LAND USE DEPARTMENT

STAFF REPORT

September 9, 2020

Application:	Variance – Skyline Break
Request By:	Belinda and Tim Chisholm
Address of Property:	Lot 2 of Eagle Hill Ranch, Filing No. 1
Property Size:	2.4 Acres
Authorized Agent(s):	Doug Macfarlane Architect, LLC
Zoning:	Valley
Case Manager:	Bryan Sampson

Request

The Applicant is requesting variance from Section 9.3(C) (skyline break), to construct a one-story, 3,410 square foot home on Lot 1 filing 1 of the Dallas Meadows subdivision.

Background / History

On August 17, 2020 Staff reviewed this project with Doug Macfarlane and determined that the proposed home would break the skyline, as viewed from County Road 5, and that a building permit could not be issued. The Applicant's then applied for a variance to allow the construction, which is the subject of this report.

County Referrals, Outside Agency Referrals, and Public Comments:

Building Department Concerns:

The Building Inspector received the application for review, and did not have any concerns.

Adjacent Property Owner Concerns:

At the time of writing this Staff Report, Staff has not received any concerns from the adjacent property owners

Notification Requirements:

VIRC Notice

Meetings of the Committee must be "published or publicly noticed at least two (2) days in advance of the meeting. Public Notice was published on September 3rd, 2020 satisfying this requirement.

Board of Adjustment; On-Site Notice

On-site posting is required at least 10 days in advance of the September 22 hearing before the Board of Adjustment (On or before September 12, 2020).

Board of Adjustment; Published Notice

Published notice is required at least 10 days in advance of the hearing before the Board of Adjustment. The BOA has scheduled a hearing to review the application on September 22 and the notice was also published on September 3rd.

Land Use Code Section 19.7(E) Review Requirements

Note – The Applicant has also provided a written response to this code section. That document is included in your packets.

- Section 13.17(D) (Visual Impact Review Committee) states, in part, that:

  "Appeals to the VIRC may be taken by any person aggrieved by the inability to obtain a permit or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of Section 9 of this Code."

- Section 13.17(D)(2) states, in part, that:

  "Where, by reason of exceptional narrowness, shallowness, shape, or other characteristic of a specific piece of property or by reason of exceptional topographic conditions or by reason of exceptional wildlife and or wildfire impact or other extraordinary and exceptional situation or condition impacting such piece of property, the strict application of Section 9 of this Code would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property, the VIRC shall recommend to the Board of County Commissioners the disposition of an appeal, so as to relieve such difficulties or hardship, based on criteria such as:

  (a) *Reflecting immediate natural forms in building mass.*

  (b) *Use of natural materials to imitate the immediate surrounding area.*

  (c) *Minimize long frontages on visible sides.*

  (d) *Recessing and/or shading windows.*

  (e) *Multiple roof lines.*

  Provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of Section 9 of this Code."

STAFF RESPONSE:

Per Section 9.3C of the Land Use Code:

"No structure shall break the skyline as seen from any viewing point within any viewing window as established by Section 9.6 D. of this Code except the following:

Where there is a gap in the existing skyline no greater than ten (10) feet wide, a maximum length of ten (10) feet of the roof and walls of the structure may be visible as measured along the skyline…"

The property owner has proposed construction of a single story, 3410 square foot home, on a 2.4 acre parcel, otherwise known as Lot 2 of Eagle Hill Ranch, Filing No.1. The subject parcel is located in the Valley Zone and the topography on the parcel is generally sloping from east to west. Approximately 60 feet of primary roofline would break the skyline (see photos in this packet).

***Exceptional narrowness, shallowness, shape*:** As stated, the parcel is approximately 2.4 acres in size, which is relatively small for parcels in the Valley Zone. The dimensions are approximately 570' x 200', which results in a long narrow lot. This narrowness is compounded when 50' setbacks are applied, resulting in a buildable area that is approximately 470' x 100' (~45% of the total lot size).

Exceptional topographic conditions: A transect of the property, at its widest point (and generally where the home is being located), measures 233' long, with 21' of fall. This equates to an average of 9% slope across the lot. The topography on the north and south ends of the lot are much steeper (Appx. 12% & 23%, respectively) and more difficult to access.

Other extraordinary and exceptional situation or condition impacting such piece of property: The proximity of this property to County Road 5, and the lack of back-drop, when combined with the small building area, is an extraordinary and exceptional condition that results in the inability to obtain a building permit – even for a single story home. In Staff's opinion, there likely isn't a location on this lot that could be built upon without breaking the skyline.

Reflecting immediate natural forms in building mass: The roof peaks as viewed from CR5 (especially the one covering the porch) resemble the irregular mountain peaks to the in the area.

Use of natural materials to imitate the immediate surrounding area*: The applicant has submitted material samples (included in packet) that closely imitate materials and colors found in the immediate surrounding area:*

- *Muted brown tones on the siding will closely match surrounding soil and rock color*
- *Dark colored roof blends well with the evergreen trees*
- *Utilizing wood, stone and rusted metal*
- *The peak of the roof, covering the patio, resembles the shape of the peaks to the south.*

Minimize long frontages on visible sides: The nature of this lot, having the long axis parallel to County Road 5, does not lend itself to minimizing the long frontage on

the visible side. In other words; the proposed home wouldn't fit on the lot if turned the other direction to allow the short axis to be visible from CR5. In order to combat this reality, the Architect has designed the home with a gable and shed roof line on the south side of the home – resulting in a broken silhouette vs. a long, unbroken, roof line.

Recessing and/or shading windows: The Architect has recessed the windows on the west facing side, providing good depth and shading.

Multiple roof lines: If my calculations are correct, the home has at least 10 distinct roof lines and planes.

Review by the Visual Impact Review Committee:

The Visual Impact Review Committee is scheduled to review this application on September 9, 2020.

Staff Conclusion:

For the reasons listed above, it is the opinion of Staff that:

- This property exhibits exceptional narrowness, shallowness, and shape.
- This property exhibits exceptionally steep topography (9% slope across the lot at the building site and 12-23% slope at the north and south ends)
- It is unlikely that this single-story home could be built on any alternative location without breaking the skyline.
- The proposed home exhibits many of the mitigating factors/traits listed in the Land Use Code.
- These circumstances have resulted in a peculiar and exceptional practical difficulty to the owner, which has resulted in an exceptional and undue hardship.

If the Visual Impact Review Committee chooses to recommend approval of the application to the Board of Adjustment, Staff would recommend that the following condition be included:

1) This variance shall expire three years from the date of approval, unless the ADU has been constructed.

