IN RE: **PETITION FOR ADMIN. VARIANCE** S/S Burdock Road, 542' E of the c/l Denberg Road **(2107 Burdock Road)** 3rd Election District 2nd Council District Ivor Berkowitz, et ux Petitioners	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY **Case No. 06-120-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 owners of the subject property, Ivor Berkowitz, and his wife, Jill Berkowitz. The Petitioners request variance relief from Sections 205.2 and 205.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) (1955-1971 Regulations) to permit a kitchen addition and attached garage with a side setback of 5 feet in lieu of the required 15 feet, a street centerline setback of 55 feet in lieu of the required 65 feet, and a front setback of 19 feet in lieu of the required 40 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) 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.

ORDER RECEIVED FOR FILING
Date 7/27/05
By

Based upon the evidence contained therein, I am persuaded to grant the requested relief. A review of the site plan shows that the Petitioners propose constructing a combination kitchen/garage addition on the west side of the existing dwelling. While the kitchen addition will maintain the required 15-foot setback from the side property line, the proposed garage will have reduced setbacks from the side and front property lines as well as from the centerline to the street. Thus, the requested variances are necessary. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and the neighbors have no objections. Thus, it appears that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale. However, as a condition to the granting of the relief requested, the Petitioners shall submit building elevation drawings of the proposed additions to the Office of Planning for review and approval to assure compatibility with the existing dwelling and surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of September 2005 that the Petition for Administrative Variance seeking relief from Sections 205.2 and 205.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) (1955-1971 Regulations) to permit a kitchen addition and attached garage with a side setback of 5 feet in lieu of the required 15 feet, a street centerline setback of 55 feet in lieu of the required 65 feet, and a front setback of 19 feet in lieu of the required 40 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their 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) Prior to the issuance of any permits, Petitioners shall submit building elevation drawings of the proposed additions to the Office of Planning

ORDER RECEIVED FOR FILING
Date 9/27/05
By

for review and approval to assure compatibility with the existing dwelling and surrounding locale.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 9/2/15
By

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

September 27, 2005

Mr. & Mrs. Ivor Berkowitz
2107 Burdock Road
Baltimore, Maryland 21209

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Burdock Road, 542' E of the c/l Denberg Road
(2107 Burdock Road)
3rd Election District – 2nd Council District
Ivor Berkowitz, et ux - Petitioners
Case No. 06-120-A

Dear Mr. & Mrs. Berkowitz:

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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. David M. Seman
2243 Schuster Road, Jarrettsville, Md. 21084
Office of Planning; People's Counsel; Case File

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2107 BURDOCK ROAD

which is presently zoned DR-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 205.2 AND 205.3 (1955-1971 BCZR)

TO PERMIT AN ADDITION FOR A KITCHEN AND ATTACHED GARAGE WITH A SIDE SETBACK OF 5 FT AND A STREET CENTERLINE SETBACK OF 55 FT AND A FRONT SETBACK IN LIEU OF 15 FT AND 65 FT AND 40 FT RESPECTIVELY

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

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

I/We do solemnly declare and affirm, 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:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

JILL BERKOWITZ
Name - Type or Print

Jill Berkowitz
Signature

IVOR BERKOWITZ
Name - Type or Print

Ivor Berkowitz
Signature

410 653-3014 H
2107 BURDOCK RD. 410 653-3468 W
Address — Telephone No.

BALTIMORE MARYLAND 21209
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 M. SEMAN
Name

410 557-6577 H
2243 SCHUSTER RD. 410 943-3963 W
Address — Telephone No.

JARRETTSVILLE MARYLAND 21084
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

ORDER RECEIVED FOR FILING
Date 9/12/05
By

CASE NO. 06 120 A

Reviewed By JL Date 8/26/05

Estimated Posting Date 9/04/05

REV 10/25/01

120

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 2107 BURDOCK ROAD
Address

BALTIMORE COUNTY MARYLAND 21209
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):

1) TO ALLOW PROTECTED ACCESS IN TO OUR HOME FROM INCLEMENT WEATHER IN OUR SENIOR YEARS.

2) TO PROVIDE SECURE ACCESS INTO OUR HOME FROM OUR AUTOMOBILE.

3) THIS IS THE ONLY LOCATION WITH ENOUGH ROOM FOR THE GARAGE AND IS AT OUR DRIVEWAY KITCHEN ADDITION.

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.

Signature: Jill Berkowitz
Name - Type or Print: JILL BERKOWITZ

Signature: Ivor Berkowitz
Name - Type or Print: IVOR BERKOWITZ

STATE OF MARYLAND, COUNTY OF BALTIMORE, *to wit:*

I HEREBY CERTIFY, this 24 day of AUGUST, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Jill and Ivor Berkowitz

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

AS WITNESS my hand and Notarial Seal.

