IN RE: PETITION FOR VARIANCE N/S of Saddlebrook Lane, 690' +/- centerline of Bridle Ridge Lane 3rd Election District 2nd Councilmanic District (8 Saddlebrook Lane) Frank M. Harvey, Jr. *Petitioner*	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 03-023-A

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Frank M. Harvey, Jr. The Petitioner is requesting variance relief for property he owns at 8 Saddlebrook Lane, located in the Greenspring area of Baltimore County. The variance request is to permit a rear lot line setback of 40 ft. in lieu of the required 50 ft. for a proposed single-family, residential dwelling. The Petitioner is also requesting permission to amend the last approved Final Development Plan of "Bridle Ridge".

Appearing at the hearing on behalf of the variance request were Mike Aiello, the contractor hired to build the dwelling in question. Mitch Kellman, a representative of Daft, McCune & Walker, also attended the hearing. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 1.25 acres of land, zoned R.C.5. The subject property is unimproved at this time. It is known as Lot #8 of the Bridle Ridge subdivision, located adjacent to the St. Timothy's School in Greenspring. The Petitioner proposes to construct a single-family dwelling on the property, as is shown on the site plan submitted into evidence. Because of the location of the septic reserve area and the unique configuration of this lot, the variance is necessary for some

ORDER RECEIVED FOR FILING
Date 9/10/02
By P. Jameson

portions of the home to be constructed, which extend beyond the building envelope. The vast majority of the home to be built is located within the building envelope. However, there are offsets related to the architectural design of the home which extend beyond the building envelope and are in need of the variance relief requested.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

ORDER RECEIVED FOR FILING
Date 9/10/02
By D. Jameson

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 10th day of September, 2002, by this Deputy Zoning Commissioner, that the Petitioner's request for variance, to permit a rear lot line setback of 40 ft. in lieu of the required 50 ft. for a proposed single-family, residential dwelling and permission to amend the last approved Final Development Plan of "Bridle Ridge", 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 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.

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

9/10/02

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

September 10, 2002

Frank M. Harvey, Jr.
2109 Fox Trail Court
Reisterstown, Maryland 21136

Re: Petition for Variance
Case No. 03-023-A
Property: 8 Saddlebrook Lane

Dear Mr. Harvey:

Enclosed please find the decision rendered in the above-captioned case. The petition for 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 Kotroco

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Michael S. Aiello
Cher-Chris Construction Co., Inc.
10517 York Road
Cockeysville, MD 21030

Printed with Soybean Ink
on Recycled Paper

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #8 Saddlebrook Lane - Stevenson, Md. 21153 (Lot No. 9 of "Bridle Ridge" Subd. which is presently zoned RC-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)

1A04.3.B.2 to permit a 40-ft lot line (rear) setback in lieu of 50 ft. and amend the last approved FDP.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) To be determined at the hearing.

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:

Not Applicable
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Frank M. Harvey, Jr.
Name - Type or Print

Signature

Name - Type or Print

Signature

2109 Fox Trail Court 410-584-9030
Address Telephone No.

Reisterstown, Md. 21136
City State Zip Code

Representative to be Contacted:

Michael S. Aiello
Cher-Chris Construction Co., Inc.
Name

10517 York Road 410-666-3042
Address Telephone No.

Cockeysville, Maryland 21030
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By Date 7-12-02

9/10/02

Case No. 03-02-23A

REV 9/15/98

Zoning Description for 8 Saddlebrook Lane

Beginning on the north side of Saddlebrook Lane, fifty feet wide, at the distance of 690 feet northeast of the centerline of Bridle Ridge Lane, fifty feet wide. Being Lot 9, Phase Two of Bridle Ridge (A Subdivision of Parcel B of "Bridle Ridge, Plat Two of Four"), as recorded in Plat Book 72, folio 128. Also known as 8 Saddlebrook Lane containing 1.258 acres in the 3rd Election District and 2nd Councilmanic District.

23

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 14393

DATE 7-12-02 ACCOUNT 001-006-6150

AMOUNT $ 100.00

RECEIVED FROM: F. HARVEY, JR.