Exhibit List

Exhibit A – Vicinity Map and Site Aerial

Exhibit B – Application Materials Submitted

Exhibit C – Story Pole Photos

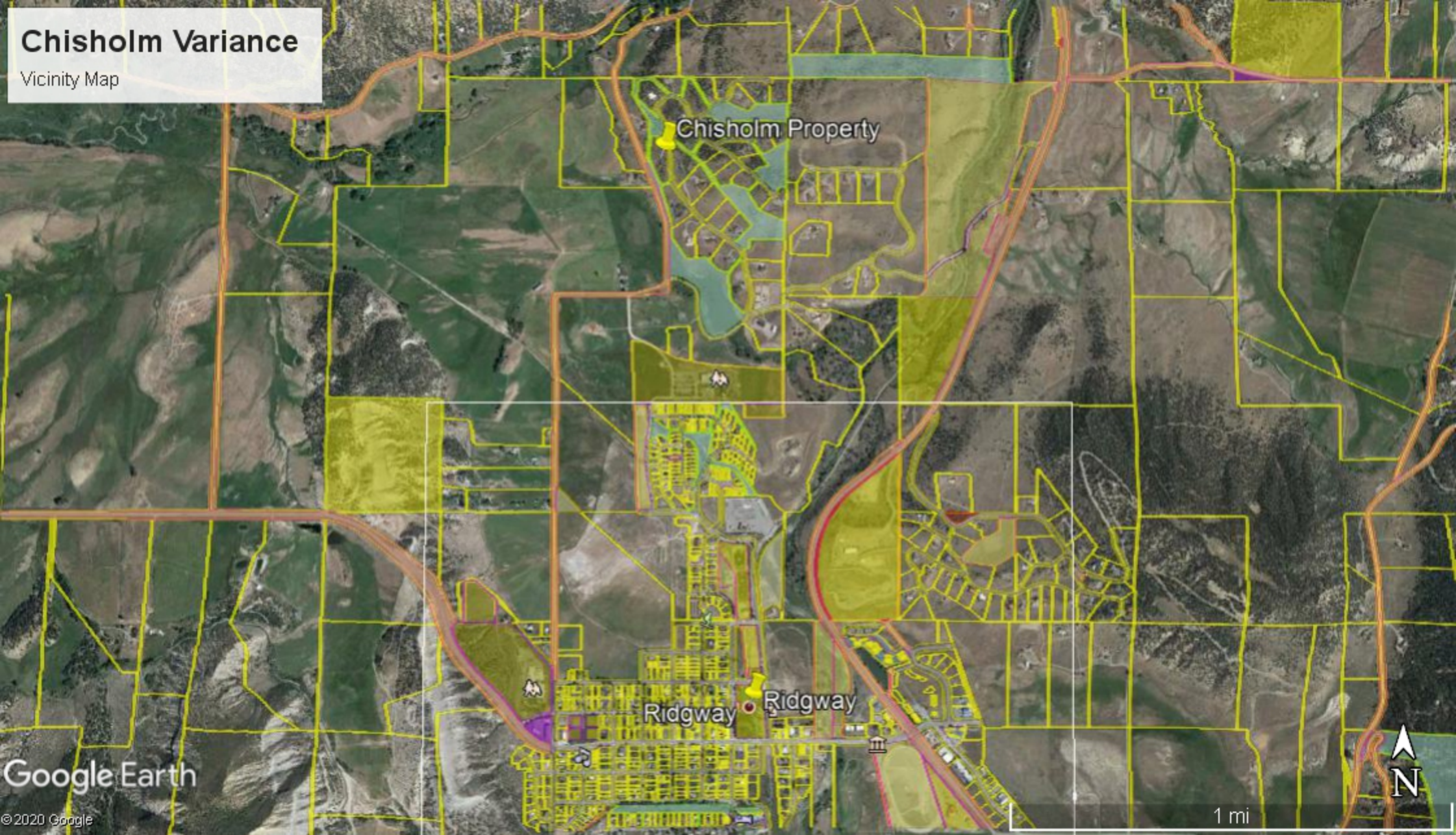
Exhibit D – Public Notice

Exhibit E – Public Comments Received (if any)

Exhibit A – Vicinity Map and Site Aerial

Chisholm Variance

Vicinity Map



Chisholm Variance

Aerial Photo

Exhibit B – Application Materials Submitted

VARIANCE APPLICATION

Land Use Deparment
970.626.9775

Physical Address: 111 Mall Road, Ridgway CO
Mailing Address: PO Box 28, Ridgway CO 81432

Per Section 12.4 of the Ouray County Land Use Code

Landowner or Entity Name: Belinda and Tim Chisholm

Address: 536 Forest Hill Road City: Ridgway State: CO Zip: 81432

Phone: 281-740-7019 Fax: _____

Name of Authorized Agent: Doug Macfarlane Architect LLC
(Must attach signed Agent Authorization Form authorizing agent to represent landowner.)

Contact Numbers for Agent: Cell: 970-596-7489 Home: _____

Briefly describe request:
Variance request for skyline break from County Road 5 due to site proximity (very close to road) narrowness of site and topographic constraints. Proposed house is one story and located on widest, most level buildable area avaialble.

Parcel or Account Number: Lot 2 Subdivision: Eagle Hill Ranch Filing 1

Section: 9 Township: 45 Range: 8 ¼ Section: _____

Parcel Size (acres): 2.4

Attach a copy of the deed and all information that addresses the criteria set forth in Section 12.5(A)(4) of the Ouray County Land Use Code.
Direct any questions to the County Planner.

Fee: $600 – Paid via: ☐ Cash ☒ Check Check #: _____

I hereby certify that I have read this application completely and that all information provided is correct to the best of my knowledge. All laws, regulations, and ordinances governing the scope of the project contemplated by this application will be complied with, whether or not specifically described within this application. I understand that providing false or misleading information may result in any permit(s) issued being revoked. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating the scope of the project contemplated by this application.

I understand that this application may be open for public inspection as required by the Colorado Open Records Law (C.R.S. 24-72-202, et seq.) and that my personal information contained on this application may be available to the public for review.

[ ] If you are listing a business entity (LLC, Inc, Corp., etc.) as the property owner, you must check this box to confirm that the business (and any other associated members) has granted you approval to apply for this permit.

Timothy J. Chisholm August 24, 2020

VARIANCE APPLICATION

Land Use Deparment
970.626.9775

Physical Address: 111 Mall Road, Ridgway CO
Mailing Address: PO Box 28, Ridgway CO 81432

Signature of Landowner or Authorized Agent Date

PROCESS:
If you have concerns that your project or construction might require a variance, please read and follow these steps carefully. Remember, submitting an application for variance does not guarantee approval!

