

IN RE: PETITION FOR ADMIN. VARIANCE

N side Wildwood Avenue, 1300 feet W
of Oakleigh Road
9th Election District
5th Councilmanic District
(1918 Wildwood Avenue)

Jennifer Francis and David Shawn Ware, Jr.
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-458-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, Jennifer Francis and David Shawn Ware, Jr. for property located at 1918 Wildwood Avenue. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) with a height of 25 feet in lieu of the permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners' desire to construct a detached garage measuring 25 feet x 30 feet in size with a height of 25 feet. The additional garage height will be used for the storage of personal belongings such as sporting and recreational equipment, holiday decorations, hobbies, collectibles and toys.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief. Although the Office of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

STAMP RECEIVED FOR FILING
5-7-08
[Signature]

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 10, 2008 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 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, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 7th day of May, 2008 that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) with a height of 25 feet in lieu of the 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.
2. The Petitioners 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.

ORDER RESERVED FOR FILE

5-7-08

RB

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

STUDY RECEIVED FOR FILE
JAN 5-7-08
pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

May 7, 2008

JENNIFER FRANCIS AND DAVID SHAWN WARE, JR.
1918 WILDWOOD AVENUE
PARKVILLE MD 21234

Re: Petition for Administrative Variance
Case No. 08-458-A
Property: 1918 Wildwood Avenue

Dear Mr. and Mrs. Ware:

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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1918 Wildwood Ave.

which is presently zoned D.R.S.S

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) 400.3 (BCZR)

To Permit an accessory structure (GARAGE) with a height of 25' in lieu of the permitted 15' ~~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.

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):

David Shawn Ware JR

Name - Type or Print

David Shawn Ware JR

Signature

Jennifer Francis Ware

Name - Type or Print

Jennifer Francis Ware

Signature

1918 Wildwood Ave 410-668-1519

Address

Telephone No.

Parkville

MD

21234

City

State

Zip Code

Representative to be Contacted:

David Shawn Ware JR

Name

1918 Wildwood Ave 410-668-1519

Address

Telephone No.

Parkville

MD

21234

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 day of July, 2008, 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. 0008-0458-A

Reviewed By DT. Date 4/1/08

REV 10/25/01

Estimated Posting Date 4/13/08

5-7-08

P3

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 1918 Wildwood Ave
Address
Parkville MD 21234
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) Need to Store Personal + Recerational Vehicles.
- 2) We have NO basement and need space to work on and store personal Hobbies + Collections.
- 3) Need to Store Lawn + Garden equipment + Materials
- 4) Need to Store Household materials + Products.
- 5) Need to Store Sporting equipment + Kids toys.
- 6) Need to Store Holiday Decerations
- 7) We are a growing family and need more space

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.

David Shawn Ware JR
Signature
David Shawn Ware JR
Name - Type or Print

Jennife Francis Ware
Signature
Jennife Francis Ware
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31st day of March, 2008, 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

Wendy K. Spurr
Notary Public
My Commission Expires 10/12/2010

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- 5) Need to store sporting equipment + kids toys.
- 6) Need to store Holiday Decorations.
- 7) We are a growing family and need more space.

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.

x David Shawn Ware JR
Signature

x David Shawn Ware JR
Name - Type or Print

x Jennifer Francis Ware
Signature

x Jennifer Francis Ware
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31st day of March, 2008, 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

Wendy K. Young
Notary Public

My Commission Expires 10/12/2010

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Parkville MD 21234
City State Zip Code

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- 6) Need to store Holiday Decorations.
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x David Shawn Ware JR
Signature

x David Shawn Ware JR
Name - Type or Print

x Jennifer Francis Ware
Signature

x Jennifer Francis Ware
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31st day of March, 2008, 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

Wendy K. Davis
Notary Public

My Commission Expires 10/12/2010

ZONING DESCRIPTIONT FOR 1918 WILDWOOD AVENUE

Beginning at a point on the ~~NORTH~~ side of Wildwood Avenue which is feet wide at the distance of 1300 feet of the centerline of the nearest improved intersecting street which is 40 feet wide. Being Lot # 152 Block # , Section # in the subdivision of Hillendale Farms as recorded in Baltimore County Plat Book # 8, Folio # 92 + 93 containing 15,150 square feet. Also know as 1918 Wildwood Avenue and located in the 9 Election District, 5 Councilmanic District.

