IN RE: PETITION FOR ADMIN. VARIANCE NW/S of Avenue A, 365' E of Ross Road 15th Election District 7th Councilmanic District (9002 Avenue A)

Francis J. Bogdan *Petitioner*

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 A^{\dagger}

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 03-018-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Francis J. Bogdan. The variance request is for property located at 9002 Avenue A in the eastern area of Baltimore County. The variance is requested, to allow a detached accessory structure (garage) to be closer to the street from the established principle building setback. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted, 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 26-127 (b)(1) of the Baltimore County Code. 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 Deputy Zoning Commissioner, 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 Petitioner.

As of the date of this Order, the Department of Environmental Protection & Resource Management (DEPRM) has not completed its review of this project. Therefore, the relief granted herein is subject to the Petitioner's compliance with any recommendations made by DEPRM upon completion of their review.

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, by the Deputy Zoning Commissioner for Baltimore County, this 2th day of August, 2002, that a variance, to allow a detached accessory structure (garage) to be closer to the street from the established principle building setback, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

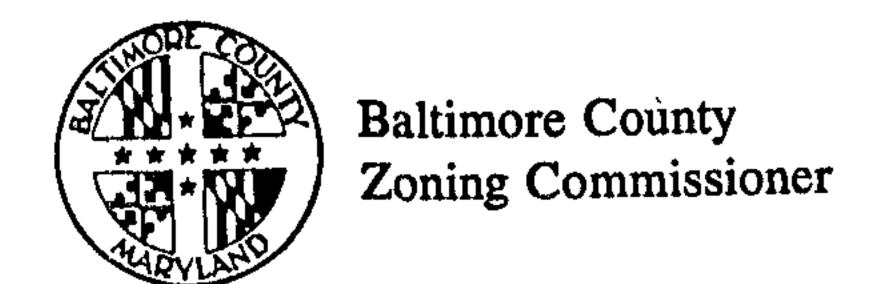
- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Compliance with any recommendations, if any, made by DEPRM.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

August 9, 2002

Mr. Francis J. Bogdan 9002 Avenue A Baltimore, Maryland 21219

> Re: Petition for Administrative Variance Case No. 03-018-A Property: 9002 Avenue A

Dear Mr. Bogdan:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

luthy /lotroco

TMK:raj Enclosure

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at 9002 AVENUE A

which is presently zoned ____

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) to allow a detached accessory structure (garage) to be closer to the street from the established principle building setback

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

i, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

		I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	4p**	Legal Owner(s):
Name - Type or Print		FRANCIS J. BOGDAN Name - Type or Print 1 D.
Signature		Signature
Address	elephone No.	Name - Type or Print
City	Zip Code	Signature H 410-477-5064
Attorney For Petitioner:		9002 AVENOE A W 410 865 80-18
		Address Telephone No.
Name - Type or Print		BACTIMORE MD 21219 City State Zip Code
		Representative to be Contacted:
Signature		,
Company	 	Name
Address	ephone No.	Address Telephone No.
State A Replic Hearing having been formally demanded an	Zip Code	City State Zip Code
	d/or found to subject matter eposted.	be required, it is ordered by the Zoning Commissioner of Baltimore County, of this petition be set for a public hearing, advertised, as required by the zoning
		Zoning Commissioner of Baltimore County
CASE NO. <u>03-018-A</u>	F	Reviewed By KDD Date 7/11/02
REV 10/25/01	E	Estimated Posting Date 7/22/02

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

	abile fleating is self-cauted in the future with regard thereto.
That the Affiant(s) does/do presently reside at	9002 AUENUE A
	BALTIMORE MARYLAND ZIZIG
The proposed location is the of Similar structures in the of Zoning map indicates on structures of the for storage of location for storage of location shows a short that in for storage of location of the contraction of the	wing are the facts upon which I/we base the request for an Administrative of practical difficulty: and a practical difficulty: and available place to part the extructinge locate exhibit as shown on the Zoning map another did exist at that location previously is in Front of the house that is used in terms only. And motor trackic- pedestrian andy
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide ac	mal demand is filed, Affiant(s) will be required to pay a reposting and ditional information.
Signature	Signature
Name - Type or Print	FRANCIS J. BOGDAN Name - Type or Print
HEREBY CERTIFY, this Start day of Maryland, in and for the County aforesaid, pers	by name and notary Public of the State sonally appeared
he Affiant(s) herein, personally known or satisfac	torily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	Notary Public My Commission Expires NOTARY PUBLIC STATE OF MARYLAND
	My Commission Expires Suptember 30, 2002

