

IN RE: PETITION FOR ADMIN. VARIANCE

S side Ridgeway Avenue, 500 feet W
of Greenwood Avenue
14th Election District
6th Councilmanic District
(4711 Ridgeway Avenue)

James R. and Amy L. Smolenski
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-232-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, James R. and Amy L. Smolenski for property located at 4711 Ridgeway Avenue. The variance request is from Section 400 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (detached garage) to be located in side yard in lieu of the rear yard with a height of 19 feet in lieu of the maximum permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a garage measuring 24 feet x 30 feet in size. The garage will be accessed via the existing driveway. The Petitioners would like to place the garage adjacent to the home so that they can enclose an already existing parking area. Building the garage in this area will allow them to remove concrete pavers and an existing shed in the back yard, and allow them to enlarge the lawn and usable backyard space. There is limited dry storage area in the basement of the home, so the additional garage height is necessary for storage of personal belongings.

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: Comments were received from the Office of Planning dated December 3, 2007, which recommends that the accessory structure not be converted into a

ORDER RECEIVED FOR FILED
12-14-07
[Signature]

dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 25, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 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 Petitioner.

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, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 14th day of December, 2007 that a variance from Section 400 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (detached garage) to be located in side yard in lieu of the rear yard with a height of 19 feet in lieu of the maximum permitted 15 feet is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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12-14-07

pg

2. 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.
3. The accessory structure shall not be used for commercial purposes.

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



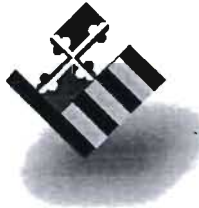
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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12.14.07

123



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 14, 2007

JAMES R. AND AMY L. SMOLENSKI
4711 RIDGEWAY AVENUE
BALTIMORE MD 21206

Re: Petition for Administrative Variance
Case No. 08-232-A
Property: 4711 Ridgeway Avenue

Dear Mr. and Mrs. Smolenski:

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,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

Original Kept in File

TAX ACCOUNT # 1411067375



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 4711 Ridgeway Ave
which is presently zoned DR 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) 400 BCZR TO ALLOW A

PROPOSED ACCESSORY STRUCTURE (DETACHED GARAGE) ~~TO~~ TO
BE LOCATED IN SIDE YARD IN LIEU OF THE REAR YARD WITH
A HT. OF 19 FT. IN LIEU OF THE MAXIMUM PERMITTED 15 FT.

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

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

James R. Smolenski
Name - Type or Print

Signature

Amy L Smolenski
Name - Type or Print

Signature

4711 Ridgeway Ave 410-882-4957
Address Telephone No.

Baltimore MD 21206
City State Zip Code

Representative to be Contacted:

James R. Smolenski
Name (310) 410-918-6498

4711 Ridgeway Ave 410-882-4957
Address Telephone No.

Baltimore MD 21206
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 12 day of 12-14-07 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. 08-232-A

Reviewed By [Signature]

Date 11/16/07

REV 10/25/01

Estimated Posting Date 11/25/07

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 4711 Ridgeway Ave.
Address
Baltimore Maryland 21206
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):

We wish to place the garage adjacent to our house so we may enclose an already existing parking area. Building the garage in this area will allow us to remove concrete pavers and an existing shed in our backyard, allowing us to enlarge our lawn and usable backyard space. Having to place the front wall of the garage behind the end of the house foundation would take up a large amount of backyard/lawn space and require us to remove more grass and vegetation. Height requirement of 19' needed for storage use above due to limited dry storage in basement (dampness/mold) and no attic storage. 36' House height will keep the garage in proportion.

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.

James R. Smolenski
Signature
James R. Smolenski
Name - Type or Print

Amy L. Smolenski
Signature
Amy L. Smolenski
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14 day of November, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Frank A. Bort
Notary Public
My Commission Expires September 12, 2010



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4711 Ridgeway Ave
which is presently zoned DR 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) 400 BCZR TO ALLOW A

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BE LOCATED IN SIDE YARD IN LIEU OF THE REAR YARD WITH
A HT. OF 19 FT. IN LIEU OF THE MAXIMUM PERMITTED 15 FT.

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

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

James R. Smolenski
Name - Type or Print

James R. Smolenski
Signature

Amy L Smolenski
Name - Type or Print

Amy L Smolenski
Signature

4711 Ridgeway Ave 410-882-4957
Address Telephone No.

Baltimore MD 21206
City State Zip Code

Representative to be Contacted:

James R. Smolenski
Name 410-918-6498

4711 Ridgeway Ave 410-882-4957
Address Telephone No.

Baltimore MD 21206
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 11 day of November 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. 08-232-A

Reviewed By [Signature] Date 11/16/07

REV 10/25/01

Estimated Posting Date 11/25/07

12-14-07

03

Affidavit in Support of Administrative Variance

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4711 Ridgeway Ave.
Address
Baltimore Maryland 21206
City State Zip Code

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We wish to place the garage adjacent to our house so we may enclose an already existing parking area. Building the garage in this area will allow us to remove concrete pavers and an existing shed in our backyard, allowing us to enlarge our lawn and usable backyard space. Having to place the front wall of the garage behind the end of the house foundation would take up a large amount of backyard/lawn space and require us to remove more grass and vegetation. Height requirement of 19' needed for storage use above due to limited dry storage in basement (dampness/mold) and no attic storage. 36' House height will keep the garage in proportion.

