IN RE: PETITION FOR ADMIN. VARIANCE W/S of Edgewood Road

S of Kennoway Road

9th Election District

5th Councilmanic District

(1885 Edgewood Road)

David A. Rehkemper Petitioner BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

*

*

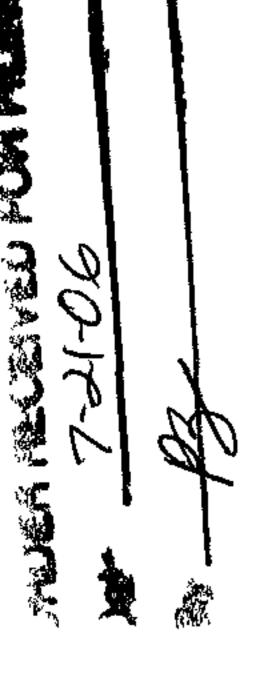
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CASE NO. 06-656-A

* * * * * * * * * * * * * * *

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, David A. Rehkemper. The variance request is for property located at 1885 Edgewood Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a rear yard setback of 32 feet in lieu of the permitted 50 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioner states that he wants to construct an additional bedroom to accommodate their growing family. The bedroom will also be used by the mother-in-law when she comes to the home several times a week to provide child care. The proposed addition will also contain a half bath. The addition will replace a deteriorating wooded deck with a safer and studier brick enclosed addition. Petitioner pointed out and provided photographs of several townhouses in the development that also have additions. The proposed addition measures 13.5 feet x 15 feet in size. The Petitioner states that the Loch Raven Village Architectural Review Committee has approved the plans for the addition stating they are within the existing standards of the Committee.



Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Office of Planning dated July 10, 2006. That office does not oppose the Petitioner's request. The proposed addition does not appear to negatively impact the immediate neighbors or surrounding community. Approval of the administrative use permit does not indicate that the Office of Planning will support any future variances for the property or similar additions. A copy of which is attached hereto and made a part hereof.

Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 1, 2006 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits and photographs as required by Section 32-3-303 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.

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 21st day of July, 2006, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a rear yard setback of 32 feet in lieu of the permitted 50 feet be and is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY



CASE NO.

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

Date 06 19 06

for the property located at	1885	EDGEWOOD	> (2005)
	• · · · ·		DR-10.5

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)

1307.3.1 (CARRO)

THE PERMITTED SOFT.

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 $4\pi - \epsilon^2$ perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. 4.1 Legal Owner(s): Contract Purchaser/Lessee: Name - Type or Print Jame - Type or Print Signature Signature Telephone No. Name - Type or Print Address City Zip Code Signature State EDGEWOOD Attorney For Petitioner: Telephone No. Address BALTMONE ついころり State Zip Code Name - Type or Print Representative to be Contacted: Signature Name Company Telephone No. Address Telephone No. Address Zip Code State City 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, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning this day of regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County

Reviewed By _

Estimated Posting Date ____

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	1885	ETROEL	NOOD KOAD	
	Address			
	City	NORE	State	<u> </u>
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are th	e facts up al difficulty	on which I/we base the requ	•
We are requesting an Administrative Variance accommodate our growing family as our first clavertebrae and is unable to sleep on a sofa or particle. The proposed addition will enable us to provide work. 2) Another bedroom will allow us to stay has risen so dramatically in recent years that would built in the 1950's and does not currently have bathroom on this level is needed with the additionally visiting the house more frequently who a existing in Loch Raven Village that are not confused to the proposed addition will not extend beyon wooden deck in need of repair with a safer, stay Review Committee has approved the plans for (see enclosed memo).	hild was boroul out bed, e a bedroom in this house we are unable to hild are unable to hild an alread urdier brick of the bedroom of the bedr	n in April of will be spend on the main the factor of the factor of the factor of the factor of the zoning of the zoning of the proposed are spended as a closed are closed closed a	of this year. My mother-in-law ending several days each were other-in-law and allow both modern more children to our family a house with more bedroom ain level, a building priority in amily as well as the increase irs. 4) There are several simulations and will reddition. 6) The Loch Raven Vidition. 6) The Loch Raven Vidition.	who has several fused ok providing child care. The cost of housing s. 3) The house was these current times. A number of elderly ilar additions already inclosed photographs). Eplace a deteriorating village Architectural
That the Affiant(s) acknowledge(s) that if a fadvertising fee and may be required to provide	formal dema additional in	formation.	d, Affiant(s) will be required	to pay a reposting and
DAVID A. REMEMPER		•		
Name - Type or Print		Nam	e - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIS I HEREBY CERTIFY, this 1814 day of 1914 of Maryland, in and for the County aforesaid, per 1914 day of	ersonally ap	peared	, <u>2006</u> , before me, a N	lotary Public of the State
the Affiant(s) herein, personally known or satisf	factorily iden	itified to m	e as such Affiant(s).	
AS WITNESS my hand and Notarial Seal				
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	M	ly Commis	sion Expires	08

REV 10/25/01

ZONING DESCRIPTION FOR 1885 EDGEWOOD ROAD, BALTIMORE, MD 21234

Beginning at a point on the West side of Edgewood Road which is 60 feet wide at the distance of 1160 +/- feet South of the centerline of the nearest improved intersecting street, Kennoway Road, which his 60 feet wide.

*Being Lot #54 in the Subdivision of Loch Raven Village as recorded in Baltimore County Plat Book # 14, Folio #110, containing 0.087 acres. Also known as 1885 Edgewood Road, Baltimore, MD 21234 and located in the 9 Election District, 5 Councilmanic District.

