

KEVIN KAMENETZ County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

July 30, 2014

Paul A. Gurbel Anne Y. Gurbel 7208 Bellona Avenue Baltimore, Maryland 21212

RE: Petition for Administrative Variance

Case No. 2014-0289-A

Property: 7208 Bellona Avenue

Dear Mr. and Mrs. Gurbel:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

c: Peter B. Sullivan, 15 W. Aylesbury Road, Suite 400, Timonium, MD 21093

IN RE: PETITION FOR ADMIN. VARIANCE

(7208 Bellona Avenue) 9th Election District

2nd Council District

Paul A. and Anne Y. Gurbel

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

* CASE NO. 2014-0289-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Paul A. and Anne Y. Gurbel ("Petitioners"). The Petitioners are requesting Variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a breezeway to be built between an existing dwelling and an existing detached garage, which will make the side setback of the garage (once attached) deficient at 9' in lieu of the required 20'. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments submitted from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 11, 2014, 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 (B.C.C.). Based upon the information available, there is no evidence in

ORDER RECI	EIVED FOR FILING	
Date	7-30-14	
Bv	60	

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 Administrative Law Judge, 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 B.C.C. and the B.C.Z.R., and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this <u>30th</u> day of July, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a breezeway to be built between an existing dwelling and an existing detached garage, which will make the side setback of the garage (once attached) deficient at 9' in lieu of the required 20', be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 The Petitioners may apply for their appropriate permits 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER RE	CEIVED FOR FILING	
Date	7-30-14	2
Ву		

	of Permits, Approvais
	of Baltimore Coule of the property located at:
Address 7208 38/lova Aus Ballimo Deed Reference 6941/453	which is presently zoned
Property Owner(s) Printed Name(s) A G	URBFL WARE I (WERFT
rioporty owner(s) rimes realise(s)	MIEC HIME I GOKBEL
	ROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) it on the reverse of this Petition Form be completed / notarized.
	Baltimore County and which is described in the description and le a part hereof, hereby petition for a
1. ADMINISTRATIVE VARIANCE from section(s)	
	be built between an existing dwelling and an existing
	tback of the garage (once attached) deficient at 9 feet, in
lieu of the required 20 feet.	
of the zoning regulations of Baltimore County, to the zoning	a law of Baltimore County.
 ADMINISTRATIVE SPECIAL HEARING to appro Section 32-4- 416(a)(2): (indicate type of work in this space 	ove a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), an e to raze, alter or construct addition to building)
Side and the section of Political County to the section	Law of Dalling and Occupie
of the zoning regulations of Baltimore County, to the zoning Property is to be posted and advertised as prescribed by the zoning regulations.	
 or we, agree to pay expenses of above petition(s), advertising, posting, restrictions of Baltimore County adopted pursuant to the zoning law for Ba 	etc. and further agree to and are to be bounded by the zoning regulations and
Contract Purchaser/Lessee:	Legal Owners:
· · · · · · · · · · · · · · · · · · ·	CALL A CONT MARK IN GREAT
N. S.	PHILA GURBELI ATING 9 GURBEL
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Signature	2 all all all a MD
Malling Address City State	Halling Address City State
maning reactions only	21212, 410303 0134, garbel @comc
Zip Code Telephone # Email Address	Zip Code / Telephone # Email Address
Attorney for Detitioner	Parametrica to be contacted:
Attorney for Petitioner:	Representative to be contacted:
Name-Type or Print SignaMDER RECEIVED FOR FILING	PETER B. Sullivan
Name-Type or Print	Name - Type or Print
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Tin Cooper Tolophoro	21093 1 410-329-1103 1 250/1 WAN & PBE busher
Zip Codey Telephone # Email Address	Zip Code Telephone # / Email Address
A PUBLIC HEARING having formally demanded and/or found to be rethis day of Jule , 2014 that the subject matter regulations of Baltimore County and that the property be reposted.	equired, it is ordered by the Office of Administrative Law, of Baltimore County, of this petition be set for a public hearing, advertised, as required by the zoning
BALTIMORE COUNTY MARYLAND	Strative Law Judge of Baltimore County
CASE NUMBER MY COMMISSION EXPIRES \$10/2019 ate //	5 / 17 Estimated Posting Date 7 / 13 / 14 Reviewer 3
2014-0789-A	

