

VARIANCE:
V-2019-009

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER: V-2019-009

REQUEST: REDUCE SETBACKS FOR A SUBSTANDARD LOT OF RECORD

APPLICABLE SECTION: SECTION 501

LOCATION: 551 JACKSON STREET

PARCEL: 7-236-034

ZONING: R-100 (RESIDENTIAL SINGLE FAMILY)

OWNER: STEVEN CHAPMAN
5710 CANTRELL CIRCLE
CUMMING, GA 30041

APPLICANT: RICHARD STEVENS
680 TRINITY PLACE
SUWANEE, GA 30024

CONTACT: RICK STEVENS
CONTACT PHONE: 770-366-1658

STAFF RECOMMENDATION: **APPROVAL WITH CONDITIONS**

ANALYSIS:

The applicant seeks a variance from Section 501 of the City of Suwanee Zoning Ordinance to allow for a reduction of the front and rear setbacks on a substandard lot of record in order to allow for the construction of a 2,700 square foot home and an accessory structure. The subject property is approximately 0.266 acres and located at 551 Jackson Street. The property is zoned R-100 (Residential Single Family), but is a substandard lot of record. This means that construction of a home on the lot would be legal even though the lot is smaller than current standards would allow. The lot was created prior to the adoption of zoning.

Section 501.C of the Zoning Ordinance sets forth the district development standards for property zoned R-100. The minimum size of a sewerd R-100 lot is 18,500 square feet and 22,000 square feet for a septic tank lot. The minimum yard abutting a public street is 35 feet when abutting a subdivision street and 50 feet when abutting all other streets. Jackson Street is not a subdivision street, as such, a 50-foot setback is required. The minimum rear yard for a R-100 lot is 40 feet.

The applicant is seeking to locate the proposed 2,700 square foot home approximately 35 feet from the Jackson Street right-of-way and 22 feet from the rear property line, as such a variance is required. The lot is 11,600 square feet, less than two-thirds the minimum size for a sewer lot in the R-100 Zoning District.

It is important to note that the ordinance specifically allows for building on substandard lots of record and allows for variances to be granted in order to allow for construction of homes on substandard lots of record. Section 611.B specifically allows for variances to be granted on side yards. However, in this case, a variance for the front and rear yard makes more sense. At the shallowest portion of the lot there is only 12 feet of buildable space on the lot.

The subject parcel fronts Jackson Street and has an irregular shape, with the rear lot line angling down from west to east. The western property line is approximately 135-feet long and the eastern property line is approximately 102-feet long. The R-100 district requires a 50-foot front setback, a 40-foot rear setback, and 10-foot side setbacks. The setbacks for a substandard lot, such as this one, create a buildable space that does not allow for the use of the property without variances to deviate from setback requirements.

The subject property is surrounded by residentially zoned properties in all directions. To the north, east, and south, are properties zoned R-100 (Residential Single Family) with single family residences on them. To the west of the subject property, the same side of Jackson Street, is an undeveloped lot zoned R-100 that is the subject of V-2019-010 (different property owner, different applicant, same issue). Further southwest of the subject property are three C-1 (neighborhood commercial) parcels.

The City of Suwanee's Zoning Ordinance grants the Zoning Board of Appeals the authority to grant variances. According to Section 2006 of the Ordinance, the Board is authorized to grant variances when literal enforcement of the Ordinance will result in unnecessary hardship to a property owner. A variance may be granted if the conditions are unique to the property and/or are unlikely to cause substantial detriment to the public good or if the variance will not undermine the intent of the zoning ordinance. In addition, a variance may be granted when such conditions are not the result of any actions of the property owner.

It does appear that the property is impacted by the R-100 setbacks. The setbacks significantly reduce the usability of the property. A normal rectangular R-100 lot would have 185 feet of depth. With a 50-foot front setback and a 40-foot rear setback, a standard R-100 lot would leave 95 feet of depth to build on. The proposed 2,700 square foot home is not exceptionally large. The home appears to be approximately 60 deep which is not particularly deep. Other homes in the Historic Old Town area have front setbacks that range from approximately 7 feet to 43 feet. Reducing the front setback to 25 feet and the rear setback to 15 feet would allow the subject property to have 62 to 95 feet of depth for a single-family home. This would allow for a buildable area comparable (but still less than) a standard R-100 lot and it would allow for setbacks that are consistent with the setbacks of existing homes in the area.