Step 1. Set up a meeting with the appropriate administrative officer typically the Building Official) in the Land Use/Building Department. The administrative officer will review your plans and discuss the various options available.

Step 2. If your project or construction does require a variance, the Land Use Office will notify you within 14 days.

Step 3. If a variance is required and you wish to continue with your project or construction, you must complete and submit an Application for Variance within 30 days from the date of the above notification. An application fee of $600 is required at the time of application.

The following items must be included with your application. However, additional documentation may be required in order to complete processing of your application.

- Narrative outlining your request, providing detail and justification in accordance of with Section 12.5(A)(4) of the Ouray County Land Use Code.
- Site plan showing details of lot lines, building footprints, roads, easements, etc.
- Preliminary building plans, drawings, elevations, footprints
- Vicinity map showing site in relation to adjacent properties, county roads, etc.

Step 4. Your application will be assigned to a Planner for evaluation. You will be notified within 2 weeks as to whether your application is complete and has been formally accepted for review. Typically, all variances will be processed within 90 days, or less.

Step 5. Your application will be referred to any appropriate agencies, adjacent property owners, and neighboring municipalities for review and comment. Parties have a maximum of 35 days to respond.

Step 6. A Public Hearing with the Board of Zoning Adjustment will be set within 45 days from the acceptance of a completed application. Note; this means the meeting will be scheduled and not necessarily take place within 45 days.

Step 7. At least 15 days prior to the public hearing, a notice will be placed in a local newspaper. One week prior to the meeting, you will receive a copy of the Staff Report prepared by the Planner and a copy of the agenda stating the date, time, and location of the meeting.

Step 8. BOZA Review: Application is reviewed by the Board of Zoning Adjustment.

Step 9. Board moves to: approve, approve with conditions, or deny the request

Step 10. The resolution is placed on the next available Board agenda for adoption, ratifying the action taken at the public hearing.

Step 11. If your application for variance was approved by the Board, you can now apply for a building permit.

VARIANCE APPLICATION

Land Use Deparment
970.626.9775

Physical Address: 111 Mall Road, Ridgway CO
Mailing Address: PO Box 28, Ridgway CO 81432

8-23-20

Chisholm Residence
758 Golden Eagle Trail
Lot 2 Eagle Hill Ranch, Filing 1

Variance Request- Section 9

Due to the exceptional narrowness of site, location very close to and elevated above road below, and combined with the fact that there is no backdrop other than the trees on the site itself to mitigate skyline breakage the strict application of Section 9 of this code would result in peculiar and exceptional practical difficulties and exceptional hardship in the strict application of the code.

We feel that the proposed house does meet the intent of the code. Pursuant to Criteria of Section 13,17,D (2) we feel that the proposed house-

(a) Reflects immediate natural forms in building mass by integrating with tree line and presenting an irregular silhouette.
(b) Uses natural materials (wood, stone and rusted metal) to imitate and blend with the immediate surrounding area.
(c) Presents primarily the gable end to visible side to minimize long frontage
(d) Uses deep porch roof overhang to provide shading at visible side
(e) Use of multiple rooflines, with end gable plus shed at south side

Additionally, house is only visible for a very short section of road along the corridor from directly below and southeast. From the northeast there are trees that mitigate skyline breaks.

We feel that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of Section 9 of the Land Use Code. There are numerous precedents for similar projects being granted variances (including some with 2 story home designs) due to the same lack of backdrop and proximity to road in Eagle Hill Ranch, Dallas Meadows and Pleasant Valley.

This site has a relatively small lot size for the Valley zone (just over 2 acres) yet has a 50ft setback. Due to the shape of the lot (tapered to north and south) and combined with the effect of the setbacks this means the best available building site is in the middle of the lot where the house is proposed to be sited. The ground is also much steeper and more difficult to access in the areas at the north and south tapered ends of the lot. The north and south ends of the lot would be much closer to and would be more visible with a greater impact on adjacent existing neighbors' homes.

We are proposing the house site on the more level center section where it is accessible from Golden Eagle Trail with a logical driveway routing that would not require extensive grading. This is in keeping

with the stated HOA goal of preserving natural vegetation to the extent possible during the construction process.

House is proposed to be one story, and is cut into grade at the south end of the house, presenting a lowered profile. At the hearing we will present additional photos and information to support our position that the building with natural siding and roofing materials will be in compliance both with the criteria set forth in Section 13,17,D (2) and with the overall spirit and intent of the purpose statement in Section 9.1.

We feel that since there is no skyline backdrop (due to how close the site is to the road creating a steep upward angle of view) and because we are proposing a single story house design on the only reasonable building site on the lot, that this is a perfect candidate for relief through a variance.

With blending materials as proposed, shading with deep covered porches at west (road) side and varied rooflines that the house will blend in well.

Here are variance criteria from Land Use Code, highlighting is ours.

