

IN RE: PETITION FOR ADMIN. VARIANCE
SE/Corner of Elm Drive
and Fourth Road
15th Election District
6th Councilmanic District
(25 Elm Drive)

Wayne B. Cosgrove
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-474-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by the legal owner of the subject property, Wayne B. Cosgrove, for that property known as 25 Elm Drive in the eastern area of Baltimore County. The Petitioner herein seeks a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a 15 ft. rear yard setback in lieu of the required 30 ft. rear yard setback in order to construct a new dwelling (once the existing dwelling has been razed). 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 has 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 request for a public hearing, a decision shall be rendered based upon the documentation contained in the case file. Based upon the information available, there is no evidence in the file to indicate that the requested administrative variance would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted.

In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that the relief requested sufficiently complies with the requirements of Sections 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.

5/15/03
J. J. Emerson

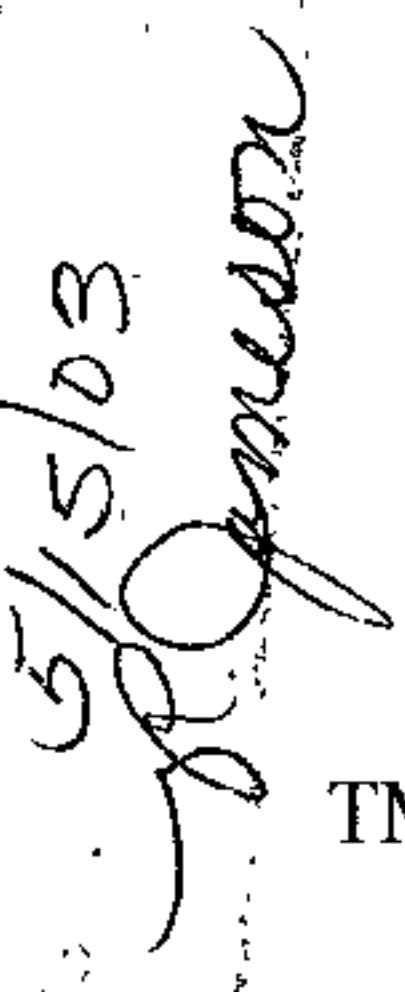
This property is located within the Chesapeake Bay Critical Areas and as such, is subject to compliance with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM). Therefore, the relief granted herein is subject to the Petitioner's compliance with any recommendations made by DEPRM.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations having been met, and for the reasons set forth above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 15th day of May, 2003, that the Petitioner's request for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a 15 ft. rear yard setback in lieu of the required 30 ft. rear yard setback in order to construct a new dwelling (once the existing dwelling has been razed), be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

5/15/03

TMK:raj



Baltimore County
Zoning Commissioner

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

May 15, 2003

Mr. Wayne B. Cosgrove
25 Elm Drive
Baltimore, Maryland 21220

Re: Petition for Administrative Variance
Case No. 03-474-A
Property: 25 Elm Drive

Dear Mr. Cosgrove:

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,

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



C B C A

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 25 ELM DRIVE

which is presently zoned O.R.5.5

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)

1 B O Z . 3 C . 1 TO ALLOW A 15 FOOT REAR YARD IN LIEU OF THE REQUIRED 30 FOOT REAR YARD.

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

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

Name - Type or Print

WAYNE B. COSGROVE

Name - Type or Print

Signature

x Wayne B. Cosgrove
Signature

Address Telephone No.

Name - Type or Print

City State Zip Code

Signature

Attorney For Petitioner:

25 ELM DRIVE (410) 918-1974

Address Telephone No.

Name - Type or Print

BALTIMORE MD. 21220

City State Zip Code

Signature

Representative to be Contacted:

Company

DAVID BILLINGSLEY

Name

Address Telephone No.

601 CHARWOOD CT. (410) 679-8719

Address Telephone No.

City State Zip Code

EDGEWOOD MD 21040

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 5/15/03 day of May that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 03-474-A

Reviewed By BR Date 4/14/03

Estimated Posting Date 4/27/03

REV 10/25/01

Affidavit in Support of Administrative Variance

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

That the Affiant(s) does/do presently reside at 25 ELM DRIVE
Address
BALTIMORE MD. 21220
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

THE APPLICANT HAS LIVED AT THIS LOCATION SINCE 1989. HE WISHES TO RAZE THE EXISTING DWELLING (BUILT IN 1942) AND CONSTRUCT A NEW DWELLING. THE NEW DWELLING MUST ADHERE TO YARD SETBACKS NOW IN EXISTENCE WHICH SEVERELY LIMITS THE SIZE OF THE BUILDING ENVELOPE.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Wayne B. Cosgrove
Signature
WAYNE B. COSGROVE
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8 day of April, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

WAYNE B. COSGROVE
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public
My Commission Expires June 2006

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

25 ELM DRIVE
Address

BALTIMORE
City

MD.
State

21220
Zip Code

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Wayne B. Cosgrove
Signature

WAYNE B. COSGROVE
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8 day of April, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

WAYNE B. COSGROVE

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires Jan 2006



CBCA
Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

for the property located at 25 ELM DRIVE

which is presently zoned O.R. 5.5

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)

1 B02.3 C.1 TO ALLOW A 15 FOOT REAR YARD IN LIEU OF THE REQUIRED 30 FOOT REAR YARD.

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

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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:

Legal Owner(s):

Name - Type or Print

WAYNE B. COSGROVE

Name - Type or Print

Signature

Signature

Address

Telephone No.