is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.
That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:
Address: 7208 BELLONA AUE. BALTINIONE MAY AND 2/2/2 Print or Type Address of property City State Zip Code
Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state <u>practical difficulty or hardship</u> here)
BATTIMONY, MD SINZ AT THE PROPERTY COUNTER AT 7208 BELLOWAR
There are no active zoning violations on this property
Signature of Affiant Name-Print or Type The following information is to be completed by a Notary Public of the State of Maryland
The following information is to be completed by a Notary Public of the State of Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 20 th day of June, 2014, before me a Notary 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) (Print name(s) here)
AS WITNESS my hand and Notaries Seal disa M. Jeeler
Notary Public Ma. 10 2015
LISA M. SEELBY NOTARY PUBLIC BALTIMORE COUNTY My Commission Expires
MARYLAND MY COMMISSION EXPIRES 5/10/2015

REV. 10/12/11

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s)

7208 Bellona Avenue

Property Description:

BEGINNING for the same in the center line of Bellona Avenue at the beginning of the land described in a deed from Title Guarantee and Trust Company to Katharine Kendall Bartlett dated June 30, 1921, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 541 folio 385, etc., and running thence binding on the first line and part of the second line of said land description in said deed South 21 degrees and 45 minutes West 200 feet and South 0 degrees, 19 minutes and 40 seconds West 162.57 feet, thence for a line of division across the land described in said deed North 71 degrees, 46 minutes and 30 seconds West 318.18 feet to the West side of a road there situate, said road being called 25 feet wide in the deed above referred to, but having since been widened to 50 feet by the addition of a strip of land 25 feet wide extending Eastwardly from the former East side of said 25 foot road, thence binding along the outlines of said land described in said deed as now surveyed and on the West side of said road with the use thereof in common with others entitled thereto the five following courses and distances: (1) North 15 degrees, 33 minutes and 10 seconds East 31.06 feet; (2) North 4 degrees, 52 minutes and 30 seconds East 67.30 feet; (3) North 3 degrees, 29 minutes and 20 seconds West 67.22 feet; (4) North 7 degrees, 31 minutes and 00 seconds West 159.23 feet; and (5) North 2 degrees, 44 minutes and 30 seconds West 128.97 feet to the center line of Bellona Avenue and thence, binding on said center line of said Bellona Avenue South 62 degrees and 53 minutes East 443 feet to the place of beginning.

SUBJECT to the use of a right-of-way for utilities 7 feet wide heretofore laid out Northwesterly and Westerly from the lines first and secondly herein described.

SUBJECT also to use in common with others entitled thereto of a roadway 50 feet in width running along and across the westernmost boundary lines of the premises herein above described.

CONTAINING 3.07 Acres of Land more or less, of which 0.51 of an acre is in the 50 foot road.

The improvements thereon being known as No. 7208 Bellona Avenue.

BEING the same lot of ground which by Decd dated July 30, 1962 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 4026, folio 035, was granted and conveyed by J. KEMP BARTLETT, III, and LETITIA W. BARTLETT, his wife, et al., and MARYLAND NATIONAL BANK, et al., to STUART D. SUNDAY and DOROTHY H. SUNDAY, his wife, the within grantors. The said STUART D. SUNDAY having since died on

OFFIC	E OF BUI	DGET AN	MARYLANI D FINANC RECEIPT	E		No.	18-	13825		PAID RECEIPT	
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BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0 289

Address 7208 BELLONA AVE.

