SATURE OF THE SECOND

IN RE: PETITION FOR ADMIN. VARIANCE NW/S Newburg Avenue, 130' SW

centerline of Locust Drive 1st Election District

1st Councilmanic District

(210 Newburg Avenue)

Andrew Bryan MacKay Petitioner

**BEFORE THE** 

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 02-111-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, Andrew Bryan MacKay. The variance request is for property located at 210 Newburg Avenue, in the Catonsville area of Baltimore 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 29 ft. in lieu of the required 40 ft. for a proposed addition and side yard setbacks of as close as 11 ft. with a sum of side yards of 34 ft. in lieu of 15 ft. and 40 ft. respectively. 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.

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 Aday of October, 2001, 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 29 ft. in lieu of the required 40 ft. for a proposed addition and side yard setbacks of as close as 11 ft. with a sum of side yards of 34 ft. in lieu of 15 ft. and 40 ft. respectively, be and is hereby GRANTED, subject, however, to the following restriction which is a condition 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 this 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.

TIMOTHY 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

October 12, 2001

Mr. Andrew Bryan MacKay 210 Newburg Avenue Catonsville, Maryland 21228

Re: Petition for Administrative Variance

Case No. 02-111-A

Property: 210 Newburg Avenue

Dear Mr. MacKay:

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,
Luithy Motroco

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure



## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

MRYLAN	for the property located at <u>2/0</u> which is presen	Newburg Ave  ntly zoned DR-2
wheres of the property situate in	the Department of Permits and Development Ma Baltimore County and which is described in the des n for a Variance from Section(s)	anagement. The undersigned, legal scription and plat attached hereto and

a rear yard setback of 29 feet in lieu of the required 40 ft (for a proposed addition) and side yard setbacks of as close as 11 ft. with a sum of side yards of 34 ft. in lieu of 15 ft. and 40 ft. respectively.

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, upperjury, that I/we are the legal owner(s) is the subject of this Petition.	nder the penalties of of the property which
Contract Purchaser/L	<u>Lessee:</u>		Legal Owner(s):	
Name - Type or Print			Andrew Bryan / Name - Type or Print  Andrew Bryan / Signature	Nackay
Signature			andrew Buye Na	rellay
Address		Telephone No.	Name - Type or Print	
City	State	Zip Code	Signature	410 455 3278
<b>Attorney For Petition</b>	er:		210 Newburg Ave	410 747 7132
•			210 Newburg Ave Address	Telephone No.
			Catons ville MI	21228
Name - Type or Print			City Stat	2/228 te Zip Code
			Representative to be Contacte	ed:
Signature			,	<del></del>
Company		-	Name	
Address		Telephone No.	Address	Telephone No.
City S	State	Zip Code	City Stat	e Zip Code
A Public Hearing having bee this day of equipment of Baltimore County	n formally demand that and that the proper	led and/or found to be at the subject matter of the ty be reposted.	required, it is ordered by the Zoning Commission his petition be set for a public hearing, advertised,	ioner of Ballimore County, as required by the zoning
200		•	Zoning Commissioner of Baltimore	County
CASE NO	2-///-/	A Rev	iewed By <u>JL</u> Date	9/14/01
0			0/2-/	