Name - Type or Print

Signature

25 ELM DRIVE (410) 918-1274

Address

Telephone No.

BALTIMORE

MD.

21220

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY

Name

601 CHARWOOD CT. (410) 679-8719

Address

Telephone No.

EDGEWOOD

MD

21040

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 03-474-A

Reviewed By BK Date 4/14/03

Estimated Posting Date 4/27/03

REV 10/25/01

DESCRIPTION TO ACCOMPANY PETITION FOR ZONING VARIANCE

25 ELM DRIVE

Beginning for the same at the point formed by the intersection of the south side of Elm Drive (45 feet wide) with the east side of Fourth Road (30 feet wide), thence being all of Lot 112 as shown on the plat entitled Section 4, Stansbury Manor recorded among the plat records of Baltimore County, Maryland in Plat Book 13 Folio 138. Containing 7,510 square feet or 0.17 acre of land.

Being known as 25 Elm Drive and located in the Fifteenth Election District, Sixth Councilmanic District.

#474

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23814

DATE 4/14/03 ACCOUNT R031-006-6150

AMOUNT \$ 65.00

RECEIVED FROM: Summit

FOR: Adm. VARIANCE

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item 03 # 474

PAID RECEIPT

BUSINESS ACTUAL TIME
4/14/2003 4/14/2003 10:23:56

PER W306 WALKIN KACH KAH
RECEIPT # 148250 4/14/2003

Dept 5 528 ZONING VERIFICATION

CR NO. 023614

Receipt Tot \$45.00

65.00 OF .00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **23614**

DATE 4/14/03 ACCOUNT R001-006-600

AMOUNT \$ 65.00

RECEIVED FROM: Simon, J. J.

FOR: Administrative Services

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 474

PAID RECEIPT

BUSINESS	ACTUAL	TIME	GRN
4/14/2003	4/14/2003	10:23:56	4

REG 4006 WALKIN KNCH KXH
RECEIPT # 148250 4/14/2003 OFLR

Dept 5 528 ZONING VERIFICATION
CR ID. 023614

Receipt Tot \$45.00
65.00 OK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 03-474-A

Petitioner/Developer: WAYNE

COSGROVE

Date of Hearing/Closing: 5/12/03

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Becky Hart {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

25 ELM DRIVE

The sign(s) were posted on 4/27/03
(Month, Day, Year)

Sincerely,



(Signature of Sign Poster)

4/27/03
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: 03-474-A

Petitioner: WAYNE B. COSGROVE

Address or Location: 25 ELM DRIVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: WAYNE B. COSGROVE

Address: 25 ELM DRIVE

BALTO, MD. 21220

Telephone Number: (410) 918-1974

Revised 2/20/98 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 474 -A Address 25 Elm Dr.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/14/03 Posting Date: 4/27/03 Closing Date: 5/12/03

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. **POSTING/COST:** 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. **DEADLINE:** 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.
3. **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 Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 03- 474 -A Address 25 Elm Dr.

Petitioner's Name Wayne Cosgrove Telephone 410 - 679 - 8719

Posting Date: 4/27/03 Closing Date: 5/12/03

Wording for Sign: To Permit a rear yard setback of 15 ft. in lieu
of the required 30 ft. to construct a new dwelling.



Baltimore County
Department of Permits and
Development Management

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

May 13, 2003

Wayne B. Cosgrove
25 Elm Drive
Baltimore, MD 21220

Dear Mr. Cosgrove:

RE: Case Number: 03-474-A, 25 Elm Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 14, 2003.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
David Billingsley, 601 Charwood Court, Edgewood MD 21040





**Baltimore County
Fire Department**

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

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

April 24, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: April 21, 2003

Item No.: 465, 467-477

Dear Ms. Hart:

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.

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

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

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 30, 2003

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For April 28, 2003
Item Nos. 465, 466, 467, 468, 469,
470, 473, 474, 475, 476, and 477

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

INTER-OFFICE CORRESPONDENCE

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

DATE: April 25, 2003

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-474 – Administrative Variance

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:

Dylan L. L. L.