		001				
Conta	ct Person: <u>JA</u>	Planner Please P	rint Your Name		Phone Number: 4	10-887-3391
Filing	Date: 7	14	Posting Da	te: 7/13/14	Closing Date	: 7/28/14
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2.	DEADLINE: The a formal request for a pub	t for a public h	nearing. Plea	ase understand	or owner within 1,0 that even if there e closing date	00 feet to file is no formal
3.	commissioner. If order that the material within 10 days of	He may: (a) gratter be set in foof the closing of the closing of the closing of the mass been grant and the mass	ant the requent of a public head date if all Co cranted, denied	ested relief; (b) rring. You will re ounty agencies'	by the zoning or d deny the requested eceive written notific comments are recoublic hearing. The	l relief; or (c) ation, usually ceived, as to
4.	(whether due to commissioner), in changed giving in	a neighbor's f notification will otice of the hea	formal request be forwarded aring date, tim	st or by order of d to you. The ne and location.	that must go to a pof the zoning or do sign on the proper As when the sign valued be	eputy zoning erty must be was originally
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MEMORANDUM

DATE:

September 2, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0289-A - Appeal Period Expired

The appeal period for the above-referenced case expired on August 29, 2014. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File

Office of Administrative Hearings









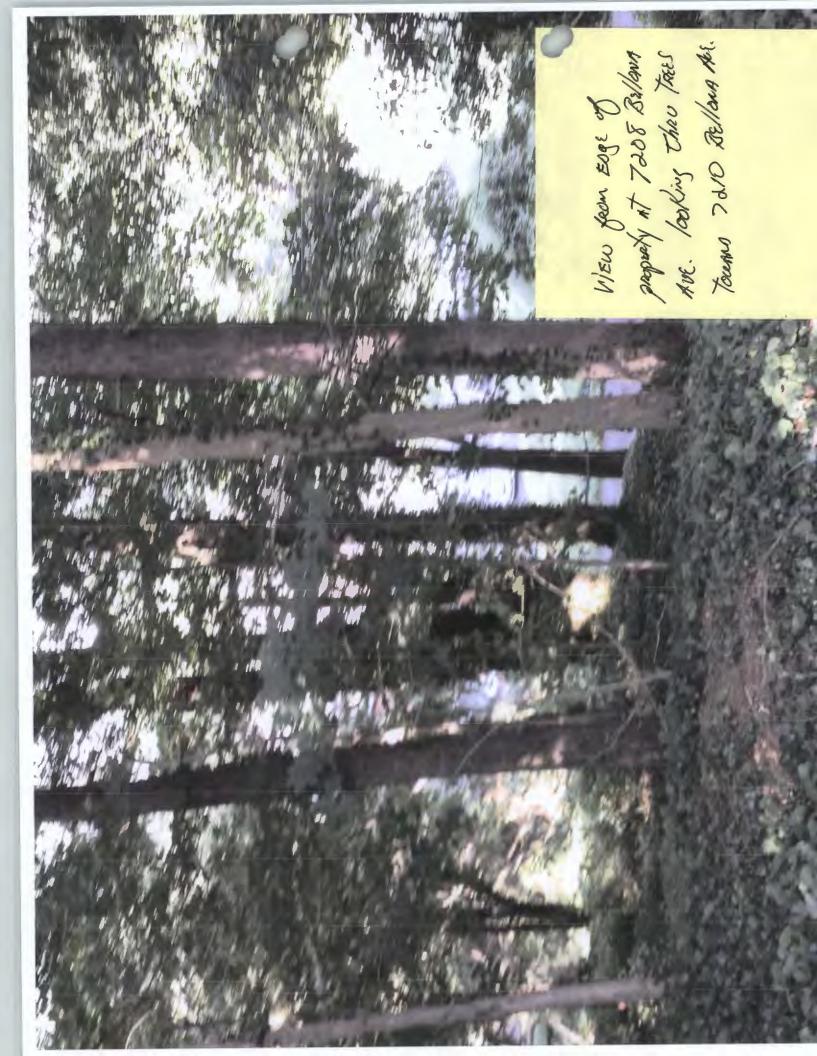






VIEW from property line or 7208 Bellow Fournos 7204 Dellow - Theres block view DETAGEORE





