IN RE: PETITION FOR ADMIN. VARIANCE E/S Murray Point Road, 110' S of the c/l Dundalk Avenue (8137 Murray Point Road)

12<sup>th</sup> Election District 7<sup>th</sup> Council District

Stacy L. Peltzer Petitioner

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* Case No. 02-124-A

: \* \* \* \* \* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Stacy L. Peltzer. The Petitioner requests relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (24' x 24' garage) to have a height of 21 feet in lieu of the maximum permitted 15 feet. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, 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 Petitioners.

The subject property is a waterfront lot located with frontage on Peach Orchard Creek in southeastern Baltimore County. Moreover, the property is located within a 100-year flood plain. Thus, any development on the subject property must be in compliance with Chesapeake Bay

ORDER RECEIVED FOR FILING Date 127

Critical Areas legislation and Federal Flood Insurance requirements. Therefore, as a condition of approval, the Petitioner shall comply with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) and the Bureau of Development Plans Review Division of the Department of Permits and Development Management (DPDM).

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Alor day of November, 2001 that the Petition for Administrative Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (24' x 24' garage) to have a height of 21 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) Compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) relative to Chesapeake Bay Critical Areas legislation, and the Bureau of Development Plans Review, relative to construction in the flood plain.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



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

Fax: 410-887-3468

November 21, 2001

Mr. Stacy L. Peltzer 8137 Murray Point Road Baltimore, Maryland 21222

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Murray Point Road, 110' S of the c/l Dundalk Avenue
(8137 Murray Point Road)
12<sup>th</sup> Election District – 7<sup>th</sup> Council District
Stacy L. Peltzer - Petitioner
Case No. 02-124-A

Dear Mr. Peltzer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission,
1804 West Street, Suite 100, Annapolis, Md. 21401
DEPRM; Bureau of Development Plans Review; People's Counsel; Case File



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for	the property	located at	8137	MURRAY	POINT	ROAD
		whi	ch is presen	tly zoned _	DR-5	,5
This Petition shall be filed with the Departmowner(s) of the property situate in Baltimore Comade a part hereof, hereby petition for a Varian accessory structure (garage the maximum permitted is	nent of Permits ounty and which nce from Section (c) to have	s and Deve is describe 1(s) 400.	d in the description of the desc	nagement. ription and p ermit a 21 feet	The unders lat attached detache in lieu	signed, lega d hereto and d
of the zoning regulations of Baltimore County, to this petition form.	o the zoning lav	of Baltimo	re County, fo	r the reasons	indicated	on the back
Property is to be posted and advertised as pres I, or we, agree to pay expenses of above Variance, regulations and restrictions of Baltimore County ado	adverticina nocti	na etc and i	fuetbor oaroo t	o and are to be County.	e bounded t	y the zoning
		perjury, th	plemnly declar at I/we are the ect of this Peti	legal owner(s	nder the pe ) of the prop	nalties of perty which
Contract Purchaser/Lessee:		<u>Legal O</u>	wner(s):			× .
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	phone No.		, as Dist	only	, 1 ow	<u>ner</u>
,	phone No.	Name - Typ	e or Print -	, /	V.	•
Attorney For Petitioner:	Zip Code	Signature 8137 Address BALT City	MARRA ĪMORE	ч Ројл; , Мд.	7 ROAI T 21222 te	443 - 30 ) 3690 elephone No. day 9 2 Zip Code
ignature	<del></del>	Represe	ntative to b	e Contacte	<u>:d:</u>	
ompany		Name	<del></del>			
deress Telep	hone No.	Address			Tel	lephone No.
State	Zip Code	City		Stat	te	Zip Code
Public Hearing having been formally demanded and/ day of that the substitutions of Baltimore County and that the property be rep	ilect maner of this t	Detition de set	rdered by the Z for a public hear	nng, advertised,	, as required I	nore County, by the zoning
ASE NO. 02-124-A	Review	ed By	BR	_ Date	9/201	101
97) 0115109	F	n		a/2x	Te i	