SANDRA R. HORTON NOTARY PUBLIC HARFORD COUNTY, MD.

My Comm. Exp. 10/1/06

Sandra R. Horton
Notary Public

My Commission Expires 10/1/06

REV 10/25/01

August 24, 2005

Attachment to the Petition for Administrative Variance for the property at 2107 Burdock Road, owned by Mr. Ivor Berkowitz andMrs. Jill Berkowitz.

ZONING DESCRIPTION FOR 2107 Burdock Road, Baltimore Maryland 21209-1001.

Beginning at 542 a point on the south side of Burdock Road which is ~~104.11~~ 50 feet wide at the distance of ~~553.78~~ feet East of the centerline of the nearest improved intersecting street, Denberg Road, which is 50 feet wide. Being Lot #19, Block F, Section #4 in the subdivision of Green Gate, as recorded in Baltimore County Plat Book #EHK37, folio #27, containing 16,198 square feet. Also known as 2107 Burdock Road and located in the 3rd Election District, 2nd Councilmanic District.

120

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

~~001 006 6150~~
~~120~~ JVL

No. 448146

DATE 8/24/15

ACCOUNT 001-006-6150

AMOUNT $ 65.00

RECEIVED FROM: Unlimited Quest Inc.

FOR: Res Variance Filing
2107 Burdock Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

SUBTOTAL	PAID	CHECK	CASH
8/25/2015	8/26/2015	18411/CH	2

FOR WHOM: MAIL NEW JLL
RECEIPT # 448146 8/26/2015
Dept: 0 COB ZONING VERIFICATION
CR NO.: 448146
Recpt Tot $65.00
$65.00 CK $0.00
Baltimore County, Maryland

CASHIER'S VALIDATION

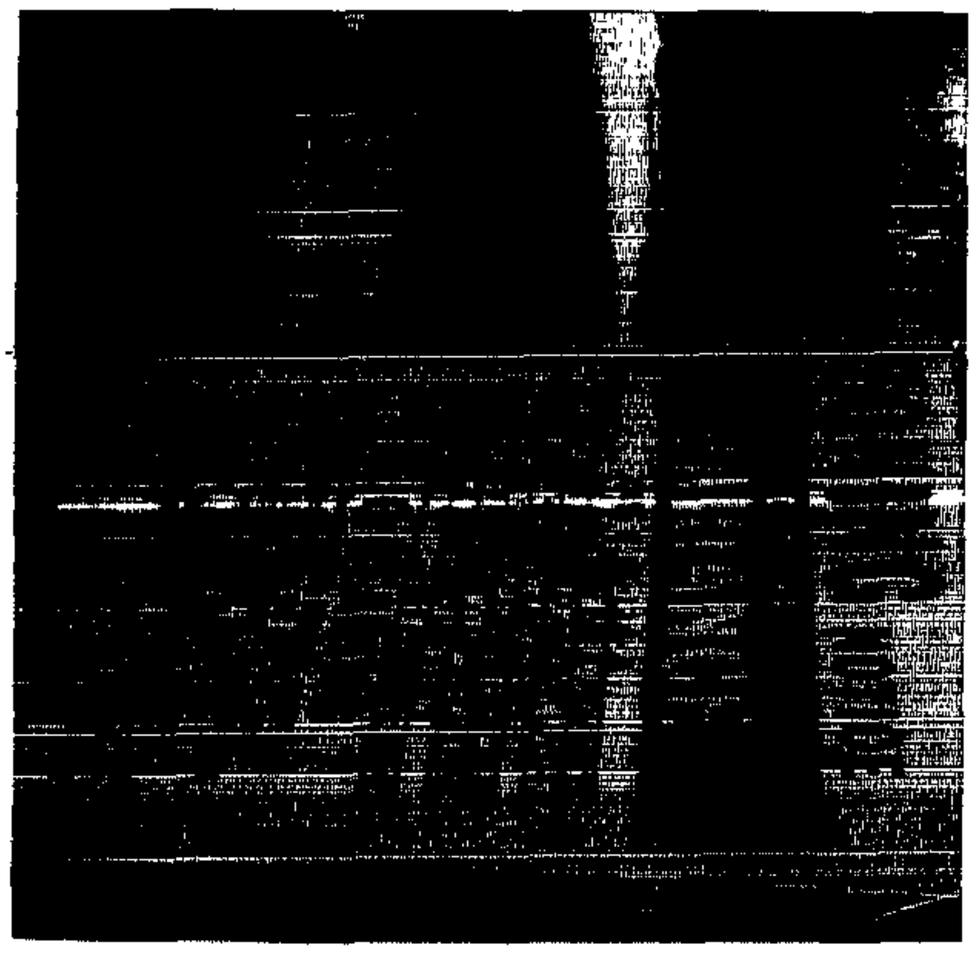
CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS Date September 7, 2005