# 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.

competent to testify thereto in the event that a	public nearing is	scheduled in tr	ie iuture with r	egara inereto.	
That the Affiant(s) does/do presently reside at	<u>2/0</u> Address	Newburg	Avenue.		
	<u>Catensi</u>	11/12	MD		2/228
	•				
That based upon personal knowledge, the foll Variance at the above address (indicate hards	lowing are the fac hip or practical di	cts upon which fficulty):	I/we base the	request for an Ad	ministrative
Practical difficulty/hardship: Under I must have 40 feet between addition to be a maximum of 5 setback. This will allow me to assmall, 1100 square foot, one bath look forward to my old age in the	my house and feet wide! I not do a family room room house.	the back parequest a various and powd	roperty line. riance to alle er room to v	That permits ow a 30 foot rewhat is now a ve	an ar <i>Aen</i> ry
Uniqueness/differential impact: radius have put on additions, sun fact, my lot is the smallest lot wi out these lots in 1947, it is unlike add to my house is adversely affago.	rooms, etc. Ye thin at least a ely he consider	et I cannot, b 300 yard rad ed this aspec	because my leading. When the contract of zoning 1	ot is too small. the developer la law. My ability	In iid to
That the Affiant(s) acknowledge(s) that if a advertising fee and may be required to provide	formal demand is additional inform	s filed, Affiant( aation.	s) will be requ	uired to pay a rep	osting and
Andrew Bryan Macka	ellay.	Signature			
Name - Type or Print	7	Name - Type or	Print		
STATE OF MARYLAND, COUNTY OF BALT	IMORE, to wit:	. — — — — — — — — — — — — — — — — — — —		<u></u>	and the two said like her
of Maryland, in and for the County aforesaid, p	ersonally appear	ed	), before me	e, a Notary Public	of the State
the Affiant(s) herein, personally known or sati law that the matters and facts hereinabove set	isfactorily identifie	ed to me as su	ch Affiant(s), a best of his/her	and made oath in o /their knowledge a	due form of nd belief.
AS WITNESS my hand and Notarial Seal	) No. (	Shra M	Cavana	L	
Date	Notary My Co	/ Public ommission Expi	ires <u>Octo</u>	ker 7, 2001	

# 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	210 /	Newbur	g Avenue MD State	
	Catons	ville	MD	21228
	City		State	Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	wing are the fact p or practical diff	ts upon whic ficulty):	h I/we base the re	equest for an Administrative
Practical difficulty/hardship: Under me I must have 40 feet between readdition to be a maximum of 5 fe setback. This will allow me to add small, 1100 square foot, one bathrolook forward to my old age in this	my house and eet wide! I room a family room oom house.	the back pequest a value of the thick the thick the thick the	property line. ' ariance to allow der room to wh	That permits an v a 30 foot rear   ABM  at is now a very
Uniqueness/differential impact: A radius have put on additions, sunre fact, my lot is the smallest lot with out these lots in 1947, it is unlikely add to my house is adversely affectago.	ooms, etc. Ye in at least a 3 y he considere	t I cannot, 300 yard ra ed this aspe	because my lot dius. When the ect of zoning law	is too small. In e developer laid w. My ability to
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	rmal demand is additional informa	filed, Affian ation.	t(s) will be requir	red to pay a reposting and
Cindrew Bryan Mack Signature  Andrew Bryan Mack Name - Type or Print	elley Wag	Signature Name - Type	or Print	
STATE OF MARYLAND, COUNTY OF BALTIM				
of Maryland, in and for the County aforesaid, per Andrew Bryan A	<u>stended</u> rsonally appeare Mac Kay	ed , <u>20</u>	<u>ታሪ /</u> , before me,	a Notary Public of the State
the Affiant(s) herein, personally known or satisficate that the matters and facts hereinabove set for	factorily identified	d to me as s correct to th	such Affiant(s), and e best of his/her/th	d made oath in due form of neir knowledge and belief.
AS WITNESS my hand and Notarial Seal		1		4
9/12/01 Date	Notárv	Jua N Public	1 Couranais	<u>s</u>
	My Co	mmission Ev	niras Octob	per 7, 2001



REU 9/15/98

## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at	210	Newburg	Ave
which	ı is present	tly zoned <u>DZ-</u>	2

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) 1802, 3, C, \, TO PERMIT

A REAR YARD SETBACK OF 29 FT. IN LIEU OF THE REQUIRED 40 FT. (FOR A PROPOSED ADDITION) AND SIDE YARD SETBACKS OF AS CLOSE AS 11 FT. WITH A SUM OF SIDE YARDS OF 34 FT. IN LIEU OF 16 FT. AND 40 FT. RESPECTIVELY

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.