## 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

8137 MURRAY

·	BALTIMORE	MARYLAND	21222
That hased upon personal knowledge, the		VIII C	2.ip 0026
That based upon personal knowledge, the Variance at the above address (indicate has	ardship or practical difficulty):		
I'M APPLYING FOR THIS			
HEIGHT ON MY PROPOSED GAR	AGE TO BE APPROXIMAT	LY 21 FEET HIG	H, I WOULD
LIKE THIS ADDITIONAL SPACE	FOR THE SOLE PURPOS	E OF EXTRA STO	RAGE ONLY.
PUE TO THE FACT THAT M	Y HOME, WHICH124	X 30 , DOESN'T F	HAUE A
BASEMENT, IT DUESN'T HA	IVE A BASEMENT BEC	CAUSE II IS S.	O NICO I'M
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RESTRICTED ON THE AMOUN	T OF SQUARE FOOT	AGE THAT CAN	(/ BE
COUFRED WITH PERMANAT	E STRUCTURES, DUE	TO THE PAC	
PROPERTY IS IN THE C	HESAPEAKE BAY	CRITICAL ARI	EA.
Stary 2 Pelfo STACY L PEL	Signature  TZER	THE POLICE OF TH	·
Name - Type or Print	Name - Type or	r Print	
STATE OF MARYLAND, COUNTY OF BA	ALTIMORE, to wit:		
I HEREBY CERTIFY, this 19 day of of Maryland, in and for the County aforesail	d, personally appeared	<u>े (</u> , before me, a Notary i	
the Affiant(s) herein, personally known or law that the matters and facts hereinabove	satisfactorily identified to me as su set forth are true and correct to the	ich Affiant(s), and made oa best of his/her/their knowle	ath in due form of edge and belief.
AS WITNESS my hand and Notarial Seal			
9/19/01	James A	Cavones	
Date	Notary Public  My Commission Expi		. <del></del>
	My Commission Expi	res 9111 0 J	<u> </u>
REV 09[15]98			

## 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

REV 09/15/98

8137 MURRAY POINT ROAD

	Address 2017 Lower	MARKIALLA	6,777
	City	MARYLAND State	Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	ving are the facts upo	on which I/we base the reque	est for an Administrative
Variance at the above address (indicate hardship  I'M APPLYING FOR THIS VA	or practical difficulty	): F ALLOWED DER	MISSION TO MAKE
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THE HEIGHT ON MY PROPOSED GI	AKAUE 10 AL	- Chit Dud Doce	DE EVERA
WOULD LIKE THIS ADDITIONAL SP	ACE FOR THE	E SOLE PURPOSE	or Exten
STORAGE ONLY. DUE TO THE FAC	T THAT MY	HOME, WHICH I	5 × 9 × 30,
DOESN'T HAVE A BASEMENT,	IT POESN'T	HAUE A BASE	MENT BECAUSE
IT IS STUATED IN A-9 0,	N THE NAT	IONAL FLOOD I	INSURANCE
PROGRAM, ALSO I'M RESTRIC	TED ON TH	HE AMOUNT OF	E SQUARE
FOOTAGE THAT CAN BE C	OUE RED WIT	TH PERMINATE	OTRUCTURES.
DUE TO THE FACT MY PR			
CRTICAL AREA.	0,2,-1,		
CRITCHU ANEH.			
That the Affiant(s) acknowledge(s) that if a for	mal demand is filed	Affiant(s) will be required t	o nav a reposting and
advertising fee and may be required to provide a	dditional information.	rimando) vin do roquilos e	o pay a ropoding and
Signature Strucy 2 Island			
	Signat	ure	
Name - Type or Print	EKName	- Type or Print	
-		•	
STATE OF MARYLAND, COUNTY OF BALTIMO	•		
I HEREBY CERTIFY, this day of 6 of Maryland, in and for the County aforesaid, pers	sonally appeared	<u>ℓᢀ≬(_</u> before me, a No	tary Public of the State
Stary & Peltzer the Affiant(s) herein, personally known or satisfa			
the Affiant(s) herein, personally known or satisfallaw that the matters and facts hereinabove set for	ctorily identified to me	e as such Affiant(s), and ma	ede oath in due form of
iaw that the matters and racts hereinapove set for	ui ale tiue aliu correc	a to the best of mis/her/their k	Trowledge and belief.
AS WITNESS my hand and Notarial Seal			
9/19/01	Jame	a A Cavaner	
Date	Notary Public	on Expires 9/1103	
	My Commissi	on Expires 9/1/03	



