THE CONTROLL IN

IN RE: PETITION FOR ADMIN. VARIANCE SW/Corner of Barnes Avenue @ NW/Corner of Deer Park Road 2nd Election District 4th Councilmanic District

(4630 Deer Park Road)

Erin E. & Douglas B. Wanzer Petitioners * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 05-627-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 owners of the subject property, Erin E. and Douglas B. Wanzer. The administrative variance is requested for property located at 4630 Deer Park Road in the Owings Mills area of Baltimore County. The administrative variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory structure (garage) to have a height of 24 ft. in lieu of the maximum permitted 15 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 2, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated June 29, 2005, a copy of which is attached hereto and made a part hereof. In addition, a ZAC comment was received from the Bureau of Development Plans Review dated June 6, 2005, a copy of which is attached hereto and made a part hereof.

Applicable Law

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

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

The Petitioners have 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 Petitioners.

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, I find that the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, this <u>\$</u> day of July, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory structure (garage) to have a

height of 24 ft. in lieu of the maximum permitted 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioners or subsequent owners shall not allow or cause the accessory structure to be converted into a dwelling unit and/or apartment. There shall be no sleeping quarters, living area, kitchen or bathroom facilities in the structure.
- 2. The Petitioners shall not use the accessory structure for commercial purposes;
- 3. The Petitioners shall submit elevations (all sides) of the proposed accessory structure to the Office of Planning for their review and approval prior to the issuance of any building permit.
- 4. Compliance with the ZAC comments received from the Bureau of Development Plans Review dated June 6, 2005, a copy of which is attached hereto and made a part hereof.
- 5. When applying for a building permit, the site plan field must reference this case and set forth and address the restrictions of this Order.

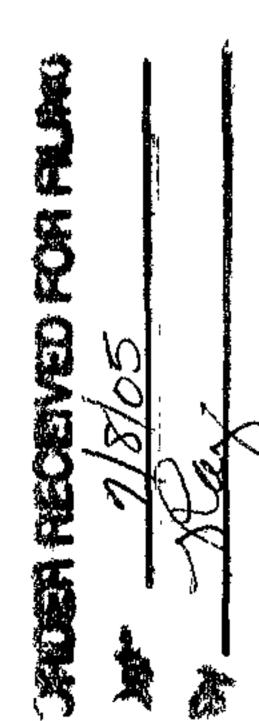
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj .



Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

July 8, 2005

Mr. & Mrs. Douglas B. Wanzer 4630 Deer Park Road Owings Mills, Maryland 21117

> Re: Petition for Administrative Variance Case No. 05-627-A Property: 4630 Deer Park Road

Dear Mr. & Mrs. Wanzer:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure



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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of

for the property located at 4630 Decr Park Rd which is presently zoned RC4

·	
This Petition shall be filed with the Department of Permits an	
owher(s) of the property situate in Baltimore County and which is o	described in the description and plat attached hereto and
made a part hereof, hereby petition for a Variance from Section(s)	1000018 10 10

TO PERMIT A DETACHED ACCESSORY STRUCTURE (GARAGE) TO HAVE A MEIGHT OF ZAIIH LIEU OF THE REQUIRED 15'

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.

	•	-	perjury, that I/we are is the subject of this I	the legal owner(s) of th Petition	e property which
Contract Purchaser/L	essee:		Legal Owner(s):		.a. U
Name - Type or Print		1	Name - Type or Print	1 /	er
Signature	······································		Signature ERIN	Elizabett	Wanzer
Address	· · · · · · · · · · · · · · · · · · ·	Telephone No.	Name - Type or Print	Elizabeth (Warle
City	State	Zip Code	Signature	O	1112 000
Attorney For Petition	<u>er:</u>		4630 Deer Pa	TK Rd	443 250 199
at day.			Address Mills	c MO	Telephone No
Name Type or Print	<u></u>	1	City	State	Zip Code
			Representative	to be Contacted:	
Signature		, , , , , , , , , , , , , , , , , , ,	SAN		
Company			Name	A-S	
Add		Telephone No.	Address	ABOUU	Telephone No.
City	State	Zip Code	City	State	Zip Code
A Fablic Hearing having been thing day of regulations of Balimore County			his petition be set for a public	the Zoning Commissioner c hearing, advertised, as re	equired by the zoning
CASE NO. OS	-627-1	ARev	riewed By	Date	25/05
REV 10/25/01		Est	imated Posting Date _	6/5/	05