08-458-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 12126

Date: 4/1/08

PAID RECEIPT

BUSINESS ACTUAL TIME ISM
 4/02/2008 4/01/2008 15:12:04
 BALXTH BLEN 1001
 RECEIPT # 620039 4/01/2008 OFLH
 5 528 JEWING VERIFICATION
 012126
 Receipt tot 165.00
 165.00 03 1.00 02
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			1650				165.00

Total: 165.00

Rec

From: DAVID WARE

For: 2008-0458-A 1918 WILLOWOOD AVE.

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 04/14/08

Case Number: 08-458-A

Petitioner / Developer: DAVID WARE

Date of Hearing (Closing): APRIL 28, 2008

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:
1918 WILDWOOD AVENUE

The sign(s) were posted on: 04/10/08



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, Maryland 21030
(City, State, Zip of Sign Poster)

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



2008-0458-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 08- 458 -AAddress 1918 WILDWOOD AVE.Contact Person: DONNA THOMPSON
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 4/1/08Posting Date: 4/13/08Closing Date: 4/28/08

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- 458 -AAddress 1918 WILDWOOD AVE.Petitioner's Name WARETelephone 410-668-1519Posting Date: 4/13/08Closing Date: 4/28/08

Wording for Sign: To Permit AN ACCESSORY STRUCTURE (GARAGE) WITH A
HEIGHT OF 25-FEET IN LIEU OF THE MAXIMUM PERMITTED
15-FEET.

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: 2008-0458-A

Petitioner: WARE

Address or Location: 1918 WILDWOOD AVE.

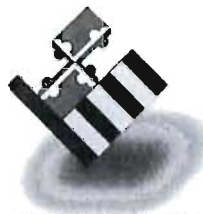
PLEASE FORWARD ADVERTISING BILL TO:

Name: MR + MRS. DAVID WARE, JR.

Address: 1918 WILDWOOD AVE.

PARKVILLE, MD 21234

Telephone Number: 410-668-1519



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

April 28, 2008

David Shawn Ware, Jr.
Jennifer Francis Ware
1918 Wildwood Avenue
Parkville, MD 21234

Dear Mr. and Mrs. Ware:

RE: Case Number: 2008-0458-A, 1918 Wildwood Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 1, 2008. 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 15, 2008

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

RECEIVED
APR 18 2008

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-458- 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 Donnell Zeigler in the Office of Planning at 410-887-3480.

Prepared By:

Curtis M. Gurrey

CM/LL



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

State Highway
Administration

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

Maryland Department of Transportation

Date: April 14, 2008

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

RE: Baltimore County
Item No. 8-458-A
1918 WILDWOOD AVENUE
FRANCIS/WARE 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. 8-458-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,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 16, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For April 21, 2008
Item Nos. 08-450, 451, 452, 453, 454,
456, 457, 458, 459, 460, 462, 463, 464,
465, 466, 468, 469.

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

DAK:CEN:lrk

cc: File

ZAC- 04162008-NO COMMENTS

Patricia Zook - Case 08-458-A (admin. variance) Question about Planning Comments

From: Patricia Zook
To: Murray, Curtis
Date: 5/1/2008 1:22 PM
Subject: Case 08-458-A (admin. variance) Question about Planning Comments

Hi Curtis -

The description for this case is listed below. The Planning comments dated April 15, 2008 do not indicate the 'standard' comments from your Office regarding a garage height over 15 feet. Those two 'standard' conditions are listed below in green:

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.

The accessory structure shall not be used for commercial purposes.

CASE NUMBER: 458
1918 Wildwood Avenue
Location: N side Wildwood Avenue, 1300 feet W of Oakleigh Road.
9th Election District, 5th Councilmanic District
Legal Owner: Jennifer Francis and David Shawn Ware, Jr.
4/28/2008

ADMINISTRATIVE VARIANCE To permit an accessory structure (garage) with a height of 25 feet in lieu of the permitted 15 feet.