REU 9/15/98

## Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

<u> </u>		ently zoned			-
for the property located at	8137	MURRAY	POINT	ROAI)	

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) 400.3 to permit a detached accessory structure (garage) to have a height of 21 feet in lieu of the maximum permitted 15 feet.

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.

			the same and the same same same same same same same sam	nore county.	
			I/We do solemnly dec perjury, that I/we are is the subject of this I	the legal owner(s) of	er the penalties of the property which
Contract Purchaser/	Lessee:		Legal Owner(s):	,	
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			Staus &	DIA	1
Signature			Signature	e segu	
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City	State	Zip Code	Signature		442-386-
Attorney For Petition	<u>ner:</u>		8137 MARRE	BY POINT 1	443-386- ROAD. 369
- · · · · · · · · · · · · · · · · · · ·			Address		i elephone No.
			BALTIMORE	m.b.	2/222
lame - Type or Print			City	State	Zip Code
·			Representative t	o be Contacted:	,
ignature		<del>.</del>			•
ompany			Name		
ddress		Telephone No.	Address		Telephone No.
ity	State	Zip Code	City	State	. Zip Code
Public Hearing having bee	n formally deman	ded and/or found to be	required, it is ordered by th	e Zonina Commissione	er of Baltimore County
is day of gulations of Baltimore County			is petition be set for a public	hearing, advertised, as	required by the zoning
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			Zoning Commi	ssioner of Baltimore Co	unty
	د بیده ۱	1	•		
CASE NO. 🔷 🔌	) ~1114- A	ļ	and the	N-4- 0	150/11

Estimated Posting Date

### ZONING DESCRIPTION

ZONING DESCRIPTION FOR 8137 MURRAY POINT ROAD.

BEGINNING AT A POINT ON THE EAST SIDE OF MURRAY POINT ROAD WHICH IS 50 FEET WIDE AT THE DISTANCE OF 110 FEET SOUTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET DUNDALK AVE, WHICH IS 60 FEET WIDE. \* BEING LOT # 20, BLOCK 2 IN THE SUBDIVSION OF MURRAY POINT AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 17, FOLIO # 26, CONTAINING 5830 SQUARE FEET. ALSO KNOWN AS 8137 MURRAY POINT ROAD AND LOCATED IN THE 12<sup>TH</sup> ELECTION DISTRICT, 7<sup>TH</sup> COUNCILMANIC DISTRICT.

#124

OFFICE OF BUD	COUNTY, MARYLAND GET & FINANCE OUS RECEIPT	No.	5678	PAID RECEIPT SOUND THE
DATE 9 20	ACCOUNT_	8001-006- 50,00		PT PO CONTROL OF THE PROPERTY
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FOR:	Zuhing (d)	right E	-pro-	>
DISTRIBUTION WHITE - CASHIER	PINK - AGENCY YELLOW - CI	JSTOMER I Compa	# 124	CASHIER'S VALIDATION

