILL FORWARD THE PLANS TO GRAPHICS FOR REVIEW.	12/18/2018	12/31/2020
C	ZONING AND FLOOD CONFORMANCE REVIEW IS DENIED by Michelle Wojeck, CFM. Email: WojeckM@HCFLGov.net. Site plans are required for Zoning and Flood Conformance review. The applicant must provide two (2) copies of a site plan, specifically single line drawings to scale showing property boundaries, lot dimensions, location of all existing structures on the lot, the setbacks (distance) from the structures to the property lines, street location and name, and a north arrow. The site plan must also identify any easements, conservation, and/or wetlands areas and setbacks. These site plans must accurately depict ALL improvements.	01/30/2019	12/31/2020
C	The BUILDING PLANS review has been completed by Stephen Kolaga, on 02/04/2019 and found no code violations. Application is denied due to the determination awaiting completion from these divisions/departments/trades = [ZONING AND FLOOD CONFORMANCE] Application routed to building file drawer.	02/04/2019	12/31/2020
C	GRAPHICS AND BLDG CORRECTION SUBMITTED, FILE AND PLANS ROUTED BACK TO MICHELLE WOJECK FOR REVIEW	10/16/2019	12/31/2020
N	ZONING AND FLOOD CONFORMANCE REVIEW REMAINS	10/28/2019	12/31/2020

PREPARED BY & RETURN TO:

Name: Arlette Soler, an employee of
Milestone Title Services, LLC
Address: 5121 Ehrlich Road Ste. 104-A
Tampa, FL 33624
File No. 15-0081

Parcel No.: 308420000

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This **WARRANTY DEED**, made the 26th day of August, 2015, by **ULISES A HERNANDEZ**, a SINGLE MAN hereinafter called the Grantor, to **DIVY SARDUY**, a SINGLE WOMAN, whose post office address is 2916 W Idlewild Ave, Tampa, FL 33614, hereinafter called the Grantee:

WITNESSETH: That the Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee all that certain land situate in City of Tampa, County of Hillsborough, State of Florida, viz:

Lot 3, Block B, MILWOOD ESTATES, according to the map or plat thereof recorded in Plat Book 33, Page 87, Public Records of Hillsborough County, Florida.

TOGETHER WITH all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

SUBJECT TO TAXES FOR THE YEAR 2015 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.

Grantee herein is prohibited from conveying captioned property for any sales price for a period of 30 days from the date of this DEED. After 30 day period, Grantee is further prohibited from conveying the property for a sales price greater than \$134,000.00 until 90 days from the day of this DEED. This restrictions shall run with the land and are not personal to the Grantee.

TO HAVE AND TO HOLD the same in fee simple forever.

And the Grantor hereby covenants with the Grantee that the Grantor is lawfully seized of said land in fee simple, that the Grantor has good right and lawful authority to sell and convey said land and that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever. Grantor further warrants that said land is free of all encumbrances, except as noted herein and except taxes accruing subsequent to December 31, 2014.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents, the day and year first above written.

Signed, sealed and delivered in the presence of:

Eley Ramos
Witness Signature
Printed Name: Eley Ramos

Arlette Soler
Witness Signature
Printed Name: Arlette Soler

Ulises A Hernandez L.S.
Name: Ulises A Hernandez
Address: 2916 W Idlewild Ave, Tampa, FL 33614

20-1284



RECEIVED
SEP 22, 2020
DEVELOPMENT
SERVICES

VARIANCE APPLICATION

IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

You must schedule an appointment to submit this application by calling 813-272-5600.
All requirements listed on the submittal checklist must be met. *Incomplete applications will not be accepted.*

Property Information

Address: 2916 W. Idlewild Ave City/State/Zip: Tampa, FL TWN-RN-SEC: 34-28S-R
Folio(s): 030842-0000 Zoning: RSC-6 Future Land Use: ResSF3.20 Property Size: 6,996

Property Owner Information

Name: Divy Sarduy Daytime Phone: 8136133389
Address: 2916 W. Idlewild Ave City/State/Zip: Tampa, FL 33614
Email: Divysarduy@yahoo.com FAX Number: _____

Applicant Information

Name: Same as above Daytime Phone: _____
Address: _____ City/State/Zip: _____
Email: _____ FAX Number: _____

Applicant's Representative (if different than above)

Name: Carroll Sanders, Esq. Daytime Phone: 888-266-1078
Address: 13119 W. Linebaugh Ave #102 City / State/Zip: Tampa, FL 33626
Email: Carroll@DJSlaw.org FAX Number: 727-498-3661

I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION PACKET IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF FOR THIS APPLICATION.