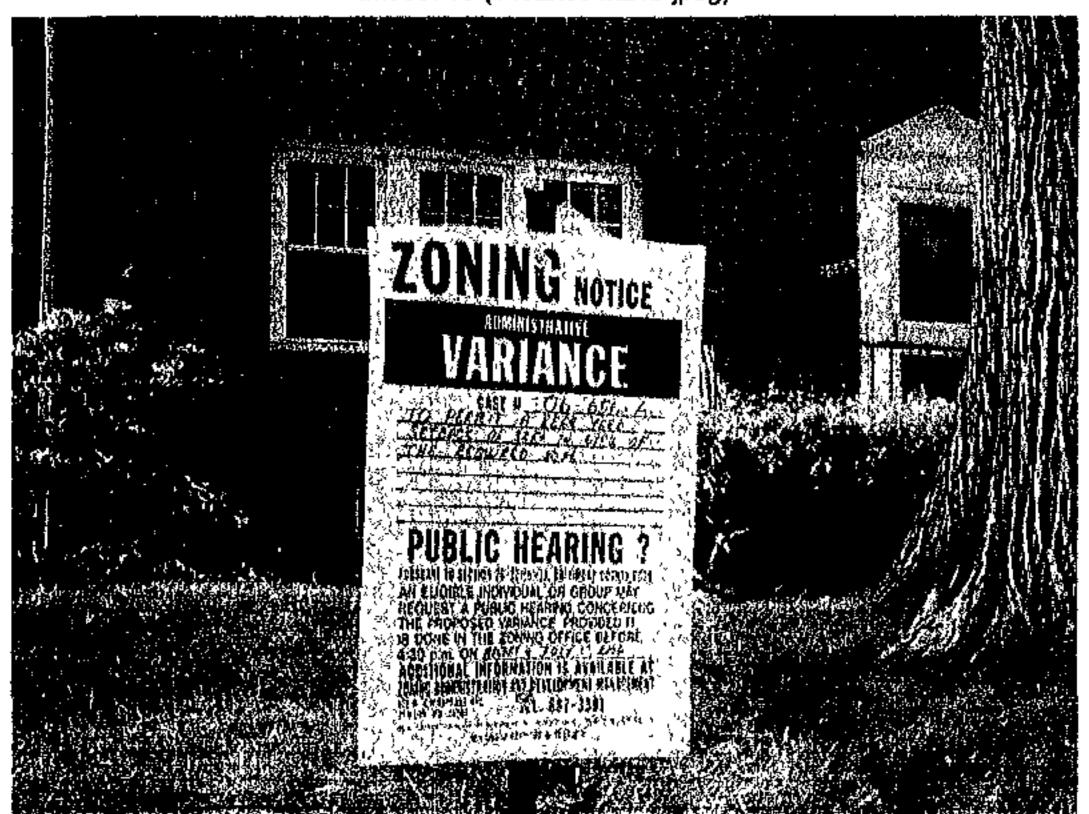
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CERTIFICATE OF POSTING

RE: Case No: 06-656-A

	Petitioner/Developer:
	DAVID REHLEMPER
	Date Of Hearing/Closing: 7/1/06
Baltimore County Departme Permits and Development N County Office Building, Ro 111 West Chesapeake Avenu	Aanagement om 111
Attention:	
Ladies and Gentlemen:	
This letter is to certify unde sign(s) required by law were at	the penalties of perjury that the necessary posted conspicuously on the property 1885 EDGEWOOD 2D
This sign(s) were posted on	
-	Aul. 1, 2006
	Month, Day, Year)
	(Month, Day, Year) Sincerely
	(Month, Day, Year) Sincerely
	Sincerely, Signature of sign Poster and Date)
•	Sincerely, Signature of sign Poster and Date) Martin Ogle
	Sincerely, Signature of sign Poster and Date)
	Sincerely, Signature of sign Poster and Date) Martin Ogle Sign Poster 16 Salix Court Address
	Sincerely, Sincerely, (Signature of sign Poster and Date) Martin Ogle Sign Poster 16 Salix Court Address Balto. Md 21220
	Sincerely, Signature of sign Poster and Date) Martin Ogle Sign Poster 16 Salix Court Address

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Marko Of 1/1/06

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.

Item Number or Case Number: 06 - 656 - A	_
Petitioner: MR. DAUGO REHKOWPEN	_
Address or Location: 1885 EDGEWOOD ED.	
PLEASE FORWARD ADVERTISING BILL TO: Name: MR. DAU UD RCHKOUPEN Address: 1885 EDGE WOOD BAUT. Mo	
Telephone Number: 416-661-1215, 416-370-434	¥

Revised 7/11/05 - SCJ

OG.656-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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Filing	Date: _	0	6.19.	06	Post	ing Date:	07	<u>'.02</u> 0	Clo	sing Dat	e: 📿	7-17-0
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Department of Permits and Development Management



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

July 17, 2006

Mr. David A. Rehkemper 1885 Edgewood Road Baltimore, MD 21234

Dear Mr. Rehkemper:

RE: Case Number: 06-656-A, 1885 Edgewood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 19, 2006.