AFK/LL:MAC

RECEIVED

APR 25 2003

ZONING COMMISSIONER

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



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Acting Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4.18.03

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

RE: Baltimore County
Item No. 474 BR

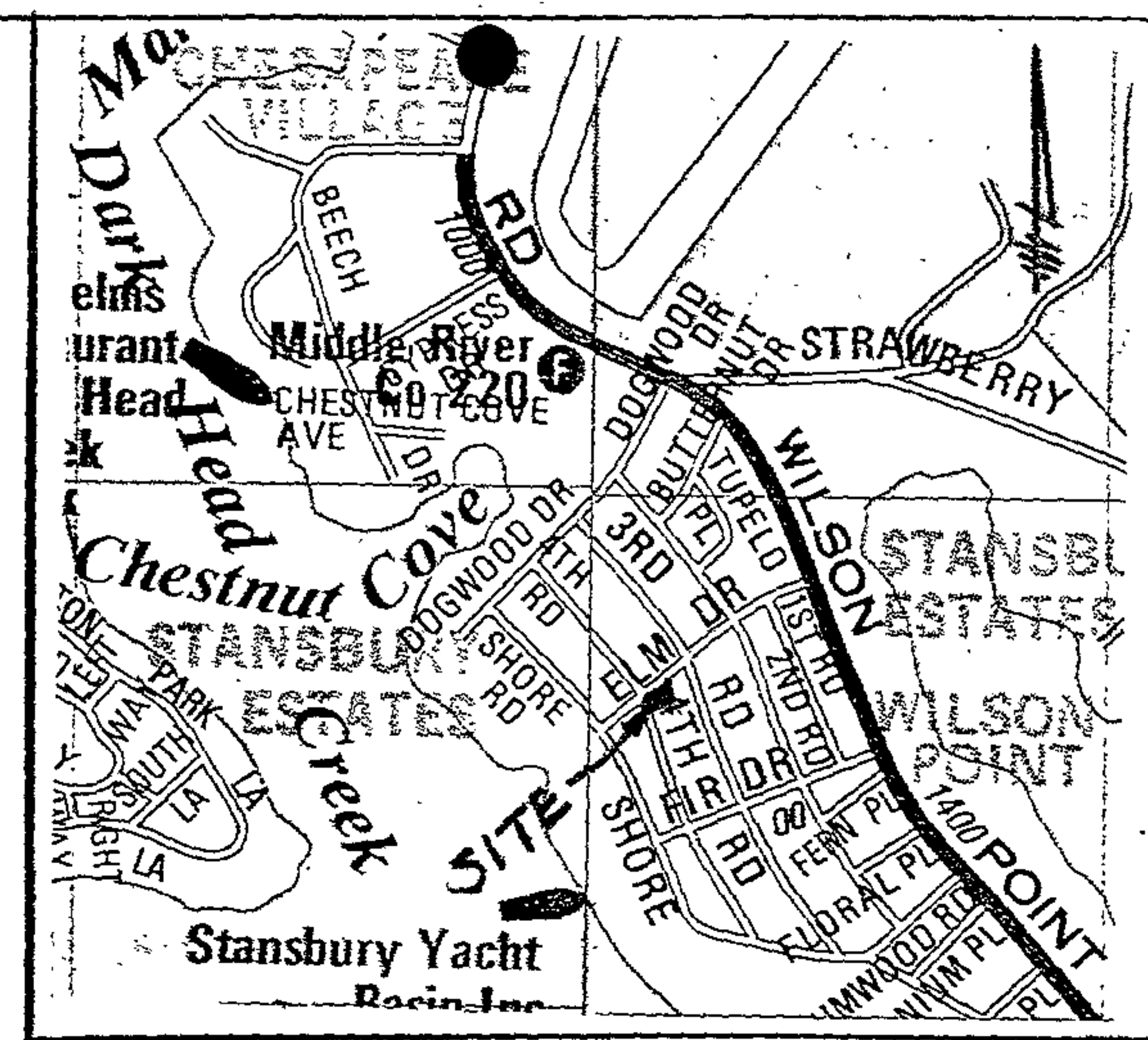
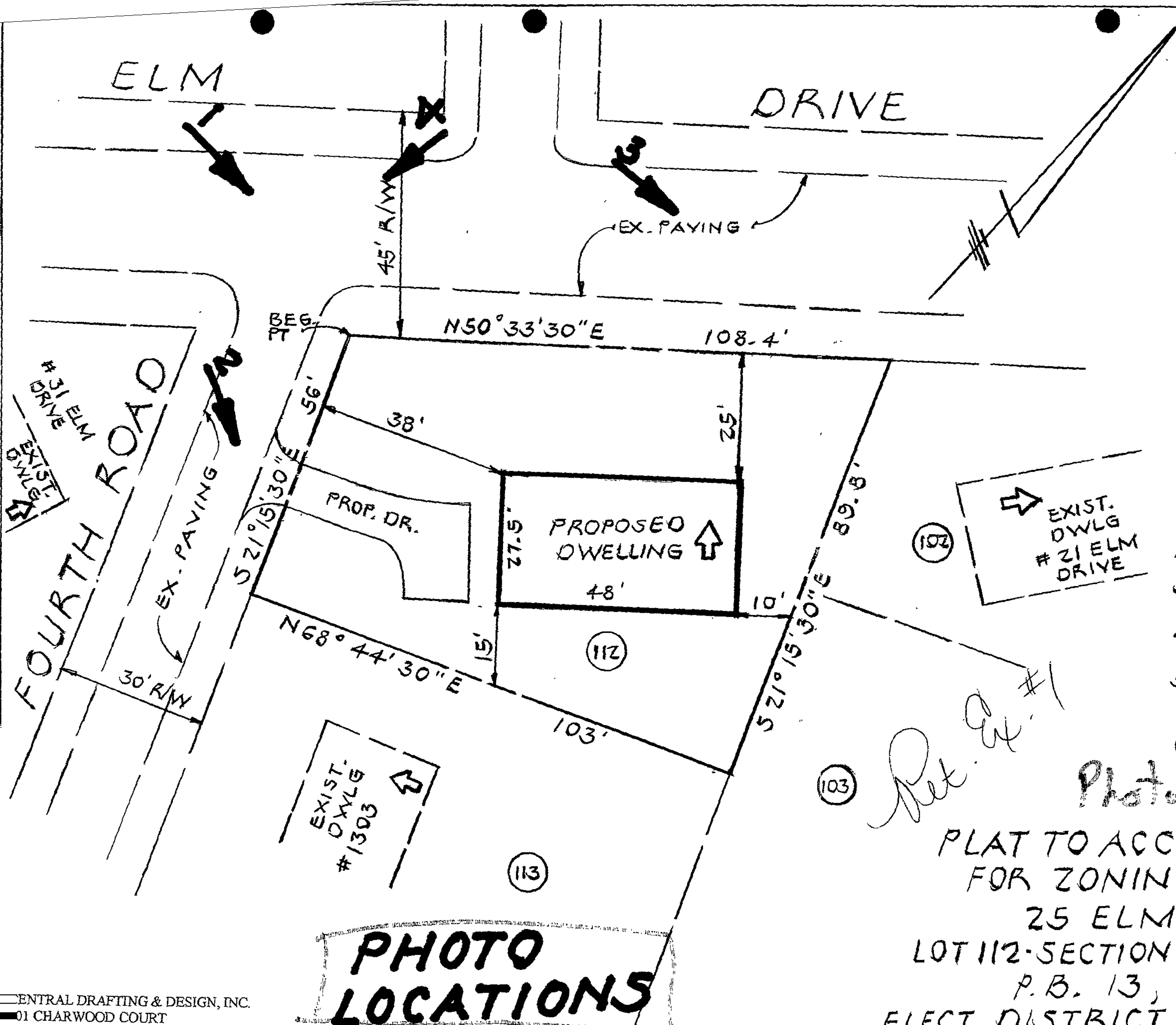
Dear Ms. Hart:

