



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** February 11, 2014  
**To:** Interested Person  
**From:** Dave Skilton, Land Use Services 503-823-0660  
dave.skilton@portlandoregon.gov

## **NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has a **approved** proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

## **CASE FILE NUMBER: LU 14-101995 HR – REAR WINDOW ALTERATIONS**

### **GENERAL INFORMATION**

**Applicant:** Fay and Stanley Horak  
3228 NE 20th Avenue  
Portland, OR 97212-2411

**Representative:** Mark Urban 971-570-1577  
Urban Restoration & Construction Inc.  
4131 SW Condor Avenue  
Portland, OR 97201

**Site Address:** 3228 NE 20<sup>th</sup> Avenue

**Legal Description:** BLOCK 27 LOT 18, IRVINGTON  
**Tax Account No.:** R420405910  
**State ID No.:** 1N1E26AA 10300  
**Quarter Section:** 2732  
**Neighborhood:** Irvington, contact Dean Gisvold at 503-284-3885. Sabin Community Assoc., contact Rachel Lee at 503-964-8417.

**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.

**District Coalition:** Northeast Coalition of Neighborhoods, contact Claire Adamsick at 503-388-9030.

**Other Designations:** Contributing resource in the Irvington Historic District, which was listed in the National Register of Historic Places on October 22, 2010.

**Zoning:** R5, Single Dwelling Residential 5000 with Historic Resource Overlay  
**Case Type:** HR, Historic Resource Review  
**Procedure:** Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

**Proposal:**

The applicant is seeking Historic Resource Review approval for a proposal to remove four upper floor, rear-facing windows, closing one opening, replacing two with a larger wooden bay window, and replacing another with two wooden double hung windows meeting egress requirements. Historic Resource Review is required because the proposal is for non-exempt exterior alteration in a historic district.

**Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria specified in the Portland Zoning Code (Title 33 of the Portland City Code). The approval criteria are:

- 33.846.060 G – Other Approval Criteria

**ANALYSIS**

**Site and Vicinity:** The subject property is a two story Craftsman Style house in the "foursquare" form. It was built in about 1918 and is evaluated as a contributing resource in the Irvington Historic District.

Platted in the late Nineteenth Century, today's Irvington Historic District represents the first additions to Portland that employed restrictive covenants from the outset. These included the exclusion of most non-residential uses from the interior of the neighborhood, and where non-residential uses were allowed, such as the fire station and the telephone exchange, the buildings were purposely disguised to appear more residential in character. Other deed restrictions excluded minority groups, established uniform front setbacks, and required minimum expenditure on new buildings. The area developed generally from southwest to northeast and its growth was greatly influenced by the installation of streetcar lines that introduced an easy commuting option to downtown.

The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. Original development in many cases included garages or other accessory structures, typically facing side streets on corner lots and accessed by a variety of driveway types on mid-block sites. Garages that were added within the historic period, were sometimes built at the sidewalk and/or out of architectural character with the house.

**Zoning:** The R2 zone is a low density multi-dwelling zone. It allows approximately 21.8 dwelling units per acre. Density may be as high as 32 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to three story buildings, but at a slightly larger amount of building coverage than the R3 zone. The major types of new development will be duplexes, townhouses, rowhouses and garden apartments. These housing types are intended to be compatible with adjacent houses. Generally, R2 zoning will be applied near Major City Traffic Streets, Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.

The Historic Resource Overlay zone protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

**Land Use History:** City records indicate there are no prior land use reviews for this site.

**Public Notice:** A “Notice of Proposal in Your Neighborhood” was mailed January 14, 2014, 2013.

**Neighborhood Review:** Two written responses were received from either the Neighborhood Association or notified property owners in response to the proposal.

- Dean Gisvold, on behalf of the Irvington Community Association Land Use Committee, wrote on January 30, 2014, with concerns that one window was proposed for elimination, and that details on the proposed new, wooden bay window unit were not attached to the notice.

**Staff Response:** Regarding the elimination of a window at the side of the second story, rear-facing, sleeping porch, it has long and consistently been the practice in Historic Resource Review to allow the elimination or moving of a small percentage of less significant windows in order to accommodate interior remodeling needs, especially in historic districts. Although it is not always possible to include detail drawings of proposed new windows or other critical details, due to mailing costs, it is also a consistent requirement that new windows closely resemble the existing windows on the structure in quality and visual character. See findings below for further discussion. The file, with details, is available for review, and sometimes electronic drawings can be forwarded on request.