REV 10/25/01

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	9002 AUENUE A
	Address Address Address Address Address Address Address Address Address Zip Code Zip Code
The proposed location is the solution is the solution is the solution is the solution of the solution of the solution of the shows a should that for storage of boats of the shows in accessible to a Grange will be used for Alacus ground pool has be	wing are the facts upon which I/we base the request for an Administrative por practical difficulty: rect or practical difficulty with my property, and available place to pact the extructing locate exhibit as shown on the Zoning map recture did exist at that location previously is in Front of the house that is used in items only. any motor tractic- pedestrian any
advertising fee and may be required to provide a	dditional information.
Signature	Signature
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIM	ORE, to wit:
HEREBY CERTIFY, this Stand day of Maryland, in and for the County aforesaid, pers	before me, a Notary Public of the State sonally appeared
the Affiant(s) herein, personally known or satisfac	ctorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	Some Capitalia Notary Public
DEV 10/25/01	My Commission Expires DIANE GAIEWSKI NOTARY PUBLIC STATE OF MARYLAND NOTARY PUBLIC STATE OF MARYLAND 2002
REV 10/25/01	My Commission Expires September 30, 2002

REV 10/25/01



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County (RITICAL TELOOF for the property located at 9002 AVENUE A

which is presently zoned

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) to allow a detached accessory structure (garage) to be closer to the street from the established

principle building setback

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: <u>Legal Owner(s):</u> BOGDAN Name - Type or Print Name - Type or Print Signature Address Telephone No. Name - Type or Print City State Zip Code Signature H 410-477-5064 WI410 865 8018 AVENUE A Attorney For Petitioner: 9002 Address Telephone No. BAUTIMORG Name - Type or Print City State Zip Code Representative to be Contacted: Signature SAME Company Name Address Telephone No Address Telephone No City State Zip Code Zip Code City State A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted Zoning Commissioner of Baltimore County CASE NO. 03-018-A Reviewed By

Estimated Posting Date

ZONING DESCRIPTION FOR: 9002 AVENUE A

SPAROWSPOINT, MD 21219

Beginning at a point on the North side of Avenue A which is 30' wide at the distance of 365' East of the centerline of the nearest improved intersecting street Ross Rd. which is 30' wide. Being known designated as Lot No. 17, as laid out on the Plat of Portion of Thomas B. Todd's property, which Plat is recorded among the Plat Records of Baltimore County in Plat Book WPC No. 7, folio 70 containing 16,250 sq. ft. Also known as 9002 Avenue A and located in the 15th Election District, 7th Councilmanic District.