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

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

Very truly yours,

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



VICINITY MAP
SCALE: 1" = 1000'

NOTES:

1. ZONING DR. 5.5 (N.E. 2-J)
2. AREA = 7510 S.F. = 0.17 AC. ±
3. SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
4. SITE IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN.
5. OWNER: WAYNE B. COSGROVE
25 ELM DRIVE
BALTIMORE, MD. 21220
6. SITE SERVED BY PUBLIC WATER & SEWER

Photo Locations

PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE

25 ELM DRIVE

LOT 112-SECTION 4-STANSBURY MANOR

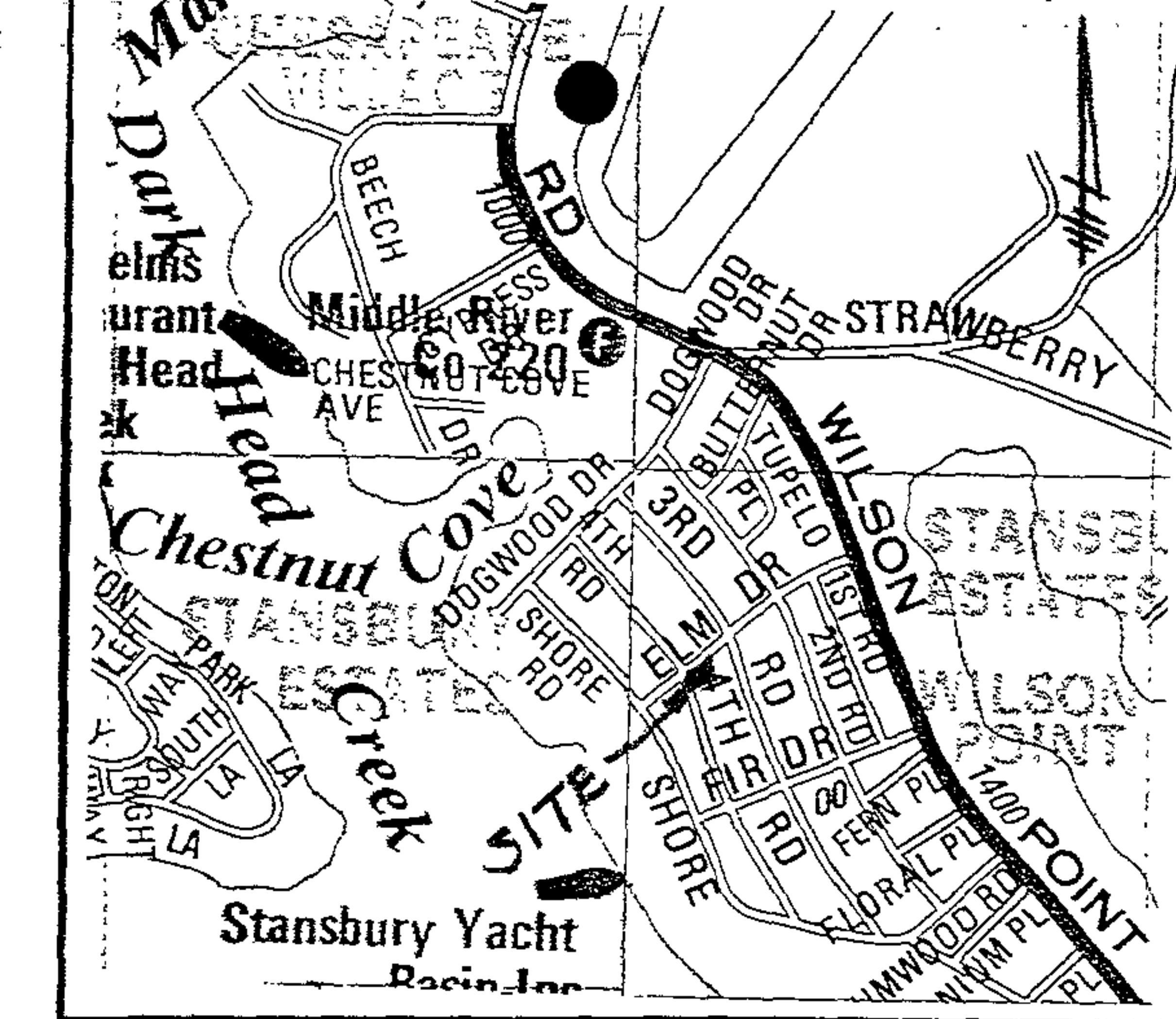
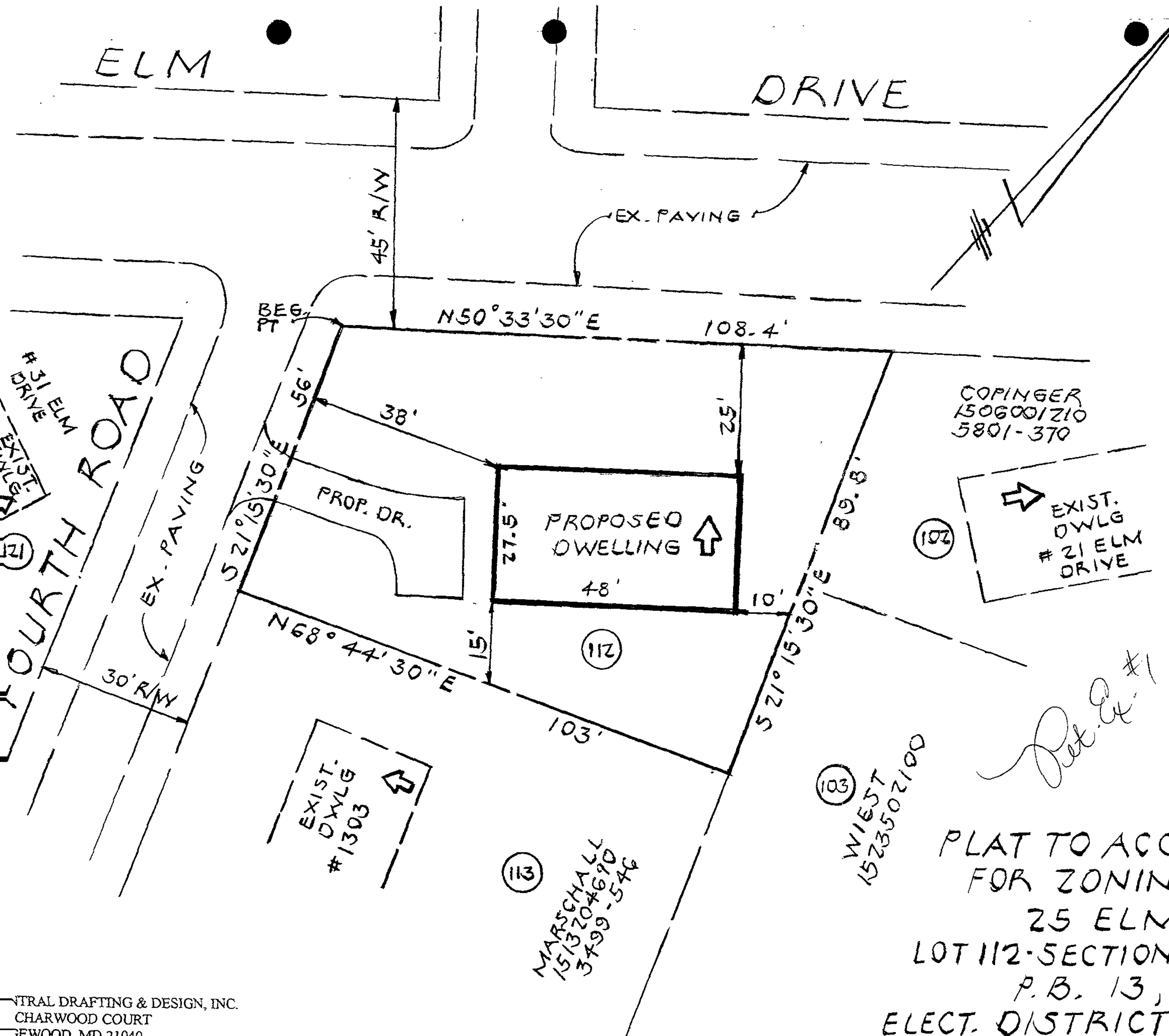
P.B. 13, F. 138