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.

James R. Smolenski
Signature
James R. Smolenski
Name - Type or Print

Amy L. Smolenski
Signature
Amy L. Smolenski
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14 day of November, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Janet A. Bork
Notary Public
My Commission Expires September 12, 2010

232

Zoning Description for 4711 Ridgeway Avenue

Beginning at a point on the north side of Ridgeway Avenue which is 17 feet wide at a distance of 200 feet west of the centerline of the nearest improved intersecting street Greenwood Avenue which is 19 feet wide. Being Lot #37, 38, 39, 40 Section F in the subdivision of Kenwood as recorded in Baltimore County Plat Book #4, Folio #36 containing 1,350 feet or .31 acres also known as 4711 Ridgeway Avenue and located in the 14th Election District, 6th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **06216**

Date: **11/16/07**

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				65.00

Total: **65.00**

Rec

From: **SMYLEWSKI**

For: **RV FILING. 4711 RIDGEWAY AVE.**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

RECEIVED BY: **11/16/2007 10:07:00**
 RECEIPT NO: **006216**
 RECEIPT TOTAL: **65.00**
 RECEIPT DATE: **11/16/2007**
 RECEIPT BY: **SMYLEWSKI**
 RECEIPT FOR: **RV FILING. 4711 RIDGEWAY AVE.**
 BALTIMORE COUNTY, MARYLAND

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 08-232-A

Petitioner/Developer: JIM

SMOLENSKI

Date of Hearing/Closing: 12-10-07

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

ATTN: Kristen Matthews {(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:

4711 RIDGEWAY AVE

The sign(s) were posted on

11-25-07

(Month, Day, Year)

Sincerely,

Robert Black 11-26-07
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 232 -A

Address 4711 RIDGEWAY AVE.

Contact Person: Jordan LEWIS
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 11/16/07

Posting Date: 11/25/07

Closing Date: 12/10/07

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 08- 232 -A

Address 4711 RIDGEWAY AVE.

Petitioner's Name SMOLEWSKI

Telephone 410

Posting Date: 11/25/07

Closing Date: 12/10/07

Wording for Sign: To Permit A ^{PROPOSED} ~~PROPOSED~~ DETACHED GARAGE IN SIDE YARD
IN LIEU OF REAR YARD WITH A 19 FT. HT. IN LIEU OF THE ALLOWED
15 FT. HT.

WCR - Revised 6/25/04

**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.

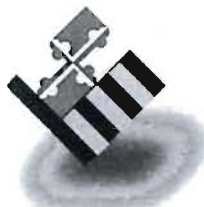
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 08 232 A
Petitioner: SMOLENSKI
Address or Location: 4711 Ridgeway Ave.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Smolenski
Address: 4711 Ridgeway Ave.
Balto Md. 121206
Telephone Number: 410 882 4957



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

December 10, 2007

James R. Smolenski
Amy L. Smolenski
4711 Ridgeway Avenue
Baltimore, Maryland 21206

Dear Mr. and Mrs. Smolenski:

RE: Case Number: 08-232-A, 4711 Ridgeway Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 16, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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:amf

Enclosures

c: People's Counsel

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



Maryland Department of Transportation

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Date: Nov. 26, 2007

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

RE: Baltimore County
Item No. 8-232-A
4711 RIDGEWAY AVENUE
SMOLENSKI PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-232-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

A handwritten signature in blue ink that reads "Michael P. Bailey".

Fo2 Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com



**Baltimore County
Fire Department**

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

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

December 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 26, 2007

Item Number: 217,218,219,220,222,224,225,226,227,228,229,232

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 28, 2007

FROM: ^{DM} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 3, 2007
Item Nos. 08-219, 220, 225, 226, 227, 228,
229, 230, 232, 233, and 234

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-11282007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 3, 2007

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

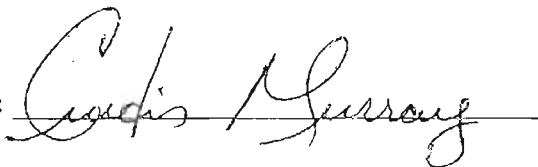
SUBJECT: 8-232 -- **Administrative Variance**

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 19 feet in lieu of the maximum permitted 15 feet and to be located in the side yard in lieu of the required rear yard 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.

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

Prepared by:



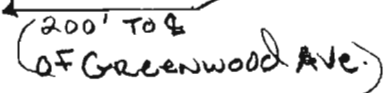
AFK/LL: CM

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

Kenwood

4 FOLIO # 36 LOT # 37-40 SECTION # F

James R. & Amy L Smolenski



- subject property

REVIEWED BY _____ ITEM # _____ CASE # _____
JL | 08-232-A



S = Shed C = Concrete

SCALE OF DRAWING: 1" = 50'

74
124
428

MEISE

1412022250 4716

4718

4720

4722

4724

4726

4728

232

SITE 15

P.B./FOLIO
004038

14 ED

081B3 NE 5-E DR 5-5

6 CD

RIDGEWAY

302

1412059150

1419073678

1419073678

1404037540

4702

4704

4704

4704

4704

4704

GREENWOOD

1407029325

1405061360

1405061360

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232

NEIGHBORS IN REAR



BACK XD FENCE SHOOTING IN,

232

NEIGHBOR
CLOSEST TO GATE
THE SIDE OF YARD