4			I/We do solemnly de perjury, that I/we are is the subject of this	eclare <sup>,</sup> and affirm, under e the legal owner(s) of t Petition.	the penalties of the property which
Contract Purchaser/Les	see:		Legal Owner(s)		
Name - Type or Print	,		Name - Type or Print	Bryan M Buye Ma	ackay
Signature			Signature	sye-1 va	eccecy
Address		Telephone No.	Name - Type or Print		
Dity	State	Zip Code	Signature		410 455 3278
Attorney For Petitioner:	Ī		210 News	ourg Ave  M D  State	4/0 747 7/32 / Telephone No.
			Catensville	mD	21228
lame - Type or Print	····· , <u>, , , , , , , , , , , , , , , ,</u>	· · · · · · · · · · · · · · · · · · ·	City	State	Zip Code
Signature			<u>Representative</u>	to be Contacted:	
Company			Name		,
Address		Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing having been for his day of egulations of Baltimore County an	ormally deman d that the prope	nded and/or found to be nat the subject matter of the orty be reposted.	ns petition be set for a publi	the Zoning Commissione ic hearing, advertised, as missioner of Baltimore Co	required by the zoning
CASE NO (12	-1//-	Δ	Zoning Con		unity

Estimated Posting Date

ZONING DESCRIPTION FOR

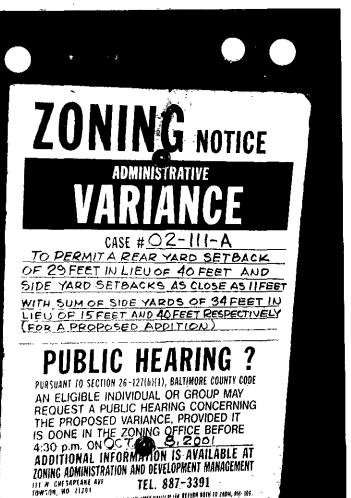
210 Newburg Avenue



Beginning at a point on the northwest side of Newburg Avenue which is 50 feet wide at the distance of 110 feet southwest of Locust Drive which is 40 feet wide. As recorded in deed Liber 07 Folio 115 in the subdivision of Forest Spring Park, containing 5,000 square feet. Metes and bounds: S42 12' 20" west 50 feet; thence N48 09' 10" west 100 feet; thence N 42 12' 20" east 50 feet; and thence S48 09' 10" east 100 feet to the place of beginning. Also known as 210 Newburg Avenue and located in the 1st Election District and the 1st Councilmanic District. AS RECORDED IN THE SUBDIVISION OF FOREST SPRING PARK AS RECORDED IN THE SUBDIVISION OF FOREST SPRING PARK AS RECORDED IN

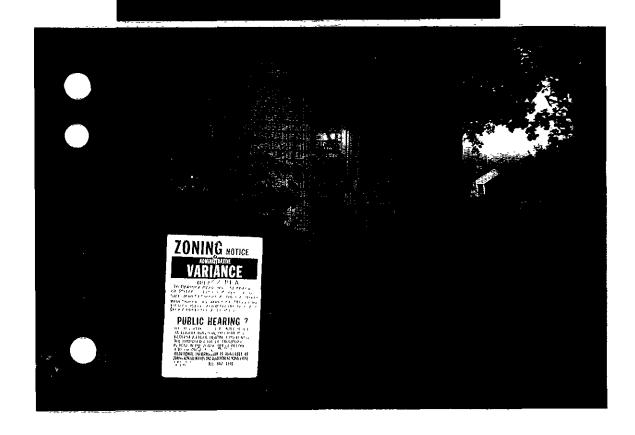


BALTIMORE COU OFFICE OF BUDGET MISCELLANEOU	UNTY, MARYLAND  S RECEIPT	No.	3 <b>337</b>	PAID RECEIPT PAYMENT ACTUMENT TO A
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	MACKAN			Recet Tol 50.00 Light CK .CO the Ballimore County, Haryland
FOR: KES V	AR, FILINIA			
DISTRIBUTION WHITE - CASHIER P	INK - AGENCY YELLOW - CUSTOMER			CASHIER'S VALIDATION