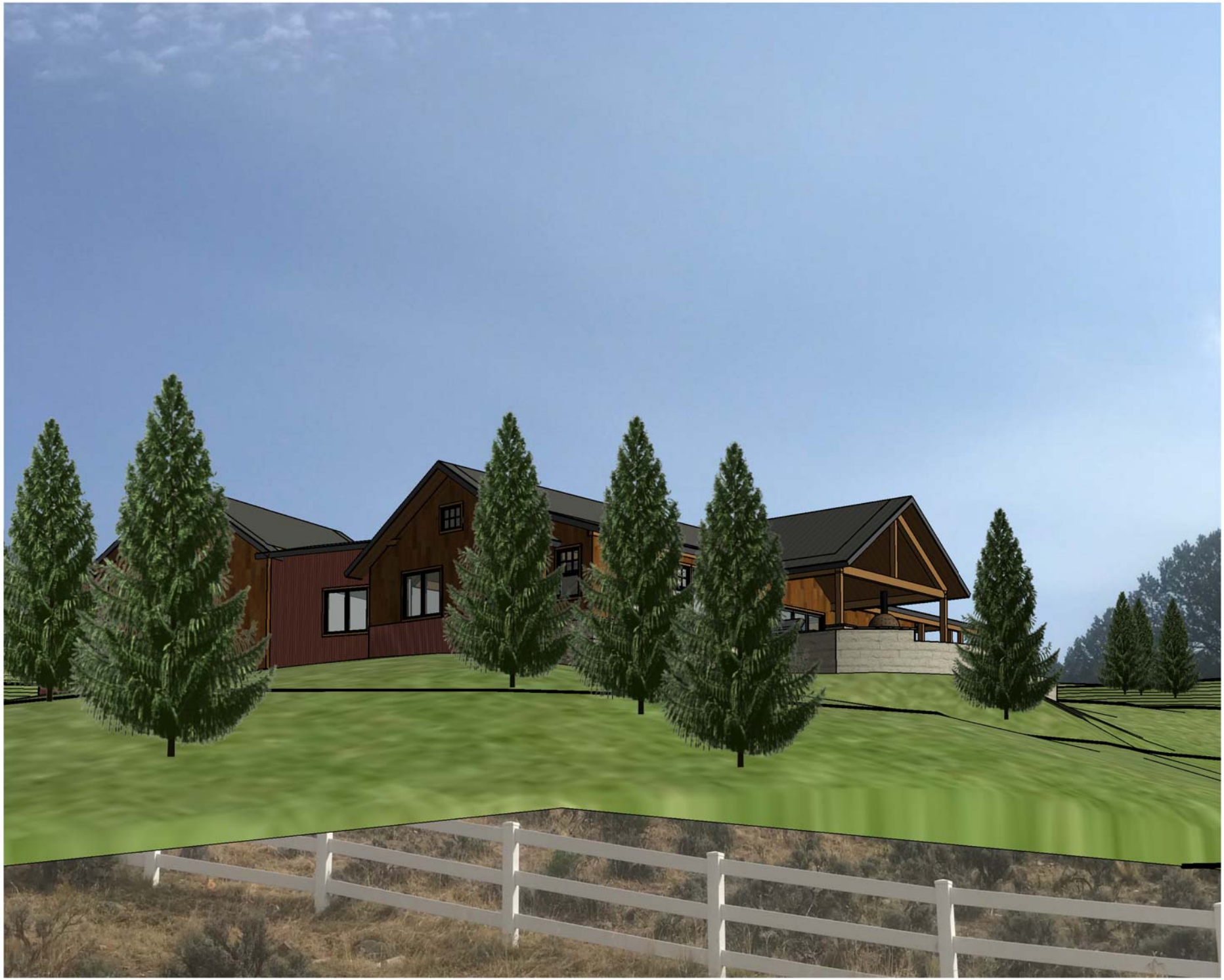
VARIANCE CRITERIA- 13-17-D (2) (note, 12.5.A (4) is similar)

D. Appeals to the Visual Impact Review Committee:

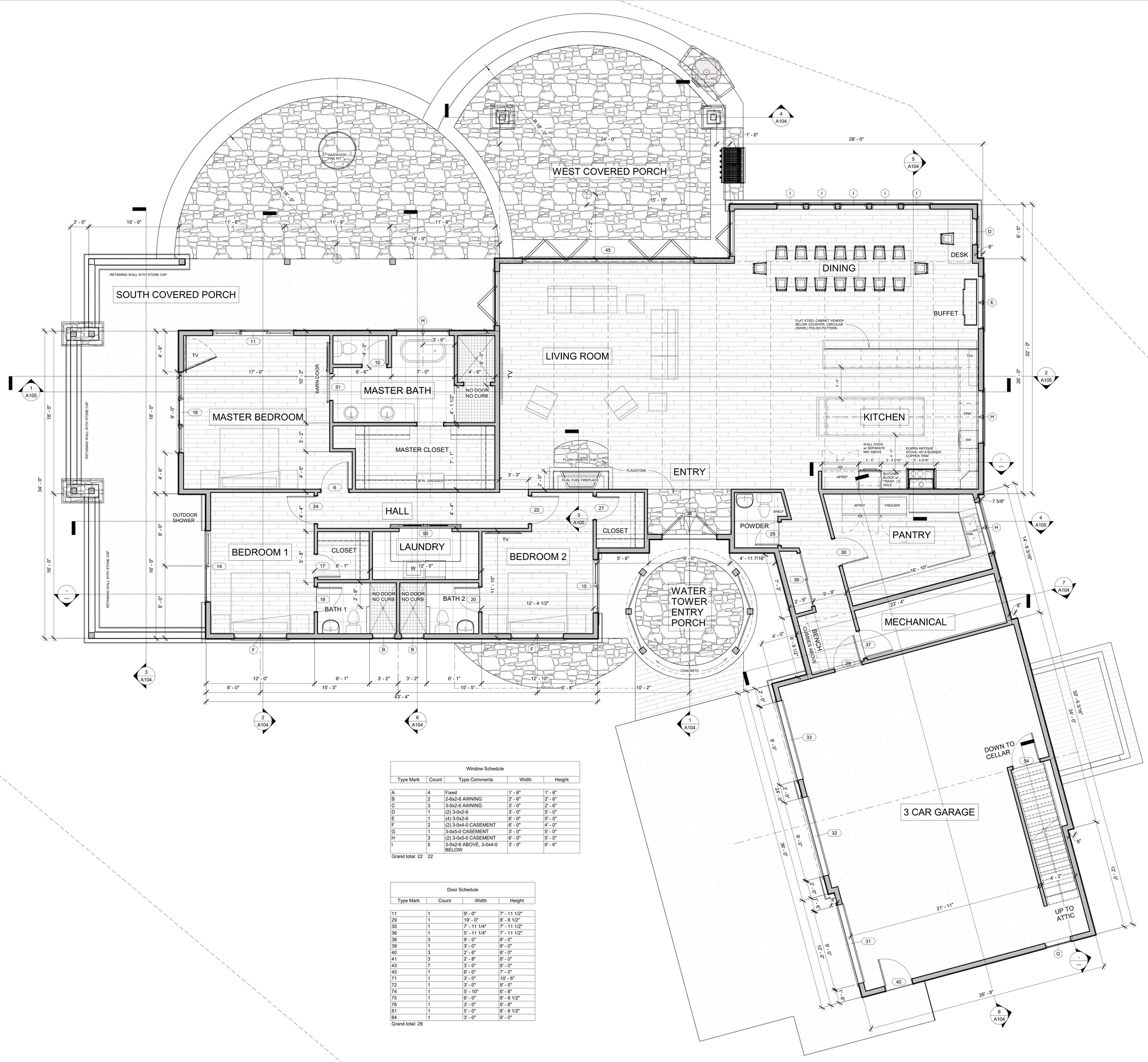
12.5.A (2) Variances: Where, by reason of exceptional narrowness, shallowness, shape, or other characteristic of a specific piece of property or by reason of exceptional topographic conditions or by reason of exceptional wildlife and or wildfire impact or other extraordinary and exceptional situation or condition impacting such piece of property, the strict application of Section 9 of this Code would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property, the VIRC shall recommend to the Board of Adjustment the disposition of an appeal, so as to relieve such difficulties or hardship, based on criteria such as: (a) Reflecting immediate natural forms in building mass. (b) Use of natural materials to imitate the immediate surrounding area. (c) Minimize long frontages on visible sides. (d) Recessing and/or shading windows. (e) Multiple roof lines. Provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of Section 9 of this Code.