RE. Case Number 06-120-A
Petitioner/Developer. IVOR + JILL BERKOWITZ
Date of Hearing (Closing) SEPTEMBER 19, 2005

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 2107 BURDOCK ROAD

The sign(s) were posted on SEPTEMBER 3, 2005
(Month, Day, Year)



Linda O'Keefe
(Signature of Sign Poster)

LINDA O'KEEFE
(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

HUNT VALLEY MD 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

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: 06 120 A

Petitioner: BERKOWITZ

Address or Location: 2107 BURDOCK ROAD BALTIMORE MD. 21209

PLEASE FORWARD ADVERTISING BILL TO:

Name: JILL + IVOR BERKOWITZ

Address: 2107 BURDOCK ROAD

BALTIMORE MARYLAND 21209-1001

Telephone Number:

Revised 2/20/98 - SCJ

APP HAS POSTERS LIST + ORIG THIS FORM

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 120 -A Address 2107 BURDOCK RD.

Contact Person: JOHN LEWIS. Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/26/05 **Posting Date:** 9/04/05 **Closing Date:** 9/19/05

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 06- 120 -A Address 2107 BURDOCK RD

Petitioner's Name IVOR + JILL BERKOWITZ Telephone 410 653 3468

Posting Date: 9/04/05 **Closing Date:** 9/19/05

Wording for Sign: To Permit AN ADDITION FOR A PROPOSED KITCHEN AND ATTACHED GARAGE WITH A 5 FT. SIDE SETBACK AND A 55 FT. SETBACK TO STREET CENTERLINE AND 30 FT TO FRONT LOT LINE IN LIEU OF 15 FT, 65 FT. AND 40 FT. RESPECTIVELY

WCR - Revised 6/25/04

Department of Permits and Development Management

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

Baltimore County

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

September 19, 2005

Jill Berkowitz
Ivor Berkowitz
2107 Burdock Road
Baltimore, Maryland 21209

Dear Mr. and Mrs. Berkowitz:

RE: Case Number: 06-120-A, 2107 Burdock Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 26, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
David Seman 2243 Schuster Road Jarrettsville 21084

Fire Department

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

Baltimore County

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

September 8, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: **September 12**, 2005

Item No.: **116-125** 120

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

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

Lieutenant J.D.Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

Printed on Recycled Paper

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

SHA
State Highway Administration
Drive to Excel
Maryland Department of Transportation

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

Date: 9·6·05

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

RE: Baltimore County
Item No. 120 JLL

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,

S. F. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: September 14, 2005

RECEIVED
SEP 14 2005
ZONING COMMISSIONER

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

SUBJECT: 2107 Burdock Avenue

INFORMATION:

Item Number: 6-120

Petitioner: Jill and Ivor Berkowitz

Zoning: DR 2

Requested Action: Administrative Variance

The Office of Planning has reviewed the request for administrative variance for a front setback of 19 feet in lieu of 40 feet and a side setback of 5 feet in lieu of 15 feet for a kitchen and garage addition.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the construction is comparable to the addition at 2109 Burdock in terms of materials and form.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by: Curtis Murray

Division Chief: Lynn Lanham

AFK/LL: CM

W:\DEVREV\ZAC\6-120.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development Management

DATE: September 12, 2005

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 19, 2005
Item Nos. 116, 117, 118, 119, 120, 122, 123, and 125

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS- 09122005.doc

2109 Burdock Road
Baltimore
MD 21209

August 24, 2005

To Whom It May Concern:

I have no objection to the kitchen extension and renovation and construction of a garage proposed by Jill and Ivor Berkowitz of 2107 Burdock Road.

Sincerely,

Dan Cagan

120

2105 Burdock Road
Baltimore
MD 21209

August 24, 2005

To Whom It May Concern:

I am writing to inform you that I am aware of the proposal by Jill and Ivor Berkowitz of 2107 Burdock Road to modify and extend their kitchen and construct a garage. I have no objections to these projects.