## ZONING CODE APPROVAL CRITERIA

### Chapter 33.846.060 - Historic Resource Review

#### **Purpose of Historic Resource Review**

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

#### **Historic Resource Review Approval Criteria**

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

**Findings:** The site is within the Irvington Historic District and the proposal is for non-exempt treatment. Therefore Historic Resource Review approval is required. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*.

*Staff has considered all guidelines and addressed only those applicable to this proposal.*

### **33.846.060 G - Other Approval Criteria**

**1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.

**Findings:** The proposed alterations will affect the windows on a rear-facing, second story sleeping porch which was originally designed and detailed as non-conditioned space. It is unclear if the windows in question are original or if they were installed retroactively to limit rain incursion. In any event, the openings, as opposed to the windows themselves, are respected by the proposed treatment and the sense of the historic sleeping porch is retained. One side-facing window is eliminated, but it is at a minor location and the infill will match the adjoining shingle cladding. *This criterion is met.*

**7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.

**8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

**10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

**Findings for 7, 8, and 10:** The proposed alteration retains the basic sense of a traditional second story sleeping porch and takes cues from an existing bay window at the front of the house without slavishly copying it. While a similar approach proposed at the front of the house would probably not be approvable, the rear of properties in historic districts are generally considered less significant and able to support a higher degree of change. Siding materials and trims will match those on the house, and the new windows will be custom-made wood windows to match the existing in all exterior details. *These criteria are met.*

## DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of rear window alterations on a contributing resource in the Irvington Historic District;

Approval is per Exhibits C-1 through C-3, signed and dated February 4, 2014, subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-101995 HR."

**Staff Planner: Dave Skilton**

**Decision rendered by:**  **on February 5, 2014.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: February 11, 2014**

**Procedural Information.** The application for this land use review was submitted on January 7, 2014, and was determined to be complete on January 14, 2014.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 7, 2014.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Recording the final decision.**

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **February 12, 2014**. The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.

- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034  
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

