



Michael L. Thurmond
Chief Executive Officer

DeKalb County Zoning Board of Appeals
Department of Planning & Sustainability
330 Ponce De Leon Avenue, Suite 300
Decatur, GA 30030



Wednesday, March 10, 2021 at 1:00 PM

Planning Department Staff Analysis

N2 Case No: A-21-1244470 Parcel ID(s): 15-215-03-037

Commission District: 03 Super District 06

Applicant: Wright Gardner
154 Krog Street, NE
Suite 125
Atlanta, GA 30307

Owner: Chris Turner
1259 Fenway Circle
Decatur, GA 30030

Project Name: 1259 Fenway Circle

Location: The property is located north of Fenway Circle, approximately 60 feet west of Oilfield Road at 1259 Fenway Circle Decatur, GA 30030.

REQUEST: Variance from Chapter 27-2.2 Division 2- Residential Zoning Districts: Dimensional Requirements of the DeKalb County Zoning Ordinance to reduce the west side yard setback from 7.5 feet to 3 feet for a carport, relating the R-75 zoning district.

Staff Recommendation: Denial.

STAFF FINDINGS:

Variance Analysis:

The subject property is located within the R-75 zoning district. Per Chapter 27-2.2 Division 2- Residential Zoning Districts: Dimensional Requirements of the DeKalb County Zoning Ordinance states the minimum lot area for R-75 zoned properties is 10,000 square feet, and the street frontage is 75 feet. Based on the submitted site plan, the subject property has a lot size of 11,147.61 square feet and a street frontage of 100 feet, conforming to the requirements of the R-75 zoning district.

Based on the submitted materials, the applicant is requesting a variance to reduce the western side yard building setback from 7.5 feet to 3 feet for a proposed car port addition to the existing single-family, detached structure. Per County records, the existing single-family detached structure was constructed in 1950, approximately six years before the adoption of the *1956 DeKalb County Zoning Ordinance*. The extant side-gabled, minimal traditional house conforms to the current zoning codes. Based on the submitted site plan, the proposed addition will encroach approximately 4.5 feet into the southern side yard setback.

The subject lot and house are conforming and based on the submitted materials the requested variance may go beyond the minimum necessary to afford relief. The requested variance may constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the property is located.

1. By reason of exceptional narrowness, shallowness or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district:

The application does not show by reason of exceptional narrowness, shallowness, or shape that the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district. Based on the site plan, the subject lot exceeds the minimum lot size and street frontage for the R-75 zoning district.

2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located:

Based on the submitted materials, it appears that the requested variance may go beyond the minimum necessary to afford relief and may constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located. The carport may be constructed in the rear yard without encroaching into a setback.

3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located:

Based on the submitted materials, it appears that granting the variance may be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district. The proposed carport would extend in front of the front elevation and be visible from the public right-of-way. The proposed carport would narrow the space between the house at 1259 Fenway Circle and its western neighbor, 1265 Fenway Circle, from approximately 28 feet to 17 feet.

4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship:

Based on the submitted materials, it appears that the strict application of the applicable provisions and requirements of this chapter may not cause an undue and unnecessary hardship, as the proposed addition may be constructed within the current setback.

5. The requested variance would be consistent with the spirit and purpose of this Chapter and the DeKalb County Comprehensive Plan Text:

Based on the submitted materials, it appears that the requested variance may be consistent with the spirit and purpose of this chapter. The future land use for the subject property described in the *DeKalb County Comprehensive Plan* text is Suburban. The plan states that the intent of the character area is to recognize those areas of the county that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility.

FINAL STAFF ANALYSIS:

Based on the submitted materials, it appears that the requested variance may go beyond the minimum necessary to afford relief and constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located as the home addition could be constructed within the current setback. Therefore, the Department of Planning and Sustainability recommends denial of the request based on the submitted site plan received on February 2, 2021.

If this application is approved, it should be subjected to the following condition:

1. The following information about this variance shall be noted on any site plan prepared for the subject property: case number, approval date, type of variance, and condition(s) of approval.



DeKalb County Department of Planning & Sustainability

Hon. Michael Thurmond
Chief Executive Officer

Andrew Baker, AICP,
Director

ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING
(VARIANCES, SPECIAL EXCEPTIONS, APPEALS OF ADMINISTRATIVE DECISIONS)

BOA No. _____

Applicant and/or
Authorized Representative WRIGHT GARDNER
Mailing Address: 154 KROG STREET NE, SUITE 125
City/State/Zip Code: ATLANTA, GA 30307
Email: wright@wrightgardnerarchitect.com
Telephone Home: 404-218-8460 Business: Same Fax No.: NA

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: CHRIS TURNER
Address (Mailing): 1259 FENWAY CIRCLE
City/State/Zip Code: DECATUR, GA 30030
Email: chris@moonrise.com
Telephone Home: 706-284-9767 Business: _____ Fax No.: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 1259 FENWAY CIRCLE City: DECATUR State: GA Zip: 30030
District(s): 15th Land Lot(s): 215 Block: _____ Parcel: 15 215 03 037
District(s): _____ Land Lot(s): _____ Block: _____ Parcel: _____
District(s): _____ Land Lot(s): _____ Block: _____ Parcel: _____
Zoning Classification: R-75 Commission District & Super District: 4?

CIRCLE TYPE OF HEARING REQUESTED

- VARIANCE (From Development Standards causing undue hardship upon owners of property.)
- SPECIAL EXCEPTIONS (To reduce or waive off-street parking or loading space requirements.)
- OFFICIALS APPEALS OF ADMINISTRATIVE DECISIONS.

TO BE COMPLETED BY PLANNING AND SUSTAINABILITY DEPARTMENT

Date Received: _____

Fee Paid: _____

PROJECT SUMMARY

1259 Fenway Circle
Decatur, Georgia 30030

The project includes a home renovation and addition to the existing house at 1259 Fenway Circle. Proposed changes to the existing property are as follow:

1. Second story addition to the existing house over the existing main house footprint
2. A two story addition to the rear of the main house (within buildable area, no variance required)
3. Mud room entry on West side of house (within buildable area, no variance required)
4. Covered Rear Porch and Screened porch on North side of house (within buildable area, no variance required)
5. Front porch extends 8' past the existing front of the house.
6. Carport on West side of house (requires setback variance and parking not behind the front of the house.

Most proposed changes do not require variances.

Variances that are requested include the following.

1. Reduce the West side yard setback from 7.5' to 3' in order to build carport. Reviewing the survey, the way that the lot is shaped pinches the lot placing the house at the narrowest part of the lot making it difficult and not possible to provide covered parking close to the house.
2. The front of the Proposed carport is in the same line as the front of the existing front porch and places the carport partially in front of the line of the existing/proposed front wall of the house. Variance is needed for the location of the carport to be partially in front of the house.
3. The existing house is partially over the front setback line but is generally in line with the neighboring houses. We are proposing to add a second level to the house in line with the front of the existing house. Only open porch extends 8' in front of the line of the existing house. Variance needed to build outside of buildable area at the front of the house but no closer to the street than the existing house.



ZONING BOARD OF APPEALS APPLICATION AUTHORIZATION OF THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals
To inspect the premises of the Subject Property

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property subject to the application.

DATE: February 3, 2021 _____

Applicant:
Signature

 _____

DATE: _____

Applicant:
Signature

DEPARTMENT OF PLANNING & SUSTAINABILITY

ZBOA APPLICATION AUTHORIZATION

Completion of this form is required if the individual making the request is **not** the owner of the property.

DATE: 12/17/2020

CHECK TYPE OF APPLICATION:

- ADMINISTRATIVE APPEAL
- VARIANCE
- SPECIAL EXCEPTION

TO WHOM IT MAY CONCERN:

(I) / (WE), Christopher Michael Turner and Hannah Oothoudt Turner

[Name of owner(s)]

being (owner) / (owners) of the property described below or attached hereby delegate authority to
Wright Gardner

[Name of Applicant or Representative]

to file an application on (my) / (our) behalf.