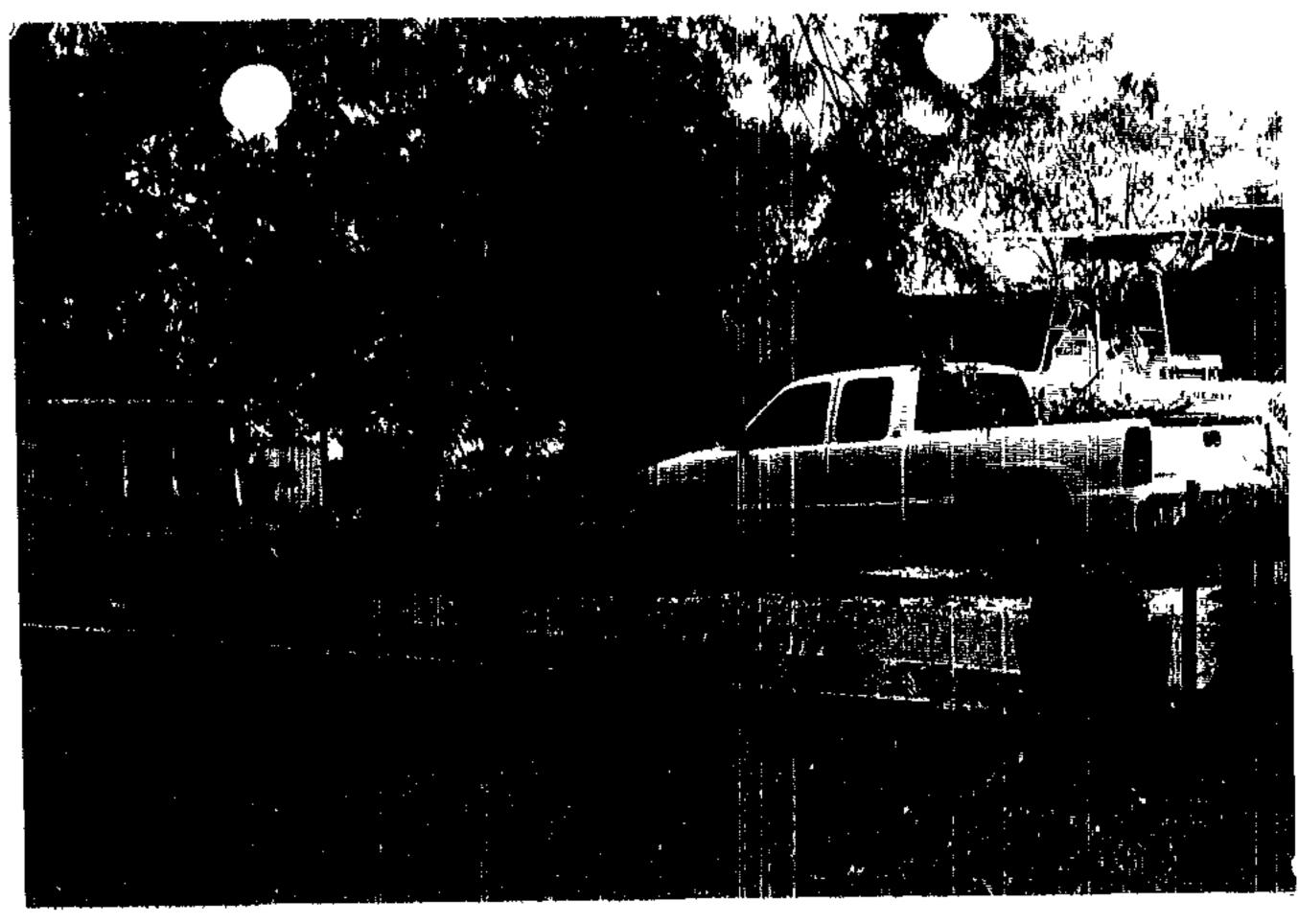
Item #018

FROM: WHITE - CASHIER RECEIVED MISCELLANEOUS OFFICE OF BUDGET BALTIMORE STRIBUTION **** COUNTY, MARY PINK - AGENCY $\zeta_{q_{ij}k}$ & FINANCE RECEIPT AMOUNT ACCOUNT YELLOW - CUSTOMER ~, j Baltimie Conty, Hayland THE STATE OF THE S

A Park







CERTIFICATE F POSTING

•	RE: Case No.: 03-018-A
•	Petitioner/Developer: FRANCIS J
	BOGDAN
•	Date of Hearing/Closing: 8/6/02
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
were posted conspicuously on the property local	7/21/02
	(Month, Day, Year)
	Sincerely,
ADMINISTRATIVE STATES OF THE STATE OF THE ST	(Signature of Sign Poster and Date)
CASE # () 5 0 / 8 - A 1 - 2 1 1 2 2 2 2 2 2 2 2	SSG ROBERT BLACK
TOTAL DILLSIRULL NON III ISIASI ISIA PRIMININ	(Printed Name)
	1508 Leslie Rd
DIDIIC UEADINA A	(Address)
PURSUANT TO SECTION 28-121(h)(1), EXCUMENT COUNTY CONT. AN ELIGIBLE INDIVIDUAL OR GROUP MAY	Dundalk, Maryland 21222
REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE	(City, State, Zip Code)
ADDITIONAL INTO MALE VIOLENCE DE LA CONTRACTOR DE LA CONT	(410) 282-7940
	(Telephone Number)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

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 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 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.