Sincerely,,

Doug Macfarlane Architect LLC



50' SETBACK
50' - 0"
50' - 0"
GARAGE
HOUSE
COVERED PORCH
50' - 0"
NORTH
DRIVEWAY
50' SETBACK
SNEFFELS VIEW
CORBETT PEAK



Window Schedule				
Type Mark	Count	Type Comments	Width	Height
A	4	Fixed	1' - 6"	1' - 6"
B	2	2-6x2-6 AWNING	2' - 6"	2' - 6"
C	3	3-0x2-6 AWNING	3' - 0"	2' - 6"
D	1	(2) 3-0x2-6	3' - 0"	5' - 0"
E	1	(4) 3-0x2-6	6' - 0"	5' - 0"
F	2	(2) 3-0x4-0 CASEMENT	6' - 0"	4' - 0"
G	1	3-0x5-0 CASEMENT	3' - 0"	5' - 0"
H	3	(2) 3-0x5-0 CASEMENT	6' - 0"	5' - 0"
I	5	3-0x2-6 ABOVE, 3-0x4-0 BELOW	3' - 0"	6' - 6"
Grand total: 22	22			

Door Schedule			
Type Mark	Count	Width	Height
11	1	9' - 0"	7' - 11 1/2"
29	1	19' - 0"	8' - 8 1/2"
35	1	7' - 11 1/4"	7' - 11 1/2"
36	1	5' - 11 1/4"	7' - 11 1/2"
38	3	9' - 0"	8' - 0"
39	1	3' - 0"	8' - 0"
40	3	2' - 6"	8' - 0"
41	3	2' - 8"	8' - 0"
43	7	3' - 0"	8' - 0"
45	1	6' - 0"	7' - 0"
71	1	3' - 0"	10' - 6"
72	1	3' - 0"	8' - 0"
74	1	5' - 10"	6' - 8"
75	1	6' - 0"	8' - 8 1/2"
76	1	3' - 0"	6' - 8"
81	1	5' - 0"	8' - 8 1/2"
84	1	3' - 0"	8' - 0"
Grand total: 29			

1 Level 1
1/4" = 1'-0"

REVISIONS

CHISHOLM RESIDENCE

DOUG MACFARLANE
ARCHITECT- LLC
653 N. CORA, SUITE 201, RIDGWAY, CO.
(970)-626-3308

8/3/20

GENERAL NOTES:

1. Codes and References:
A. All materials and workmanship shall conform to the latest adopted requirements of the following building codes for the County of Ouray, Colorado:
International Energy Conservation Code (IECC) - 2018
International Residential Code (IRC) - 2018
International Mechanical Code (IMC) - 2018
Colorado Plumbing Code
Colorado Electrical Code
B. A qualified representative of the Ouray County Building Department, prior to the issuance of a Building Permit, shall make a thorough plan check. Only the Architect/ Engineer, or his representative, if any, shall make corrections. Once the Building Permit has been issued, no changes or deviations to structural or code related issues shall be made without the written approval of the Architect/ Engineer, except that the Contractor shall correct any code or legal violations, which might be pointed out by the Building Inspector (Architect shall be notified of all required changes.)
C. Where reference is made to various test standards of materials, ASTM, etc., such standards shall be the latest edition, and/ or addendum.
D. Typical details and notes shall apply unless shown otherwise on the plans.
E. Contractor is to coordinate all dimensions, tolerances, and details related to finishes, finish selections, built-ins, and cabinets with Owner during the construction process.

2. Insulation Notes:
FOUNDATION: Insulated concrete forms with 2 5/8" foam panels- Nudura, Greenblock, or equivalent. R-10 min.
WALLS: R-21 (MIN.)
FLOORS: R-10 MIN. @ concrete slabs, R-30 fiberglass batts @ framed floors.
CEILINGS/ATTIC: R-49 minimum. Spray-foam at sloped roof rafters, blown in fiberglass or cellulose in attic areas.
WINDOWS: U0.35 MAX
VAPOR BARRIER: 4-mil visqueen vapor barrier at all walls and ceiling space adjacent to exterior (installed to warm side.)
WATER PIPING: All water piping insulation shall conform to IECC requirements.

3. Shop (or Fabrication) Drawings/ Designs
A. When requested by Owner, as a convenience to the Contractor, Architect/ Engineer shall review required shop drawings as to their general conformance to the design concept. Contractor shall be responsible for verifying dimensional accuracy and suitability for intended use and compliance with plans, and shall submit shop drawings, where applicable, for the following:
1. Engineered trusses.
2. Glulam Beams and panelized roof framing.
3. Structural steel.
4. Erection bracing and sequence.
5. Such other items as may be required on plans.
Contractor shall submit shop drawings and compliance certificates to the Building Department when required.

4. Options and Substitutions
A. Options, if provided herein, are both for Contrator's convenience and the Owner's advantage. "Substitutions", if suggested by the Contractor, must be approved by the Owner and must not diminish the degree of quality intended on the plans. The Contractor shall be responsible for all changes necessary, shall coordinate all details, and shall obtain all required approvals.

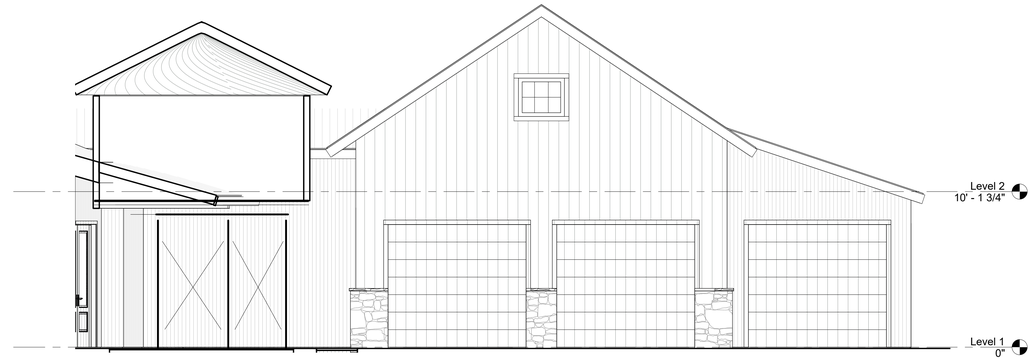
5. Protection by Contractor
A. Contractor shall locate all existing utilities whether or not shown on the drawings, and protect them from damage.
B. He shall comply with all laws and regulations regarding protection of the public and the workmen during construction.