Please advise.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
County Courts Building
401 Bosley Avenue, Room 405
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

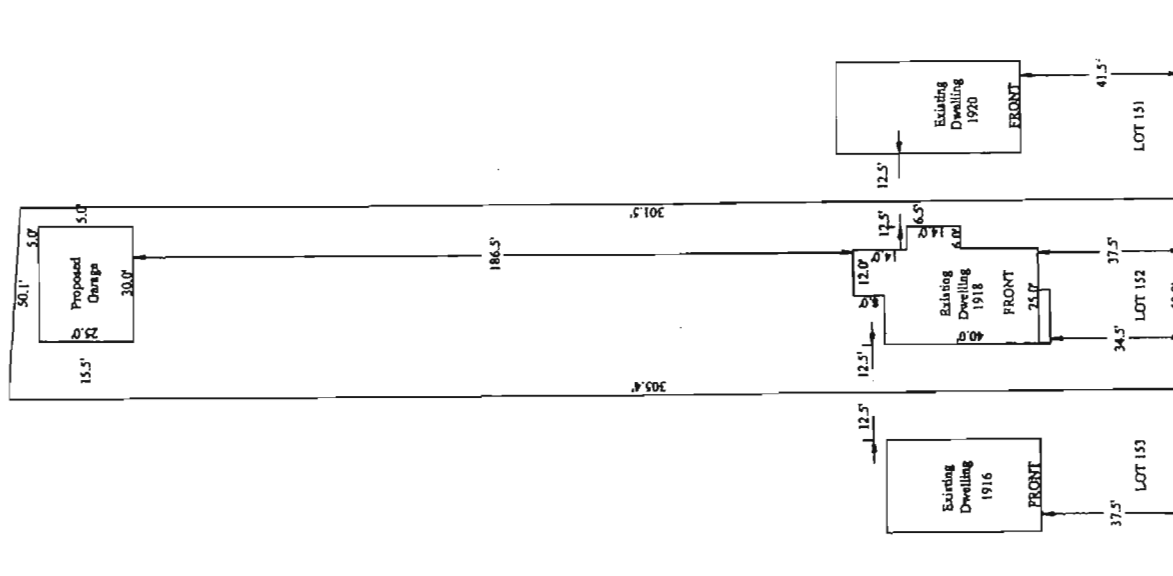
PROPERTY ADDRESS 1918 WILDWOOD AVE

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

SUBDIVISION NAME HILLENDALE FARMS

PLAT BOOK # 8 FOLIO # 92 LOT # 152 SECTION #

OWNER David Shawn Ware SR
Jennifer Francis Ware



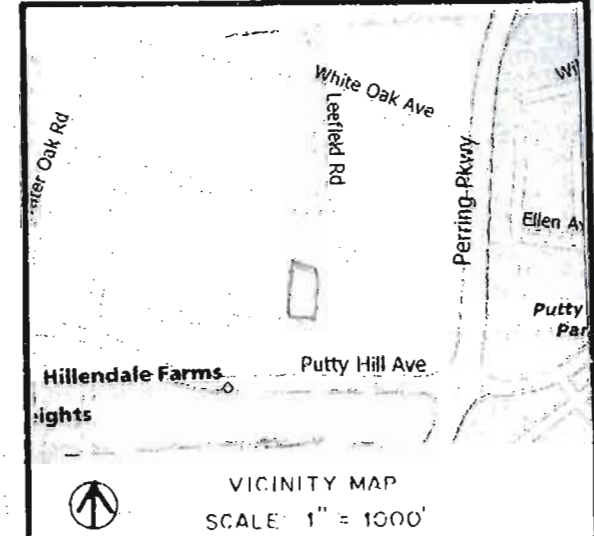
WILDWOOD AVENUE



NORTH

PREPARED BY David Shawn Ware SR

SCALE OF DRAWING: 1" = 50'