Notary Public Andrei Solodov

Christopher Michael Turner

Owner



Notary Public Andrei Solodov

Hannah Oothoudt Turner

Owner

Commission expiration date 08/03/2024

Notarized online using audio-video communication



SITE LOCATION MAP

* LEGEND *

- APD AS PER DEED
- AE ACCESS EASEMENT
- APF AS PER FIELD
- AI ANGLE IRON FOUND
- APP AS PER PLAT
- APR AS PER RECORD
- BC BACK OF CURB
- BLK BLOCK
- BLS BUILDING LINE SETBACK
- BR BRICK
- CB CATCH BASIN
- CL CENTER LINE
- CLF CHAIN LINK FENCE
- CMP CORRUGATED METAL PIPE
- C.O.A. CITY OF ATLANTA
- CO SAN SEWER CLEANOUT
- CP CALCULATED POINT
- CPT CARPORT
- CTP CRIMP TOP PIPE FOUND
- D DEED
- DI DRAINAGE INLET
- DE DRAINAGE EASEMENT
- EB ELECTRIC BOX
- EM ELECTRIC METER
- EP EDGE OF PAVEMENT
- F FIELD
- FC FENCE CORNER
- FR FIRE HYDRANT
- FR FRAME
- GM GAS METER
- GV GAS VALVE
- GW GUY WIRE
- HDW HEAD WALL
- HW HARDWOOD TREE
- IPF IRON PIN FOUND
- IPS IRON PIN SET
- IV IRON ROD FOUND
- IM IRRIGATION METER
- JB JUNCTION BOX
- LLL LAND LOT LINE
- MAG MAGNETIC READING IP
- MGN MAGNOLIA TREE
- MH MAN HOLE
- MTF METAL FENCE
- N N'BORS
- OH OVERHANG
- OTP OPEN TOP PIPE FOUND
- OU OWNERSHIP UNCLEAR
- P PORCH
- PC PROPERTY CORNER
- PL PROPERTY LINE
- PN PINE TREE
- POB POINT OF BEGINNING
- PP POWER POLE
- PW POWER LINE
- (P) PLAT
- R RECORD
- RBF REINFORCING BAR FOUND
- RBS REINFORCING BAR SET
- RCP REINFORCING CONC. PIPE
- R/W RIGHT-OF-WAY
- SN SIGN
- SSE SANITARY SEWER LINE
- SSE SANITARY SEWER EASEMENT
- SP SCREENED PORCH
- TB TOP OF BANK
- UE UTILITY EASEMENT
- WD WOOD
- WDF WOOD FENCE
- WDK WOOD DECK
- WL WATER
- WM WATER METER
- WRF WIRE FENCE
- WV WATER VALVE
- WW WET WEATHER
- YI YARD INLET
- X-X FENCE
- INDICATES STAIRS

SURVEY NOTES

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROCESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, TELEPHONE, ELECTRIC, WATER AND SEWER, GAS COMPANIES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.
2. THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORDABLE. FENCES SHOULD NOT BE LOCATED USING SIDE DIMENSIONS FROM THE HOUSE. ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAY PUBLIC OR PRIVATE.
3. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD RECORDED AND NOT RECORDED, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
4. THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR BURDEN THIS PROPERTY. MATTERS OF TITLE ARE EXCEPTED. PROPERTY OWNER OR PERSON ORDERING THE SURVEY IS RESPONSIBLE TO CONTACT CLOSING ATTORNEY OR TITLE COMPANY FOR A FULL TITLE SEARCH AND COMMITMENT INCLUDING ALL THE EXCEPTIONS.
5. SURVEY LAND EXPRESS, INC IS NOT RESPONSIBLE FOR AND DOES NOT WARRANT THE ZONING INFORMATION AND INTERPRETATION AS PROVIDED HEREIN. THIS INFORMATION IS OBTAINED USING ON-LINE SOURCES, TELEPHONE CONVERSATION WITH ZONING OFFICE AT THE COUNTY OR CITY, ETC. AND CANNOT GUARANTEE ITS ACCURACY. IT IS RECOMMENDED THAT THE CLIENT OR USER OF THIS DATA VERIFY THIS INFORMATION WITH THE ISSUING AUTHORITY.
6. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS, ENTITY.

THIS SURVEY PLAT OF EXISTING CONDITIONS ON THE PROPERTY MUST BE USED AS A SINGLE STAND ALONE DOCUMENT. IT CAN NOT BE SCANNED AND ALTERED, CROPPED OUT COPY/PASTE OR MODIFIED WITH SURVEY LAND EXPRESS TITLE BLOCK, SURVEYOR'S STAMP AND SIGNATURE. THIS SURVEY PLAT CAN BE ONLY ATTACHED AS A SEPARATE DOCUMENT BY ITSELF TO DEVELOPMENT PROJECTS AND SITEPLANS AND CAN NOT BE INSERTED WITH SURVEY LAND EXPRESS TITLE BLOCK, SURVEYOR'S STAMP AND SIGNATURE TO SOME OTHER DEVELOPMENT PROJECTS PREPARED BY ANY OTHER PARTY WITHOUT WRITTEN APPROVAL AND ORIGINAL BLUE INK SIGNATURE OF THE SURVEYOR OF RECORD.

FLOOD NOTE:

I HAVE THIS DATE, EXAMINED THE "FIA FLOOD HAZARD MAP" AND FOUND IN MY OPINION REFERENCED PARCEL (●) (IS NOT) IN AN AREA HAVING SPECIAL FLOOD HAZARDS. WITHOUT AN ELEVATION CERTIFICATION SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE DUE ITS OPINION FOR SAID PARCEL.

MAP ID 13089C006BJ DATE: 05/06/2013

ZONE: X

THE FLOOD INFORMATION ON THIS PLAT HAS BEEN DETERMINED AFTER REVIEW OF MAPS WHICH ONLY APPROXIMATE THE LOCATION OF THE APPLICABLE FLOOD HAZARD AREA A SECOND OPINION OR COMPREHENSIVE FLOOD EVALUATION STUDY IS SUGGESTED FOR MORE ACCURATE INFORMATION. FOR FURTHER INFORMATION CONTACT THE LOCAL DRAINAGE DEPARTMENT, CORPS OF ENGINEERS AND INSURANCE COMPANY OR AN APPRAISER.