CASE NO. 2014- 0289 -A

CHECKLIST

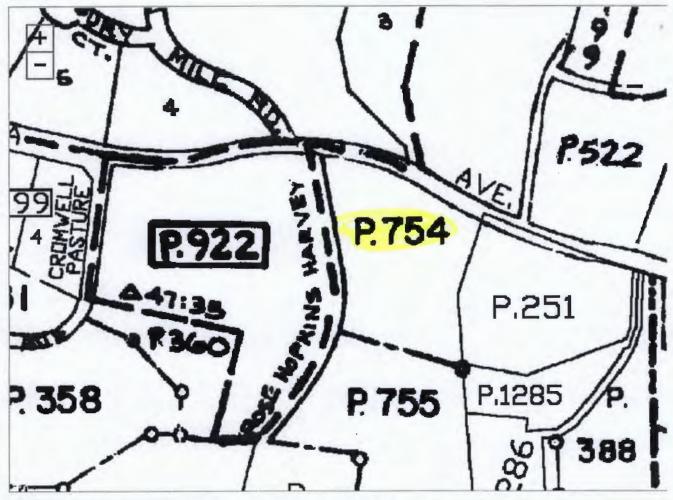
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	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	·
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
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PEOPLE'S COU	JNSEL COMMENT LETTER Yes No	
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View Map	View GroundRent Re	demption View GroundRent Registration				
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			Information			
Owner Name:	GURBEL PA GURBEL AN	AUL A	Use: Principal Res	idonoo	RESIDENT	IAL
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			ructure Information			
Premises Address:	7208 BELLO	NA AVE	Legal Descrip	otion:	3.07 AC SS	BELLONA A
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New Search (http://sdat.resiusa.org/RealProperty)

District: 09 Account Number: 0919851151



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (http://www.plats.net).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (http://www.mdp.state.md.us/OurProducts/OurProducts.shtml).



(http://imsweb05.mdp.state.md.us/website/mosp/)

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KEVIN KAMENETZ County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

July 29, 2014

Paul A. & Anne Y. Gurbel 7208 Bellona Avenue Baltimore MD 21212

RE: Case Number: 2014-0289 A, Address: 7208 Bellona AZvenue

Dear Mr. & Ms. Gurbel:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 1, 2014. 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,

U. Cal Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Peter B. Sullivan, 15 W. Aylesbury Avenue, Suite 400, Timonium MD 21093



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

James T. Smith, Jr., Secretary Melinda B. Peters, Administrator

Date: 7/14/14

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2014-0289-A.
Administrative Variance
Paul A. & Anne Y. Gurbel
7208 Bellona Avenue

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 7/14/14. A field inspection and internal review reveals that an entrance onto MD134 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for 2014-0289-4.