The applicant's request to reduce the front setback from 50 feet to 25 feet will be consistent with surrounding and nearby properties and is unlikely to negatively impact nearby properties.

Approval would allow construction of a single-family home that is consistent with and compatible with current and anticipated development in the surrounding area.

The property owner does appear to have a hardship as a result of setbacks placed on the property with the adoption of the Zoning Ordinance. Application of the regulations in this case could deprive the property owner of a reasonable economic use of the property. Therefore, staff recommends **APPROVAL WITH CONDITIONS** of V-2019-009.

Standards for Consideration

Pursuant to Section 2009A of the City of Suwanee Zoning Ordinance, the City finds the following standards are relevant in considering all applications for a Variance.

- A. Will approval of the variances unreasonably increase the congestion in public streets?**

Approval of the variance would not increase the congestion in public streets.

- B. Will approval increase the danger of fire or endanger public safety?**

Approval of the variance would not increase the danger of fire or endanger public safety.

- C. Will approval unreasonably diminish or impair established property values within the surrounding area?**

Approval of the variance would not unreasonably diminish or impair property values within the surrounding area.

- D. Will approval in any other aspect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City?**

Approval of the variance would not impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.

**APPLICATION FOR VARIANCE FROM THE
CITY OF SUWANEE ZONING BOARD OF APPEALS**

Please complete this application and submit with all necessary attachments as stated on the Variance Information Form (please type or print)

APPLICANT INFORMATION

Name: Richard Stevens
Address: 680 TRINITY PL.
City: Suwanee, 30024
State: GA.
Phone: 770 366-1658
E-mail address: rickstevens@charter.net

OWNER INFORMATION

Name: Steven Chapman
Address: 5710 Cantrell Cir.
City: Cumming GA. 30041
State: GA.
Phone: _____

CONTACT PERSON: Rick Stevens PHONE: 770 366-1658

ADDRESS OF PROPERTY 551 JACKSON ST.

LAND DISTRICT 7th LAND LOT 236 PARCEL 7236 LOT 034

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) _____

ZONING R-100

VARIANCE REQUESTED Section 501. C, front set back NOT to exceed 25 feet. Rear Setback NOT to exceed 19 feet.

NEED FOR VARIANCE Substandard Lot size of record. Lot size smaller than required.

***A VARIANCE FROM A CONDITION OF ZONING CANNOT BE ACCEPTED.
SECTION 2007, APPLICANT AND/OR A REPRESENTATIVE.**

*****The property owner, applicant and /or a representative thereof shall be present at all meetings of the Zoning Board of Appeals, Planning Commission and/or Mayor and Council at which official action is requested on any variance or application for amendment. The failure of the property owner, applicant and/or a representative to attend such meetings shall result in the denial of said variance or application for amendment.**

V-2019-009

Last revised 8-12-2013 dpr

LEGEND

| | |
|------|--------------------------|
| PF | IRON PIN FOUND |
| IP | 1/2" REAR PIN SET |
| LL | LAND LOT |
| UL | UNDEVELOPED LAND |
| PL | PROPERTY LINE |
| CL | CENTERLINE |
| R/W | RIGHT-OF-WAY |
| SE | SANITARY SEWER EASEMENT |
| SE | SEWER EASEMENT |
| MH | MANHOLE |
| DB | DATCH BASIN |
| HW | HEADWALL BOX |
| DI | DROP INLET |
| DI | DRAINAGE |
| FP | FIRE HYDRANT |
| IE | INVERT ELEVATION |
| FE | FINISHED FLOOR ELEVATION |
| EF | EDGE OF FINISH |
| S | SANITARY SEWER LINE/PIPE |
| SS | STORM SEWER LINE/PIPE |
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| N/P | NOW OR FORMERLY |

EQUIPMENT USED:
 TOTAL STATION & CHAMBERLAIN TWO CHANNEL REAL TIME NETWORK WAS USED TO OBTAIN THE LINEAR & ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

FIELD CLOSURE STATEMENT:
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT PER ANGLE PER ANGLE AND A CLOSURE PRECISION OF ONE SECOND PER ANGLE POINT & WAS ADJUSTED USING LEAST SQUARES.