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,

u. Calliball

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel



Visit the County's Website at www.baltimorecountyonline.info

David Rehkemper

From:

"Darrell Krushensky" <krushen@erols.com>

To:

"David Rehkemper" <david@simplifyorganizing.com>

Cc:

<McGavinLaw@aol.com>; "Francis Cullen" <fxcullen@msn.com>

Sent:

Tuesday, May 30, 2006 10:17 AM

Subject:

Re: Fw: Planned Addition

Hello David,

The LRVARC has reviewed your plan to add a room to the rear of your home, and we find that the addition falls within the existing standards of the LochRaven Village architectural review committee.

Your plans are therefore approved. Please retain a copy of this e-mail for your future reference.

Thank you for submitting your plans for approval and thanks for helping to keep LRV a great place to call home.

Darrell Krushensky LRVARC Chairman

David Rehkemper wrote:

Hi Darryl,

I just remembered, we have a 20' garden patch along that fence. So it will be roughly another 5' to the alley and another 5' onto our concrete patio. So it will be roughly 30' from the alley.

I will take an exact measurement if you need one. Please let me know.

Thanks, David 410.370.4344

From: David Rehkemper
To: krushen@erols.com
Cc: David Rehkemper

Sent: Monday, May 22, 2006 11:17 AM

Subject: Planned Addition

Hello Darryl,

We spoke a few weeks ago about our plans to put a one-story addition on the back our our end-unit Loch Raven Village townhome. Well, plans are underway and funding is now in place. We contracted a group called Just Brick It & More. They do terrific work and do it quickly! They are gathering the appropriate permits, etc.

I wanted to send you an overview of the addition. It will be a 13.5" x 15" room off the kitchen. It will have several windows, but not a sunroom. It is being designed as a home office. So it will have an exterior door and wooden steps down to our concrete patio in the back yard. Beneath the addition will be a crawlspace/shed area for storage. It is our intention to have the entire exterior be brick (actually a lighter material called El Dorado Brick Veneer which reduces the overall weight & cost of the addition). The windows/door will be white and the roof will be black. Our goal is to make the addition look like it has been a part of the house since it was originally built.

The group has not completed an artists rendering, but from the attached images, hopefully you will be able to understand our plan.

6/18/2006

OG. 656. 9

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 10, 2006

RECEIVED

JUL I 4 2006

ZONING COMMISSIONER

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

1885 Edgewood Road

INFORMATION:

Item Number:

6-656

Petitioner:

David Rehkemper

Zoning:

DR 10.5

Requested Action: Admi

Administrative Variance

1/1/aishar

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request. The proposed addition does not appear to negatively impact the immediate neighbors or surrounding community. This said, it should be noted that should the zoning commissioner grant the petitioners request, it does not necessarily indicate that this Office will support any future variances for this property or similar additions.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Prepared by:

Division Chief: AFK/LL: CM

W·\DEVREV\ZAC\6-656.doc



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

July 21, 2006

DAVID A. REHKEMPER 1885 EDGEWOOD ROAD BALTIMORE MD 21234

Re: Petition for Administrative Variance

Case No. 06-656-A

Property: 1885 Edgewood Road

Dear Mr. Rehkemper:

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,

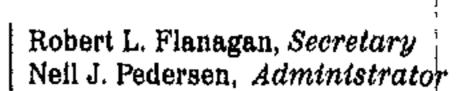
John V. Their Bry John V. Murphy

Deputy Zoning Commissioner

JVM:pz

Enclosure





Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Maryland Department of Transportation

Date: 6.27.276

Ms. Kristen Matthews
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE:

Baltimore County

Item No. 656

JZA

Dear. Ms. Matthews:

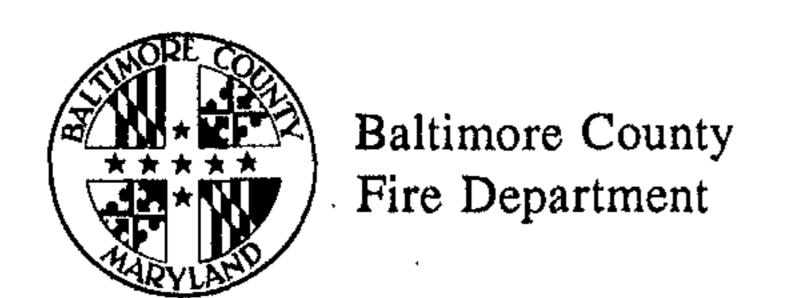
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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,

Steven D. Foster, Chief

Engineering Access Permits Division



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 June 29,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 26, 2006

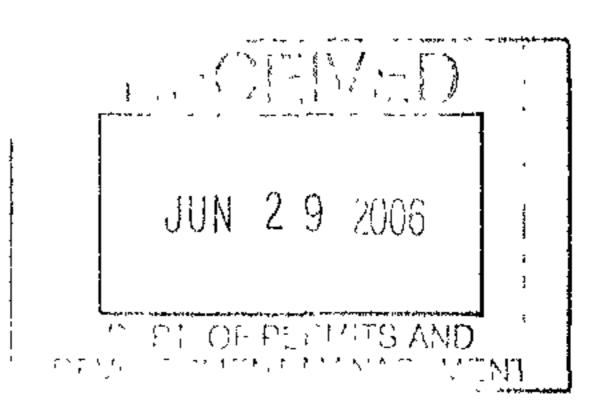
Item Number(s): 644 through 656

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 28, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 3, 2006