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	4630 Deer Address	park Rd		<u></u>
	Owings Mills	M(21[17 Zlp Code
That based upon personal knowledge, the followariance at the above address (indicate hardship) $Nffd$ $mol2f$ ga/k			_	
2.) Need storage 1,400 sq.ft.	e Space With	- hous	e is or	7/4
3) All bedrooms a for CRafts/hobb	Rl Occup bies.	21 cd - h	eed a,	Roam
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is file additional information).	*	pay a reposting and
Journ Brian Want Signature Pourlas Brian Wanzer Name - Type or Print		nature Parint Tipe or Print	Zabeth	Wanzek
STATE OF MARYLAND, COUNTY OF BALTING I HEREBY CERTIFY, this 25th day of for Maryland, in and for the County aforesaid, per		2005 b	efore me, a Nota	ry Public of the State
the Affiant(s) herein, personally known or satisfa	actorily identified to n	ne as such Affiar	nt(s).	
AS WITNESS my hand and Notarial Seal NOTARY PUBLIC NOTARY PUBLIC CARROLL COUNTY, MARTINAND MY COMMISSION EXPIRES FEB. 4, 2009 REV. 10/25/01	Notary Pul My Comm	olic ission Expires	2/4/09	

Affidavit in Support of Administrative Variance

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That the Affiant(s) does/do presently reside at	4630	Deer Park	. RJ	······································
! !	Address Owings City	Mills	MD State	2117 Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship	wing are the p or practica	al difficulty):	nich I/we base the	request for an Administrative
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3) All bedrooms a		CUPIE	d-need	a Room for
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Standare Brunn Mary		GRU.	n Elizat	beth Wanzer
Signature Daylas Brian Wanzer Name - Type or Print	<u>. </u>	EPir	ELIZAR	SETH Wanzer
Name - Type or Print		Name - Typ	oe or Print	
STATE OF MARYLAND, COUNTY OF BALTIN				
of Maryland, in and for the County aforesaid, pe	rsonally app	eared	<u>2005</u> , before n	ne, a Notary Public of the State
the Affiant(s) herein, personally known or satisfa	actorily iden	tified to me as s	such Affiant(s).	<u></u>
AS WITNESS my hand and Notarial Seal	_			
MICHELE BALL NOTARY PUBLIC CARROLL COUNTY, MISRIPLAND NY COMMISSION EXPIRES FEB. 4, 2009	N	Markele otan Public	Ball	
MY COMMISSION EXPIRES FEB. 4, 2009	M	y Commission	Expires 2/4/0	9
REV 10/25/01				



OF THE REQUIRED 15 .

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4630 DEER Park Rd which is presently zoned <u>RC4</u>

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made à pa	art hereof, hereby petition for a	a Variance from Section(3) do > 1			
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(G/	ARAGE) TO	HAVEA	MEIGHT	7 0 F	221 1	CTUKE
5				•		m Cico

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.
	Legal Owner(s):
···	Buglas Marker Brian Wanzer
	Name Type or Print Wan Wan
	Signature ERIN FIIZALATA WANTOR
hone No.	Name - Type or Print Chabeth Wanzek
Zip Code	Signature
- '	4630 Dear Park Rd 44325019
	Address Owmas Mills VID 21117
- · · · · ·	City State Zip Code
	Representative to be Contacted:
	SAME
	Name
none No.	Address Telephone No.
Zip Code	City State Zip Code
or found to be legal pect matter of the osted.	required, it is ordered by the Zoning Commissioner of Baltimore County, his petition be set for a public hearing, advertised, as required by the zoning
•	
	Zoning Commissioner of Baltimore County
Revi	iewed By 177 Date 5/25/65
Esti	mated Posting Date 6/5/05
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BATTIMORE COUNTY, MANY AND CONTROL OF COUNTY O		DISTRETUTION WHITE CASHIES

Zoning description for 4630 Deer Park Road

Beginning at the southwest corner of Barnes Avenue, North 70 degrees 21 minutes West 465.10 feet to a pipe heretofore set; thence running in a reverse direction and binding on the fourth line, South 19 degrees 39 minutes West 100 feet to a pipe; thence running for new lines of division, South 74 degreese 06 minutes East 295.93 feet to a pipe now set at South 40 degrees 57 minutes East 104.22 feet to the center line of Deer Park Road and to intersect the first line of the second parcel described above; thence running along the center of Deer Park Road and binding reversely on a part of the first line of the second parcel and reversely on the first and second lines of the first parcel of land North 51 degrees 11 minutes East 148.65 feet and North 33 degrees 27 minutes East 5.26 feet to the point of beginning. Containing 0.98 of an acre, more or less and being part of the first and second parcels of land described above. Also known as 4630 Deer Park Road and located in the 2nd Election District, 4th Councilmanic District.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