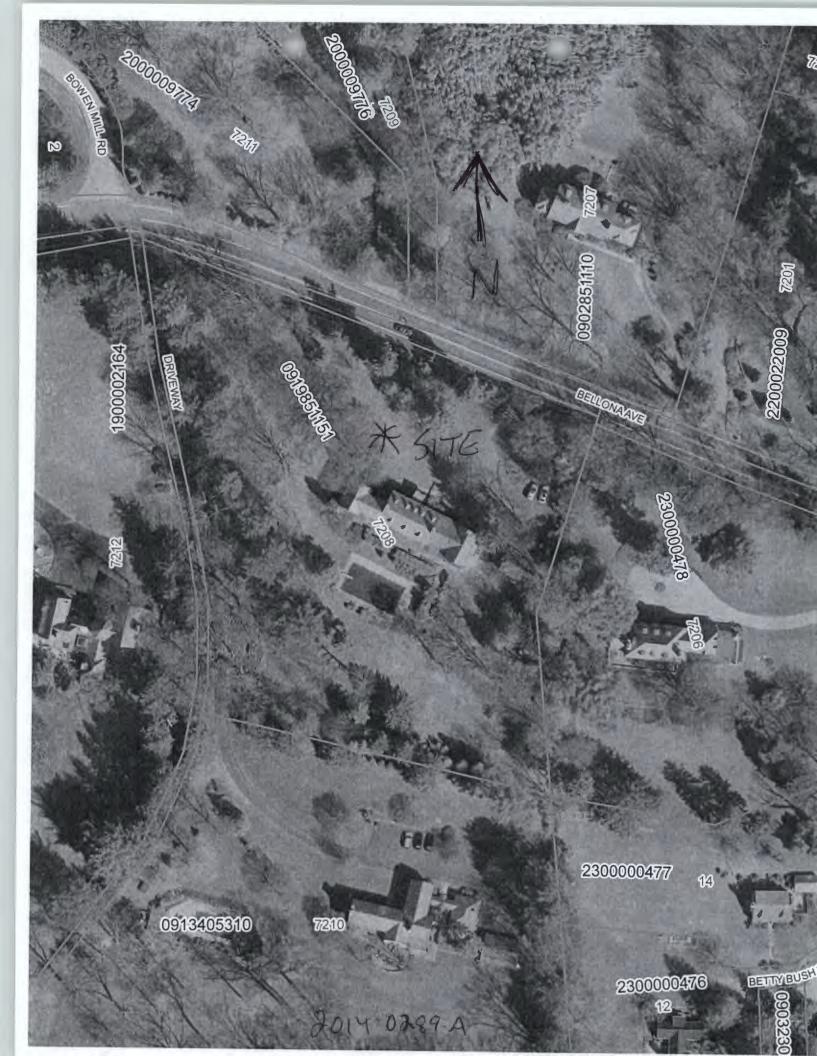
Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