ELECT. DISTRICT 15, C6 BALTO. CO., MD.

SCALE 1" = 20'

APRIL 4, 2003

PHOTO
LOCATIONS



- NOTES:
1. ZONING D.R. 5.5 (N.E. 2-J)
 2. AREA = 7510 S.F. = 0.17 AC. ±
 3. SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
 4. SITE IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN.
 5. OWNER: WAYNE B. COSGROVE
25 ELM DRIVE
BALTIMORE, MD. 21220
 6. SITE SERVED BY PUBLIC WATER & SEWER

PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE
25 ELM DRIVE
LOT 112-SECTION 4-STANSBURY MANOR
P.B. 13, F. 138
ELECT. DISTRICT 15,C6 BALTO. CO., MD.
SCALE 1" = 20'

CENTRAL DRAFTING & DESIGN, INC.
CHARWOOD COURT
BETHESDA, MD 21040
(301) 679-8719

BR # 474 03-474-A

ELM

DRIVE

FOURTH ROAD

GRAVEL DRIVE

15'

17'

WALK

CONC. PORCH

EX. DWLG.

SHEO

EX ENCLOSED PORCH

10'

13'

WALK

36'

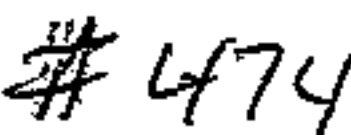
EXISTING CONDITIONS

25 ELM DRIVE

SCALE: 1" = 20'