6. Flashing / Caulking:
1. Provide Grace Ice / Water flashing at all door and window head, jamb, and sill conditions for full perimeter seal.
2. Flash all horizontal and sloped surfaces a minimum of 12" on to adjacent vertical surface with materials compatible with siding and roofing.
3. Provide continuous caulk joints at connection between dissimilar materials to provide weathertight seal, typical.

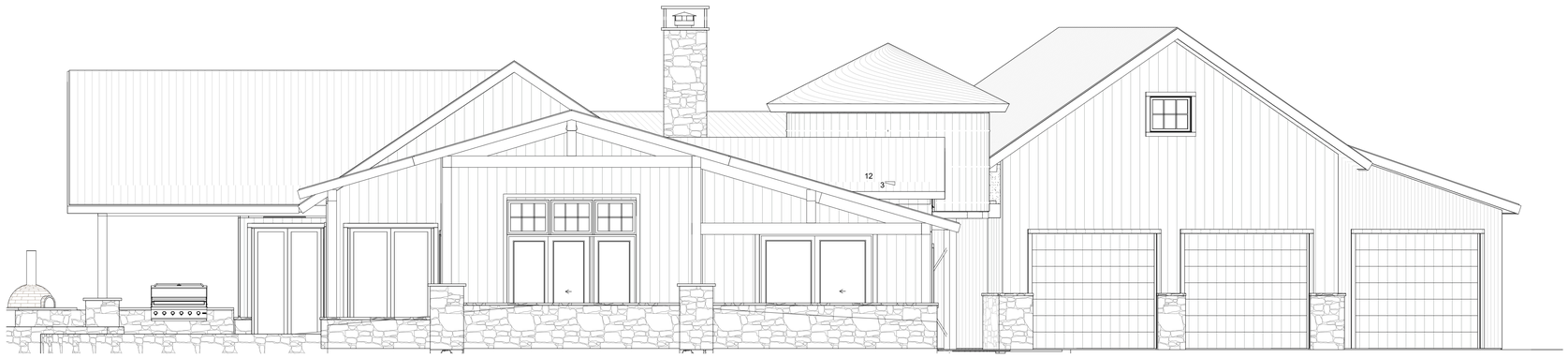
General Building Construction Notes:
1) Provide safety glazing per IRC in all doors, in windows within 24" of doors and where glazing is within 18" of floor.
2) Insulation to be as per General Notes.
3) Conditioned Crawlspace: provide heat recovery ventilator unit & air exchange rate as required by mechanical code.
4) Provide 22" x 30" minimum size attic access to all enclosed attic spaces, 18" x 24" min. access to crawlspace.
5) Install soffit vents and gable or ridge vents for attic ventilation to provide cross-ventilation equal to 1/150 of square footage-minimum. Install insect screening at vents.
6) Install windows in sleeping rooms to comply with egress requirements for clear opening and sill height per IBC. Window distributor to verify compliance prior to shipping.

Miscellaneous Notes:
-- All dimensions on structural drawings shall be verified against the architectural plans, and discrepancies shall be brought to the attention to the architect/ engineer.
-- All existing conditions must be verified by the builder in the field. Unknown and varied conditions may be found. Notify the engineer of any structural conditions found to vary from those indicated.
-- Coordinate all openings through floors, walls, and roofs, with the mechanical and Electrical Contractors.
-- Do not backfill against walls until floor and roof systems bracing those walls are in place.
-- Construction materials shall be spread out if placed on framed construction. Load shall not exceed design live load per square foot.

Fire Blocking Requirements:
1. Fire blocking shall be installed in accordance with IRC, at all concealed draft openings, including furred spaces at ceiling and floor levels and at 10' intervals (max.) -- both vertical and horizontal.
2. Provide fire blocking at all interconnections between concealed vertical and horizontal spaces such as occur at soffits, dropped ceilings, and cove ceilings.
3. Provide fire blocking in concealed spaces between stair stringers at top and bottom of run and between studs along and in line with the run of stairs if the walls under the stairs are unfinished.
4. Provide fire blocking in openings around vents, pipes, ducts, chimneys, fireplaces, and similar openings which provide a passageway for fire at ceiling and floor levels using non-combustible materials approved per IRC.
5. Provide non-combustible fire blocking at openings between attic spaces and chimney chases for factory-built chimneys using non-combustible materials approved per IRC.
6. Provide fire blocking in concealed spaces created by sleeper floor systems to close off floor under all partitions and at 10' (max.) in both directions. in walls with parallel or staggered studs or furring close off interconnected spaces at 10' o.c. (max.) with mineral or glass fiber fitted tightly.
7. The integrity of all required fire blocking and draftstops shall be maintained per code.



3 Garage
1/4" = 1'-0"



2 South
1/4" = 1'-0"

1 East
1/4" = 1'-0"

REVISIONS

CHISHOLM RESIDENCE

DOUG MACFARLANE
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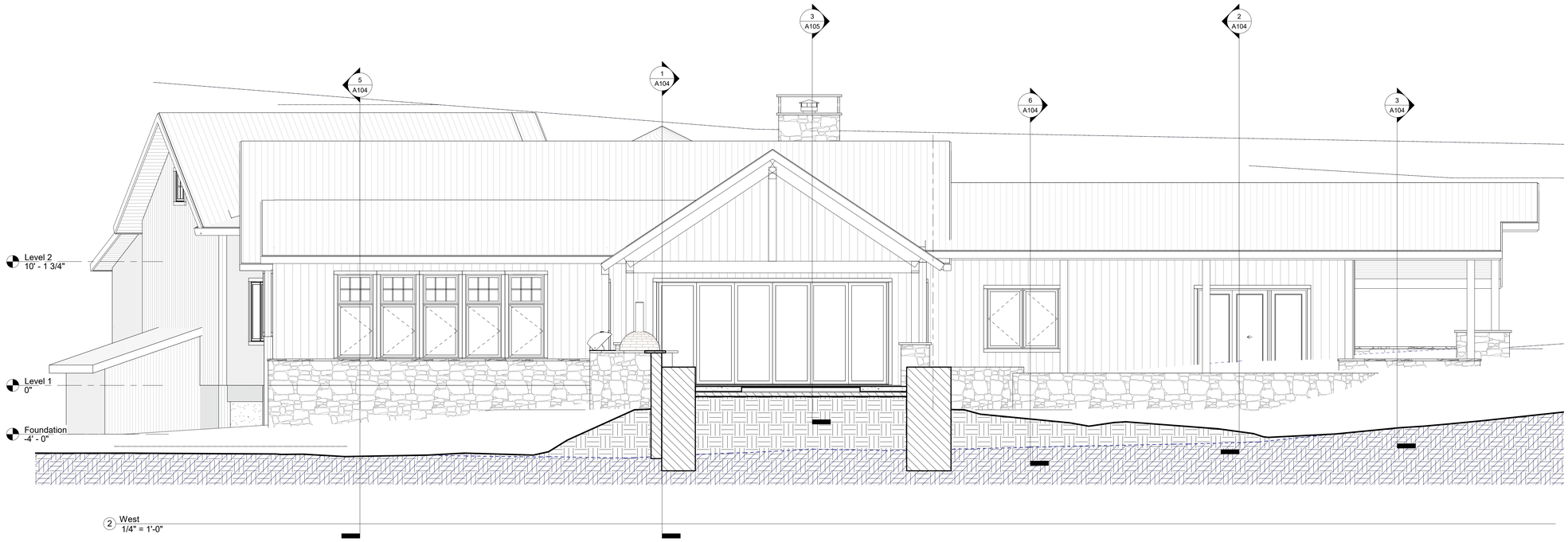
(970)-626-3308