OLD HOUSE FFE
MAIN 1001.12

SSMH1 1002.01
INV OUT 993.11

SSMH2 999.80
INV IN 990.30
INV OUT 999.20

FRONT AVERAGE SETBACK CALCULATIONS

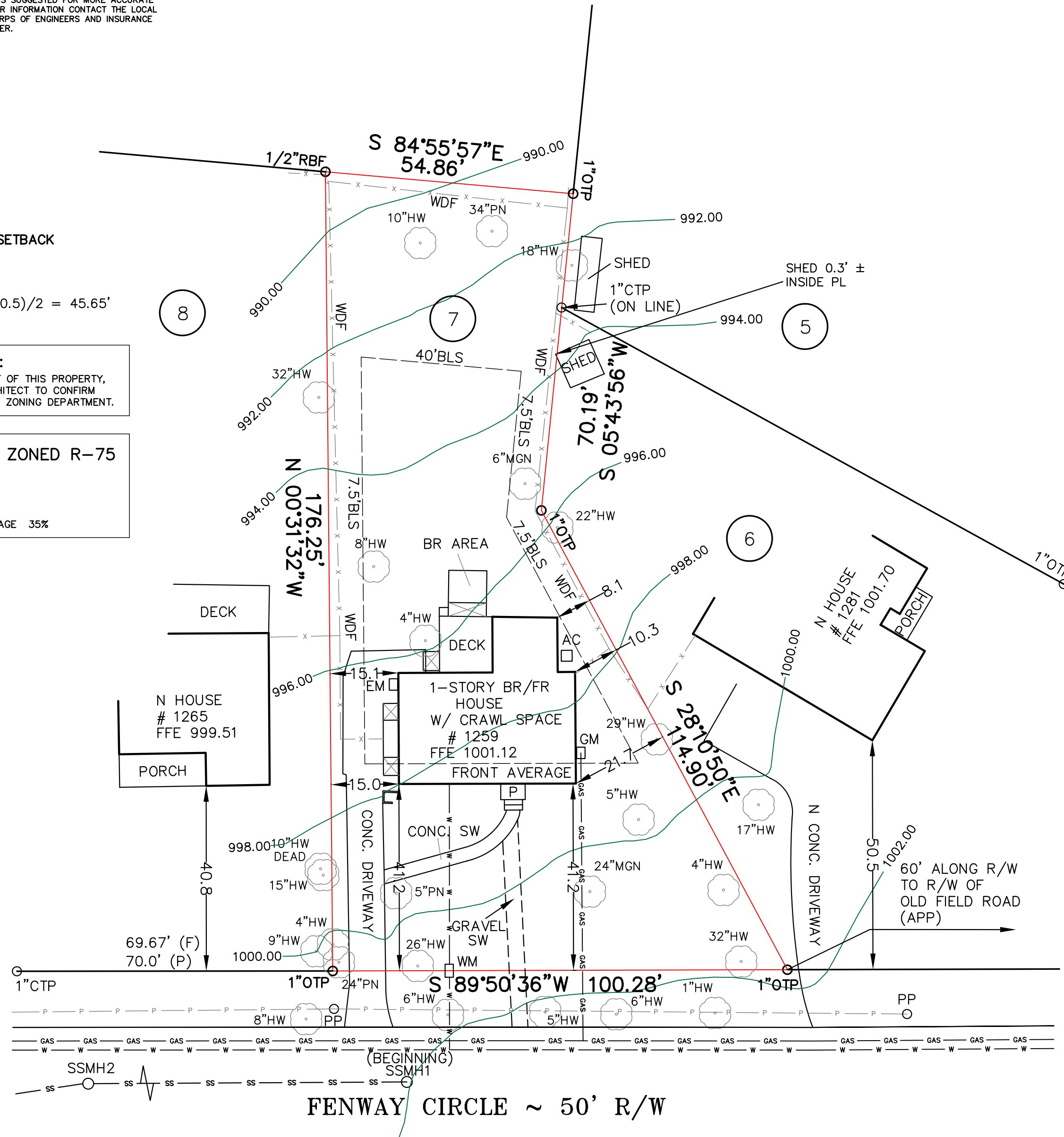
- #1265 - 40.8'
- #1281 - 50.5'
- #1259 = (40.8+50.5)/2 = 45.65'

ZONING NOTE:

BEFORE DEVELOPMENT OF THIS PROPERTY, DEVELOPER AND ARCHITECT TO CONFIRM ZONING DISTRICT, PER ZONING DEPARTMENT.

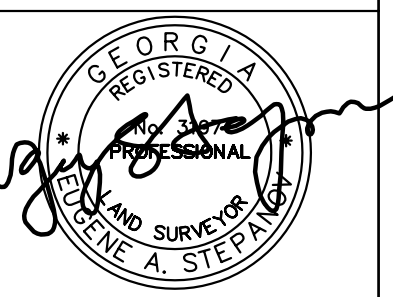
PROPERTY IS ZONED R-75

- BUILDING SETBACK:
- FRONT AVERAGE
- SIDE 7.5'
- REAR 40'
- MAXIMUM LOT COVERAGE 35%



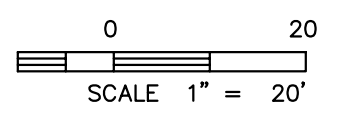
LOT 7	BLOCK	EXISTING CONDITIONS PREPARED FOR:	SHEET 1 OF 1
SUBDIVISION F.R. BONNER PROPERTY	UNIT	CHRISTOPHER TURNER	
LAND LOT 215	15TH DISTRICT SECTION		
DEKALB COUNTY, GEORGIA	DB.26267/P.G.411 PB.17/P.G.2	PROPERTY ADDRESS:	
FIELD WORK DATE JUN 21, 2017	PRINTED/SIGNED JUL 05, 2017	1259 FENWAY CIRCLE	
ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED	PAPER SIZE: 17" x 22"	DECATUR, GA 30030	

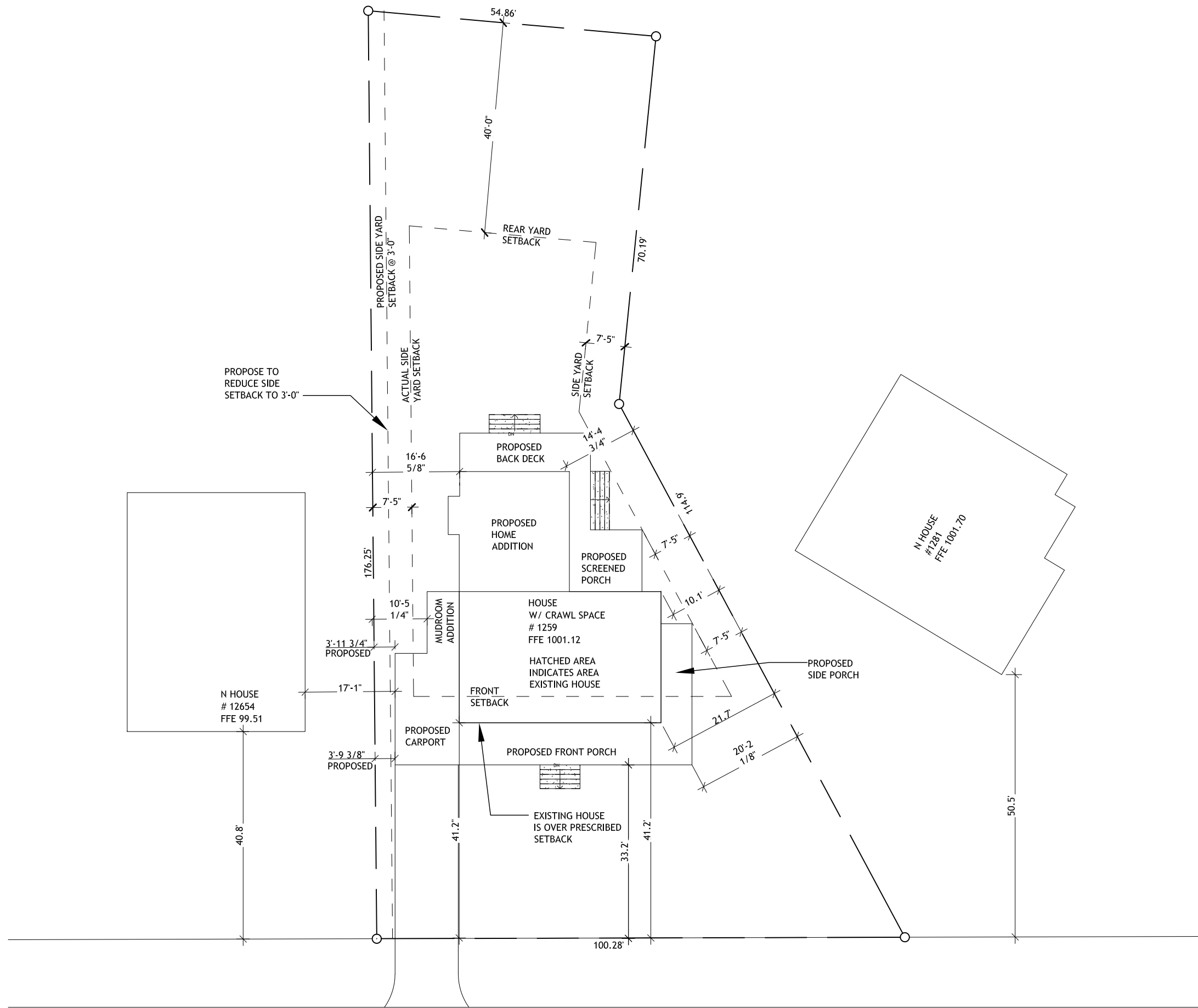
70 LENOX POINT
ATLANTA, GA 30324
FAX 404-601-0941
TEL 404-252-5747
INFO@SURVEYLANDEXPRESS.COM