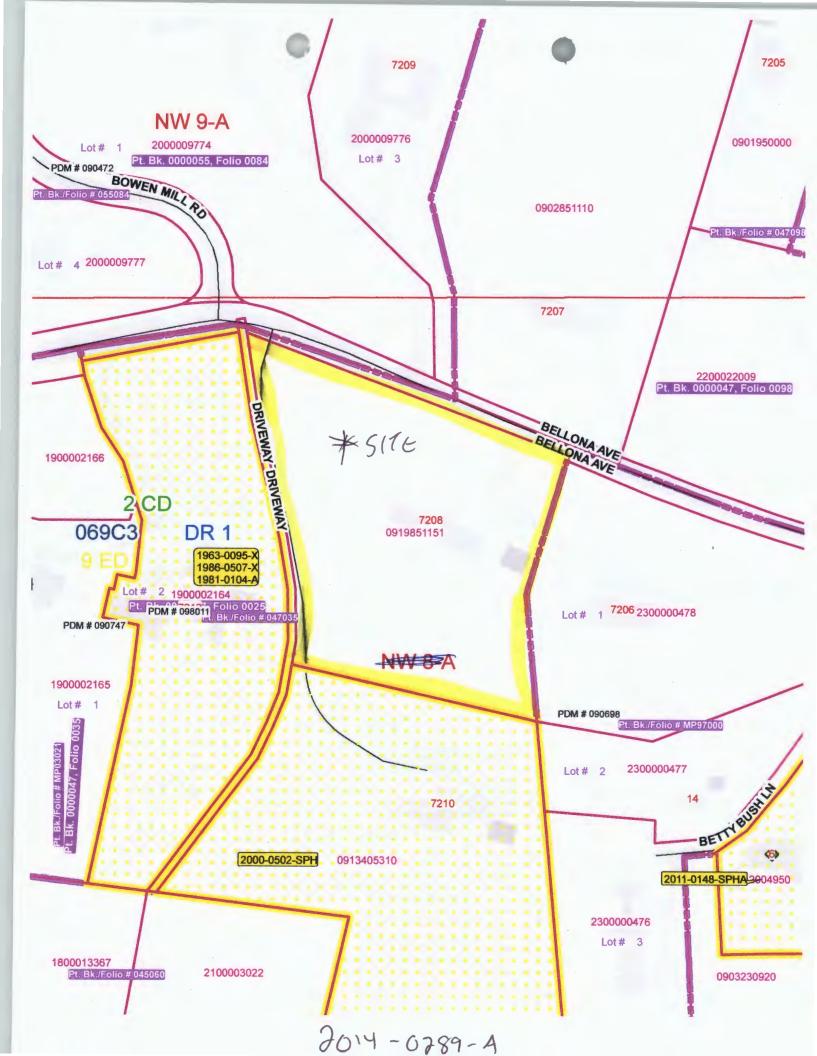
Sincerely,

Steven D. Foster, Chief/ Development Manager

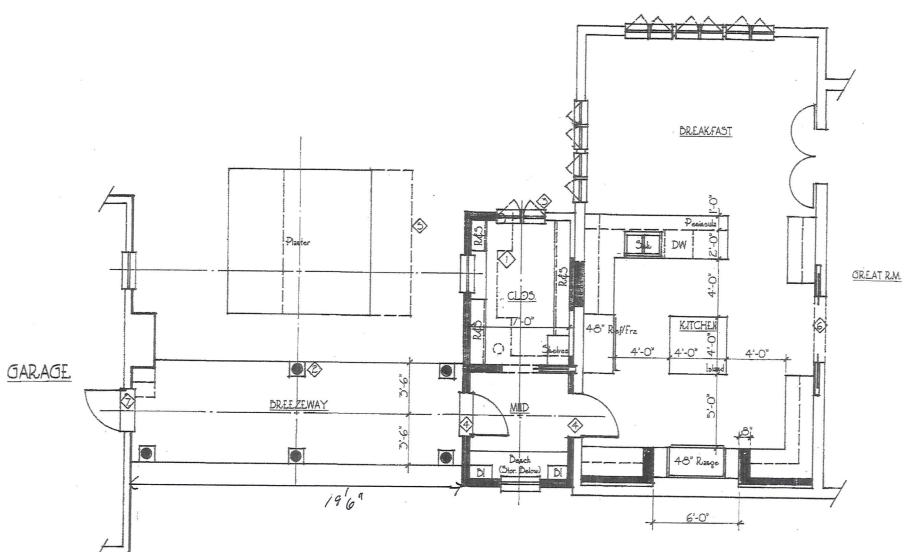
Access Management Division

SDF/raz









TANGLEWOOD

IMPROVEMENTS TO THE GURBEL RESIDENCE 7208 BELLONA AVENUE, BALTIMORE, MARYLAND

KITCHEN/BREAKFAST/MUD ROOM (PROPOSED)



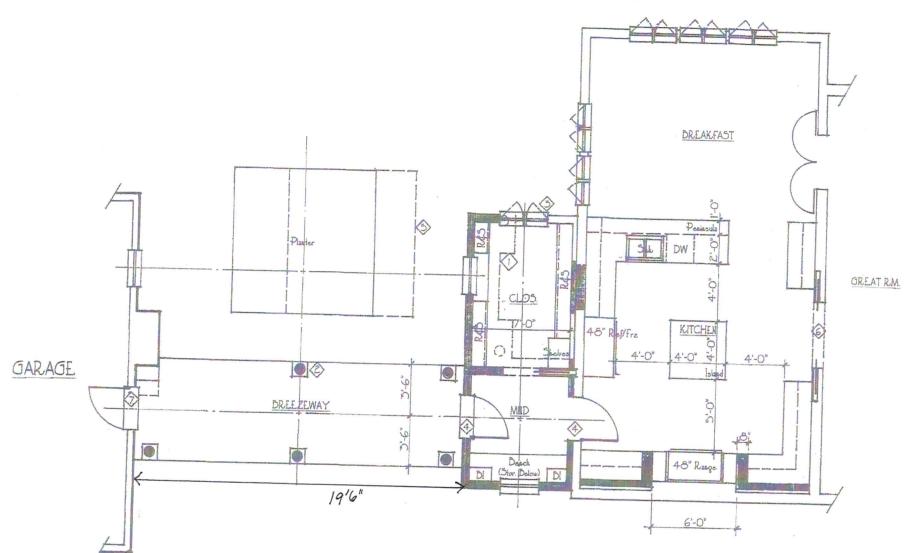
CHARLES PAUL

© Charles Paul Goebel, Architect, Ltd. 2013 PO Box 1822, Easton, Marthard 2:601-4822 TEL (410) 820-9176 / FAX (410) 820-9044 REV: 14 DEC 2013