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MEETING IS HANDICAP ACCESSIBLE



## CERTIFICATE OF POSTING

"	RE: Case No.: UZ-111-A
	Petitioner/Developer:
	ANDREW BRYAN MACKAY
	Date of Hearing/Closing: 8, 700
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	of perjury that the necessary sign(s) required by law located at
The sign(s) were posted on	OT - 21, 2001 (Month, Day, Year)
	Sincerely,  Signature of Sign Poster and Date)  (Signature of Sign Poster and Date)  GARLAND E. MOORE  (Printed Name)  3225 RYERSONI CIRCLE  (Address)  BALTIM ORE, MD, 21227
	(City, State, Zip Code) (410) 242-4263 (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:
Petitioner: Andrew Bryan Mackag
Address or Location: 210 Newburg Avenue Catensville MD 21228
PLEASE FORWARD ADVERTISING BILL TO:
Name: Andrew Bryan Mackag
Address: 210 Newburg Ave
Catonsville MD 21228
Telephone Number: 410 747 7132 (h) 410 455 3278 (w)

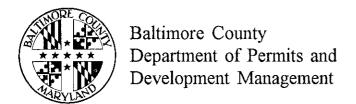
## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

-A

Address 210 NEWBURG AVE.

Case Number 02-

Conta	ct Pers	on:	JOHN	LEU	VIS Print Your Name	·		Phone Nu	mber:	410	-887-3391
Filing	Date:	9/1	401	nner, Please	Print Your Name  Posting [	Date: _	9/23/0	Closia			
Any d	ontact	made v	vith this	office re		status	of the ad	Iministrative			•
1.	reposti is agai	ng mus n respo	t be done nsible fo	m) and t e only by or all ass	ne petitione one of the ociated cost	r is res sign po	sponsible to esters on the exponing no	sters on the or all printing e approved l otice sign mo remain there	J/postir list and	ng co I the	osts. Any petitioner
2.	a lullil	ai ityu	est for a	DUDNCI	nearind Pi	ease i	inderstand	or owner wi that even i e closing da	f thara	000 is	feet to file no formal
3.	order t (typical	ssioner. hat the ly withir	יe ma matter 10 10 ז ו	y: (a) gi be set ii davs of	rant the req n for a pub the closing	uested lic hea date) a	relief; (b) ( aring. You s to whethe	by the zoning the received will received the petition of the petition of the pount of the petition of the petition when the petition when the petition is a second to be a	queste e writte	d rei en n	lief; or (c) otification
	commis	er aue ssioner) d givinc certific	to a nei , notifica i notice c	gnoors tion will of the hea	formal requ 'be forward aring date t	est or ed to ime an	by order o you The d location	that must go of the zonin sign on the As when the tered sign m	g or a e prop e sian	lepu erty was	ty zoning must be
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		•	USE THE	E ADMIN	ISTRATIVE	VARIA	NCE SIGN	FORMAT			
Case N	Number	02-	11	-A	Address _	210	NEWBU	RG AVE	<u> </u>		
Petition	ner's Na	ıme	NDRE	W MAC	KAY	·····	Te	elephone <u>4</u>	10 7A	171	32
ostin	g Date:	9	23/01			Clos	sing Date:	10/8/0	21		
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AND.	SIDE YI	ARD SE	TBACKS	AS CLC	SE AS III	=I. W	1TH SUM	OFSIDE Y	ARDS	<u> 0</u>	<u> </u>
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4 DDI	TION	<u> </u>			<del></del>					·	<del></del>
			( A	PP HAS A	LIST OF F	DSTE	rs)		WCR - I	Revis	ed 6/28/00



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

October 11, 2001

Andrew Bryan MacKay 210 Newburg Avenue Catonsville MD 21228

Dear Mr. MacKay:

RE: Case Number: 02-111-A, 210 Newburg Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 14, 2001.