LOCATION INFORMATION

ELECTION DISTRICT 9

COUNCILMANIC DISTRICT 5

1" = 200' SCALE MAP # 071A3

ZONING D.R. 5.5

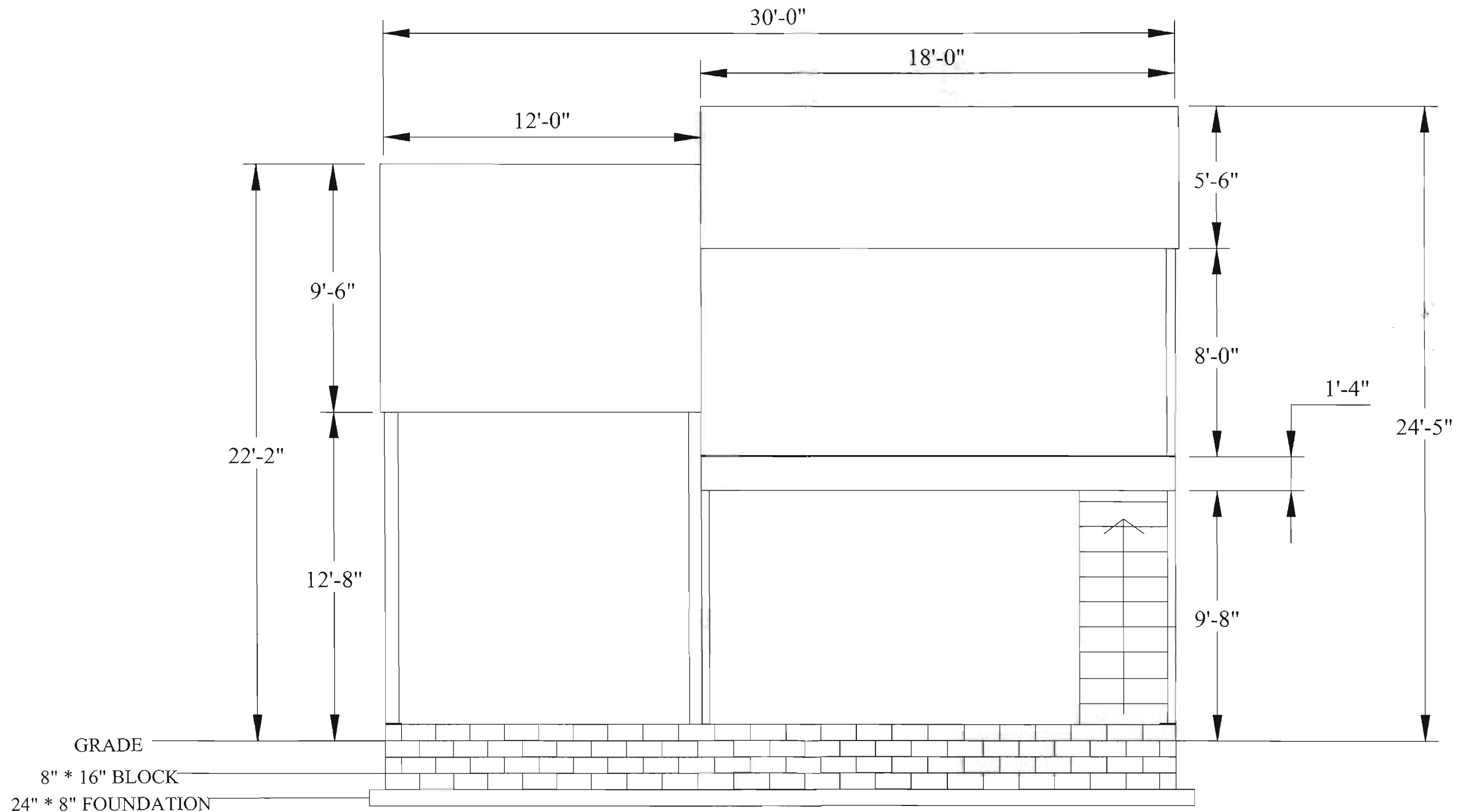
LOT SIZE 15.150
ACREAGE SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ PUBLIC ☐ PRIVATE

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

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY DT ITEM # 458 CASE # 08-458-A



BUILDING SECTION

1/4" = 1'-0"