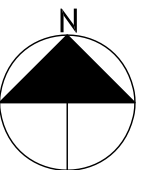
TOTAL LAND AREA
11147.61 SF / 0.256 AC

MAX LOT COVERAGE
3901.66 SF / 0.089 AC / 35.00%





FENWAY CIRCLE



PROPOSED SITE PLAN

SCALE: 1" = 20'-0"

**A HOME RENOVATION &
ADDITION, THE TURNERS**

stamp:

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revisions

No.	Description	Date

sheet title:

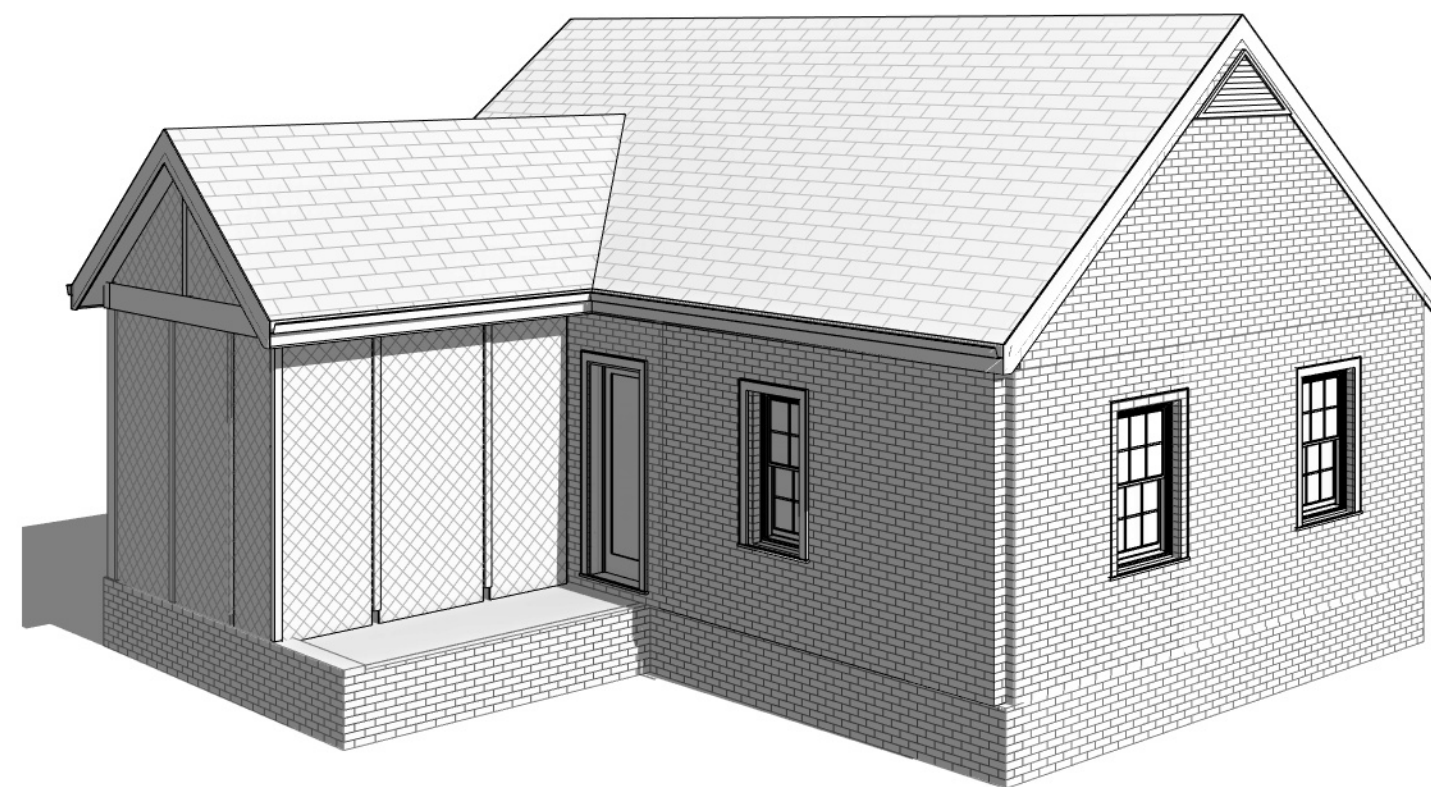
**EXISTING FLOOR
PLANS**

project number: 20-036
drawing date: 12.14.2020
scale: as noted

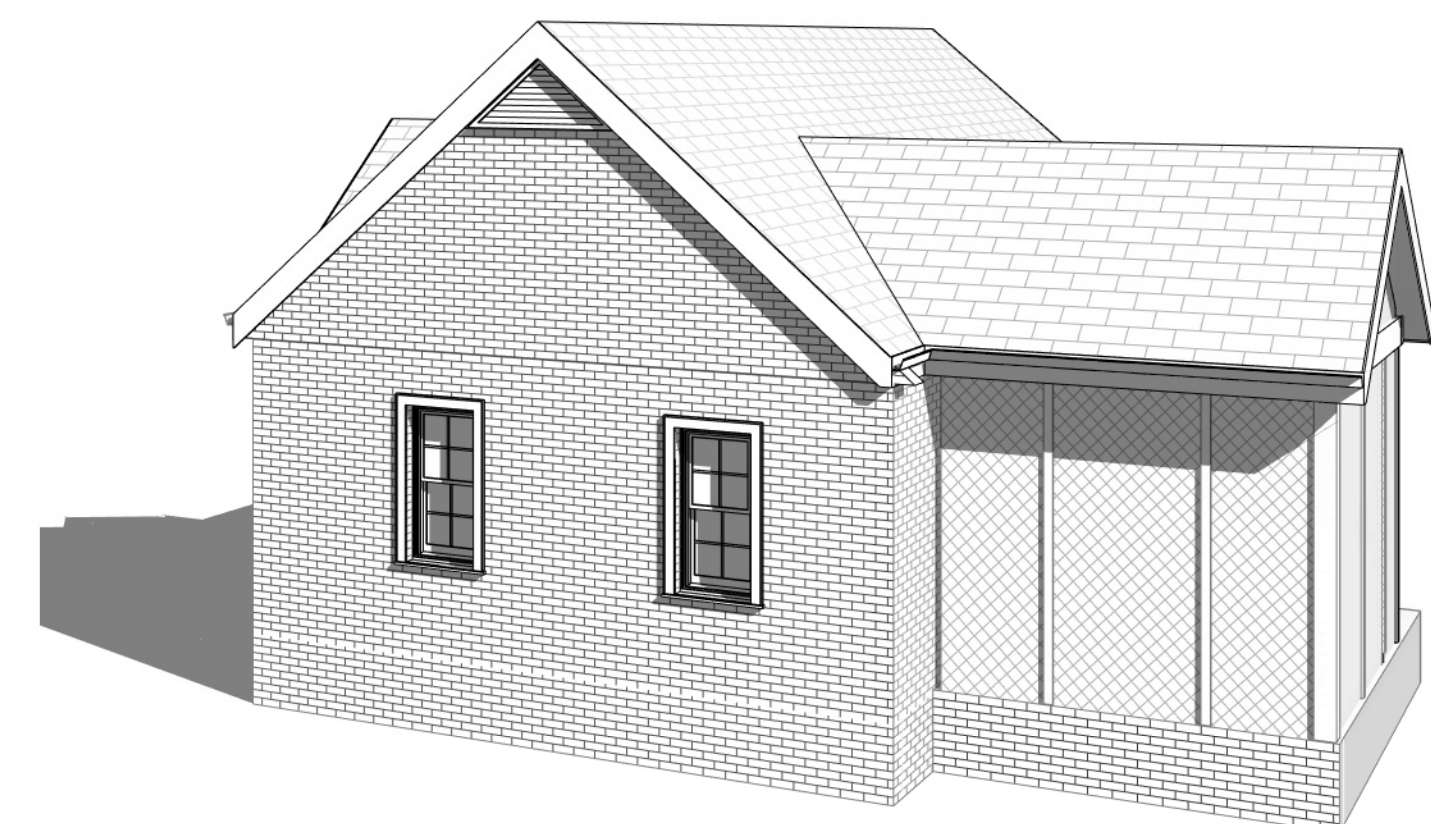
sheet number:

A0-02

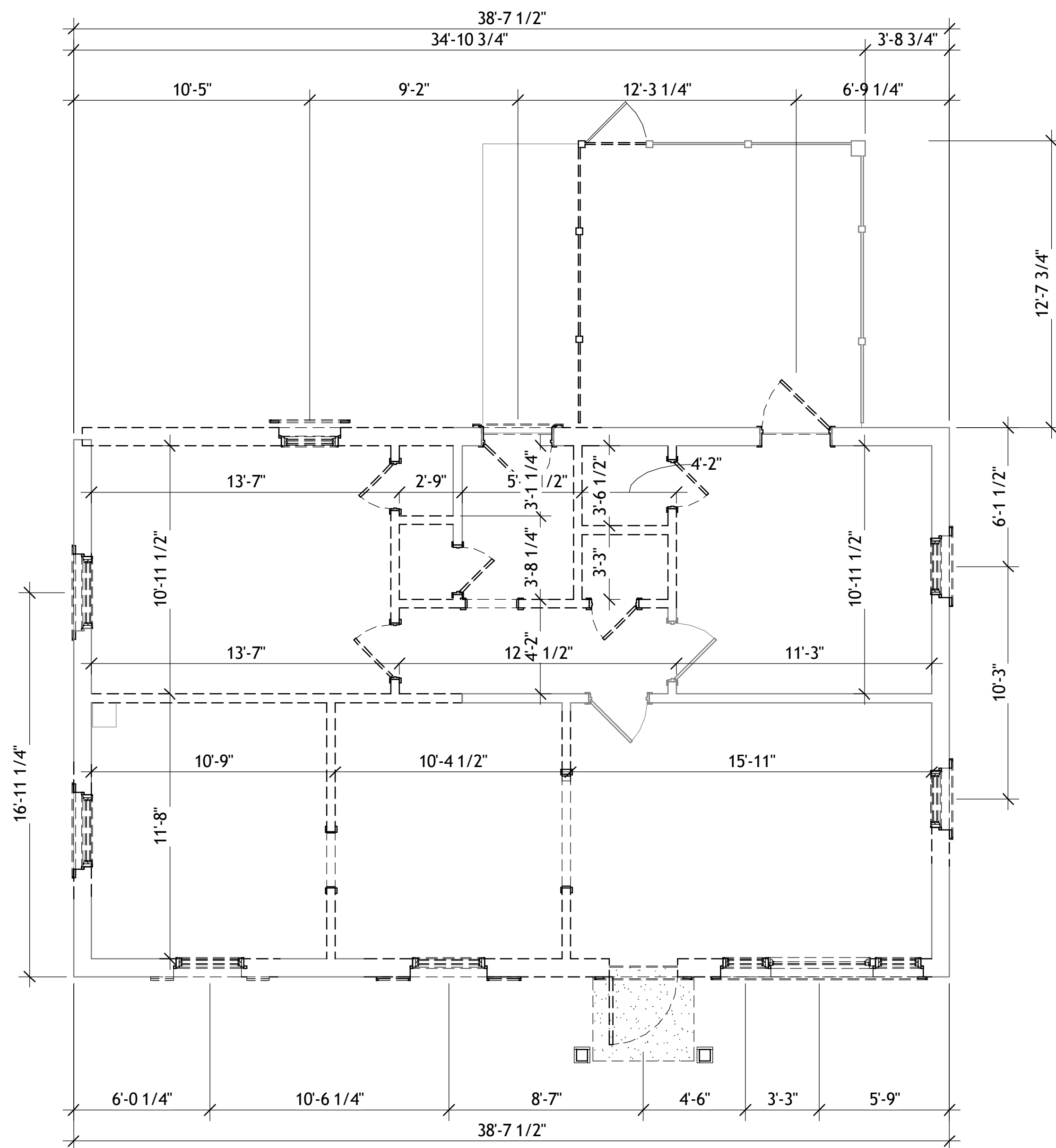
■ NOT ISSUED FOR CONSTRUCTION
□ ISSUED FOR CONSTRUCTION



3 EXISTING 3D View 2
A0-02

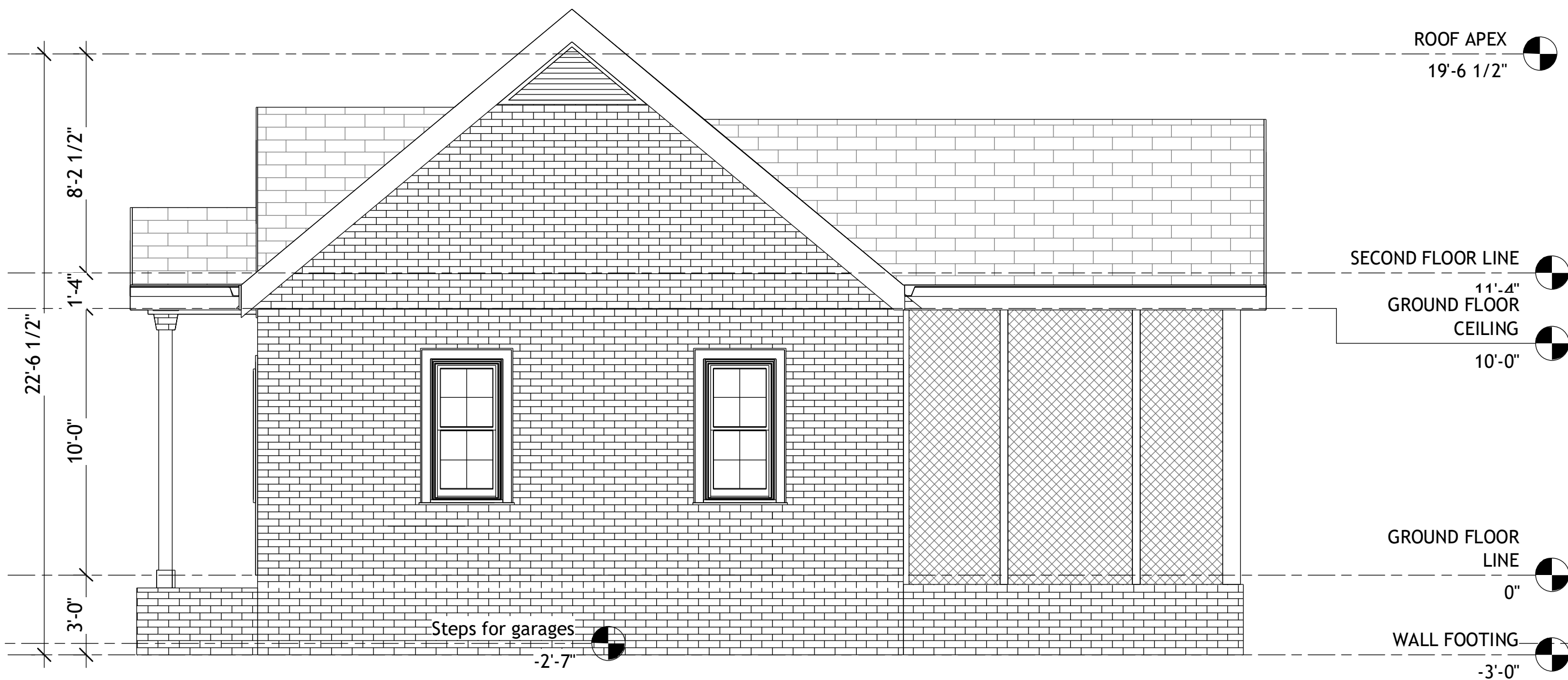


4 EXISTING 3D View 3
A0-02



1 1.0. GROUND FLOOE DEMO
A0-02 1/4" = 1'-0"

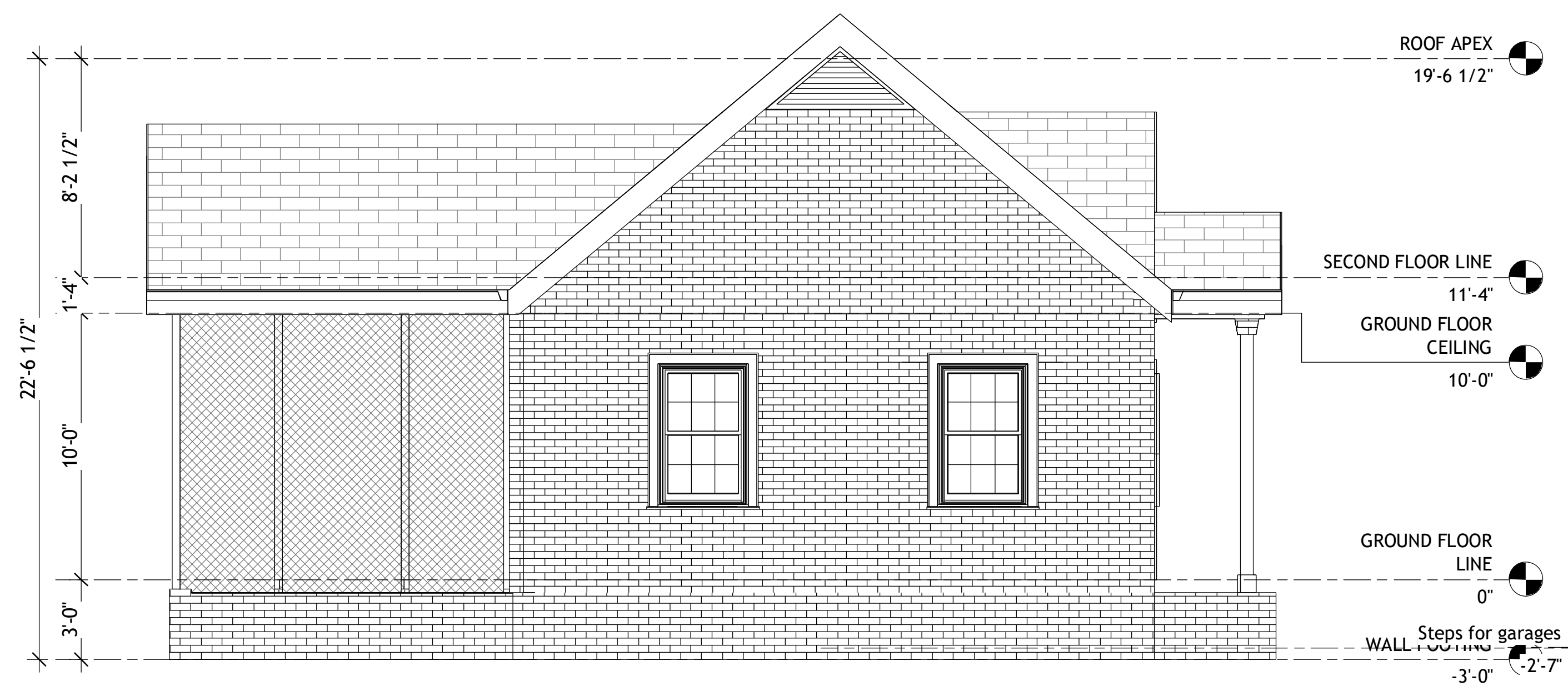
**A HOME RENOVATION &
ADDITION, THE TURNERS**



4 RIGHT-SIDE ELEVATION EXISTING
A0-03 1/4" = 1'-0"



3 REAR ELEVATION EXISTING
A0-03 1/4" = 1'-0"



2 LEFT-SIDE ELEVATION EXISTING
A0-03 1/4" = 1'-0"



1 FRONT ELEVATION EXISTING
A0-03 1/4" = 1'-0"

stamp:

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No.	Description	Date

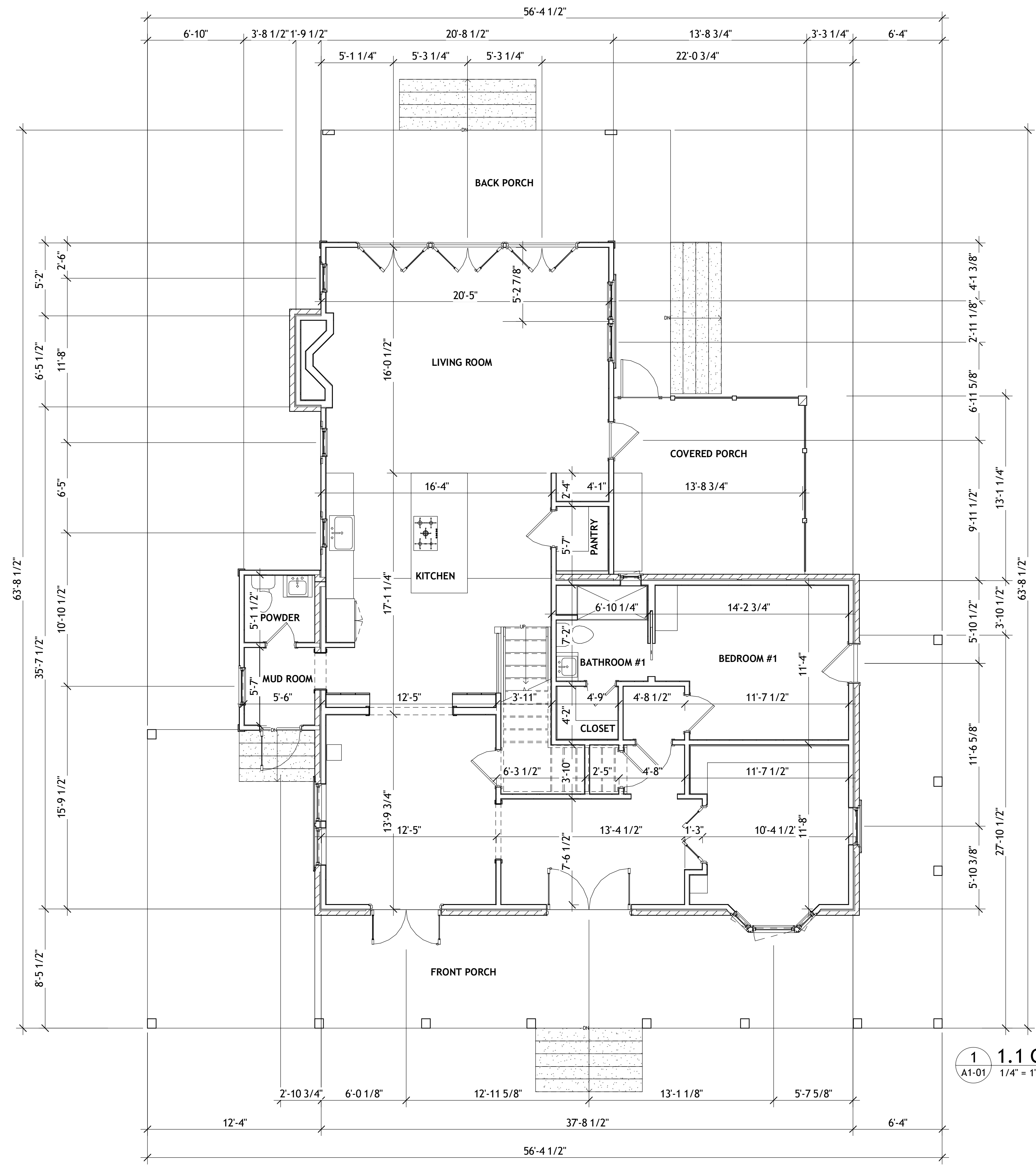
sheet title:
**EXISTING
ELEVATIONS**

project number: 20-036
drawing date: 12.14.2020
scale: as noted

sheet number:

A0-03

■ NOT ISSUED FOR CONSTRUCTION
□ ISSUED FOR CONSTRUCTION



1 1.1 GROUND FLOOR PROPOSED
 A1-01 1/4" = 1'-0"

**A HOME RENOVATION &
ADDITION, THE TURNERS**

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revisions

No.	Description	Date

sheet title:

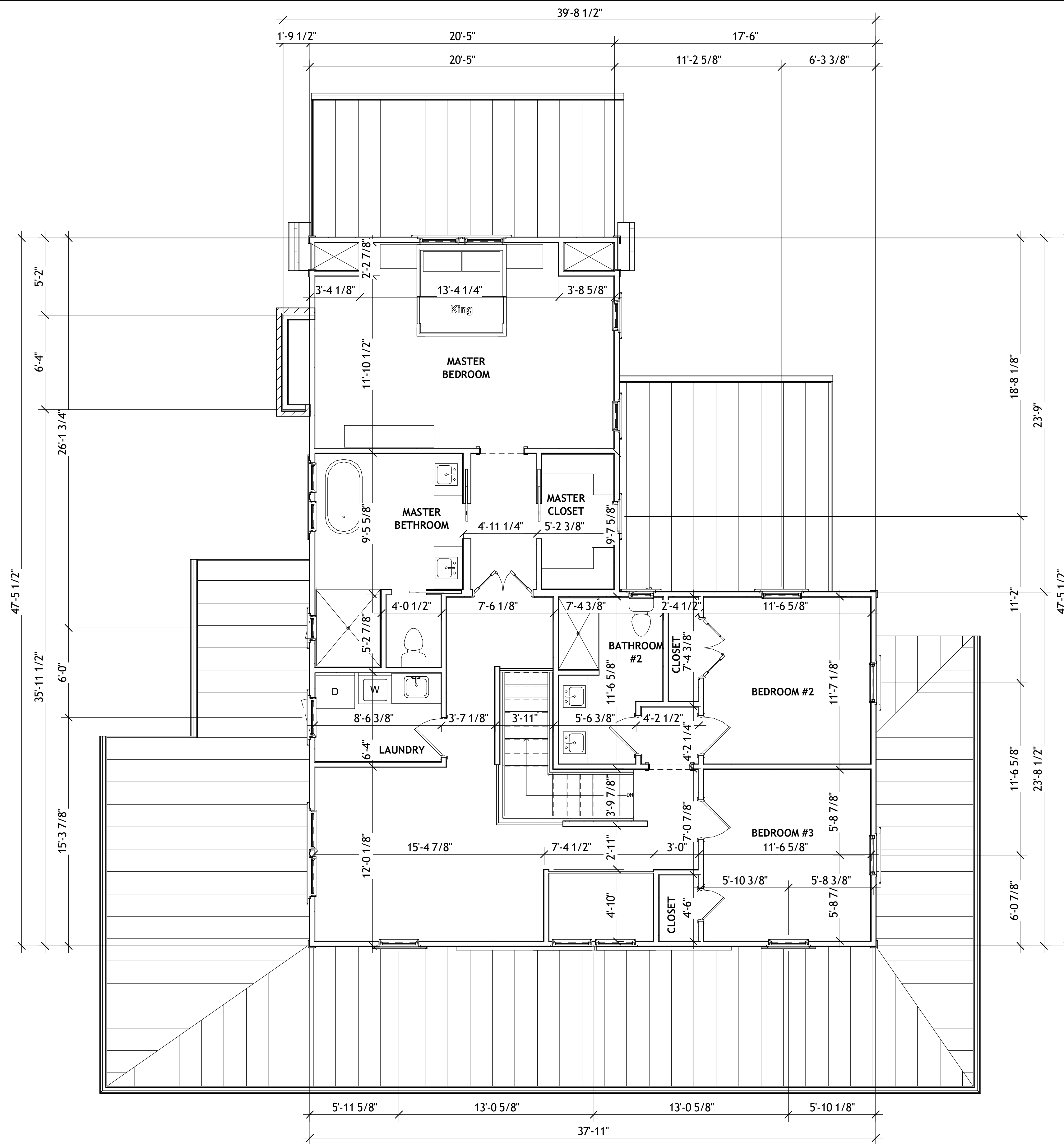
**PROPOSED
FLOOR PLANS**

project number: 20-036
 drawing date: 12.14.2020
 scale: as noted

sheet number:

A1-01

■ NOT ISSUED FOR CONSTRUCTION
 □ ISSUED FOR CONSTRUCTION



1 SECOND FLOOR PLAN
A1-02 1/4" = 1'-0"

**A HOME RENOVATION &
ADDITION, THE TURNERS**

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No.	Description	Date

sheet title:

**PROPOSED
FLOOR PLAN**

project number: 20-036
drawing date: 12.14.2020
scale: as noted

sheet number:

A1-02

■ NOT ISSUED FOR CONSTRUCTION
□ ISSUED FOR CONSTRUCTION

A HOME RENOVATION &
ADDITION, THE TURNERS



2 LEFT-SIDE ELEVATION PROPOSED
A2-01 1/4" = 1'-0"



1 FRONT ELEVATION PROPOSED
A2-01 1/4" = 1'-0"

stamp:

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revisions

No.	Description	Date

sheet title:

**PROPOSED
ELEVATIONS**

project number: 20-036
drawing date: 12.14.2020
scale: as noted

sheet number:

A2-01

■ NOT ISSUED FOR CONSTRUCTION
□ ISSUED FOR CONSTRUCTION

**A HOME RENOVATION &
ADDITION, THE TURNERS**



2 RIGHT-SIDE ELEVATION PROPOSED
A2-02 1/4" = 1'-0"



1 REAR ELEVATION PROPOSED
A2-02 1/4" = 1'-0"

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revisions

No.	Description	Date

sheet title:

**PROPOSED
ELEVATIONS**

project number: 20-036
drawing date: 12.14.2020
scale: as noted

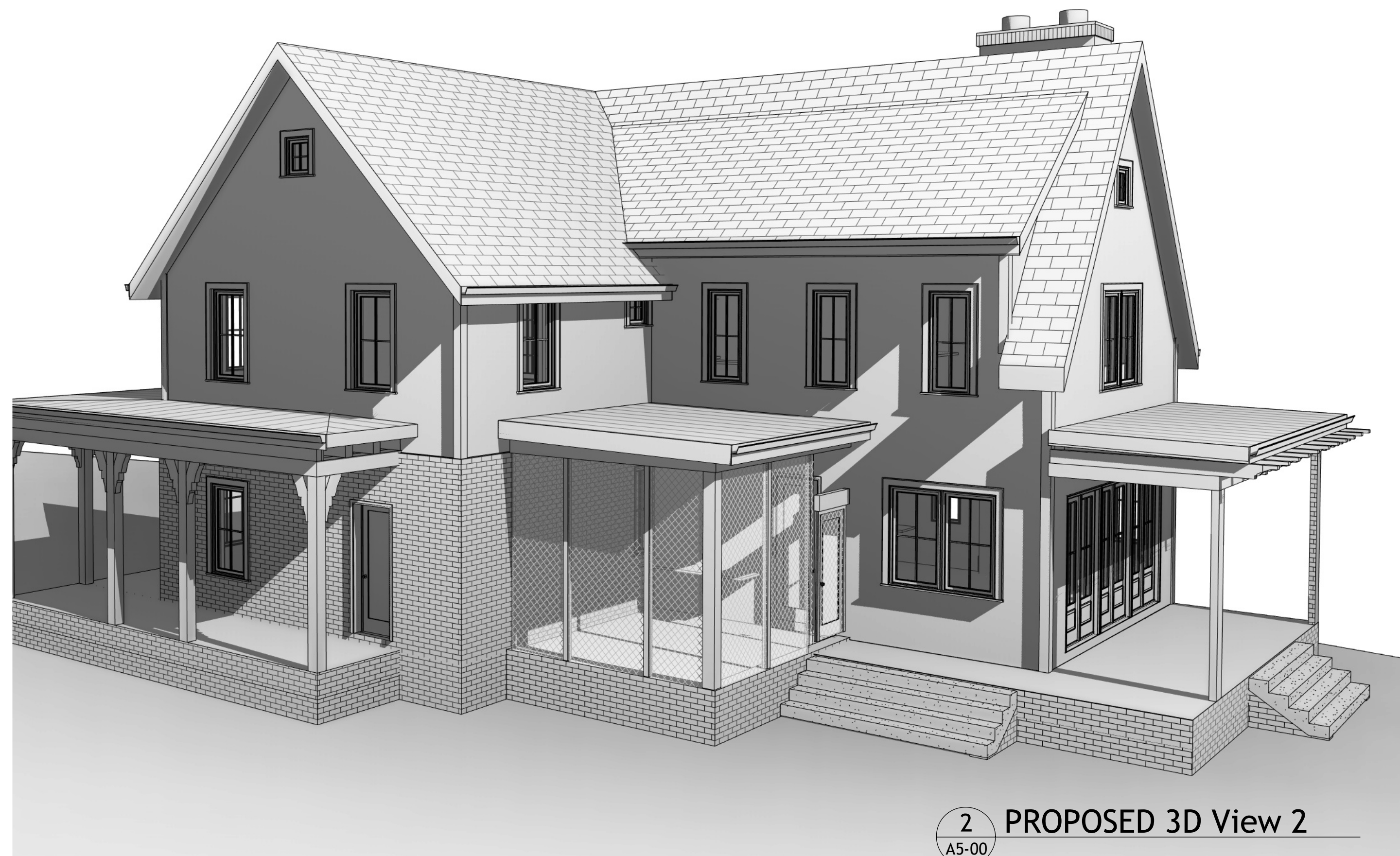
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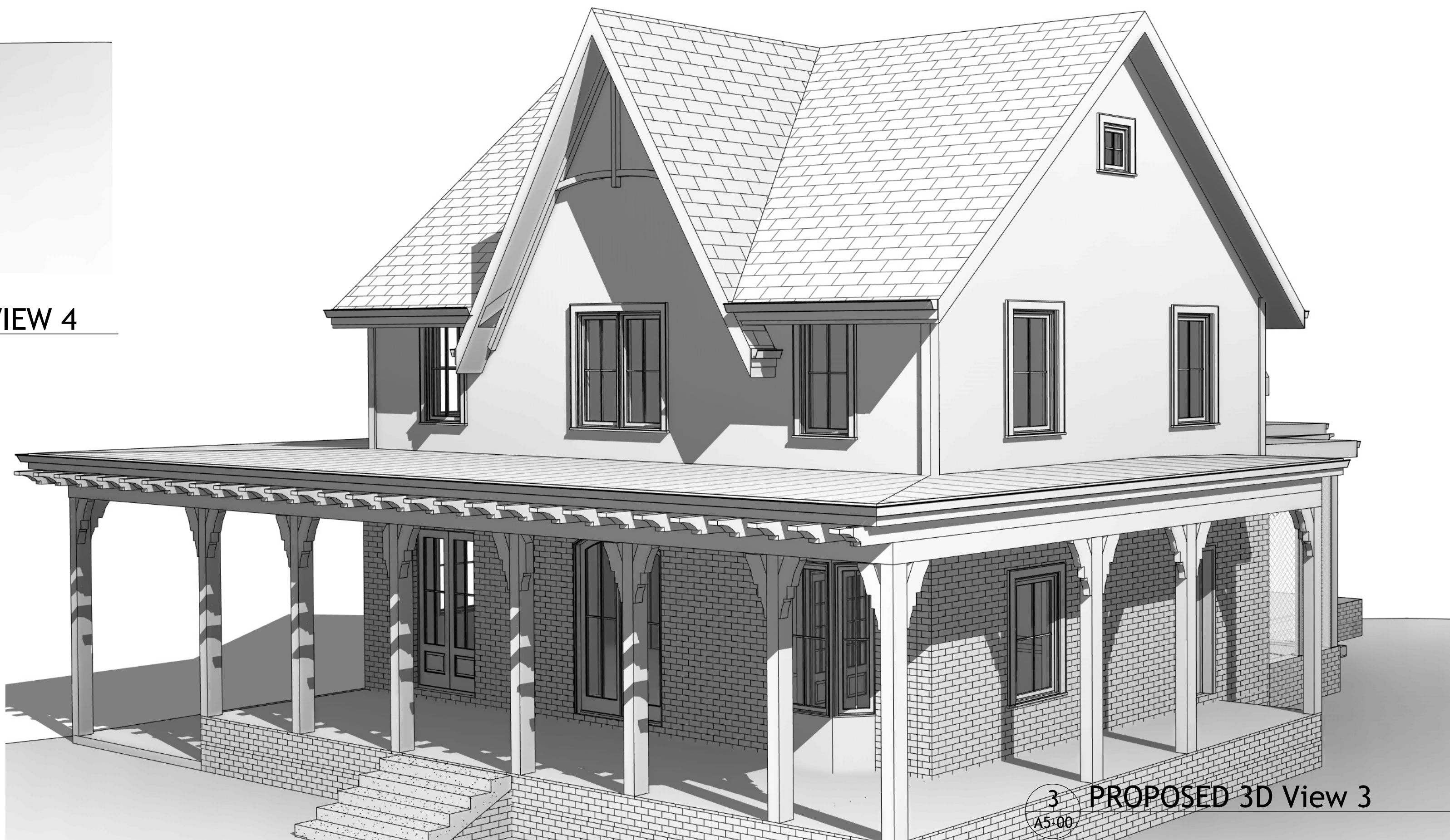
A HOME RENOVATION &
ADDITION, THE TURNERS



1 PROPOSED 3D VIEW 4
A5-00



2 PROPOSED 3D View 2
A5-00



3 PROPOSED 3D View 3
A5-00

stamp:

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revisions

No.	Description	Date

sheet title:

PROPOSED 3D's

project number: 20-036
drawing date: 12.14.2020
scale: as noted

sheet number:

A5-00

NOT ISSUED FOR CONSTRUCTION
 ISSUED FOR CONSTRUCTION