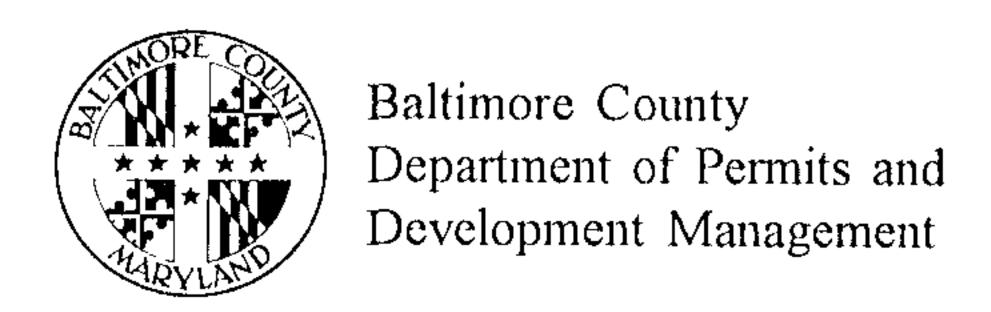
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:						
Item Number or Case Number: 03-018-A						
Petitioner:	FRANCIS J. BOGDAN					
Address or Location:	9002 AUENUE A					
PLEASE FORWARD ADVERTISING BILL TO:						
Name:	FRANCIS J. BOGDAN					
Address:	9002 AVENUE A					
	BACTIMORE, MARYLAND	21219				
Telephone Number:	410-477-5064					

Revised 2/20/98 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 03-	1010	-A	Address	700) Z 1	Trenue	H	
Conta	ct Person: _	Planner	Please Print You	a // r Name		_ Pho	ne Number:	410-887-33	91
Filing	Date:	11/02	Pos	ting Date:	7/22	102	Closing Da	te: <u>8/6/c</u>	<u> </u>
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2.	a formal re	The closing quest for a papering	ublic hearin	g. Please	understar	nd that	even if then	,000 feet to f e is no form	le al
3.	commission order that (typically wi	After the closi er. He may: the matter be thin 7 to 10 da vill go to public	(a) grant the set in for avs of the cl	ne requeste a public he osing date)	ed relief; (be aring. Yes to whe	o) deny ou will ther the	the requeste receive written the requesternation with the requesternation the second receives the requesternation the second requesternation the r	ed relief; or (en notification de la contraction de la contractio	c)
4.	(whether discommission changed given	PUBLIC HEA Lie to a neigh- lier), notification ling notice of the diffication of this	bor's forma on will be for the hearing of	l request c orwarded to date time a	or by order Digographic And location	r of the he sign	zoning or on the pro	deputy zonir perty must t	nğ De
			(Deta	ach Along Dotted	Line)				
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Petitio	ner's Name	Francis	J Bogdo	74		Teleph	one <u>4/0 4</u>	77 5064	
Posti	ng Date:	7/22/0	2	CI	osing Dat	te: 8,	16/02		
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							WCR	- Revised 6/28/	<u>ን</u> ሶ



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

August 5, 2002

Francis J. Bodgan 9002 Avenue A Baltimore, MD 21219

Dear Mr. Bogdan:

RE: Case Number: 03-018-A, 9002 Avenue A

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 11, 2002.

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

W. Carl Buchards, Jr.

WCR:rlh

Enclosures

c: People's Counsel



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

July 23,2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF July 23, 2002

Item No.: See Below

Dear Mr. Zahner:

Pursuant to your request, the refere ed property has surveyed by this Bureau and the comments below are applicated to be corrected or incorporated into the final for

The Fire Marshal's Office Las Lo comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

(018) 023, 025, 027-030

REVIEWFL: LIEUTENANT JIM MEZICK, Fire Marshal's Office PHONE 887-4881, MS-1102F

· 4 4 4

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director **DATE:** August 21, 2002

Department of Permits & Development Mgmt.