## CERTIFICATOF POSTING



:	RE: Case No.: 02 - 124 - A
•	Petitioner/Developer: STACY
	PELTZER.
	Date of Hearing/Closing: 10/15/01
Baltimore County Department of Permits and Development Management County Office Building, Room 111 11 West Chesapeake Avenue Cowson, MD 21204	
Attention: Ms. Gwendolyn Stephens	•
adies and Gentlemen:	
ne sign(s) were posted on	9/30/0
	(Month, Day, Year)
	Sincerely,
VARIACE ST	2/30/01
Control of the second of the s	(Signature of Sign Poster and Date)
	SSG ROBERT BLACK
PUBLIC HEARING ?	(Printed Name)
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The state of the s	(Address)
Annual of the second of the se	Dundalk, Haryland 21222
	(City, State, Zip Code) (410) 282-7940

## DEPARTMENT 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: 02-124-A  Petitioner: STACY L PELT ZER	
Address or Location: 8137 MURRAY POINT ROAD BACT, MD	2/222
PLEASE FORWARD ADVERTISING BILL TO:  Name:STACY_L_PELTZER	
Address: 8137 MURRAY POINT ROAD	
WUZK 443- 386-36918	

ZONING REVIEW ZONING REVIEW

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 02- 124 -A Address 8137 Murray Point Rd.
Case Number 02- 124 -A Address 8137 Marray Point Rd.  Contact Person: Bruh = Rudaitis Phone Number: 410-887-3391
Filing Date: $9/30/61$ Posting Date: $9/30/64$ Closing Date: $16/5/61$
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. <u>POSTING/COST:</u> The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <u>DEADLINE</u> : The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dolted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 02- 124 -A Address 8137 Murray Point. Rd.  Petitioner's Name Stacy Petiter Telephone : -443-386-3  Posting Date: 9/30/01 Closing Date: 10/15/01  Wording for Sign: To Permit a height of 21 ft, for an accessory struct  (garage) in lieu of the required 15 ft.

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

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits & Development Mgmt.

DATE: November 26, 2001

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 5, 2001

Item Nos. 121, 123, 125, 126, 127, 128, 129, 130, 131, 133, 134, 135, 162,

and 163

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 30, 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 29, 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:

121, 122, 123, 124, 125, 126, 127, 128, 130, 133, 134, 135, and 163

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

cc: File

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

DATE: November 20, 2001

TO: Arnold Jablon, Director

> Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

2 | **SUBJECT:** 8137 Murray Point Road

**INFORMATION:** 

Item Number: 02-124

**Petitioner:** Stacy L. Deltzer

Zoning: DR 5.5

Requested Action: Variance

#### **SUMMARY OF RECOMMENDATIONS:**

The Office of Planning does not oppose the petitioner's request provided the garage is not converted into a dwelling unit

Prepared by: Mark A Cump

Section Chief: Jaffry W Long



### Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D Porcari Secretary

Parker F. Williams Administrator

Date: 17. 27.01

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

RE: Baltimore County

Item No. 124 BR

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.