PLAT CLOSURE STATEMENT:
 THIS PLAT HAS BEEN CALCULATED FOR CLOSURE & IS ACCURATE WITHIN ONE HUNDRED THOUSANDTH OF AN INCH CONTAINS A TOTAL OF 0.610 ACRES.

FLOOD HAZARD NOTE:
 BY GRAPHICAL PLOTTING ONLY, NO PORTION OF THE SURVEYED AREA LIES WITHIN A 100 YEAR FLOOD HAZARD AREA PER FIRM PANEL 1510500026Z, MARCH 4, 2015.

THIS OPINION IS NOT A CERTIFICATION OF FLOOD HAZARD OR A GUARANTEE OF THE ACCURACY OF THE REFERENCED MAP AND PUBLIC DATA. IT IS THE EXACT LOCATION OF ELEVATION(S) OF FLOOD HAZARD BOUNDARIES ARE NECESSARY, A FIRM ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF THE ABOVE REFERENCED MAP OR PUBLIC DATA.

RETRACEMENT SURVEY SURVEYORS CERTIFICATION

THIS PLAT IS AN INSTRUMENT OF AN EXISTING PANEL IN PARCELS OF LAND AND DOES NOT CONVEY OR TRANSFER ANY INTEREST IN THE SURVEYED LAND. THE SURVEYORS HAVE REVIEWED THE RECORDS AND INSTRUMENTS OF THE SURVEYING PROFESSION AND HAVE DETERMINED THAT THE PARCELS AND INTERESTS THEREIN ARE CORRECTLY IDENTIFIED AND DESCRIBED IN THIS INSTRUMENT. THE SURVEYORS HAVE ALSO REVIEWED THE RECORDS AND INSTRUMENTS OF THE SURVEYING PROFESSION AND HAVE DETERMINED THAT THE PARCELS AND INTERESTS THEREIN ARE CORRECTLY IDENTIFIED AND DESCRIBED IN THIS INSTRUMENT. THE SURVEYORS HAVE ALSO REVIEWED THE RECORDS AND INSTRUMENTS OF THE SURVEYING PROFESSION AND HAVE DETERMINED THAT THE PARCELS AND INTERESTS THEREIN ARE CORRECTLY IDENTIFIED AND DESCRIBED IN THIS INSTRUMENT.

TRACT 1
 0.344 ACRES
 (INCLUDES EASEMENTS WITHIN)

TRACT 2
 0.266 ACRES
 (INCLUDES EASEMENTS WITHIN)

N/E
 7236 044A
 DARLENE MCCLLEN
 D.B. 1624231
 P. 18727 R100
 ZONED R100

N/E
 7236 044B
 GEORGE J. MATLIS
 D.B. 56046, P. 6867
 ZONED R100

N/E
 7236 040
 HILDA S. ROBERTS
 D.B. 111495
 ZONED R100

LEGEND

PF IRON PIN FOUND
 IP 1/2" REAR PIN SET
 LL LAND LOT
 UL UNDEVELOPED LAND
 PL PROPERTY LINE
 CL CENTERLINE
 R/W RIGHT-OF-WAY
 SE SANITARY SEWER EASEMENT
 SE SEWER EASEMENT
 MH MANHOLE
 DB DATCH BASIN
 HW HEADWALL BOX
 DI DROP INLET
 DI DRAINAGE
 FP FIRE HYDRANT
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 FE FINISHED FLOOR ELEVATION
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 N/P NOW OR FORMERLY

REFERENCES

- DEED BOOK 27189, PAGE 178.
- DEED BOOK 4710, PAGE 57.

TRACT 1 NOTES:

- 1) THIS TRACT IS AN INSTRUMENT OF AN EXISTING PANEL IN PARCELS OF LAND AND DOES NOT CONVEY OR TRANSFER ANY INTEREST IN THE SURVEYED LAND.
- 2) TAX PARCELS 7236 041
- 3) ZONING: R100
- 4) DEED BOOK 27189, PAGE 178
- 5) BUILDING SETBACKS:
 SIDEY = 10' ONE YARD/25' COMBINED
 REAR = 40'

TRACT 2 NOTES:

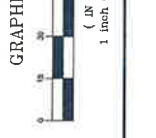
- 1) THIS TRACT IS AN INSTRUMENT OF AN EXISTING PANEL IN PARCELS OF LAND AND DOES NOT CONVEY OR TRANSFER ANY INTEREST IN THE SURVEYED LAND.
- 2) TAX PARCELS 7236 054
- 3) ZONING: R100
- 4) DEED BOOK 4710, PAGE 57.
- 5) BUILDING SETBACKS:
 SIDEY = 10' ONE YARD/25' COMBINED
 REAR = 40'

RETRACEMENT SURVEY FOR:

SOUTHERN HERITAGE HOMES
 CITY OF SUWANEE

LAND DEVELOPMENT SURVEYORS, INC.
 P.O. BOX 2650
 0449 W. GUNN RD.
 (770) 882-8006
 LOSURVEY@BELLSOUTH.NET
 CDA:LS#0008932

Date: 4/2/19 Land Lot:236 District: 7TH
 County: GWINNETT COUNTY, GA Scale: 1" = 30'
 Field By: ST, CJ Drawn By: MSF Checked By: LJJ
 Job Number: 19131 File Number: 19131.DWG
 Sheet No. 1 OF 1



THE PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, FIRM OR ENTITY NAMED IN THE CERTIFICATE AND DOES NOT REPRESENT THE SURVEYOR'S OPINION ON THE MATTER FOR WHICH THE SURVEY WAS MADE.

THE SURVEYOR HAS REVIEWED THE RECORDS AND INSTRUMENTS OF THE SURVEYING PROFESSION AND HAS DETERMINED THAT THE PARCELS AND INTERESTS THEREIN ARE CORRECTLY IDENTIFIED AND DESCRIBED IN THIS INSTRUMENT. THE SURVEYOR HAS ALSO REVIEWED THE RECORDS AND INSTRUMENTS OF THE SURVEYING PROFESSION AND HAS DETERMINED THAT THE PARCELS AND INTERESTS THEREIN ARE CORRECTLY IDENTIFIED AND DESCRIBED IN THIS INSTRUMENT.