Sincerely,

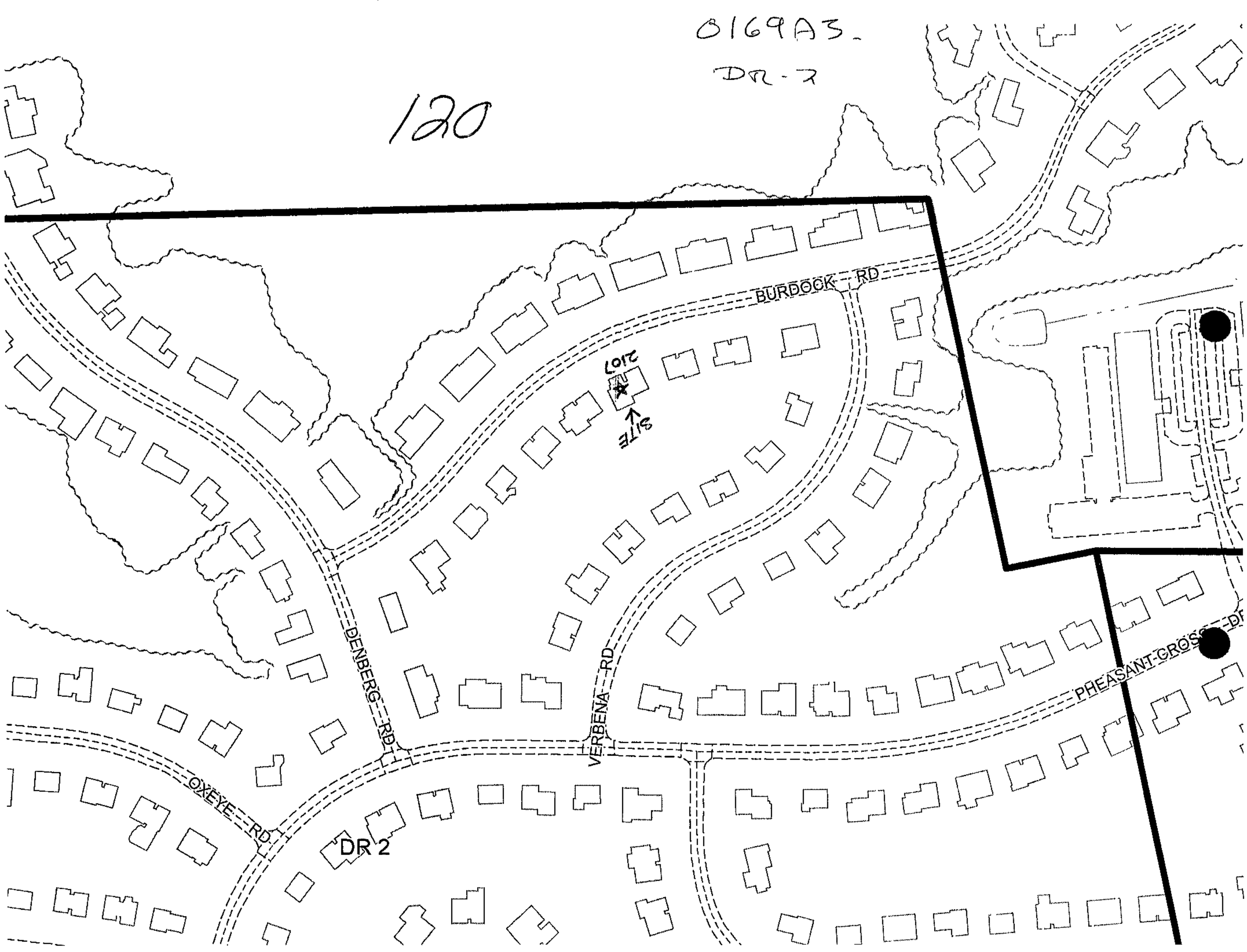
Stephen Kramer

120

0169A3.