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For July 29, 2002. Item Nos. 017, 018, 019, 020, 022, 023, 024, 025, 027, 028, and 029

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Arnold Jablon
FROM:	R. Bruce Seeley Rbs TUT
DATE:	August 12, 2002
SUBJECT:	Zoning Item 018 Address 9002 Avenue A
Zoning	Advisory Committee Meeting of July 22, 2002
	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.
an exte	epartment of Environmental Protection and Resource Management requests ension for the review of the above-referenced zoning item to determine the to which environmental regulations apply to the site.
	epartment of Environmental Protection and Resource Management offers owing comments on the above-referenced zoning item:
•	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
<u>X</u>	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
<u>Additio</u>	onal Comments:
See attachmen	t.

Reviewer: Keith Kelley Date: August 12, 2002

CBCA Zoning Comments (zoning item #<u>O</u>18)

The property is leasted within the restance of the second
The property is located within the Limited Development Area (LDA), or Resource Conservation Area (RCA), or Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area (CBCA).
This proposal must use best management practices, which reduce pollutant loadings by 10%
Man-made impervious surfaces are limited to 15% for lots greater than ½ acre in size.
Man-made impervious surfaces are limited to 25% for lots less than ½ acre in size.
are limited to 25% of the lot & 500 square feet or 31.25% of the lot. Otherwise, a Critical Area Administrative Variance (CAAV) is required.
If permitted development on a property currently exceeds impervious surface limits, that percentage may be maintained during redevelopment of the property.
15% forest must be established or maintained. This equates to 5 trees for a lot of this size
Any tree removed in the buffer for this structure must be replaced on a 1.1 basis
All downspouts must discharge rainwater runoff across a pervious surface such as a lawn.
The lot is in a Buffer Management Area (BMA). Mitigation (planting trees, removing impervious area, or paying a fee-in-lieu) is required for the placement of the proposed structure within 100° of tidal waters.
If the lot is unimproved, then the proposed dwelling cannot go any closer to the water than the neighboring dwelling farthest away from the water.
If the lot is improved, then the proposed dwelling can go as close to the water as the existing dwelling.
A Critical Area Administrative Variance (CAAV) is required for the placement of the proposed structure within 100° of tidal waters, tidal wetlands, stream, or within 25° of non-tidal wetlands.
A Critical Area Administrative Variance (CAAV) is required since the proposed principal structure cannot honor the required 35' residential building setback or 25' commercial building setback from the 25' or 100' buffer.

Kdk#14/cbcazoningcomments

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: July 24, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 03-017 & 03-018, 03-022, & 03-025

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Section Chief:

AFK/LL:MAC



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 7.19.07

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 018

RDD

Dear. Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

My telephone number is ______

PLAT TO ACCOMPANY PETITION FOR ZONING XVARIANO PROPERTY ADDRESS 9002 AVENUE A SEE PAGES 5 8 TO THE CHECKLIST A SUBDIVISION NAME T.B. TODD JR.	SPECIAL HEARING
PLAT BOOK # 7 FOLIO # 70 LOT # SECTION # OWNER FRANCIS J. BOGDAN	AVE ROPETH STOWER WOODEIDGE AVE Leves Bost Vard COVERD COV
Experience (E) asis asis and asis as a single as a single asis as a single as a single asis as a single asis as a single as a single asis a	imens Bestyard VICINITY MAP SCALE: 1" = 2000'
Note to the second seco	LOCATION INFORMATION ELECTION DISTRICT 15
	COUNCILMANIC DISTRICT
Back State S	1"= 200' SCALE MAP # 5E 8E
	ZONING DR 5.5
5-	LOT SIZE
	PUBLIC PRIVATE SEWER
1008 309 \ 100 \ 1	WATER S
265-74 (N. 19)	CHESAPEAKE BAY CRITICAL AREA
	100 YEAR FLOOD PLAIN
	HISTORIC PROPERTY/
30, 50,0 FRONT	PRIOR ZONING HEARING NONE
NORTH E	ZONING OFFICE USE ONLY REVIEWED BY ITEM# CASE#
PREPARED BY FRANCIS J. BOGDAN SCALE OF DRAWING: 1" = 50'	177 018 103-018-A