KEY NOTES: (1) Dashed line of existing Vestibule. "Dunp-Out"; (2)

3 new Dreezeway columns shown: reuse/relocate 2 existing columns;
(3) Reuse/relocate existing windows; (4) Reuse/relocate existing Vestibule French door; (5) Dashed line of existing Planter; (6) Pocket doors shown added; (7) Widen Garage door? - change to in-swing?

2014-0289-4



TANGLEWOOD

IMPROVEMENTS TO THE GURBEL RESIDENCE 7208 BELLONA AVENUE, BALTIMORE, MARYLAND

KITCHEN/BREAKFAST/MUD ROOM (PROPOSED)

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



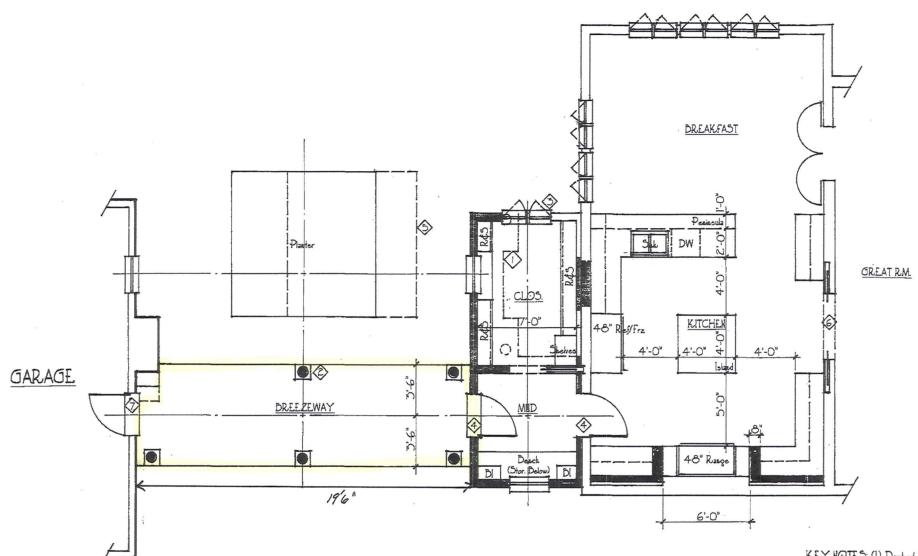
CHARLES PAUL ARCHITECT, LTD

© Charles Paul Goerei, Architect, Ltd. 2013 PO Box 1822, Easton, Mastrand 216011822 TEL (410) 820 9176 / FAX (410) 820-9044 REV: 14 DEC 2013

KEY NOTES: (1) Dashed line of existing Vestibule "Dump-Out"; (2)

3 new Dreezeway columns shown; reused relocate & existing columns;
(3) Reused relocate existing windows; (4) Reused relocate existing Vestibule French door; (5) Dashed line of existing Planter; (6) Pocket doors shown added; (7) Widen Garage door? - change to in-swing?

2014-0289-4



TANGLEWOOD

IMPROVEMENTS TO THE GURBEL RESIDENCE 7208 BELLONA AVENUE, BALTIMORE, MARYLAND

KITCHEN/BREAKFAST/MUD ROOM (PROPOSED)

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



CHARLES PAUL ARCHITECT, LTD

© CHARLES PAUL GOEBEL, ARCHITECT, LTD. 2013 PO BOX 1822, EASTON, MARTIAND 2:601-1822 TEL (410) 820-9176 / FAX (410) 820-4044 REV: 14 DEC 2013

KEY NOTES: (1) Dashed line of existing Vestibule "Dump-Out"; (2)

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