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. 602 Supervisor, Zoning Review

W. Carl Richards, Jr.

WCR: gdz

**Enclosures** 

c: People's Counsel

### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 16, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 8, 2001

Item Nos. 082, 101, 104, 105, 107, 108, 110, 111, 112, 113, 114, 115,

116, 117, and 118

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

RWB:HJO:jrb

cc: File



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

October 15, 2001

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

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF October 1, 2001

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

082, 102, 103, 104, 105, 106, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, and 118

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

cc: File

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** October 10, 2001

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-111, 02-115, & 02-116

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.

Prepared by:

Section Chief:

AFK/JL:MAC

. . 10



## Maryland Department of Transportation State Highway Administration

Parris II Glendening

Governo-

John L. Porcari Secretar.

Parker F. Williams Administrator

Date:

10.5.01

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

RE:

Baltimor · County

Item No

411

JL

Dear, Ms. Jackson:

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.

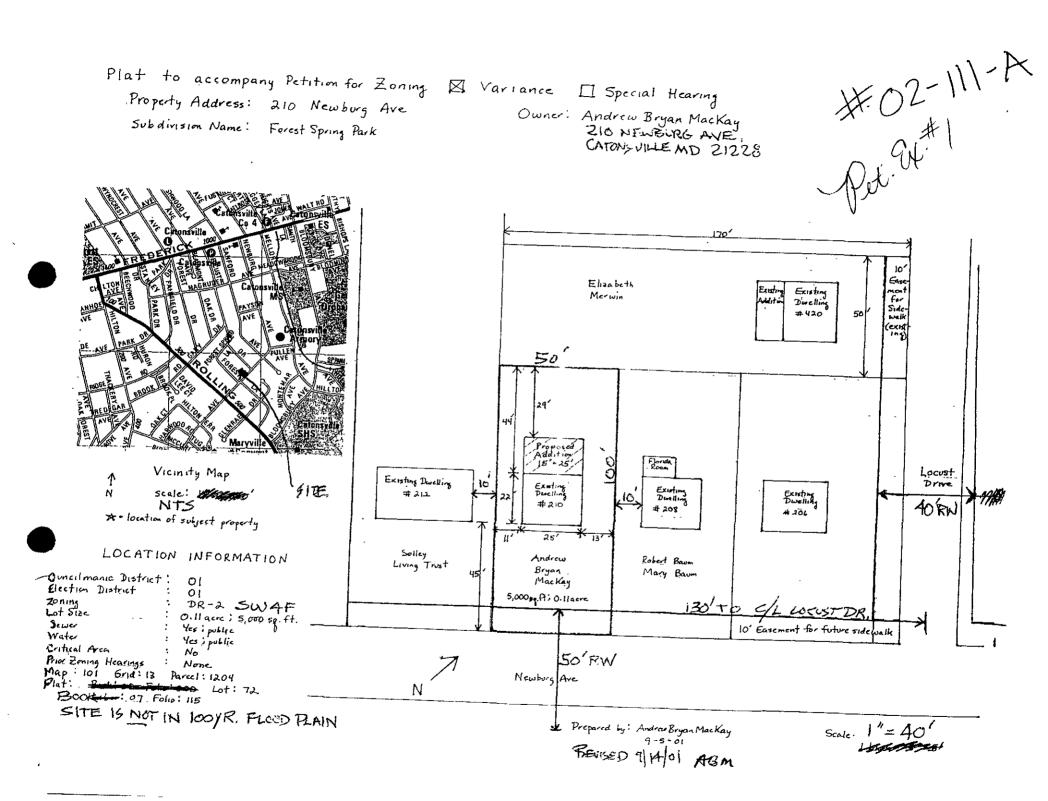
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (Igredlein@sha.state.md.us).