Item Nos. 647, 648, 649, 650, 651, 652, 653, 654, 655, and 656

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

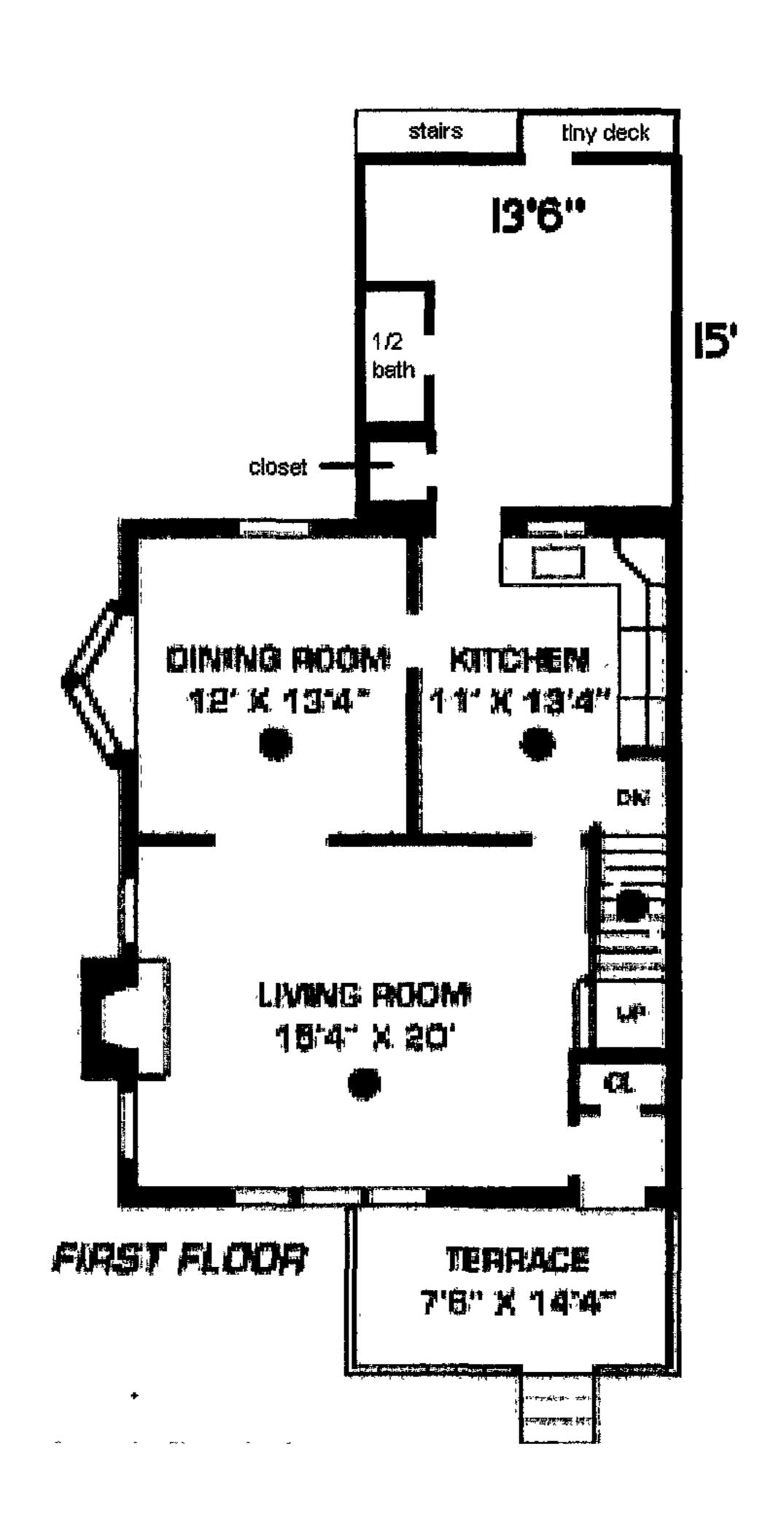
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cc: File