DR-2

120



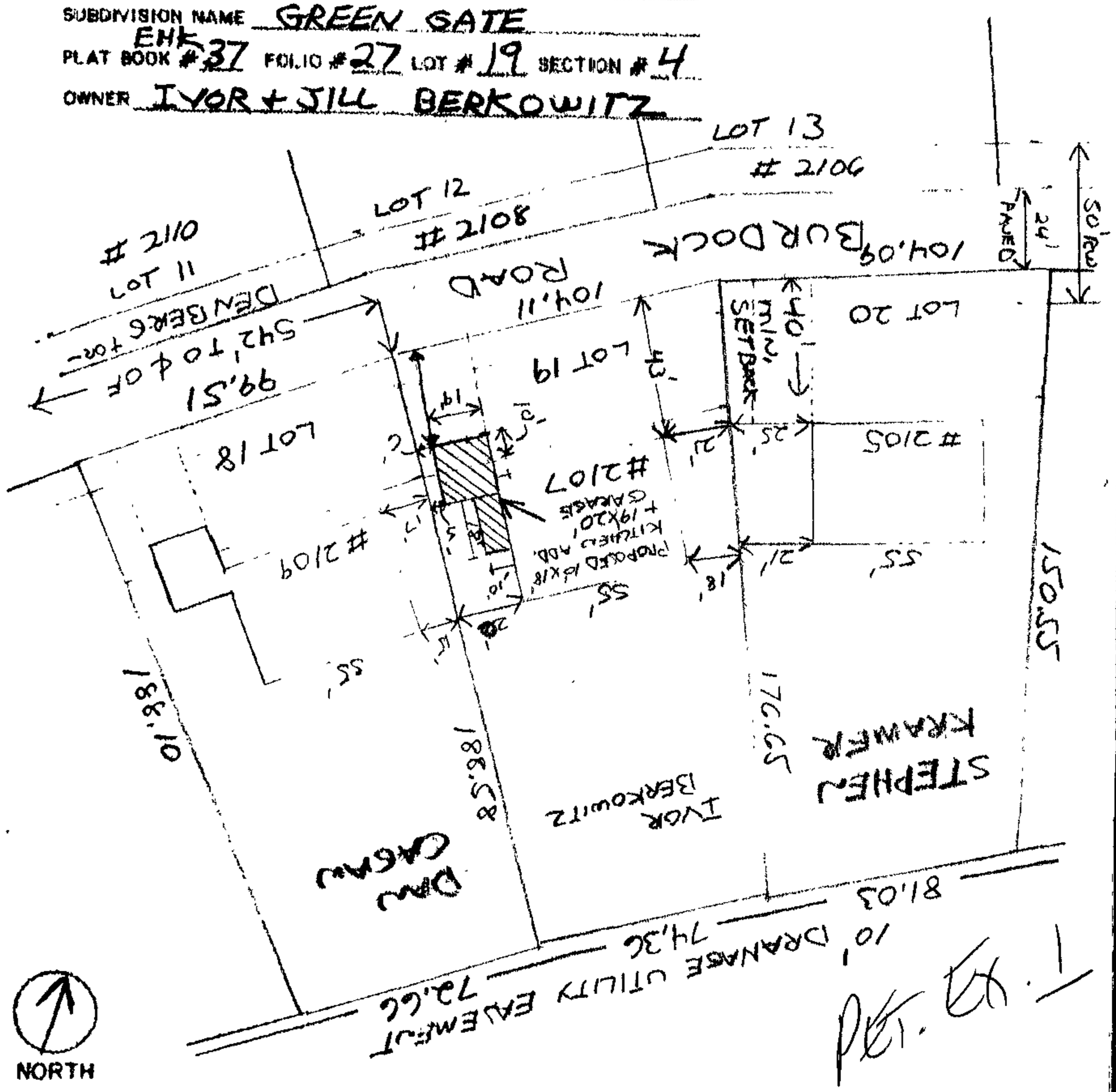
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

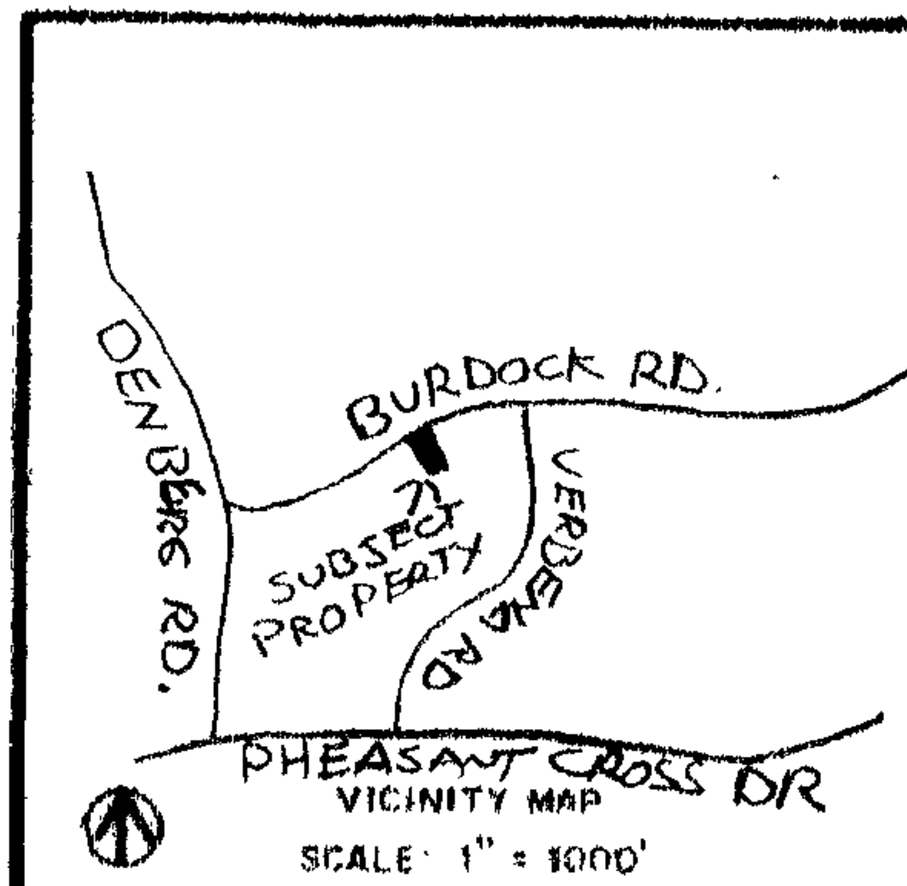
PROPERTY ADDRESS 2107 BURDOCK RD. SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME GREEN GATE