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

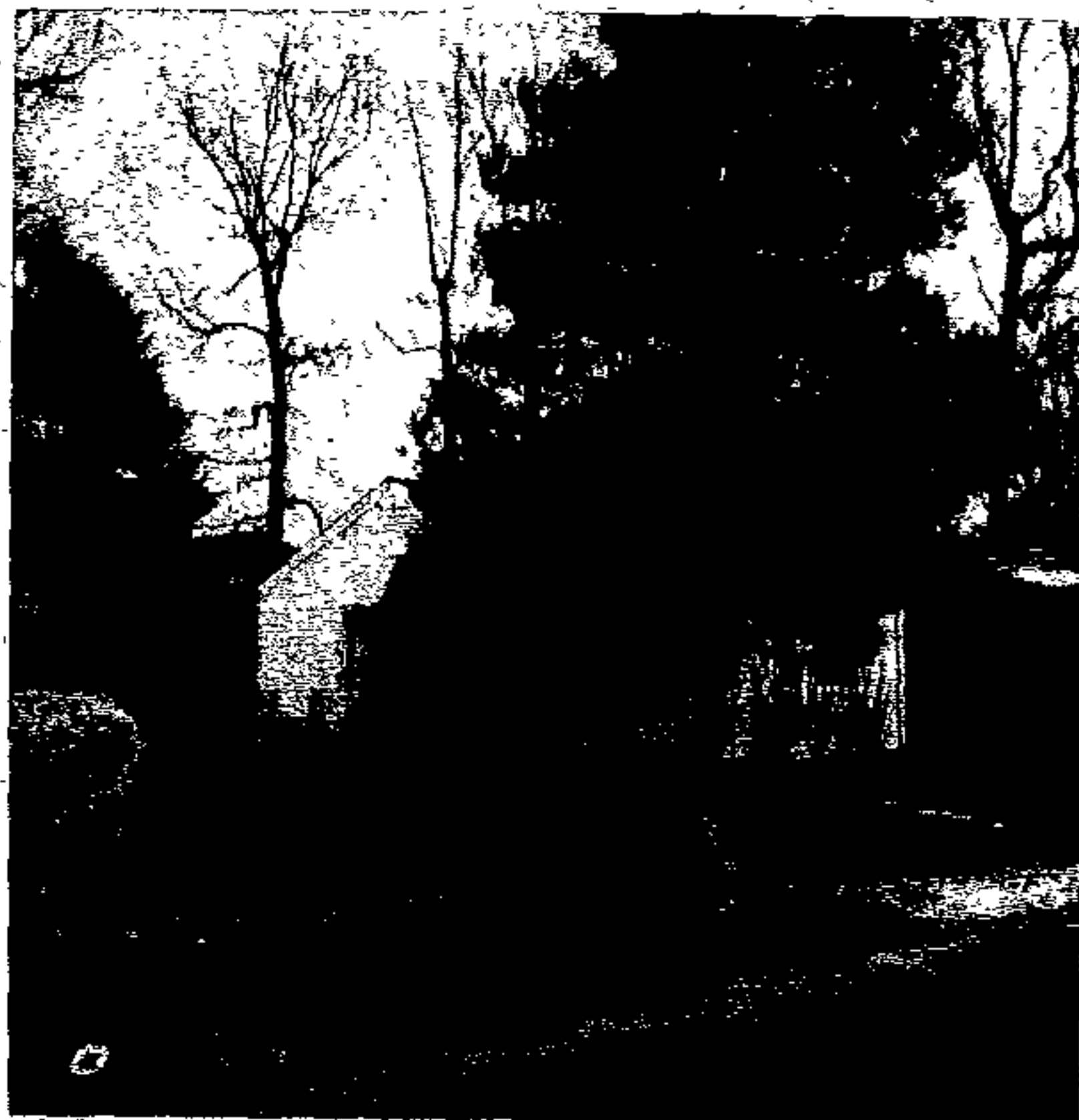
4474





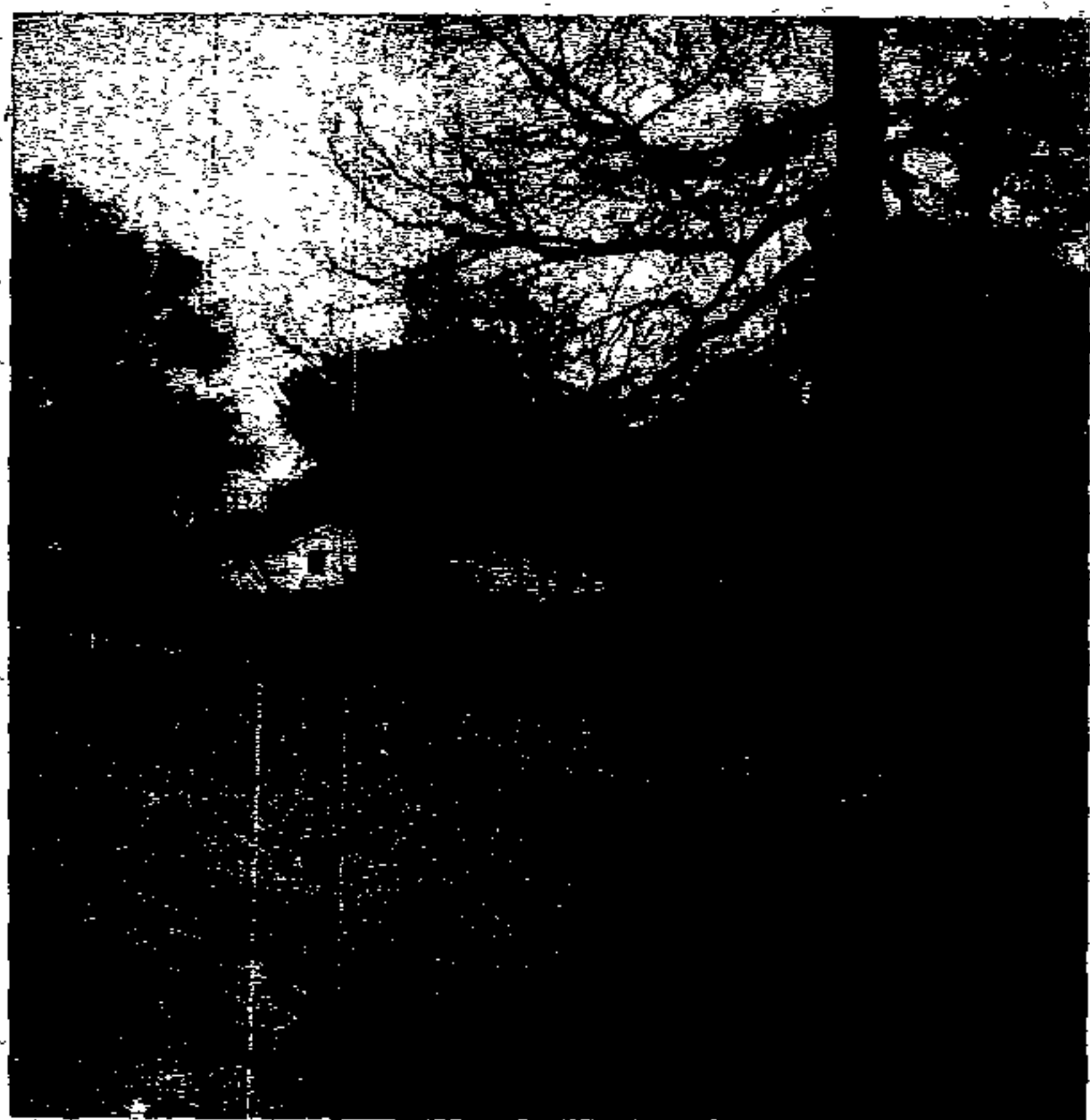