GARAGE / STORAGE

2008-0458-A

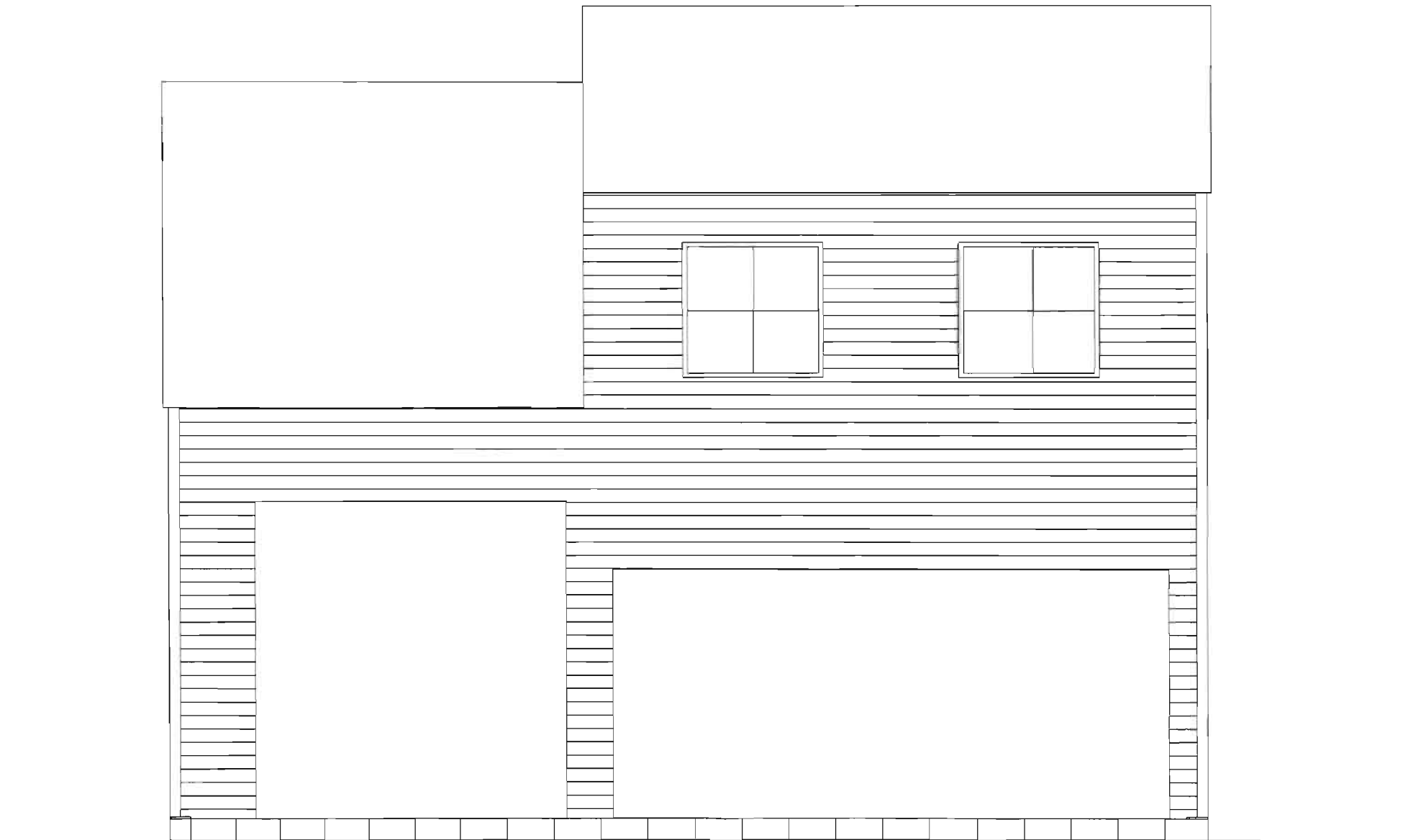
DAVID & JENNIFER WARE
1918 WILDWOOD AVE
PARKVILLE, MD 21234

REVISION DATE

PROJECT # 0001
DRAW BY : DSW
DATE : 03-09-08

A1

DRG. 1 OF 4



BUILDING SECTION

1/4" = 1'-0"