<u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

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 ubject 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: 05-677-A
Petitioner: <u>Pous and Erin Wanzer</u> Address or Location: 4630 Deer Park Rd.
PLEASE FORWARD ADVERTISING BILL TO:
Name: Doug and Erin Wanzer
Owings Mills MD 21117
Telephone Number: 443 250 1999 410 496 5959
Address: 4630 Deer Park Rd Owings Mills MD 21117

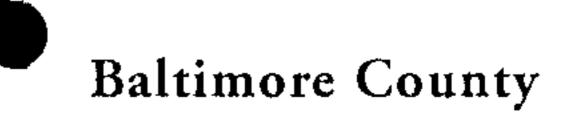
ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 627 -A Address 4630 DEEN PARY RO
Contact Person: LIOTO T. MOXLET Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: <u>5/25/05</u> Posting Date: <u>6/5/05</u> Closing Date: <u>6/20/05</u>
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
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. <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.
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 05-627 -A Address 4630 DEER PARK RD
Petitioner's Name Douglas WANZER ETUX Telephone 443 250 1999
Posting Date: 6/5/05 Closing Date: 6/20/05
Wording for Sign: To Permit A DETACHEN ACCESSORY STRUCTURE
(GARAGE) TO HAVE A HEIGHT OF ZA' IN LIEU OF
THE REQUIRED 15'

Department of Permits And Development Management

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





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

June 20, 2005

Douglas Brian Wanzer Erin Elizabeth Wanzer 4630 Deer Park Road Owings Mills, Maryland 21117

Dear Mr. and Mrs. Wanzer:

RE: Case Number: 05-627-A, 4630 Deer Park Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 25, 2005.

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, Call Richall D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



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

Fire Department

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





James T. Smith, Jr., County Executive John J. Hohman, Chief

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

June 2, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: June 6, 2005

Item No.: 595, 66

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

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

Lieutenant J.D.Mezick
Fire Marshal's Office
(0)410-887-4881 (C)443-829-2044
MS-1102F

cc: File



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 6, 2005

Department of Permits & Development

Management

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FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 13, 2005 Item No. 627

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right of way for all public roads in Baltimore County is 40-foot. Setback shall be modified accordingly.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 627-06062005.doc

6/29 97

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

5-627 – Administrative Variance

DATE: June 29; 2005. CEIVED

JUN 2 8 2005

ZONING COMMISSIONER

The Office of Planning does not oppose the petitioner's request to permit an accessory structure with a height of 24 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

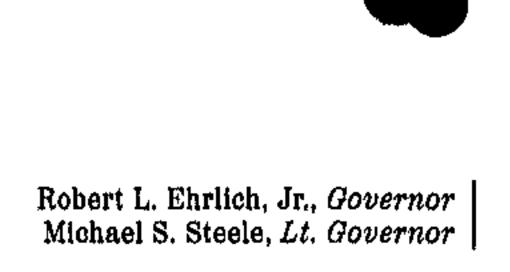
- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 2. The accessory structure shall not be used for commercial purposes.
- 3. Submit elevations (all sides) of the proposed accessory structure to this office for review and approval prior to the issuance of any building permit.

For further information concerning the matters stated herein, please contact Dave Green at 410-887-3480.

Prepared by

Section Chief:

AFK/LL: CM





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

Maryland Department of Transportation

Date: 6.3.05

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

RE:

Baltimore Count

LTM

Dear. Ms. Matthews:

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

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

Very truly yours,

Steven D. Foster, Chief

1.1. Soull

Engineering Access Permits Division

From:

Roberta Jameson

To:

Cunningham, Mark

Subject:

05-627-A

When you get a chance, the above file is missing ZAC comments.

Petitioners: Douglas & Erin Wanzer

Property: 4630 Deer Park Road

Thanks,

Robin

!