FOR: (CK) UM. 50.00
AMEND FDP. 50.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

JCM

PAID RECEIPT

BUSINESS	ACTUAL	TIME
7/12/2002	7/12/2002	14:24:30

REC WS04 WALKIN DOL DMD DRAWER 2
>>RECEIPT # 187092 7/12/2002 OFLH
Dept 5 528 ZONING VERIFICATION
CR NO. 014393
Recpt Tot $100.00
100.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #03-023-A
#8 Saddlebrook Lane
N/side of Saddlebrook Lane 690' +/- centerline Bridle Ridge Lane
3rd Election District
2nd Councilmanic District
Legal Owner(s):
Frank M Harvey, Jr
Variance: to permit a 40' lot line (rear) setback in lieu of 50' and amend the last approved FDP
Hearing: Friday, September 6, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
8/295 Aug 22 C557636

CERTIFICATE OF PUBLICATION

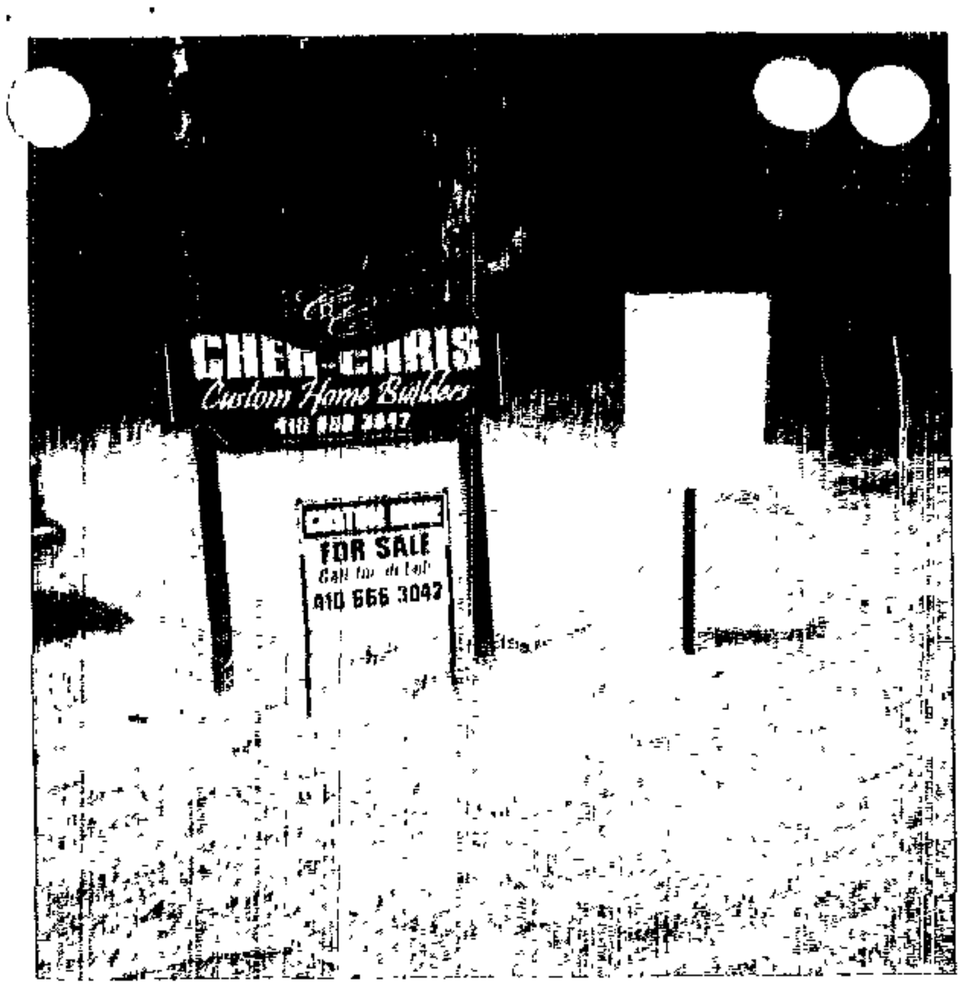
8/22/, 2002

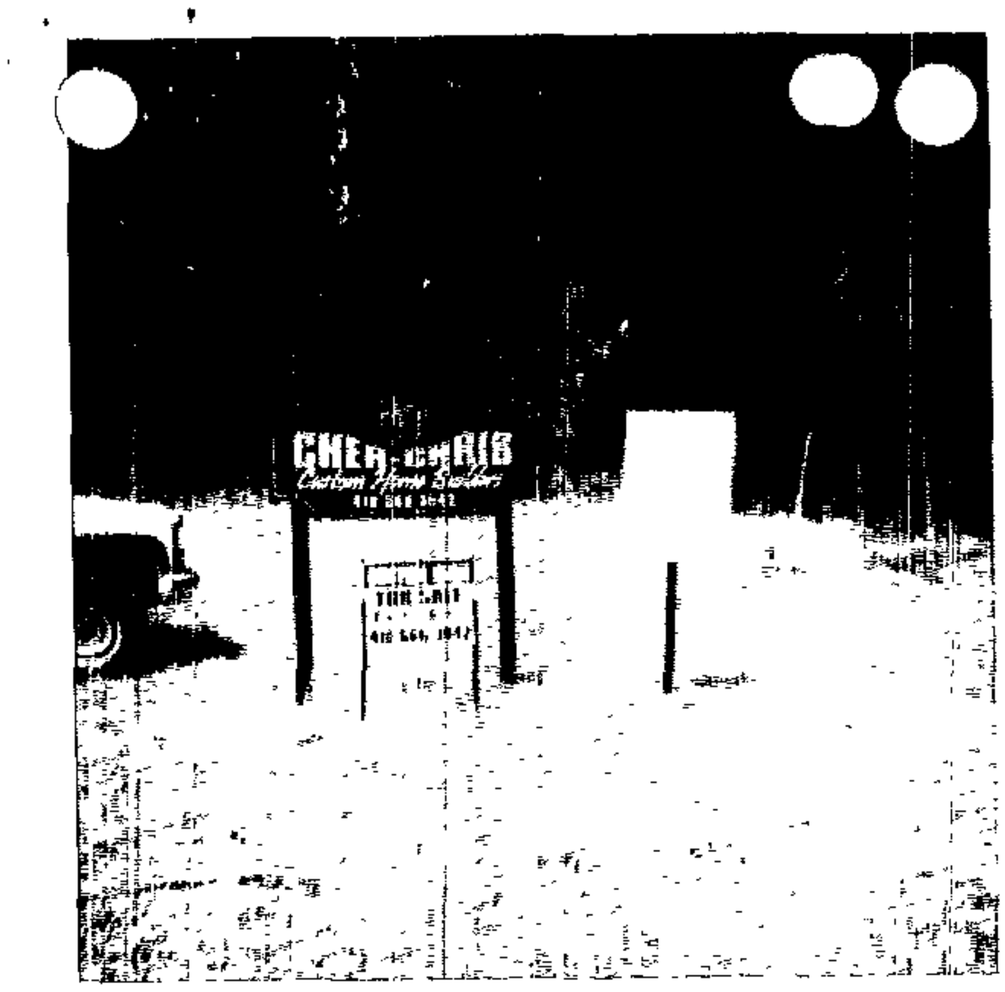
THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/22/, 2002.

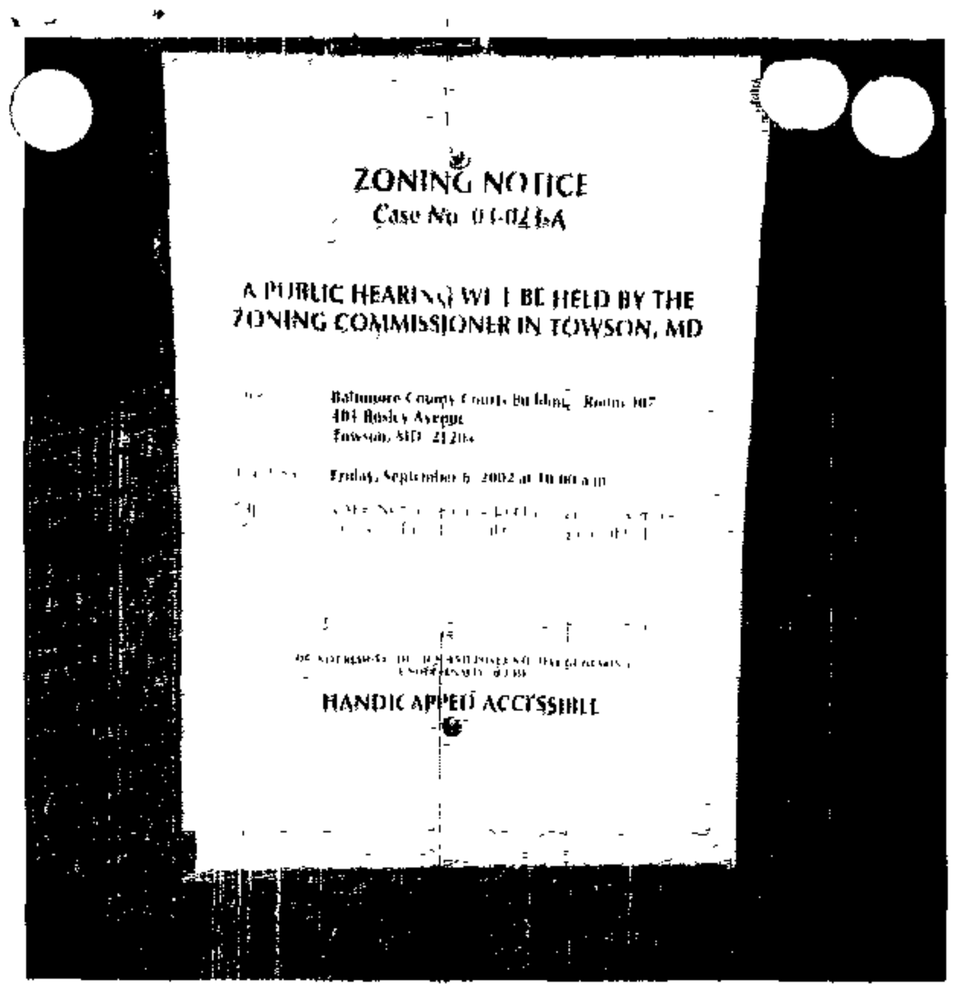
- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING







ZONING NOTICE
Case No. 03-0416-A

A PUBLIC HEARING WILL BE HELD BY THE
ZONING COMMISSIONER IN TOWSON, MD

Baltimore County Courts Building, Room 107
401 Bosley Avenue
Towson, MD 21204

Friday, September 6, 2002 at 10:00 a.m.

HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

RE: Case No. 03-023-A

Petitioner/Developer Frank M. Harvey, Jr

Date of Hearing/Closing Fri, Sept 6, 2002

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:

This letter is to certify under penalties of perjury that the necessary sign(s) required by law were posted conspicuously for the property known as

8 Saddlebrook Lane

The signs were posted on August 22, 2002
(Month, Day, Year)

Sincerely,

Steve Cumor
(Signature of Sign Poster and Date)

Steve Cumor
DMW, Inc (Printed Name)

200 East Pennsylvania Avenue
Towson, MD 21286
(Address)

410-296-3333
(Telephone Number)

RE:	PETITION FOR VARIANCE. 8 Saddlebrook Lane/ N/side Saddlebrook Lane 690' +/- ctrl Bridle Ridge Lane 3rd Election District 2nd Councilmanic District Legal Owner: Frank M. Harvey, Jr. Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 03-023-A

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

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of July, 2002, a copy of the foregoing Entry of Appearance was mailed to Frank M. Harvey Jr., 2109 Fox Trail Court, Reisterstown, Maryland 21136 Petitioner(s).

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 22, 2002 Issue – Jeffersonian

Please forward billing to:

Frank M. Harvey, Jr.
2109 Fox Trail Court
Reisterstown, MD 21136

410-584-9030

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 03-023-A
#8 Saddlebrook Lane
N/side of Saddlebrook Lane 690' +/- centerline Bridle Ridge Lane
Election District 3rd Councilmanic District 2nd
Legal Owner: Frank M. Harvey, Jr

VARIANCE to permit a 40' lot line (rear) setback in lieu of 50' and amend the last approved FDP.

HEARING: Friday, September 6, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Baltimore County
Department of Permits and
Development Management

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

July 25, 2002

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 03-023-A
#8 Saddlebrook Lane
N/side of Saddlebrook Lane 690' +/- centerline Bridle Ridge Lane
Election District 3rd Councilmanic District 2nd
Legal Owner: Frank M. Harvey, Jr

VARIANCE to permit a 40' lot line (rear) setback in lieu of 50' and amend the last approved FDP.

HEARING: Friday, September 6, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

C: Frank M. Harvey, Jr. 2109 Fox Trail Court, Reisterstown, MD 21136
Michael S. Aiello, Cher-Chris Construction Co., Inc. 10517 York Rd. Cockeysville, MD 21030

NOTES. (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY Thursday, August 22, 2002**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE, FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Printed with Soybean Ink

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 03-23A

Petitioner: FRANK HARVEY, JR.