Signature of Applicant

Divy Sarduy

Type or Print Name

I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION ON THIS PETITION SHALL BE BINDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.

Signature of Property Owner

Divy Sarduy

Type or Print Name

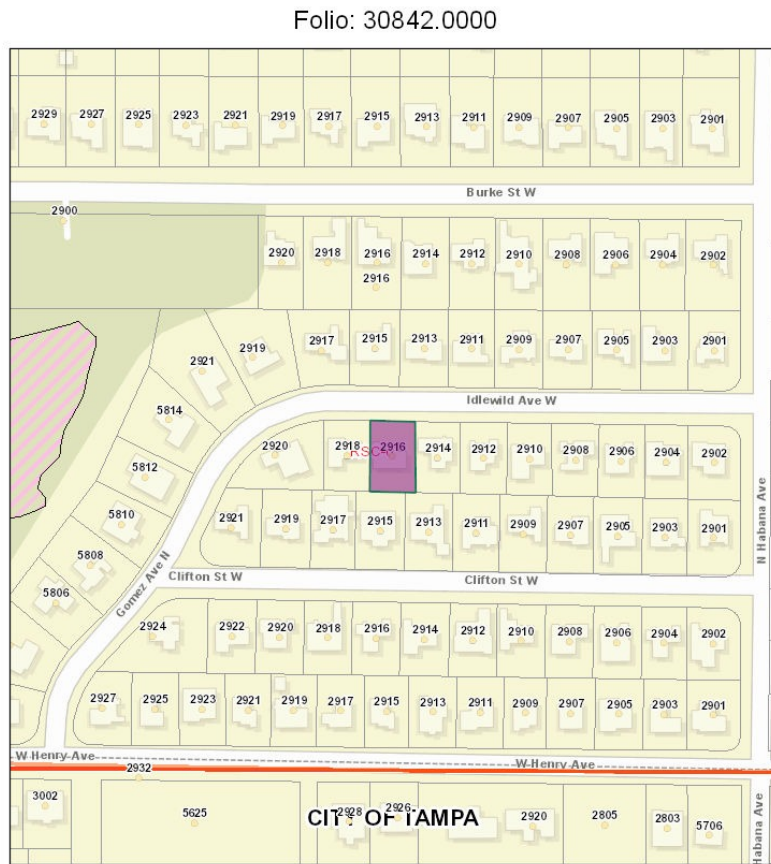
Office Use Only

Intake Staff Signature: Bianca Vazquez Intake Date: 09/22/20
Case Number: 20-1284 Public Hearing Date: 11/16/20
Receipt Number: 20-1284



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
Zoning	RSC-6
Description	Residential - Single-Family Conventional
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0213H
FIRM Panel	12057C0213H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120213C
County Wide Planning Area	Egypt Lake
Census Data	Tract: 011906 Block: 1012
Future Landuse	R-6
Urban Service Area	TSA
Waste Water Interlocal	City of Tampa Waste Water
Water Interlocal	City of Tampa Water
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 10
Wind Borne Debris Area	140 MPH Area
Aviation Authority Height Restrictions	150' AMSL
Competitive Sites	NO
Redevelopment Area	NO



September 22, 2020

1:1,773
 0 0.01 0.03 0.06 mi
 0 0.02 0.04 0.09 km

RD, Hillsborough County - Public Works - Geomatics - Streets & Addresses, EIS

Hillsborough County Florida

Folio: 30842.0000
PIN: U-34-28-18-183-B00000-00003.0
DIVY SARDUY
Mailing Address:
 2916 W IDLEWILD AVE
 TAMPA, FL 33614-6031
Site Address:
 2916 W IDLEWILD AVE
 TAMPA, FL 33614
SEC-TWN-RNG: 34-28-18
Acreage: 0.154293
Market Value: \$190,533.00
Landuse Code: 0100 SINGLE FAMILY

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1. Any error, omissions, or inaccuracies in the information provided regardless of how caused.
2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.

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