RETRACEMENT SURVEY SURVEYORS CERTIFICATION

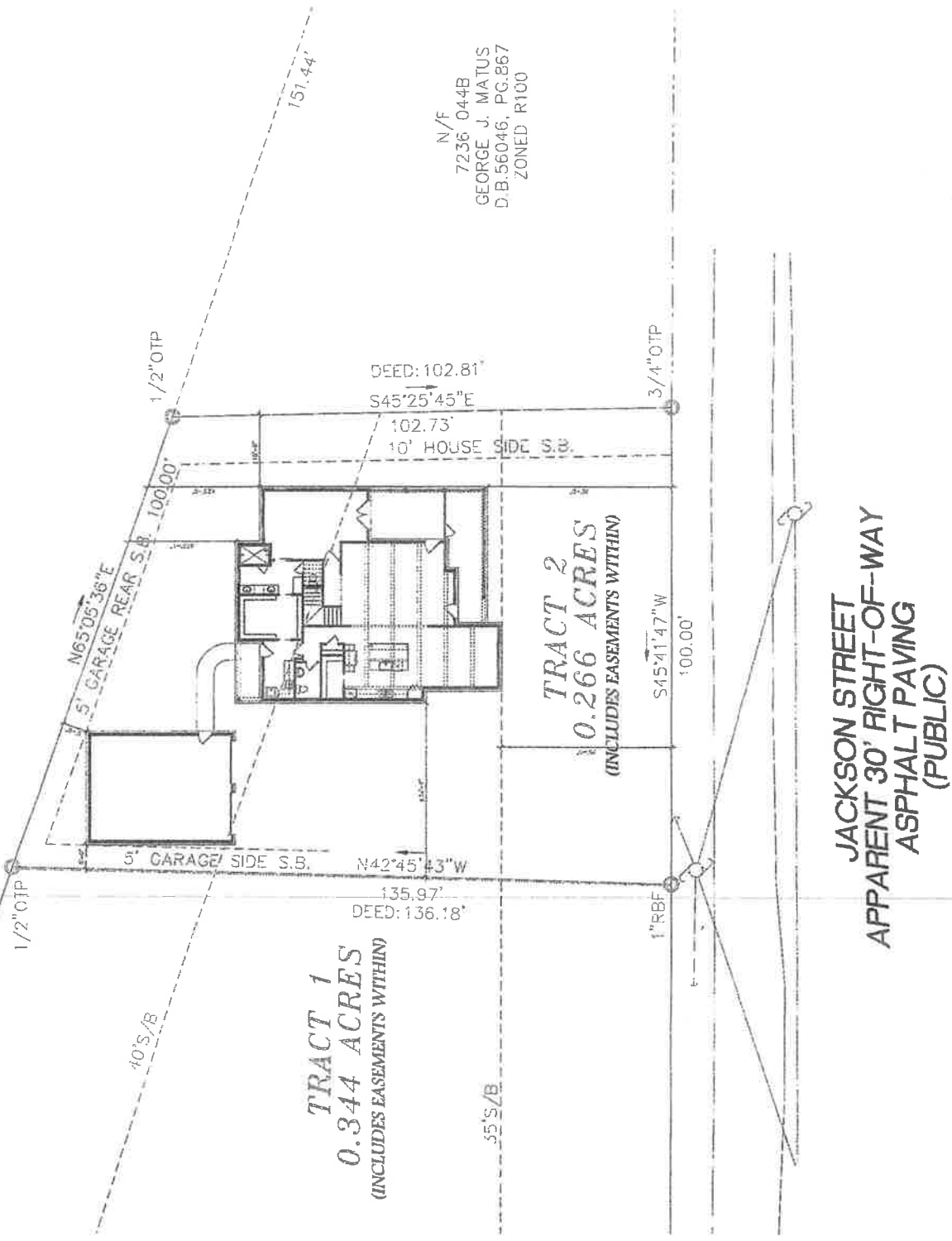
THIS PLAT IS AN INSTRUMENT OF AN EXISTING PANEL IN PARCELS OF LAND AND DOES NOT CONVEY OR TRANSFER ANY INTEREST IN THE SURVEYED LAND. THE SURVEYORS HAVE REVIEWED THE RECORDS AND INSTRUMENTS OF THE SURVEYING PROFESSION AND HAVE DETERMINED THAT THE PARCELS AND INTERESTS THEREIN ARE CORRECTLY IDENTIFIED AND DESCRIBED IN THIS INSTRUMENT. THE SURVEYORS HAVE ALSO REVIEWED THE RECORDS AND INSTRUMENTS OF THE SURVEYING PROFESSION AND HAVE DETERMINED THAT THE PARCELS AND INTERESTS THEREIN ARE CORRECTLY IDENTIFIED AND DESCRIBED IN THIS INSTRUMENT. THE SURVEYORS HAVE ALSO REVIEWED THE RECORDS AND INSTRUMENTS OF THE SURVEYING PROFESSION AND HAVE DETERMINED THAT THE PARCELS AND INTERESTS THEREIN ARE CORRECTLY IDENTIFIED AND DESCRIBED IN THIS INSTRUMENT.

V-2019-008

The Stevens Residence

GENERAL NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. FOUNDATION SHALL BE 18" MINIMUM BELOW FINISH GRADE.
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4. ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
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35. ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
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N/F
7236 044B
GEORGE J. MATUS
D.B.56046 PG.867
ZONED R100