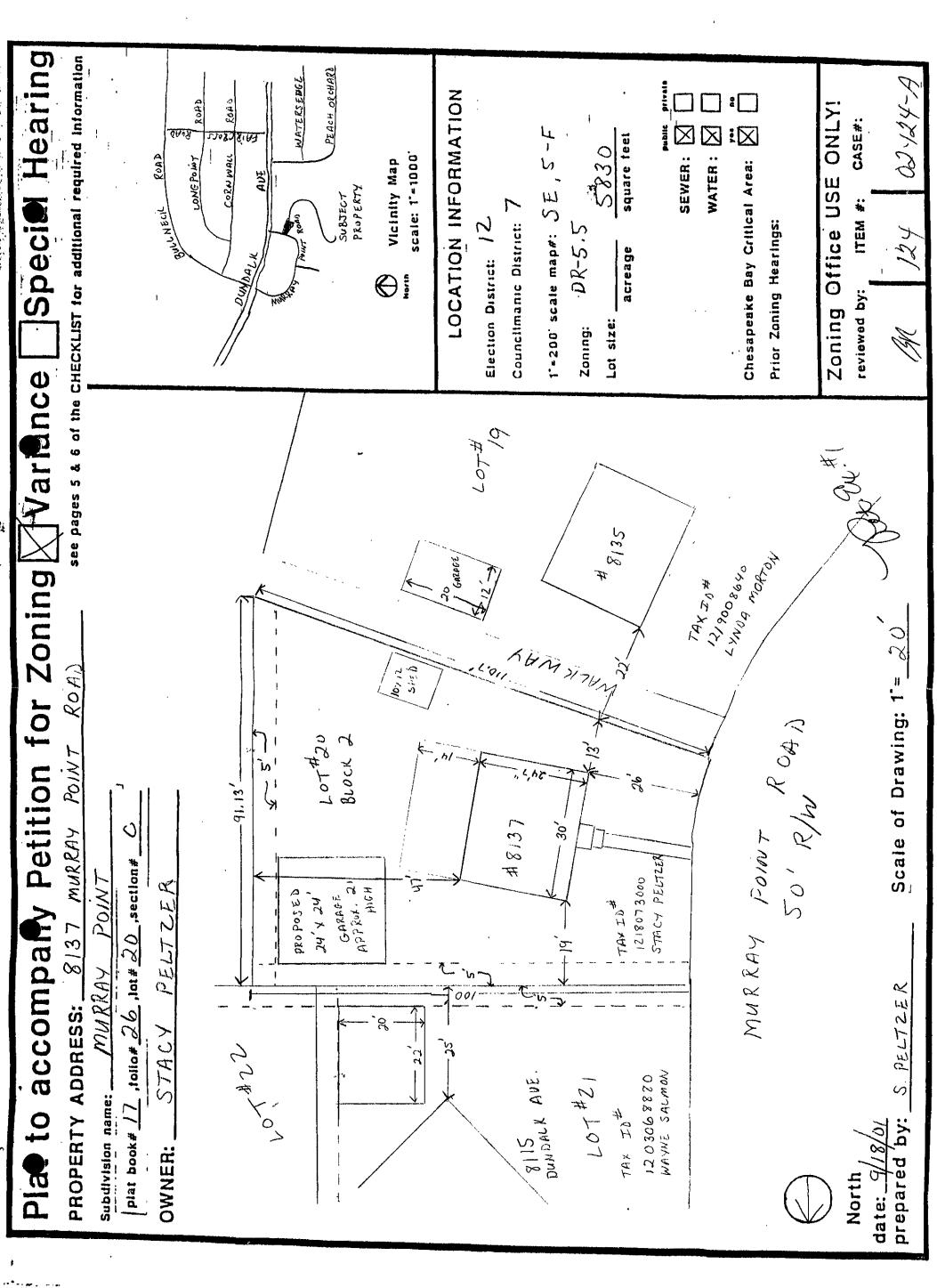
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