PLAT BOOK # EHK 37 FOLIO # 27 LOT # 19 SECTION # 4

OWNER IVOR + JILL BERKOWITZ





VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 3

COUNCILMANIC DISTRICT 2

1" = 200' SCALE MAP # 016 9A3

ZONING DR 2

LOT SIZE .34 ACREAGE 16198 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY

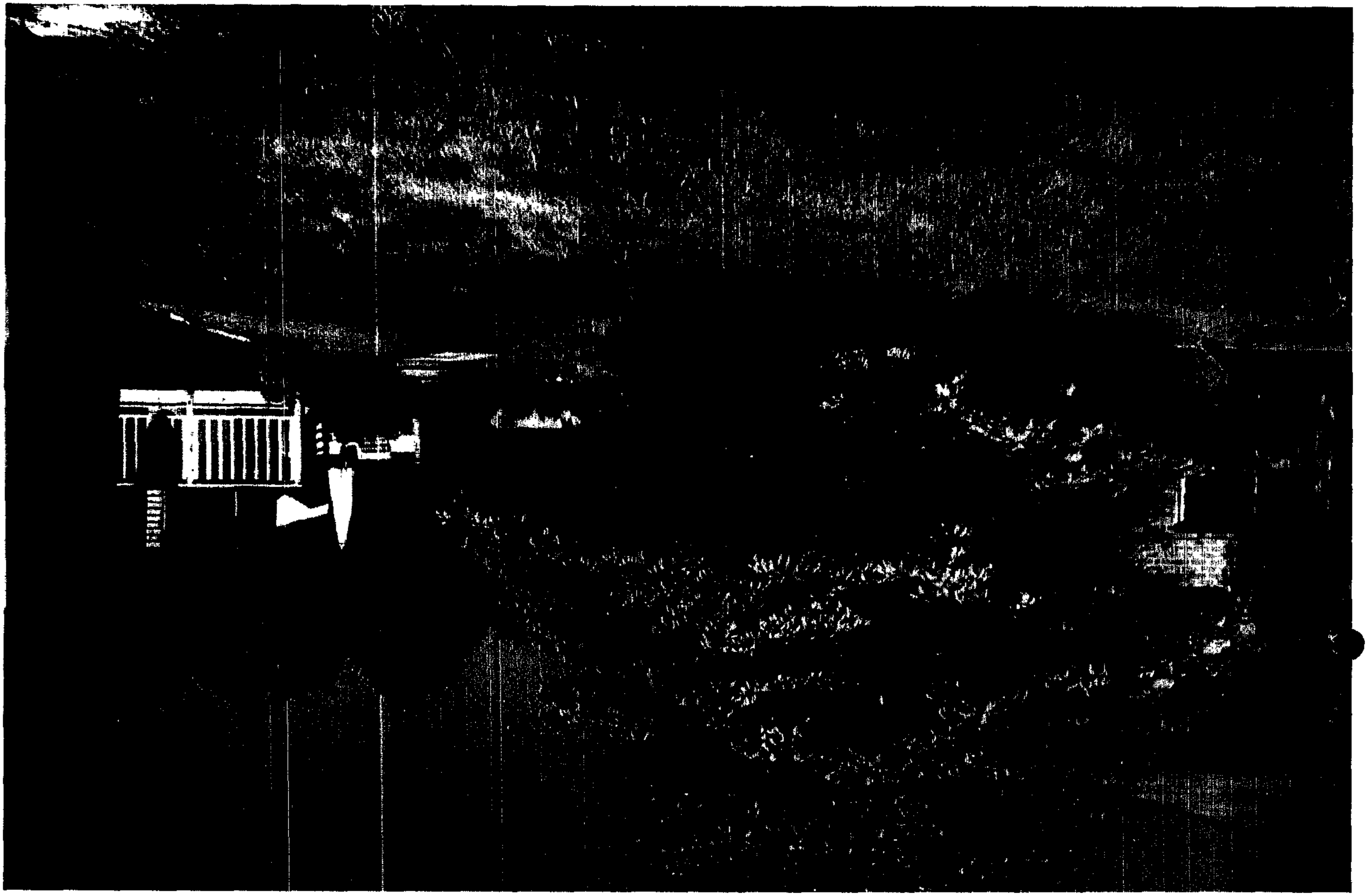
REVIEWED BY	ITEM #	CASE #
JL	06	120 A

PREPARED BY DAVID M. SEMAN SCALE OF DRAWING: 1" = 50'

Pet. Ex. 1

THE VIEW STANDING ON BURDOCK ROAD DOWN THE PROPERTY LINE BETWEEN 2107 (RIGHT) AND 2105 (LEFT), ORANGE FLAGS MARK PROPERTY LINE.