8/3/20

1 North
1/4" = 1'-0"



2 West
1/4" = 1'-0"

REVISIONS

CHISHOLM
RESIDENCE

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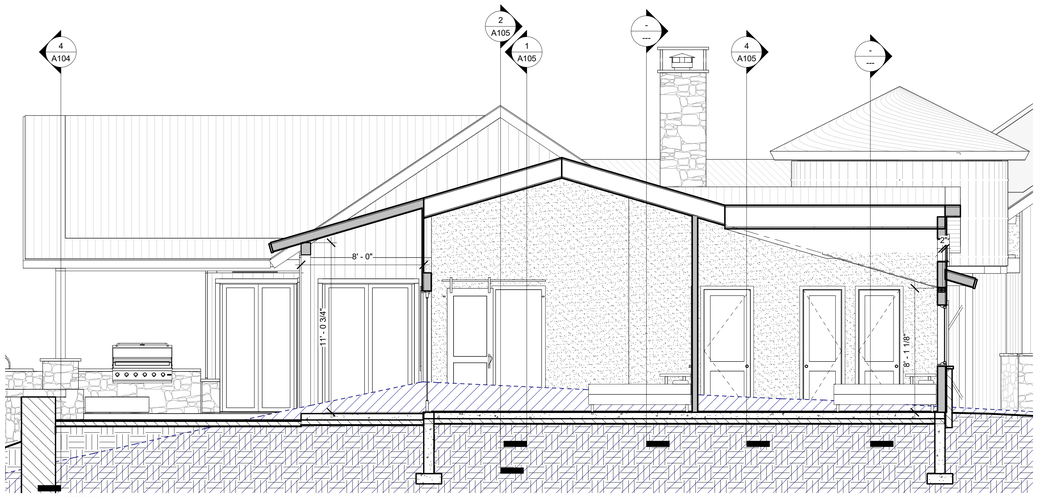
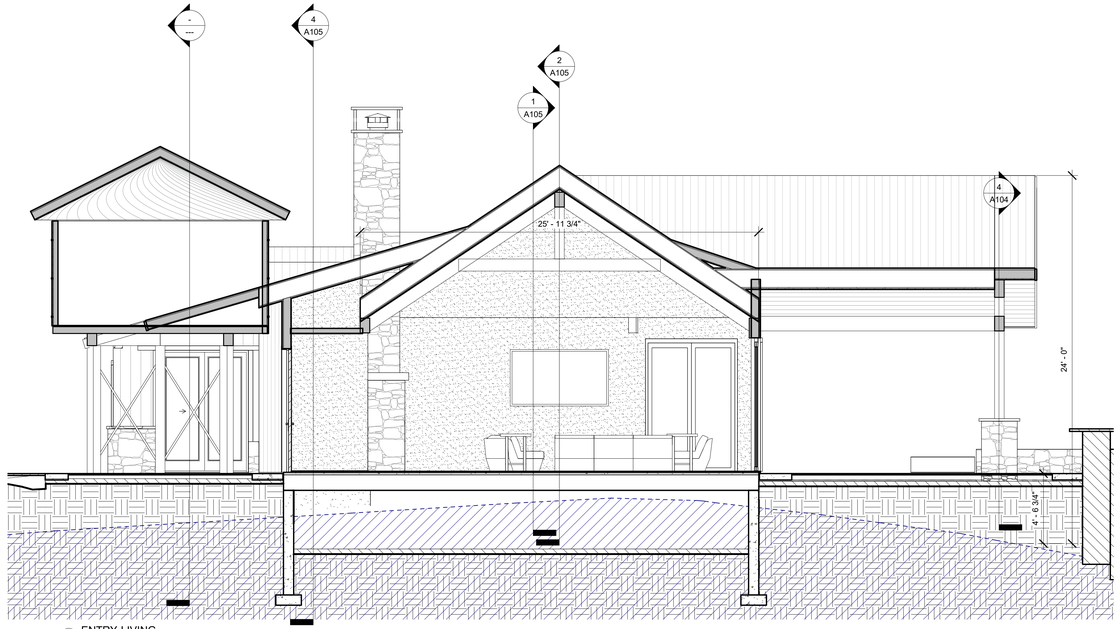
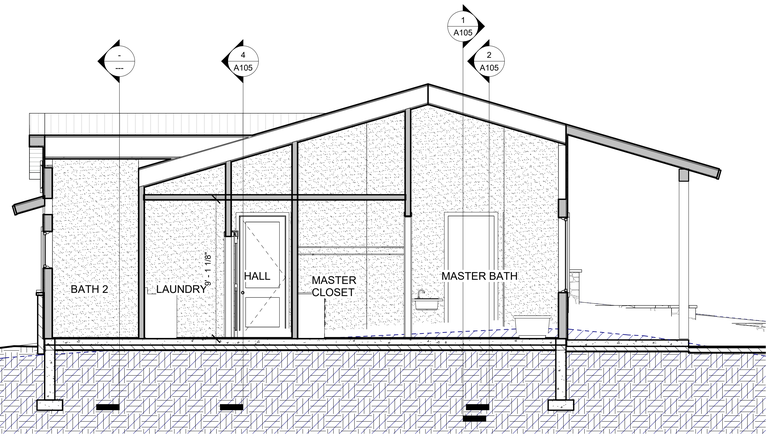
8/3/20