DAVID & JENNIFER WARE
1918 WILDWOOD AVE
PARKVILLE, MD 21234

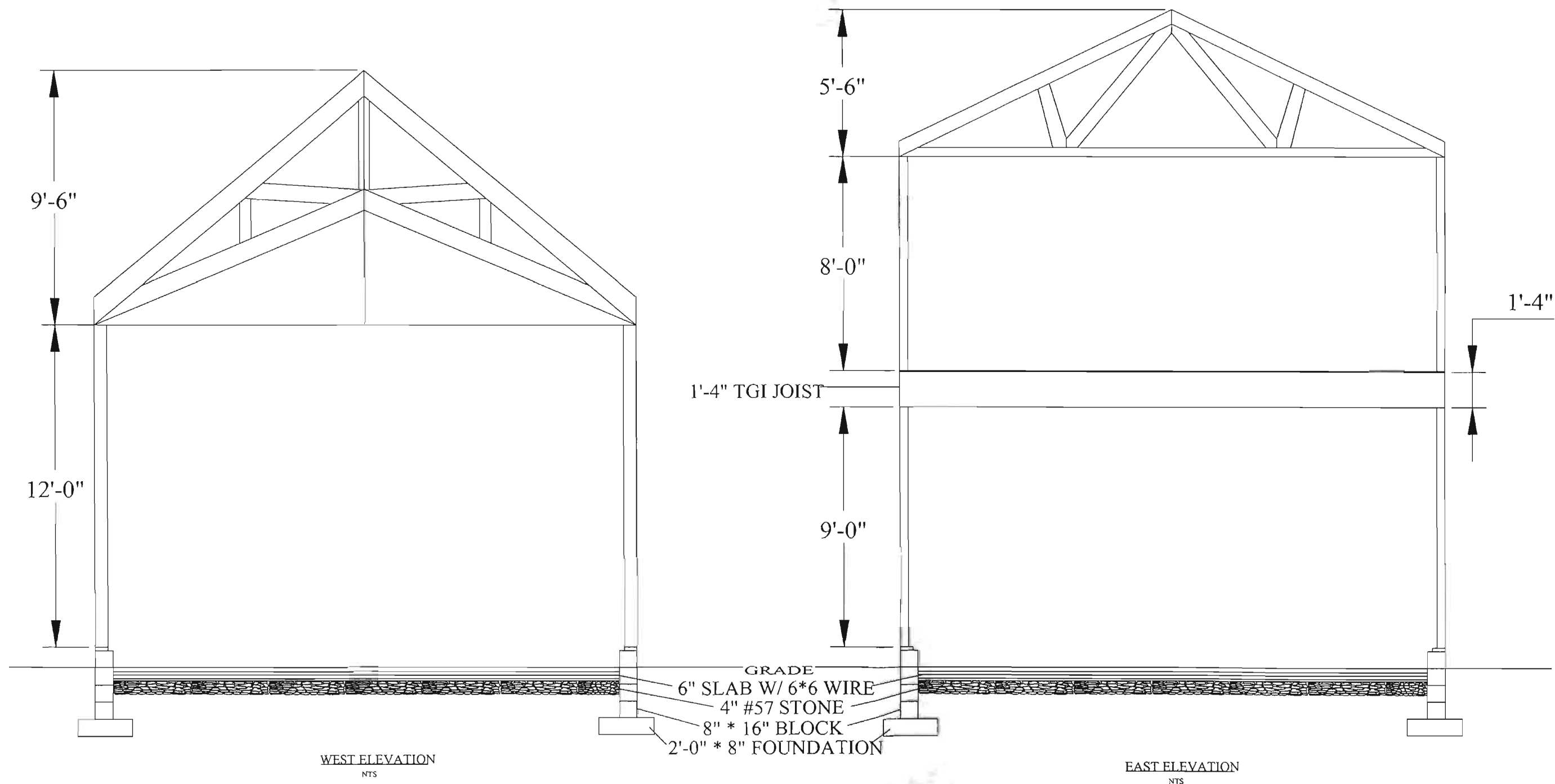
GARAGE / STORAGE

REVISION DATE

PROJECT # 0001
DRAW BY : DSW
DATE : 03-09-08

A2

DRG. 2 OF 4



GARAGE / STORAGE