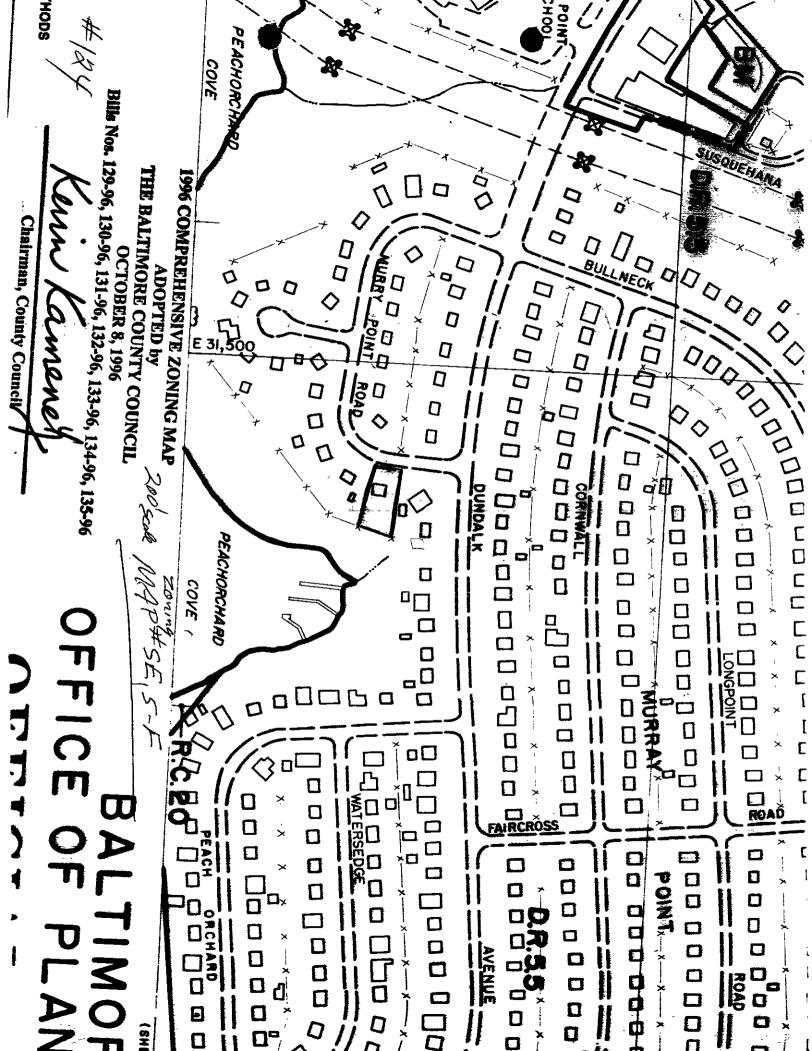
Very truly yours,

I. f. Small

1~

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







CLOSER FRONT VIEW OF GARAGE SHOWING CRANGE STAKE OF LEFT AND ORANGE STAKE ON RIGHT BY FRONT OF MOTOR HOME.

FRONT OF THE PROPOSED.

GARAGE.

THE ORANGE STAKE ON

THE LEFT BY THE CAMPER

CAP, THE RIGHT STAKE IS

BY THE DRIVERS SIDE OF

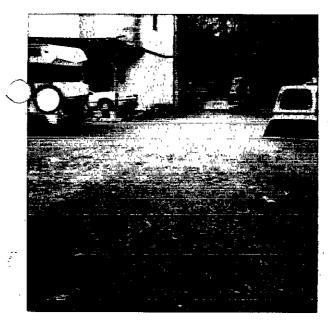
THE MOTOR HOME, THE RIGHT

REAR STAKE IS IN THE

MIDDLE OF PASSENGER SIDE

F MOTOR HOME AND TO THE

RIGHT OF BLOCK PILE.



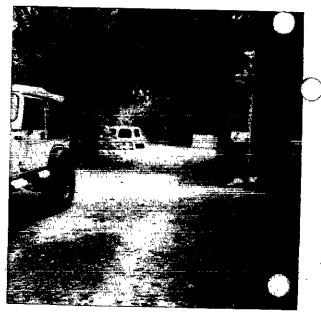
BACK VIEW OF PROPOSED - ORAGE

THIS IS A BACK VIEW OF THE PROPERTY.



FRONT VIEW SHOWING NISHBOR GARAGE.

THIS VIEW SHOWS THE NEIGHBOR GARAGE AND A ROUGH IDEA HOW FAR IT IS TROM THE CORNER OF MY HOUSE



FRONT VIEW OF PROPOSED

THIS VIEW SHOWS

THE THREE GRANGE

STAKES. THAT WILL

BE THE FRONT AND LEFT

SIDE OF THE GARAGE

THE CAPS WILL BE THE

LEFT SIDE OF GARAGE



ARRIAL VIEW OF FRONT STAXES OF GARAGE PAINS