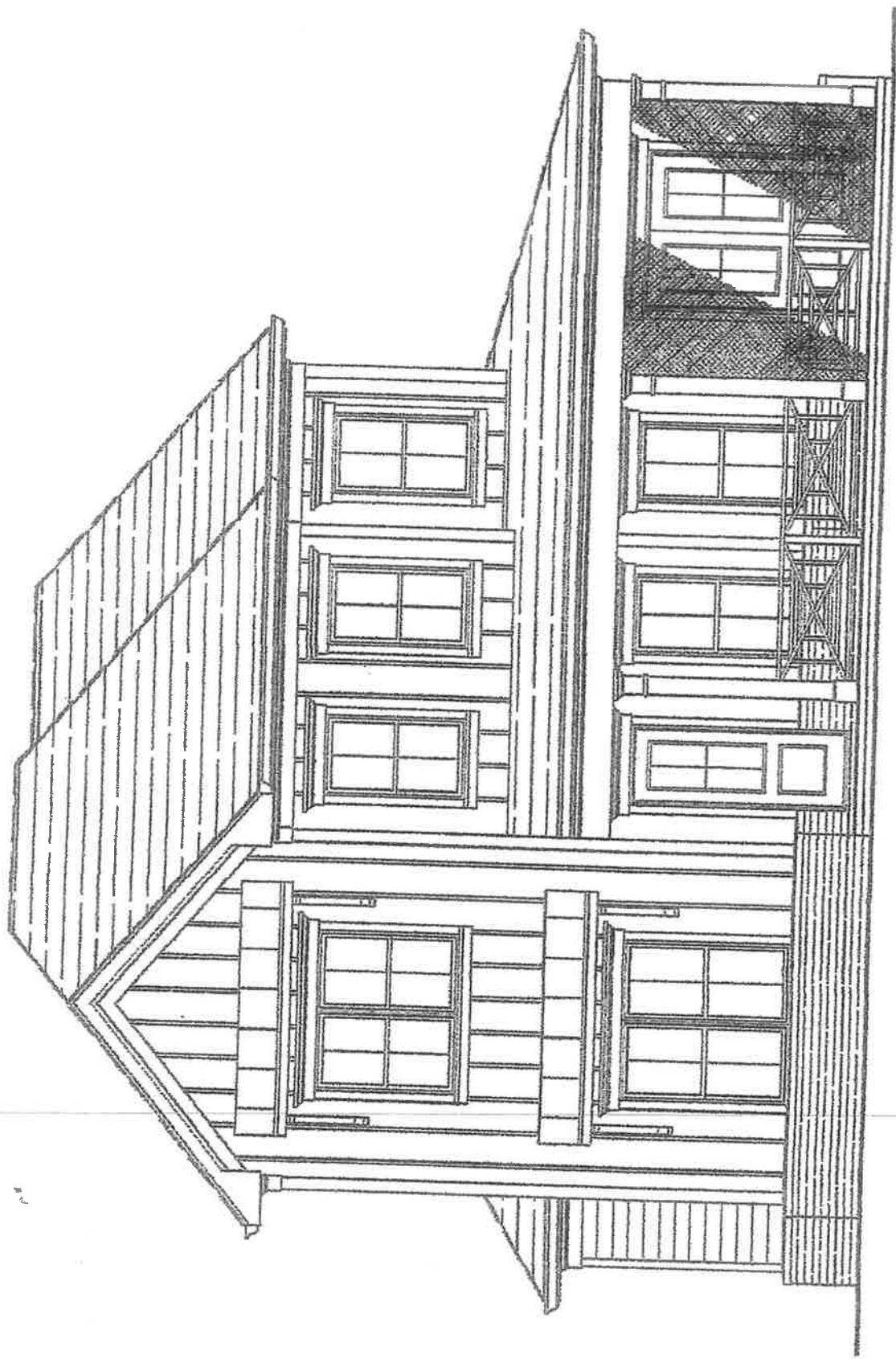
A-2019-009

Mike Stevens
201 Jackson St. NE
Columbus, GA

One Zero Nine Designs, LLC
Contact: James Walker 678-675-2099
jwalk12@gmail.com

The Stevens Residence
Site Plan/Lot Fitment

| | |
|-------------|------------|
| DATE | 2019/10/09 |
| BY | JWB |
| PROJECT NO. | 19-009 |
| SHEET NO. | 51 |



Front Elevation

V-2019-009

GENERAL NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT AND LOCAL ZONING DEPARTMENT BEFORE COMMENCING CONSTRUCTION.
2. THE CONTRACTOR SHALL VERIFY ALL CONDITIONS AND REQUIREMENTS OF THE LOCAL BUILDING DEPARTMENT AND LOCAL ZONING DEPARTMENT BEFORE COMMENCING CONSTRUCTION.
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10. THE CONTRACTOR SHALL VERIFY ALL CONDITIONS AND REQUIREMENTS OF THE LOCAL BUILDING DEPARTMENT AND LOCAL ZONING DEPARTMENT BEFORE COMMENCING CONSTRUCTION.

1. APPROXIMATE OVERALL BLDG. HGT. 10'-0" CLNG. HGT. 8'-0" HDR. HGT. 8'-0" HDR. HGT. 8'-0" HDR. HGT. 8'-0" HDR. HGT.

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3. APPROXIMATE OVERALL BLDG. HGT. 10'-0" CLNG. HGT. 8'-0" HDR. HGT. 8'-0" HDR. HGT. 8'-0" HDR. HGT.