ZAC-NO COMMENTS-06282006.doc

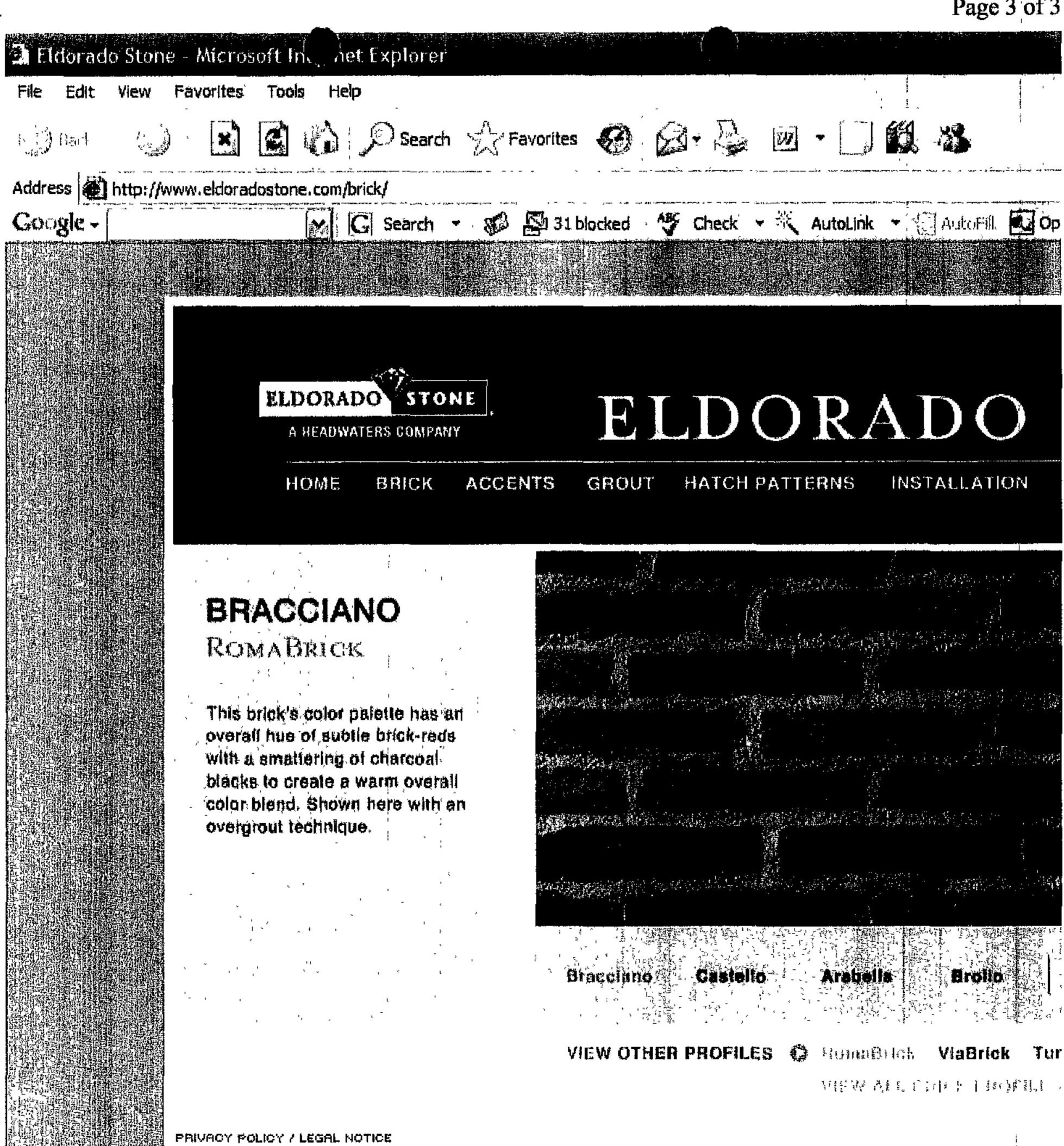
Please let me know if there is any gou need or any questions you have.