Address or Location: 2109 FOX TRAIL COURT, REISTERSTOWN, MD. 21136

PLEASE FORWARD ADVERTISING BILL TO:

Name: SAME

Address:

Telephone Number: 410-584-9030

Revised 2/20/98 - SCJ

Baltimore County
Department of Permits and
Development Management

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

August 30, 2002

Frank M Harvey Jr
2109 Fox Trail Court
Reisterstown MD 21136

Dear Mr. Harvey:

RE: Case Number: 03-023-A, #8 Saddlebrook Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 12, 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.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Michael S Aiello, Cher-Chris Construction Co Inc, 10517 York Road,
Cockeysville 21030
People's Counsel

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on Recycled Paper

Baltimore County
Fire Department

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 refer[illegible]ed property ha[illegible] surveyed by this Bureau and the comment[illegible] below are appl[illegible] required to be corrected or incorpora[illegible]d into the fina[illegible] for the property.

The Fire Marshal's Office [illegible] comments at this time, IN REFERENCE TO THE FOL[illegible] ITEM NUMBERS:

018-023 025, 027-030

REVIEWE[illegible]: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: August 21, 2002

FROM: 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 | TGT

DATE: August 16, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of July 22, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

23

17,19,20,22-30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: August 29, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 02-576, 03-023, & 03-037**

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: Mark A Cunningham

Section Chief: Lyn Lanham

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. 02

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

RE: Baltimore County
Item No. 023 JCM

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).