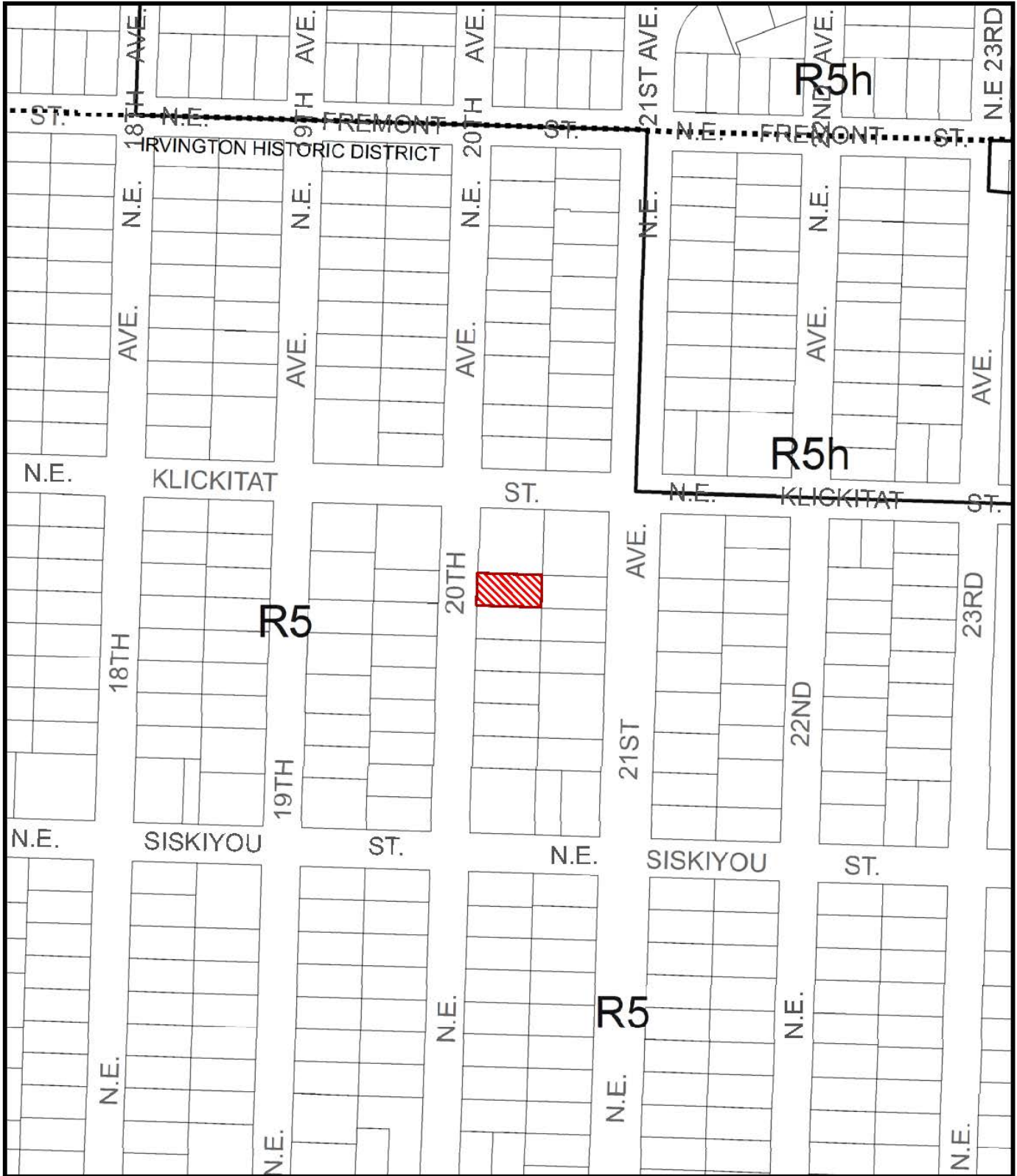
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Partial Floor Plans, Elevations, and Section (attached)
  - 3. Window Section
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence:
  - 1. Dean Gisvold, on behalf of the Irvington Community Association Land Use Committee, wrote on January 30, 2014, with concerns that one window was proposed for elimination, and that details on the proposed new bay window unit were not attached to the notice.
- G. Other:
  - 1. Original LU Application

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



# ZONING



Site



This site lies within the:  
IRVINGTON HISTORIC DISTRICT

File No. LU 14-101995 HR  
 1/4 Section 2732  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E26AA 10300  
 Exhibit B (Jan 07,2014)



LINCOLN COLE ARCHITECTS PC  
 3328 NE 20TH ST  
 PORTLAND, OR 97212  
 P: 503.241.3214  
 F: 503.241.3288  
 WWW.LINCOLNCOLE.COM

Horak Residence Bay Window  
 3228 NE 20th, Portland, OR 97212

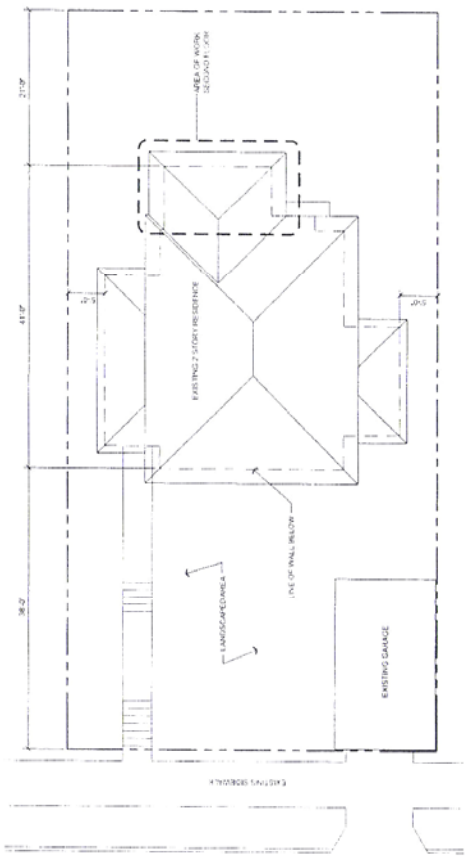


PERMIT SET  
 Date: 2.5.14  
 Approved: [Signature]  
 City of Portland - Bureau of Development Services

A0

GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODES AND ALL OTHER STATE AND LOCAL CODES AND BUILDING REQUIREMENTS THAT APPLY.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PORTLAND AND ALL OTHER AGENCIES THAT APPLY.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PORTLAND AND ALL OTHER AGENCIES THAT APPLY.
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12. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PORTLAND AND ALL OTHER AGENCIES THAT APPLY.