1

SITE
25 ELM DRIVE



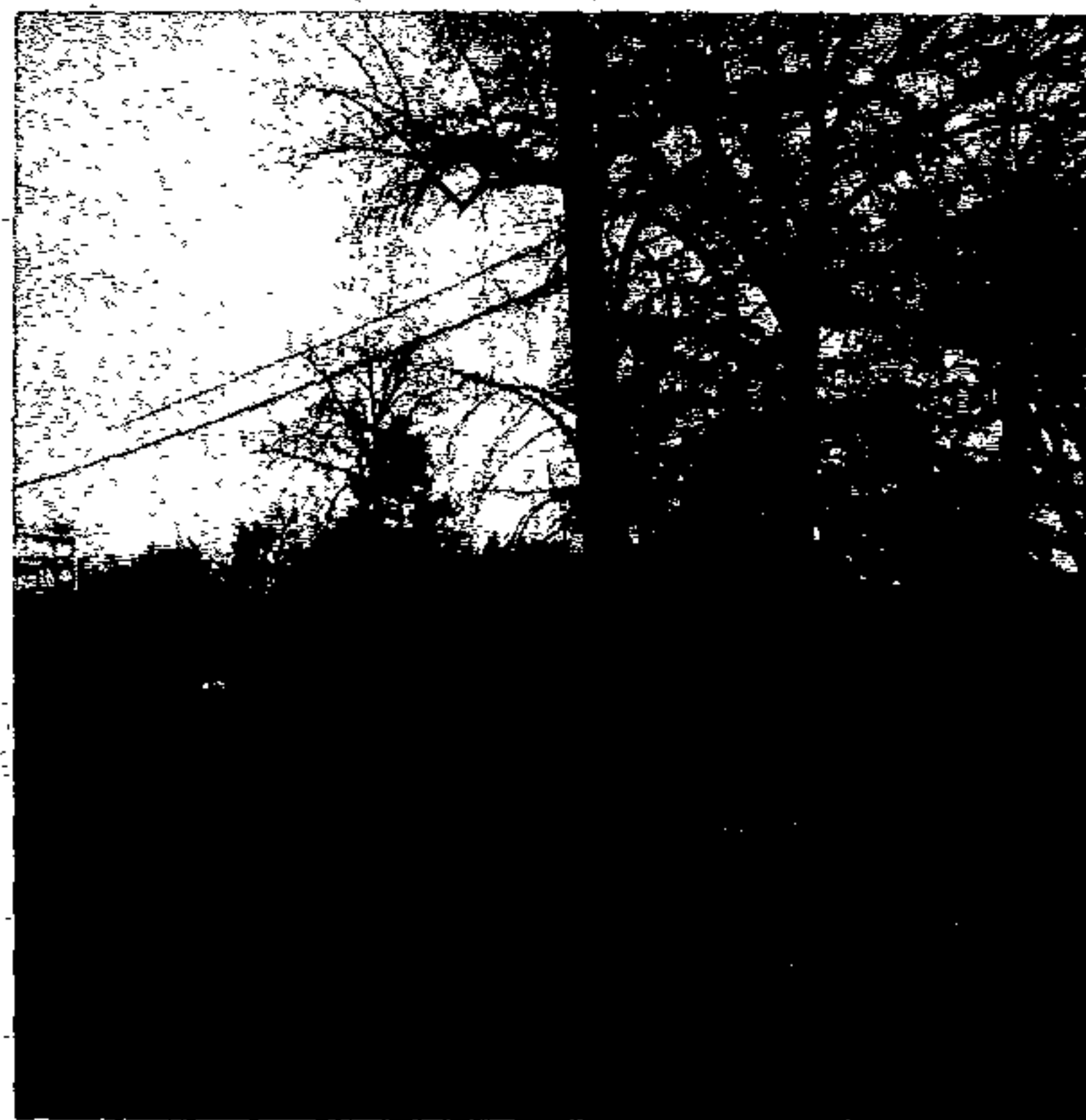
2

1303 FOURTH
ROAD



3

21 ELM DRIVE



4

31 ELM DRIVE