Thank you, David Rehkemper 1885 Edgewood Road 410.370.4344



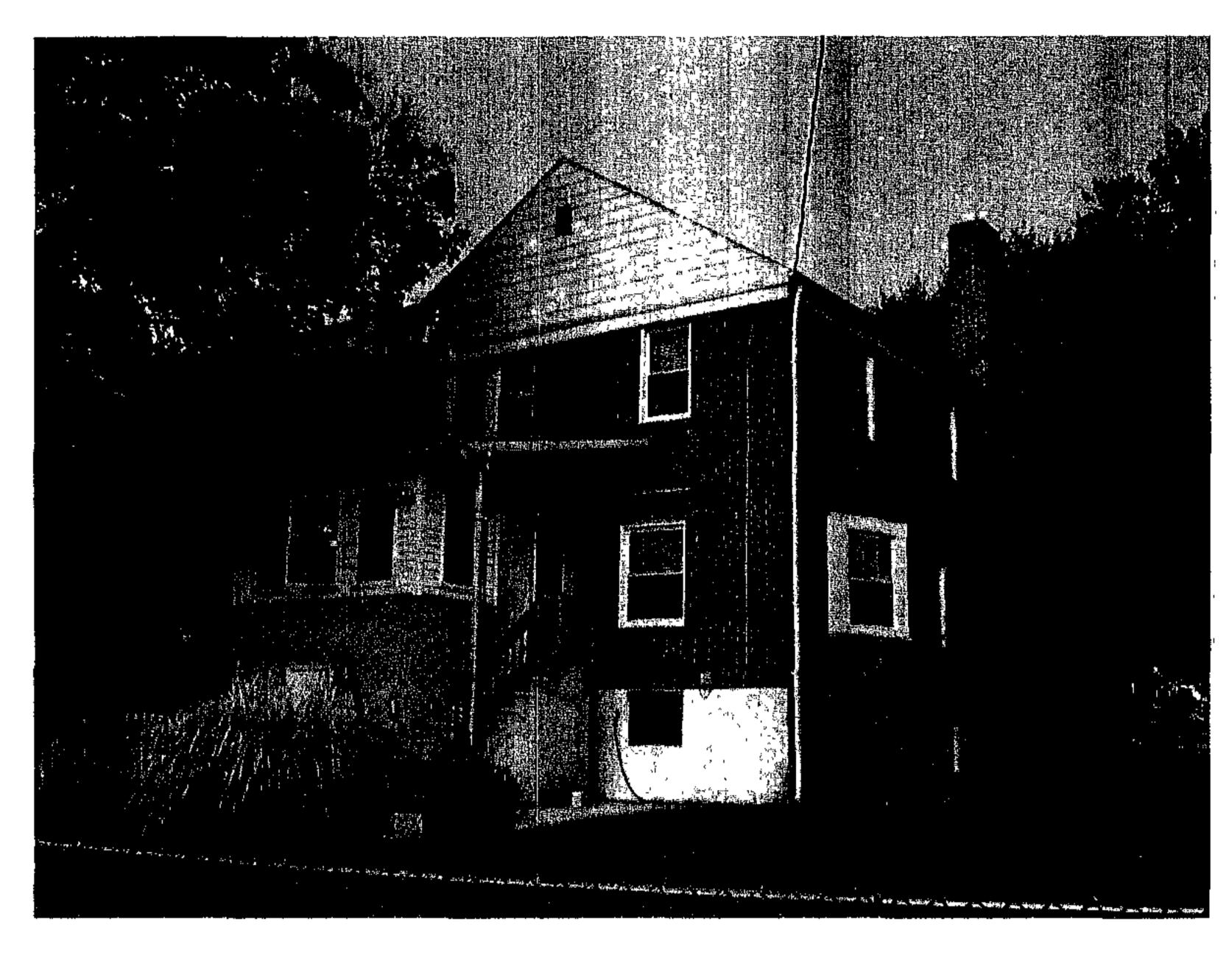
6/18/2006

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06.656.A



1741 EDGEWOOD ROAD BALTIMORE, MD 21234 LOCH RAVEN VILLAGE

ADDITION TO END UNIT ON OUR STREET IN OUR NEIGHBUR ADOD WITHIN THE REAR SETBOUR REQUIREMENTS.



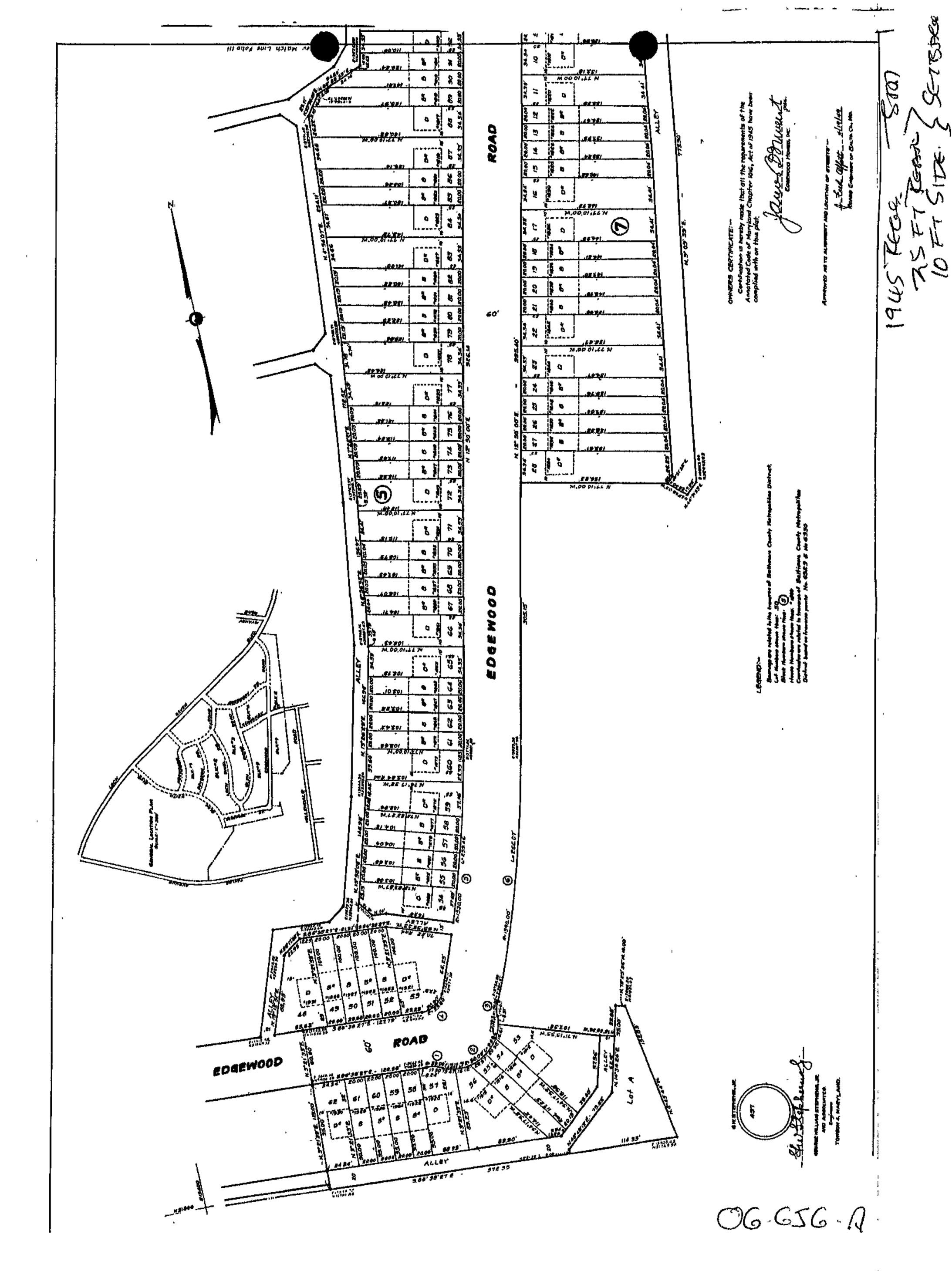
8127 KIRKWALL COURT BALTIMORE, MD 21286 LOCH RAVEN VILLAGE

ADDITION TO END UNIT IN OUR NEIGHBOR HOOD WITHIN THE REAR SET BACK REQUIREMENTS.



1906 GLEN RIDGE ROAD
BALTIMORE, MD 2128634
LOCH RAVEN VILLAGE

ADDITION TO END UNIT IN OUR NEIGHBORHOOD WITHIN THE REAR SETBACK REQUIREMENTS.