1 SITE PLAN  
 SCALE: 1/8"=1'-0"

DRAWING INDEX

A0	SITE PLAN PROJECT INFORMATION
A1	PLANS ELEVATIONS DETAILS

PROJECT SCOPE

THIS PROJECT INCLUDES:

1. REMOVAL OF 20'x12'x12' WINDOWS AND REPLACEMENT WITH 12'x12'x12' WINDOWS ON THE SECOND FLOOR OF EXISTING STRUCTURE.
2. REMOVAL OF 12'x12'x12' WINDOWS AND REPLACEMENT WITH 12'x12'x12' WINDOWS ON THE SECOND FLOOR OF EXISTING STRUCTURE.
3. REMOVAL AND INSTALL OF ONE EXISTING WINDOW.
4. MAJOR INTERIOR PARTITION WORK AND FINISHING WORK ON SECOND FLOOR IN LAMBER ROOM.

PROJECT DATA

OWNER: STANLEY AND TAYLOR HORAK  
 3228 NE 20TH, PORTLAND, OR 97212  
 ALTERNATE: 503.241.3214  
 LEGAL DESCRIPTION: INDUSTRIAL BLOCK 27, LOT 4

GOVERNING CODE

2015 OREGON RESIDENTIAL SPECIALTY CODE  
 BASED ON THE 2009 INTERNATIONAL RESIDENTIAL CODE

PROJECT TEAM

OWNER: STANLEY AND TAYLOR HORAK  
 3228 NE 20TH, PORTLAND, OR 97212  
 ALTERNATE: 503.241.3214  
 LEGAL DESCRIPTION: INDUSTRIAL BLOCK 27, LOT 4

ARCHITECT: LINCOLN COLE ARCHITECTS PC  
 3328 NE 20TH, PORTLAND, OR 97212  
 CONTRACT: JONAS COLE

STRUCTURAL ENGINEER: WORKING STRUCTURAL ENGINEERS, LLC  
 1212 NE 10TH, PORTLAND, OR 97232  
 CONTRACT: JPH02020-005

CONTRACTOR: JESMAN RECREATION  
 1212 NE 10TH, PORTLAND, OR 97232  
 CONTRACT: JPH02020-005

1-2



Planner *Dave Feltz* Date *2.5.14*  
 City of Portland - Bureau of Development Services  
 Approved

# Horak Residence Bay Window

3228 NE 20th, Portland, OR 97212

**LUNDM COLE ARCHITECTS, PC**  
 1015 NE 10TH AVE, SUITE 200  
 PORTLAND, OR 97232  
 P. 503.241.4411  
 F. 503.241.4412  
 www.lundmcole.com

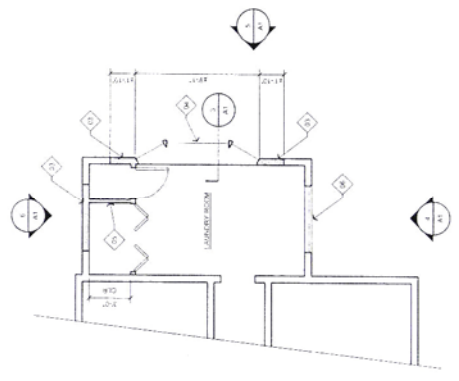
A1

PLANS, ELEVATIONS, DETAILS

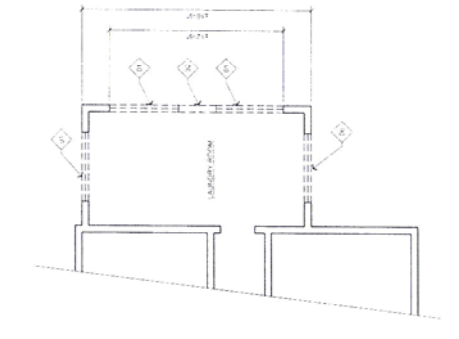
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NO. DATE	ISSUE
City of Portland - Bureau of Development Services	
Checked By	
Drawn By	

### GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE DONE IN STRICT ACCORDANCE WITH THE CITY OF PORTLAND'S LATEST BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES AND REGULATIONS.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCEMENT OF WORK.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
5. CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT PRIOR TO WORK.
6. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCEMENT OF WORK.
7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
8. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCEMENT OF WORK.
9. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCEMENT OF WORK.
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12. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCEMENT OF WORK.