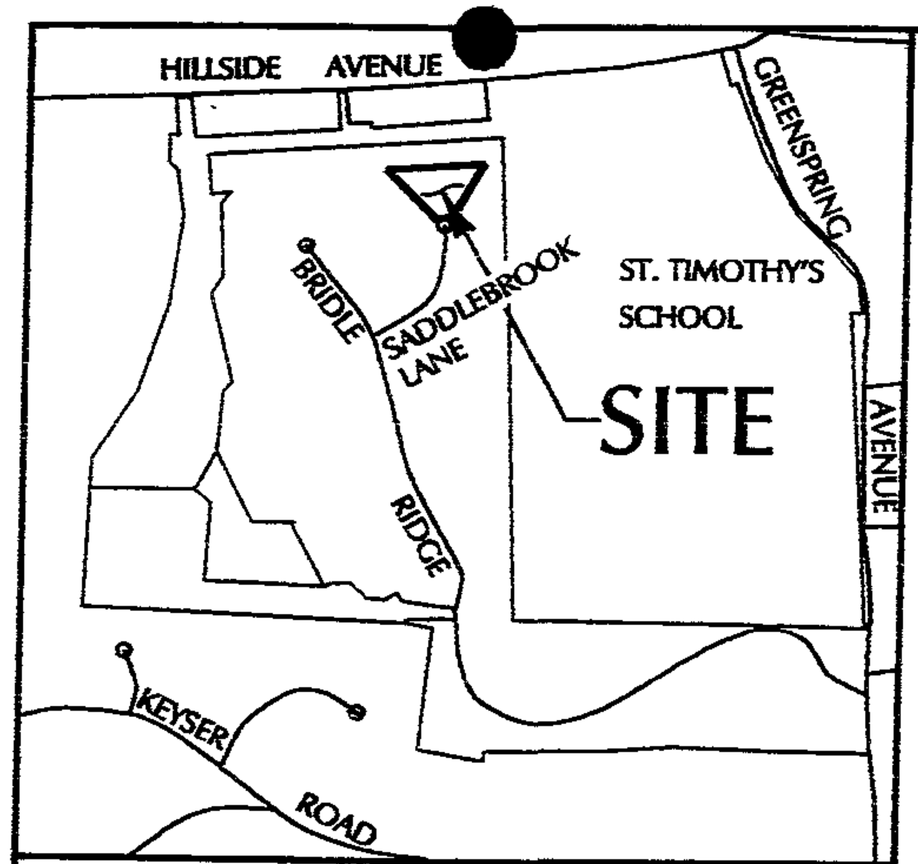
Very truly yours,

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

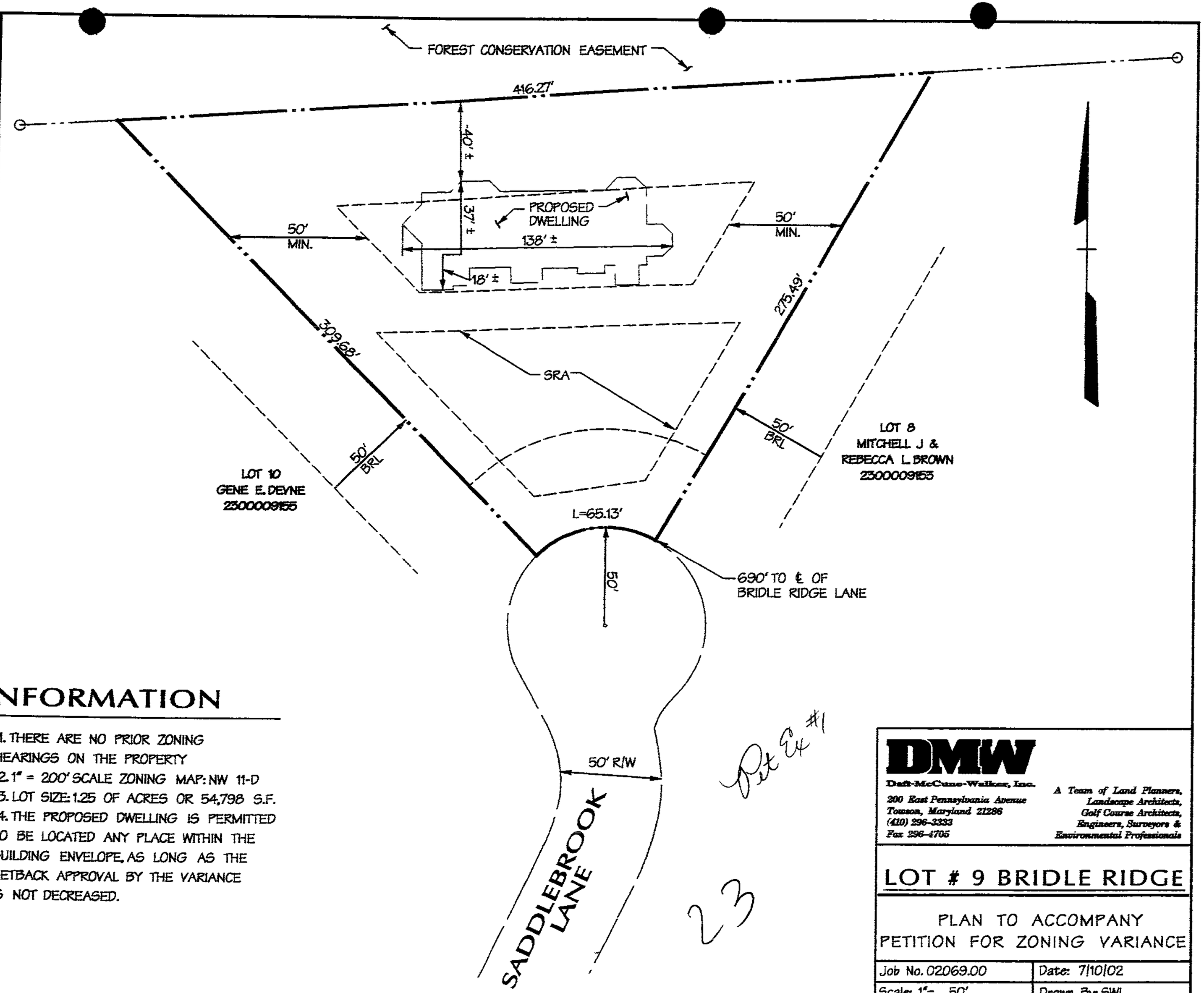
My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



VICINITY MAP
SCALE: 1" = 1000'



Pet Ex #1

23

GENERAL NOTES & INFORMATION

1. PROPERTY OWNER: FRANK M. HARVEY, JR.
2. ADDRESS: 8 SADDLEBROOK LANE
3. ZONING: RC5
4. ELECTION DISTRICT: 3
5. COUNCILMANIC DISTRICT: 2
6. SUBDIVISION NAME: BRIDLE RIDGE, PHASE TWO
7. PLAT BOOK REFERENCE: S.M. 72-128
8. WATER AND SEWER: PRIVATE
9. THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE CBCA OR FLOODPLAIN
10. THE PROPERTY IS LOCATED WITHIN THE GREENSPRING VALLEY NHRD
11. THERE ARE NO PRIOR ZONING HEARINGS ON THE PROPERTY
12. 1" = 200' SCALE ZONING MAP: NW 11-D
13. LOT SIZE: 1.25 OF ACRES OR 54,798 S.F.
14. THE PROPOSED DWELLING IS PERMITTED TO BE LOCATED ANY PLACE WITHIN THE BUILDING ENVELOPE, AS LONG AS THE SETBACK APPROVAL BY THE VARIANCE IS NOT DECREASED.