1948 Zowna Cc 85

Side Yard: Same as in "B" Residence Zone as set forth in Section IV, except in case of apartinents, width of side yards shall be increased above 7 feet minimum by four inches for each foot of building height over forty feet.

- Rear Yard: There shall be a rear yard having a minimum depth of twenty feet measured from the rear lot line, such depth to be increased by four inches for each foot of building height over forty feet.
- 5. Courts: Apartment building courts shall have a minimum width of fourteen feet plus four inches for each foot of building height over forty feet.
- 6. Automobile garage or parking space shall be provided adjacent to all apartment buildings sufficient in area to accomodate one car for each housekeeping unit; not more than 50% of the rear yard to be counted as any part of said parking space.

SECTION VI-D' RESIDENCE ZONE

- A. Use Regulations: Except as hereinafter expressly provided, no building or structure or left shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:
- 1. Any use permitted in the "C" Residence Zone; any such use to be subject to the same conditions and limitations as provided in Section V.
- 2. Group houses.
- B. Height Regulations: Same as "B" Residence Zone,
- C. Area Regulations: The minimum dimensions of yards and minimum lot area per dwelling unit, except as provided in Section IX, shall be as follows:
- 1. Lot Area: The minimum width of dwelling units shall be sixteen feet between centers of partition walls, and the minimum lot area per dwelling unit shall be fourteen hundred and forty square feet.
- 2. Front Yard: Minimum front yard shall be as hereinbefore specified in "B" Residence Zone
- 3. Side Yard: There shall be a side yard of not less than ten feet along each side of each group of dwelling units.
- 4. Rear Yard: There shall be a rear yard having a minimum depth of twenty-five feet.
- 5. Accessory Buildings: Accessory buildings shall be permitted without restrictions as to setback from division line of dwelling units or rear property lines.

No group house shall contain more than seven single or two-family dwellings.

SECTION VILLE CONTROL OF THE

Use Regulations: Except as expressly provided in subsequent sections, any building or structure or land may be used and any building or structure may be hereafter erected, altered, repaired or used for any use or uses except the following:

Arsenal.

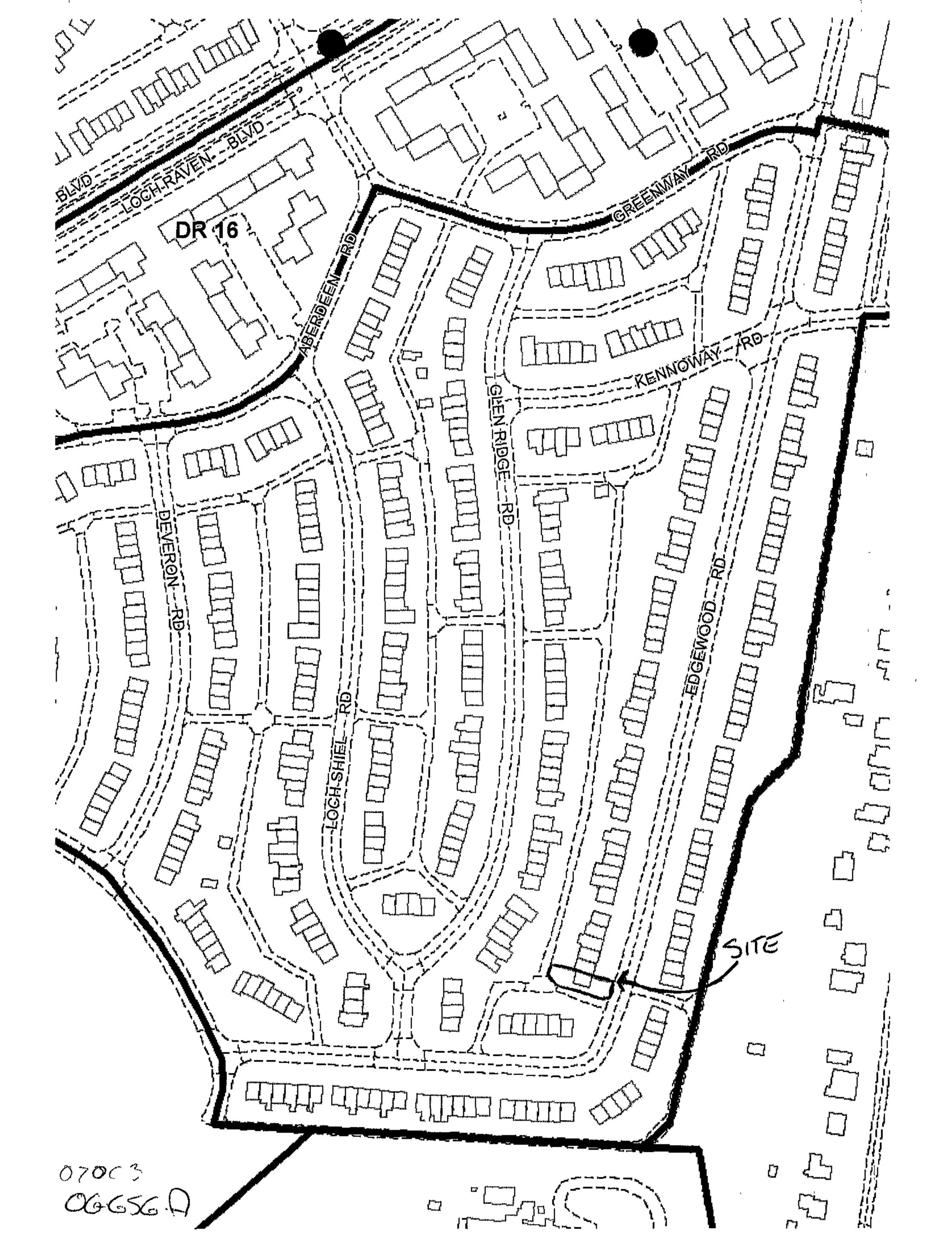
Automobile dismantling or storage of motor vehicles not in running order.