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5. APPROXIMATE OVERALL BLDG. HGT. 10'-0" CLNG. HGT. 8'-0" HDR. HGT. 8'-0" HDR. HGT. 8'-0" HDR. HGT.

6. APPROXIMATE OVERALL BLDG. HGT. 10'-0" CLNG. HGT. 8'-0" HDR. HGT. 8'-0" HDR. HGT. 8'-0" HDR. HGT.

7. APPROXIMATE OVERALL BLDG. HGT. 10'-0" CLNG. HGT. 8'-0" HDR. HGT. 8'-0" HDR. HGT. 8'-0" HDR. HGT.

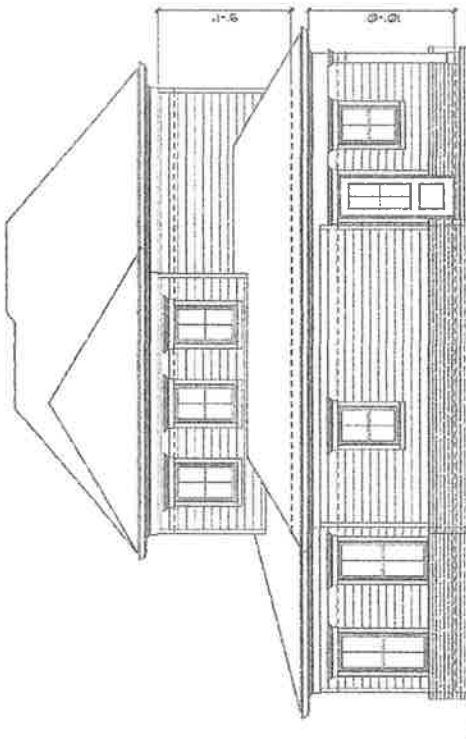
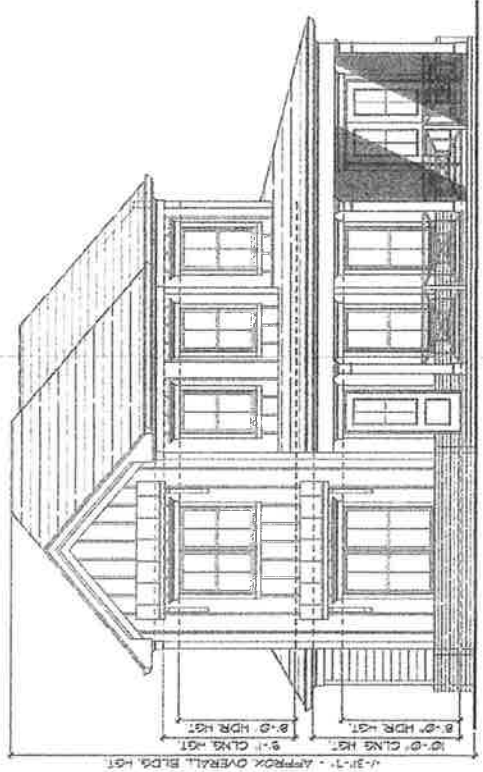
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9. APPROXIMATE OVERALL BLDG. HGT. 10'-0" CLNG. HGT. 8'-0" HDR. HGT. 8'-0" HDR. HGT. 8'-0" HDR. HGT.

10. APPROXIMATE OVERALL BLDG. HGT. 10'-0" CLNG. HGT. 8'-0" HDR. HGT. 8'-0" HDR. HGT. 8'-0" HDR. HGT.

FRONT ELEVATION

SCALE: 1/4" = 1'-0" (8 2/32x36 SHEET 8 5/8)



REAR ELEVATION

SCALE: 1/4" = 1'-0" (8 2/32x36 SHEET 8 5/8)

Mick Stevens
501 Jackson St. N
Cuba, MO, 64734

One Zero Nine Designs, LLC
contact: James Walker 616-515-2099
jwalk@onezeronine.com