DMW
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

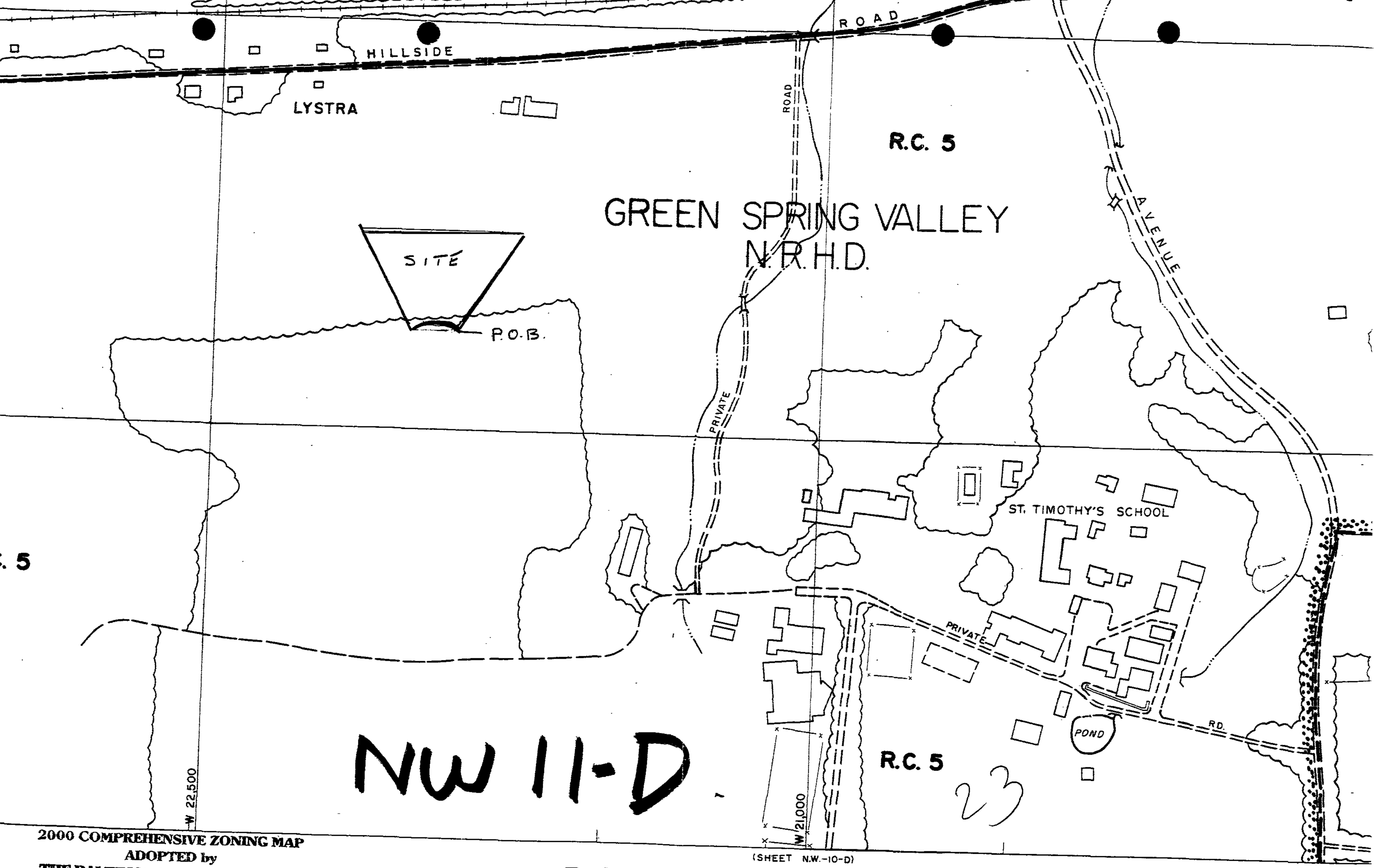
A Team of Land Planners, Landscape Architects, Golf Course Architects, Engineers, Surveyors & Environmental Professionals