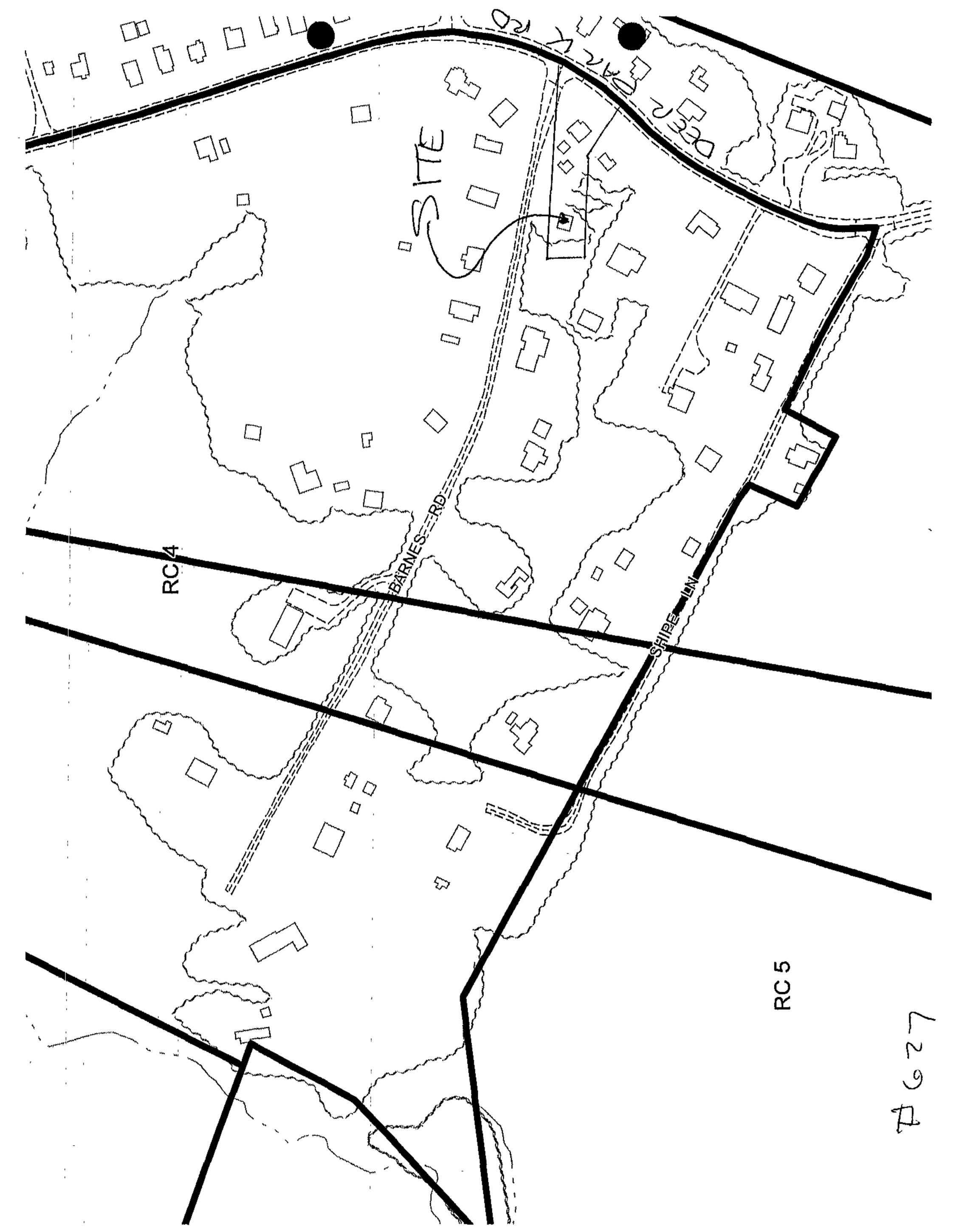
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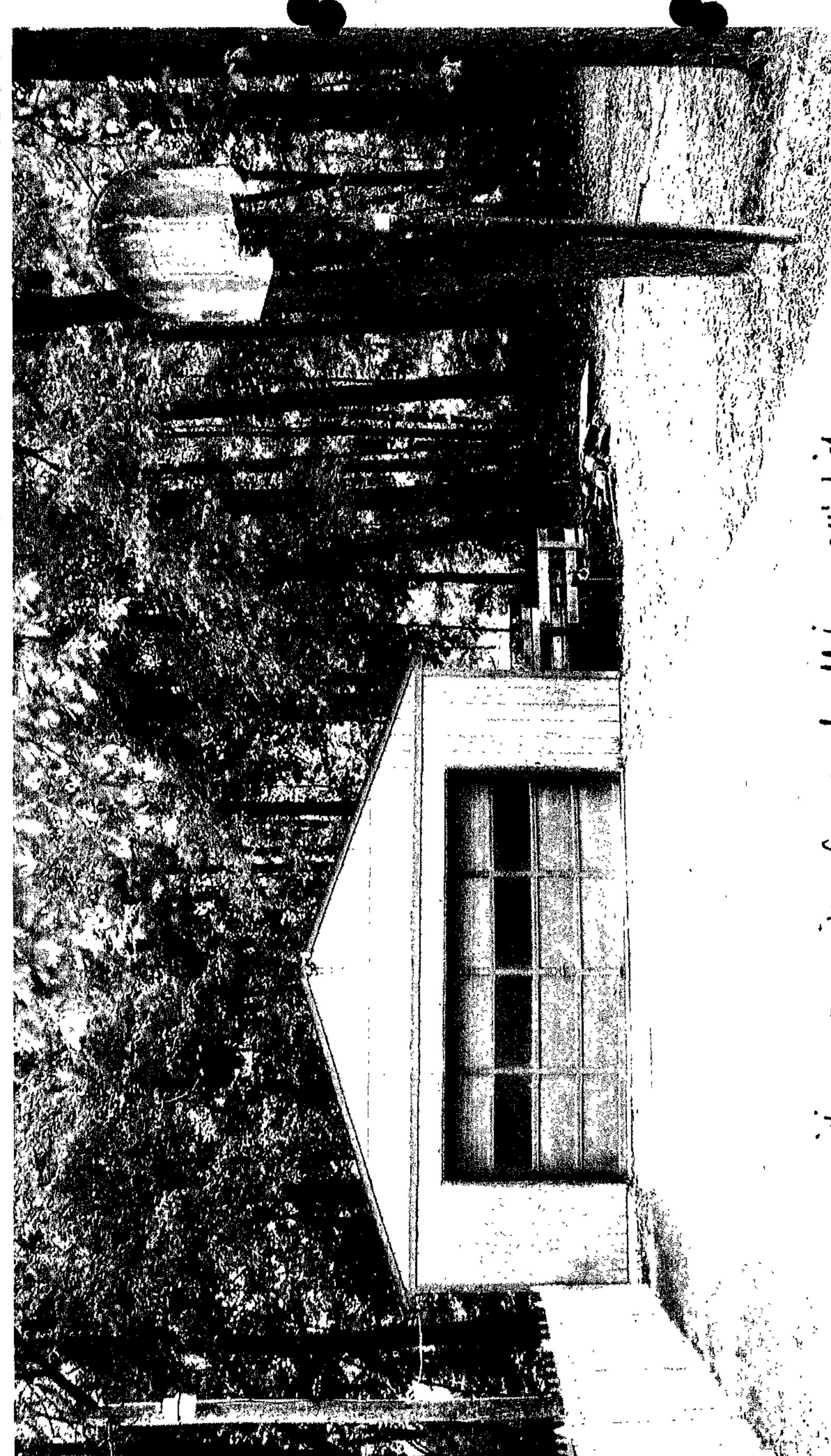
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REVIEWED BY ITEM # CASE #	OD PLAIN WEATY	VICINITY MAP CALE: 1" = 1000 REAGE SOU PUBLIC PR	OR ADDITIONAL REQUIRED INFORMATION

EXAMPLE 4 -- Zoning Map

1 COPY

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	148 CATION PERRY HA	
PHOTOGRAPI JANUARY 1986]	10 44 G





addition oded to が、大 existing



	RE: Case No.: <u>05-627-A</u>
	Petitioner/Developer:
	Douglas Wanzer
	Date of Hearing/Closing: 6-20-05
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention:	
Ladies and Gentlemen:	
This letter is to certify under the penalties of powere posted conspicuously on the property local of Mills, MD 21117	erjury that the necessary sign(s) required by law cated at 4630 Deer Park Rd.
The sign(s) were posted on $une 2, 2$	005 (Month, Day, Year)
	Sincerely, Signature of Sign Poster and Date) SHANNON-BAUM SAGNS INC. 105 COMPETITIVE GOALS DR. ELDERSBURGAND, 21784