120



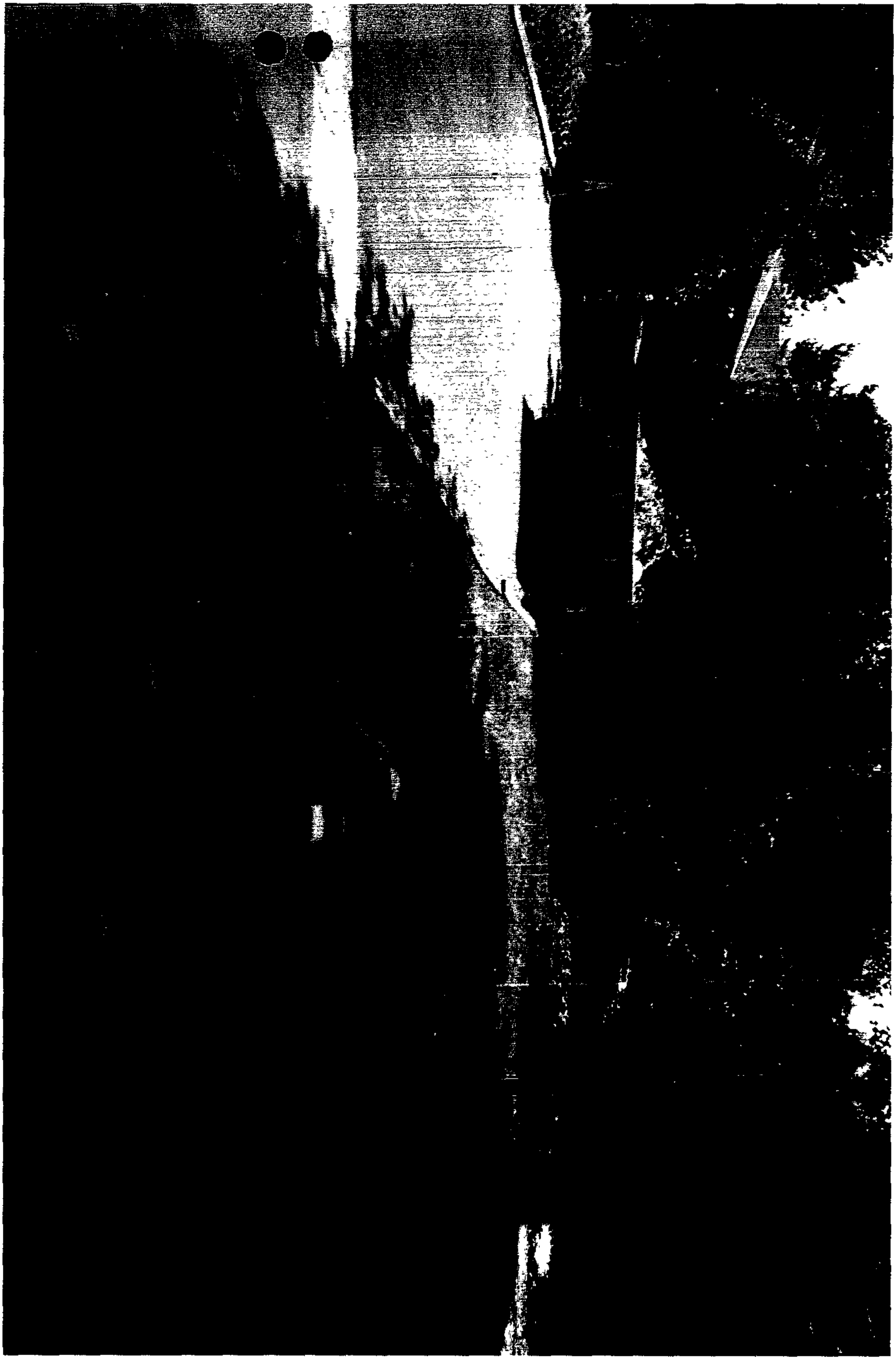
THE VIEW OF THE PROPERTY LINE BETWEEN 2107 (LEFT) AND 2105 (RIGHT) ORANGE FLAGS MARK PROPERTY LINE,

120

THE VIEW FROM THE REAR OF 2107 (RIGHT) AND 2109 (LEFT)

ORANGE FLAGS MARK PROPERTY LINE

#120



STANDING ON BURDOCK RD LOOKING DOWN THE PROPERTY LINE OF 2107 (LEFT) AND 2109 (RIGHT) LINE MARKED BY ORANGE FLAGS, PROPOSED ADDITION MARKED BY TRAFFIC CONES.