LOT # 9 BRIDLE RIDGE

PLAN TO ACCOMPANY
PETITION FOR ZONING VARIANCE

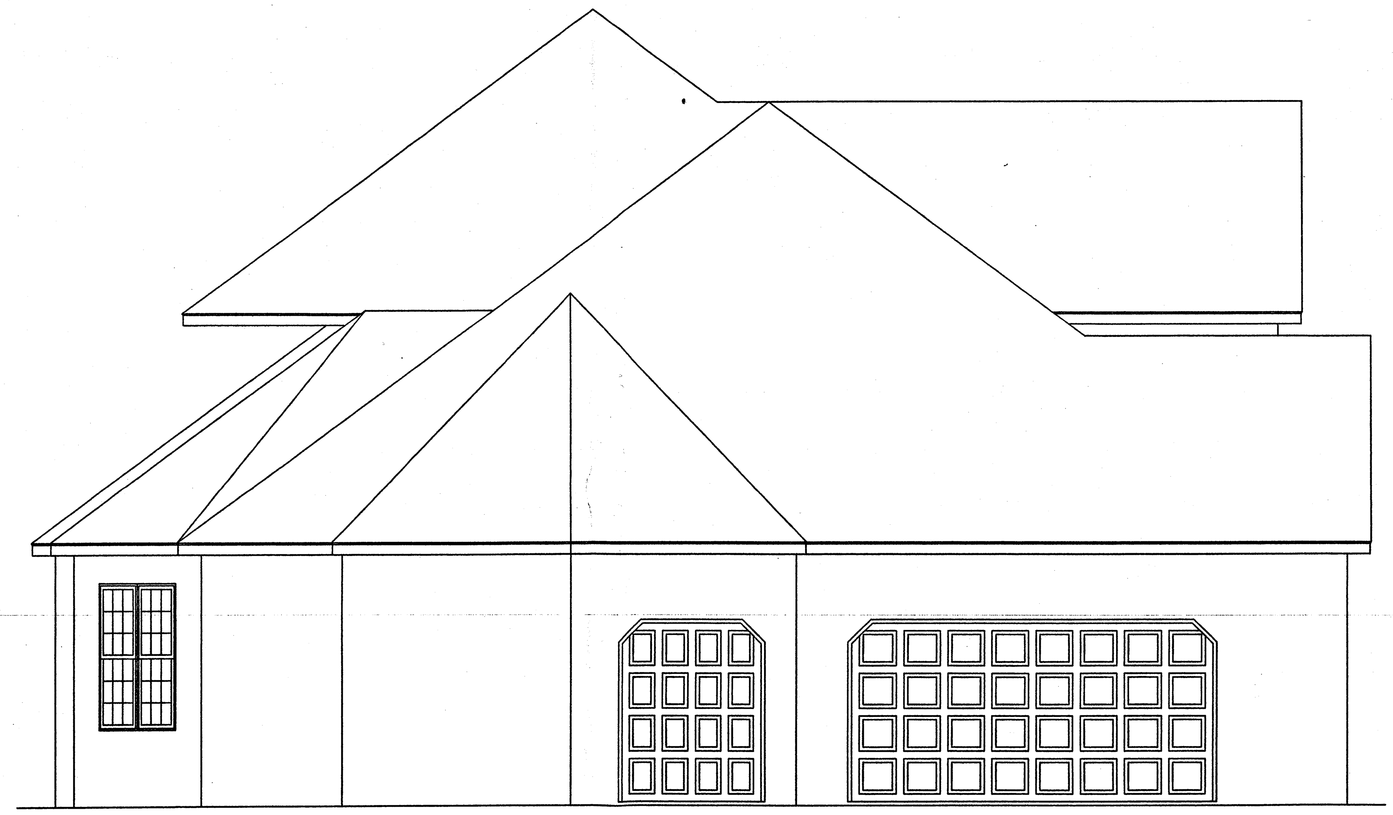
Job No. 02069.00	Date: 7/10/02
Scale: 1"= 50'	Drawn By: SWL

Thu Jul 11 11:39:06 2002 n:\02069\02069.zon



2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL

BALTIMORE COUNTY



LEFT SIDE ELEVATION

SCALE: 1/4" = 1' 0"

RIGHT SIDE ELEVATION

SCALE: 1/4" = 1' 0"

Lot 9
Bridle Ridge

FRONT ELEVATION
SCALE: 1/4" = 1' 0"

REAR ELEVATION
SCALE: 1/4" = 1' 0"

Pet Ex #2