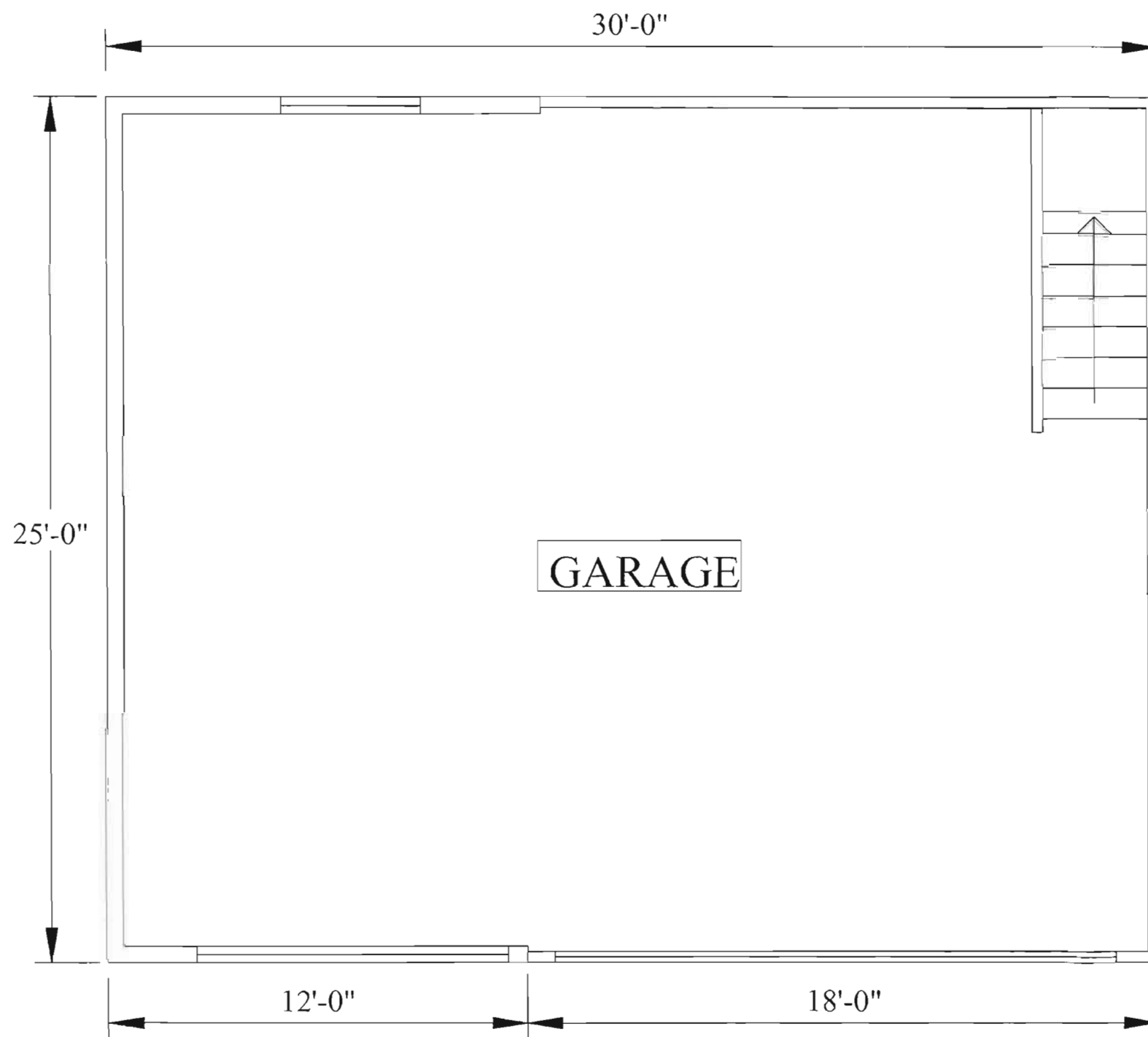
DAVID & JENNIFER WARE
1918 WILDWOOD AVE
PARKVILLE, MD 21234

REVISION DATE

PROJECT # 0001
DRAW BY : DSW
DATE : 03-09-08

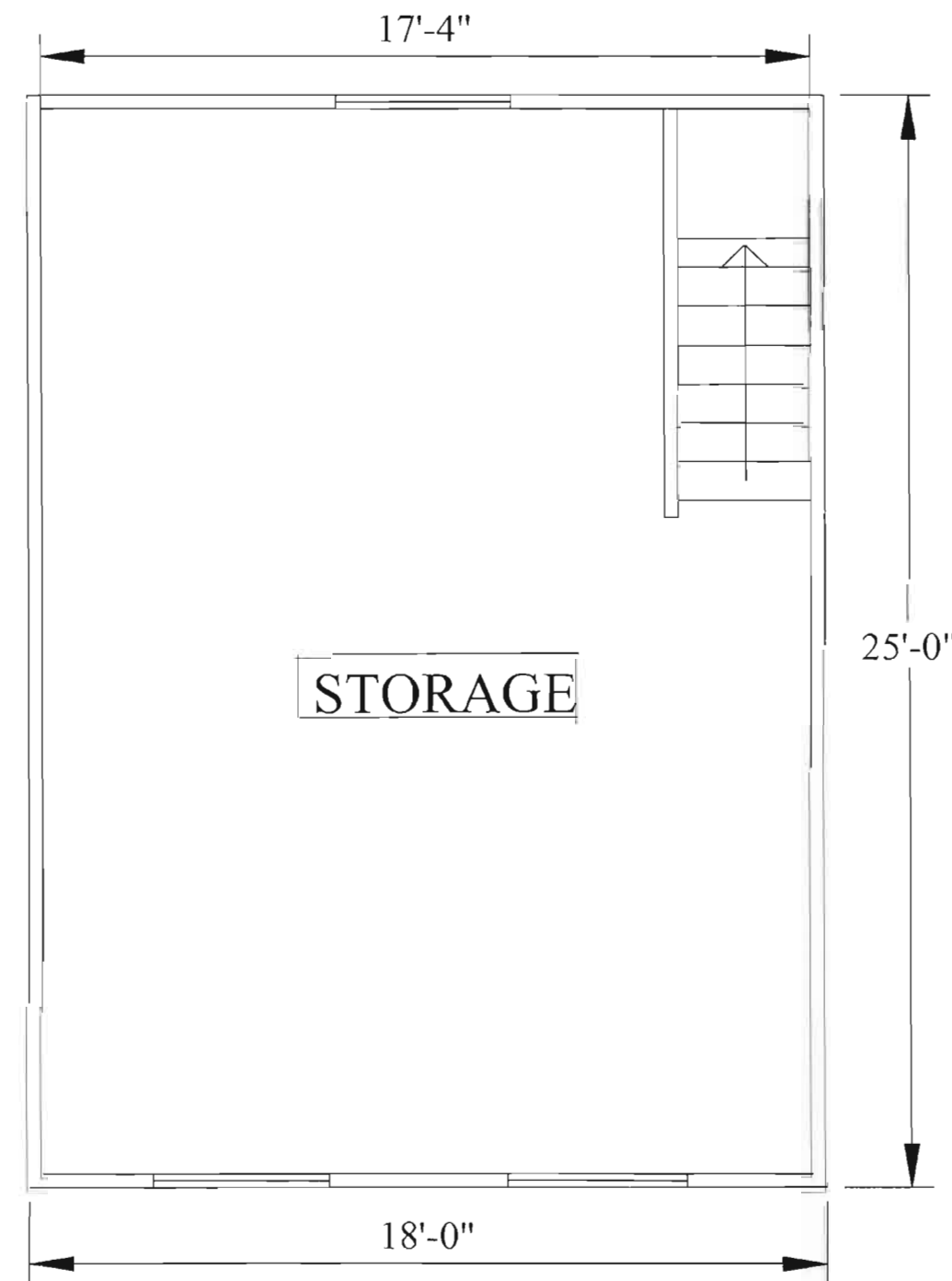
A3

DRG. 3 OF 4



FIRST FLOOR PLAN

1/4" = 1' - 0"



SECOND FLOOR PLAN

1/4" = 1' - 0"

GARAGE / STORAGE

DAVID & JENNIFER WARE
1918 WILDWOOD AVE
PARKVILLE, MD 21234

REVISION DATE

PROJECT # 0001
DRAW BY : DSW
DATE : 03-09-08

A4

DRG. 4 OF 4