120

GARAGE ADDITION ON 7107 PEASNT
CROSS RD VERY MUCH LIKE THE PROPOSED
GARAGE AT 2107 BURDOCK

#120

GARAGE ADDITION ON 2109 URDOCK
SIMILAR TO PROPOSE ADDITION
GARAGE ON 2107

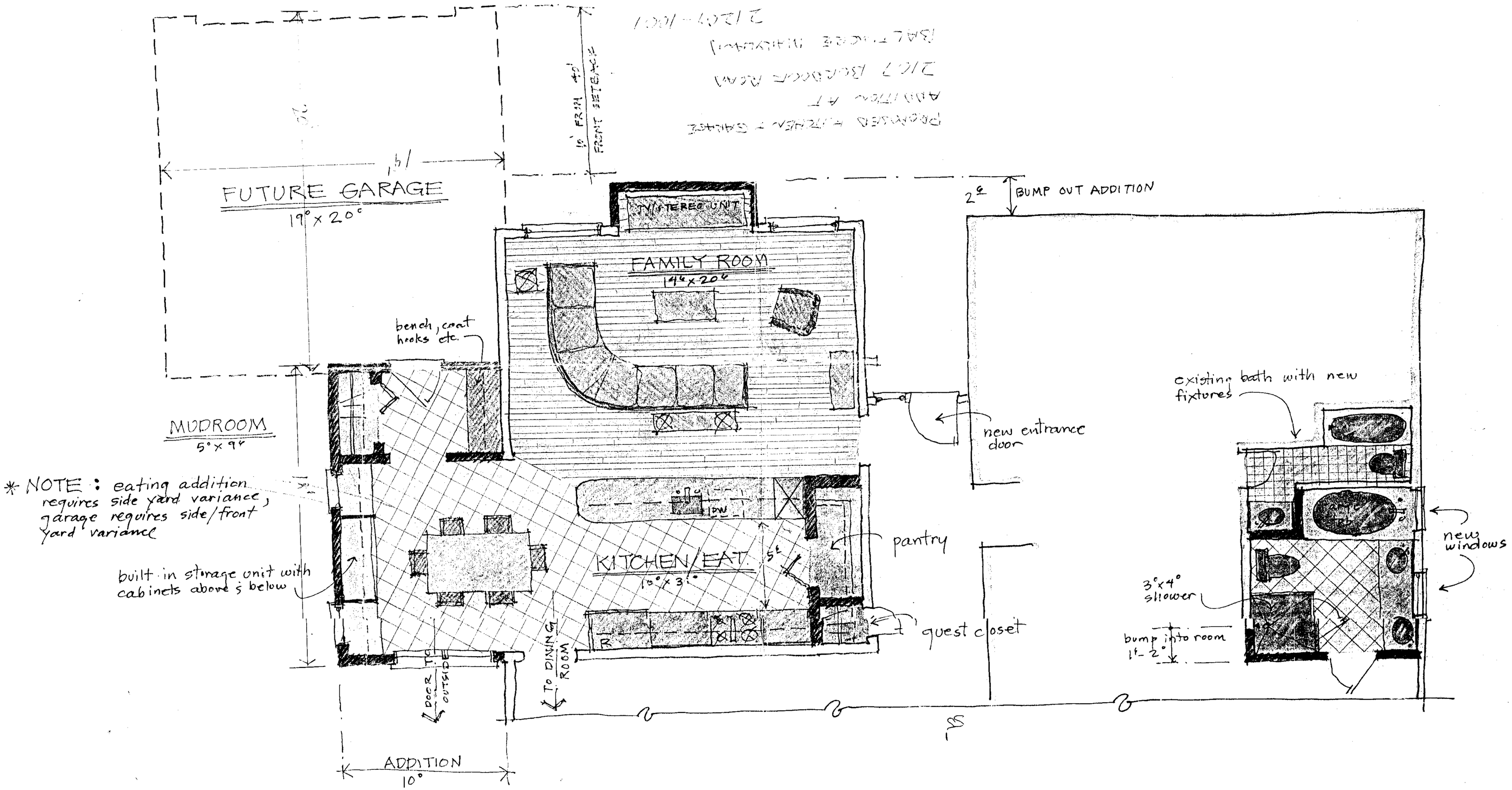
VIEW LOOKING DOWN TO 2107
(NOTICE TRAFFIC CONE'S IN VIEW
WITH GARASE)

120

A SIMILAR GARAGE ADDITION TO THE PROPERTY NEXT DOOR @ 2109

VIEW FROM BURDOCK RD.

120



PROPOSED FIRST FLOOR PLAN

SCALE : 1/4" = 1'-0"