The Stevens Residence
Front/Rear Elevations

04/09/19
Drawn by: JEW
Plan Number: 19-001
Sheet No: E1

V-2019-009



Zoning Map

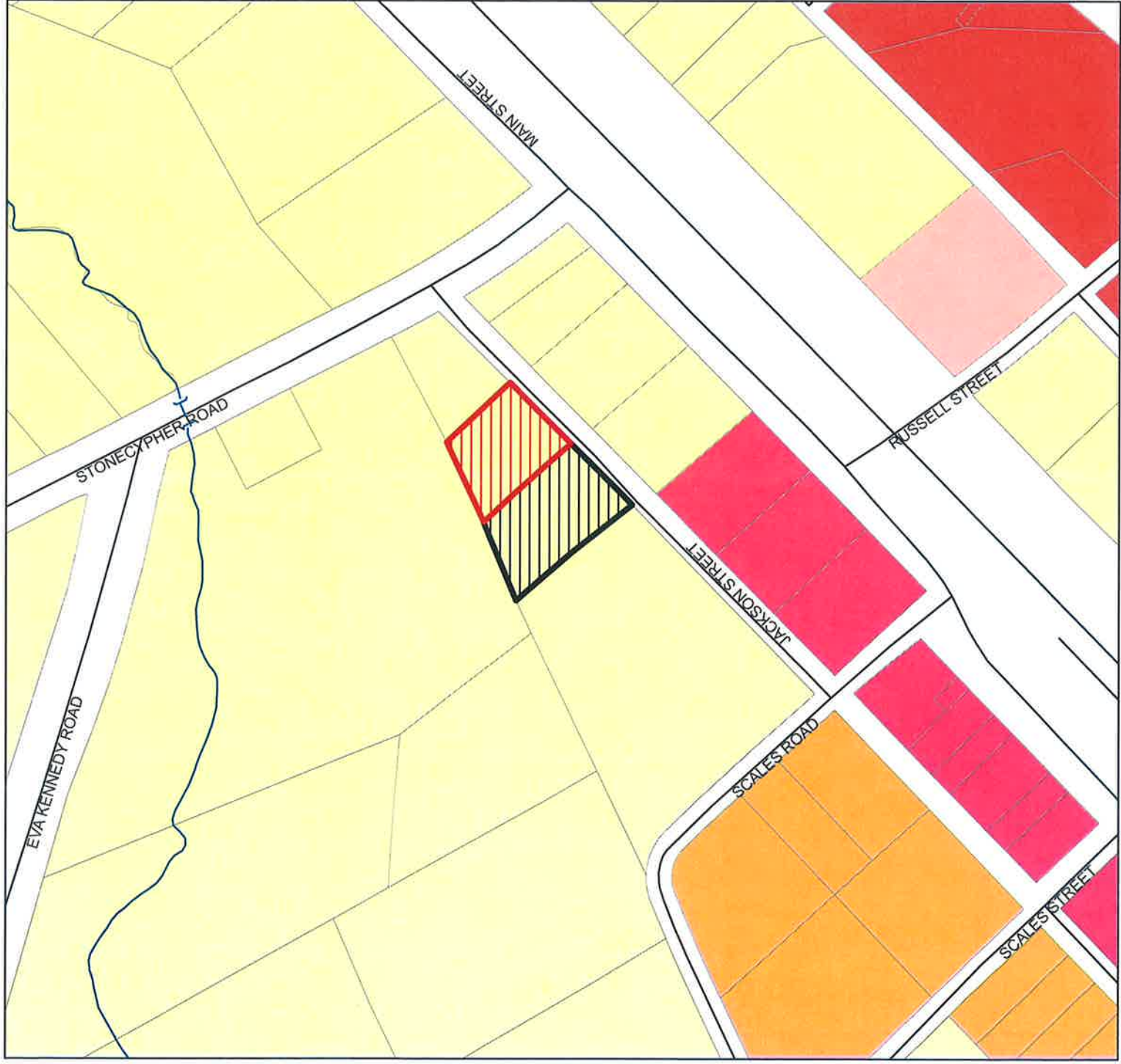
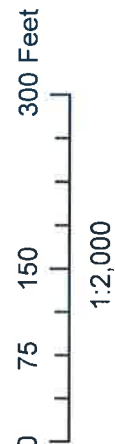
V-2019-009 & V-2019-010

- Legend**
- V-2019-009
 - V-2019-010

ZONING

- C-1
- C-2
- C-2A
- C-3
- GCA
- IRD
- M-1
- OI
- OTCD
- PMUD
- R-100
- R-140
- R-75
- R-85
- RM6
- RM8

- roads
- streams





Location Map V-2019-009 & V-2019-010



Legend

 V-2019-009

 V-2019-010

 streams

 roads



1:2,000