Brick, tile, terra cotta, concrete and cinder block manufacturing.

Coke Ovens.

Cooperage.

8





View or Assacer Home 1883 EDbraces Ro

36.056. P



View OF Conner LOT 10 THE RIGHT



VIEW FROM GORNER OF BANK LOT



VIEW FROM SIDE ALLEY



DAVID A REHKEMPER
1885 EDGEWOOD ROAD
1885 EDGEWOOD ROAD
100H RAVEN VILLAGE

View or cooner wor no THE PRIGHT

J.950.00

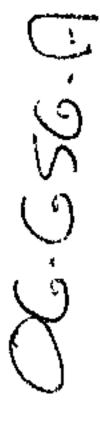
4.959-90

MICH SERVER MANNER PRINTER OF MICHAN OF MICHAN OF MICHAN OF

Amyi& Dave Rehkemper 1885 Edgewood Road Baltimore, MD 21234



Rom Auey View man





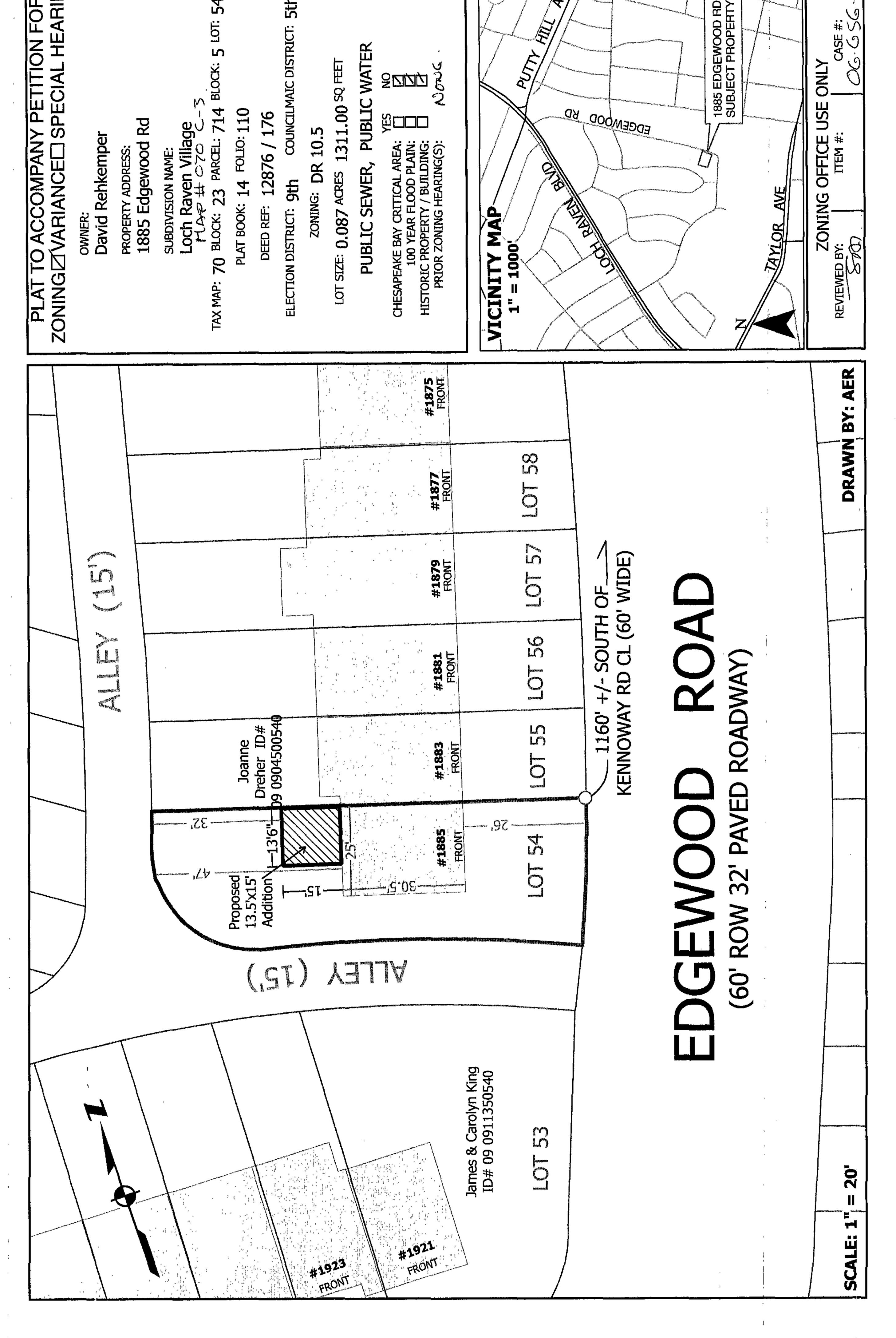
Ver Rea GIDE VAIL





CHANGE FROM SIDE YART VIEW OF MEA OF PROPER





A

ARING

5th

54