2 IMPROVED FLOOR PLAN - 2ND FLOOR  
 SCALE 1/8" = 1'-0"



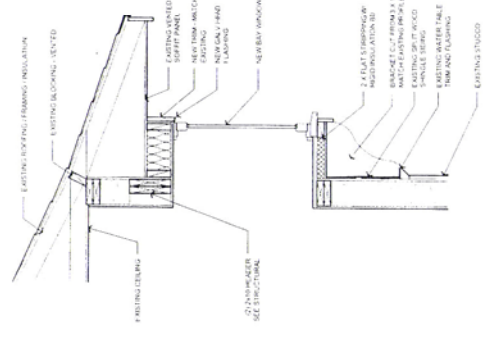
1 DEMOLITION FLOOR PLAN - 2ND FLOOR  
 SCALE 1/8" = 1'-0"

### LEGEND

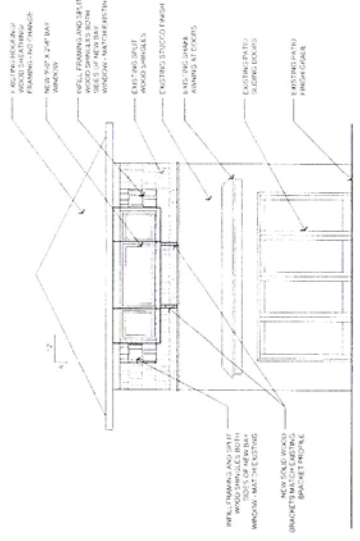
- EXISTING WALL OR OPENING (TO BE REMOVED)
- EXISTING WALL OR OPENING (TO BE REPAIRED)
- NEW WALL OR OPENING (TO BE ADDED)
- NEW WALL OR OPENING (TO BE ADDED)
- NEW WALL OR OPENING (TO BE ADDED)
- NEW WALL OR OPENING (TO BE ADDED)

### KEYNOTES

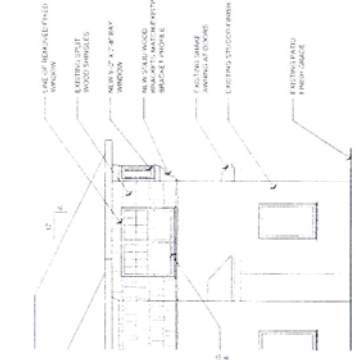
- 1. NEW 1/2" x 2" x 4" BAY WINDOW
- 2. NEW 1/2" x 2" x 4" BAY WINDOW
- 3. NEW 1/2" x 2" x 4" BAY WINDOW
- 4. NEW 1/2" x 2" x 4" BAY WINDOW
- 5. NEW 1/2" x 2" x 4" BAY WINDOW



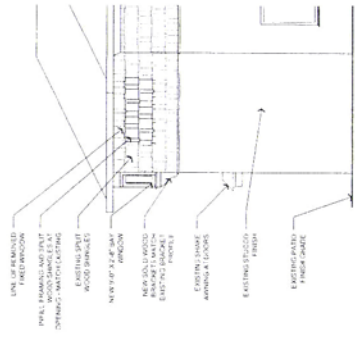
3 WALL SECTION  
 SCALE 1/4" = 1'-0"



5 REAR (EAST) ELEVATION  
 SCALE 1/8" = 1'-0"



4 SOUTH ELEVATION  
 SCALE 1/8" = 1'-0"



6 NORTH ELEVATION  
 SCALE 1/8" = 1'-0"

2-2

\* This approval applies only to the reviews requested and is subject to all other code requirements. Additional zoning requirements may apply.