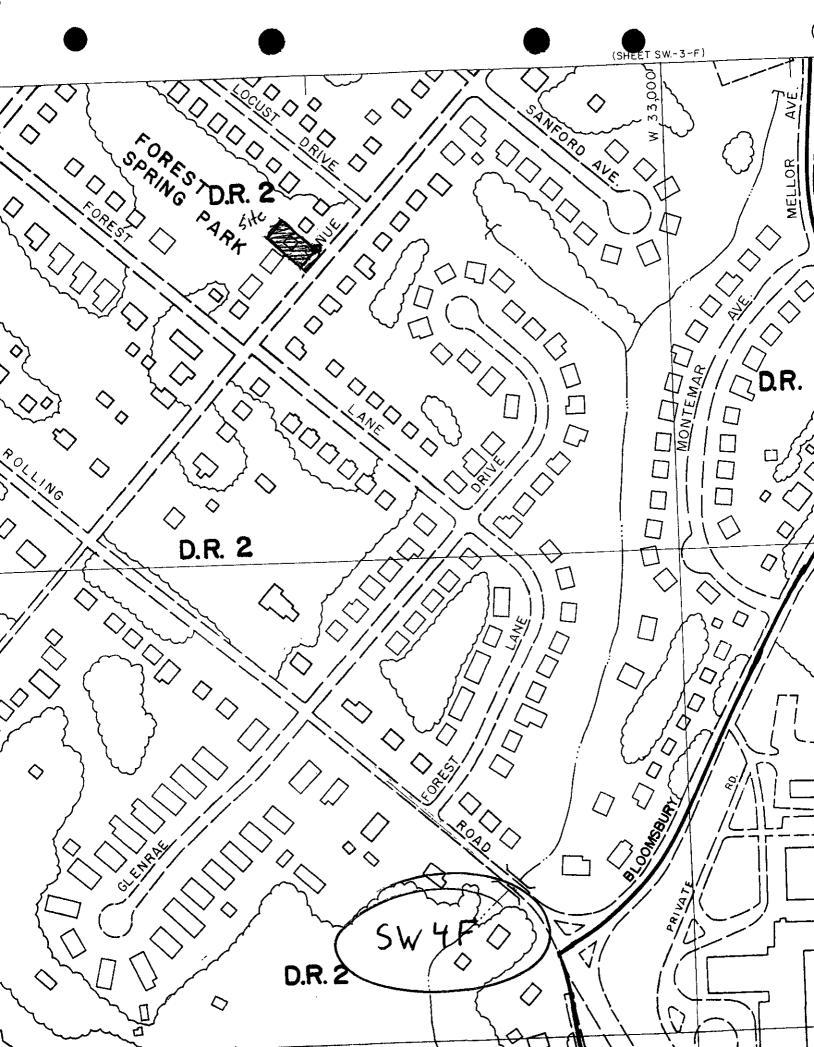
Very truly yours,

1~

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

f. J. Gredh







210 Newburg Ave, Front

#208 Newburg barely visible to right. View shows distance between houses.

**\*** 

208 Newburg

\*



212 Newburg

\*

Back of house, 210 Newburg Site of proposed addition Addition will be width of house (251) and extend toward you 15' outward from existing house



Backyard of 210 Newburg. Location of proposed addition at bottom of photo.

Looking forward backgard of 420 Locust Dr



*Y*Z

View From 2nd floor, 210 Newsurg toward 420 Locust. Back gard of 208 Newburg visible in right of photo



Backgard of 212 Newburg Photo taken from 2nd floor Window of 210 Newburg

Backgard of 210 Newburg,
looking over a portion of the
backgard of 208 Newburg,
with 420 Locust visible
in background



Buckyard of 208 Wcwburg.

420 Locust visible

In left center of photo

Taken from 2nd floor

Window of 210 Newburg