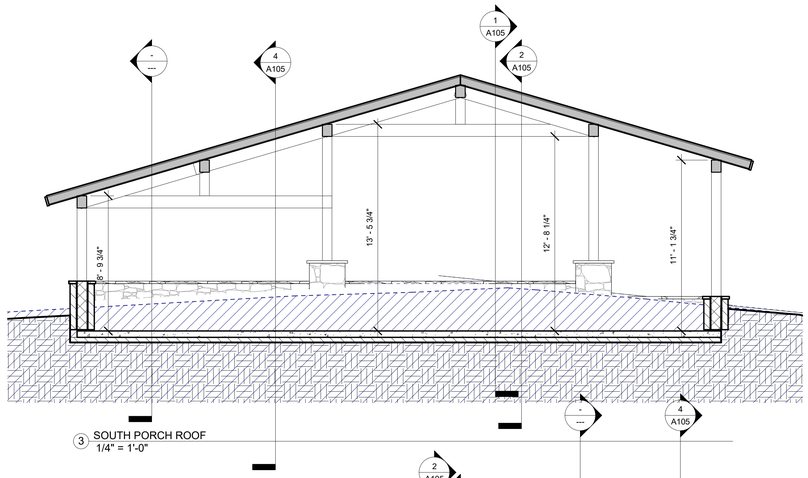
2 BEDROOMS
1/4" = 1'-0"



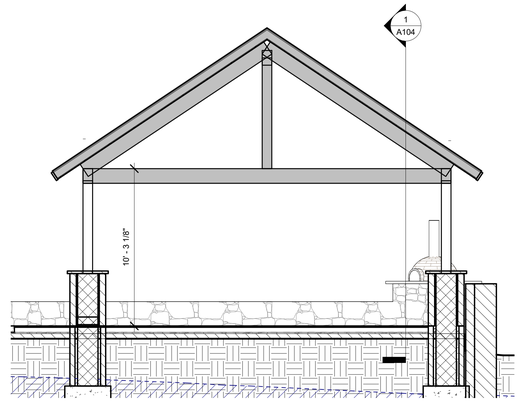
1 ENTRY-LIVING
1/4" = 1'-0"



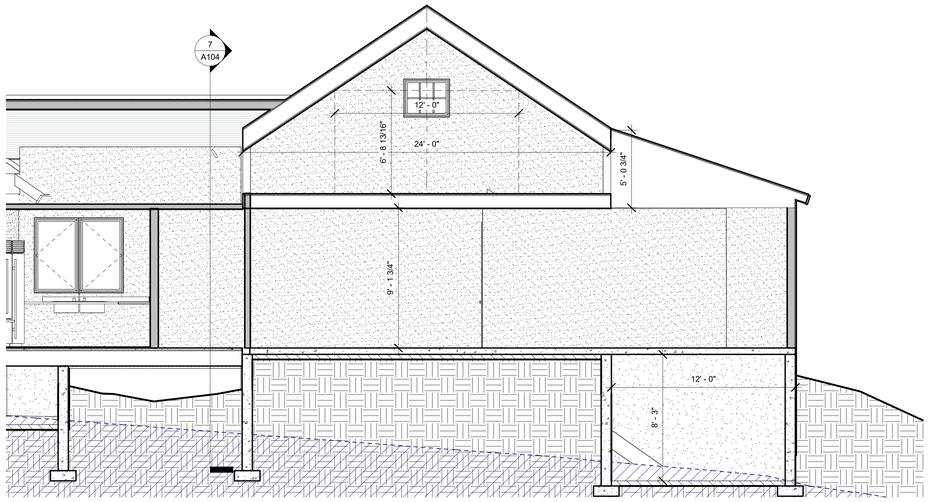
6 MASTER, LAUNDRY, BATH 2
1/4" = 1'-0"



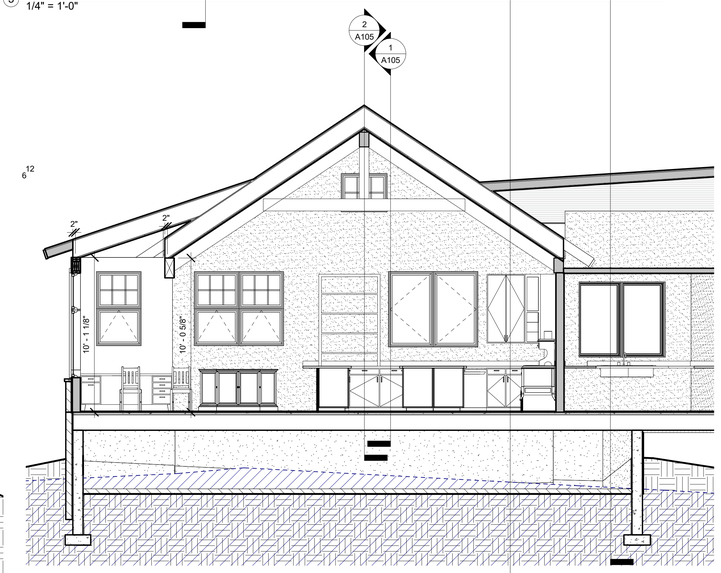
3 SOUTH PORCH ROOF
1/4" = 1'-0"



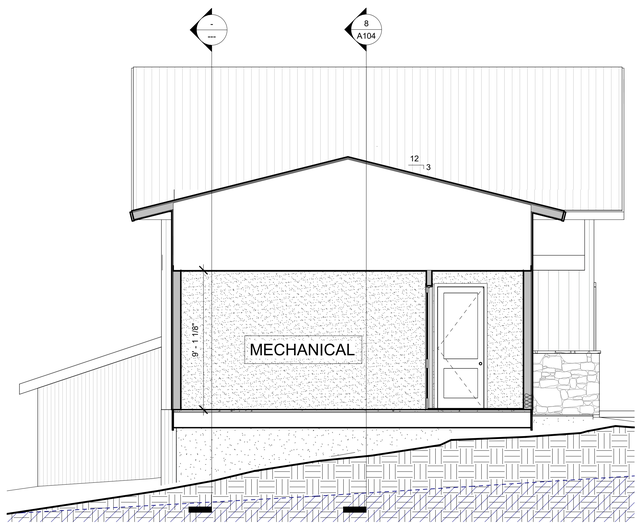
4 LR PORCH
1/4" = 1'-0"



8 GARAGE
1/4" = 1'-0"



5 KITCHEN-DINING
1/4" = 1'-0"



7 MECHANICAL
1/4" = 1'-0"

REVISIONS

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RESIDENCE

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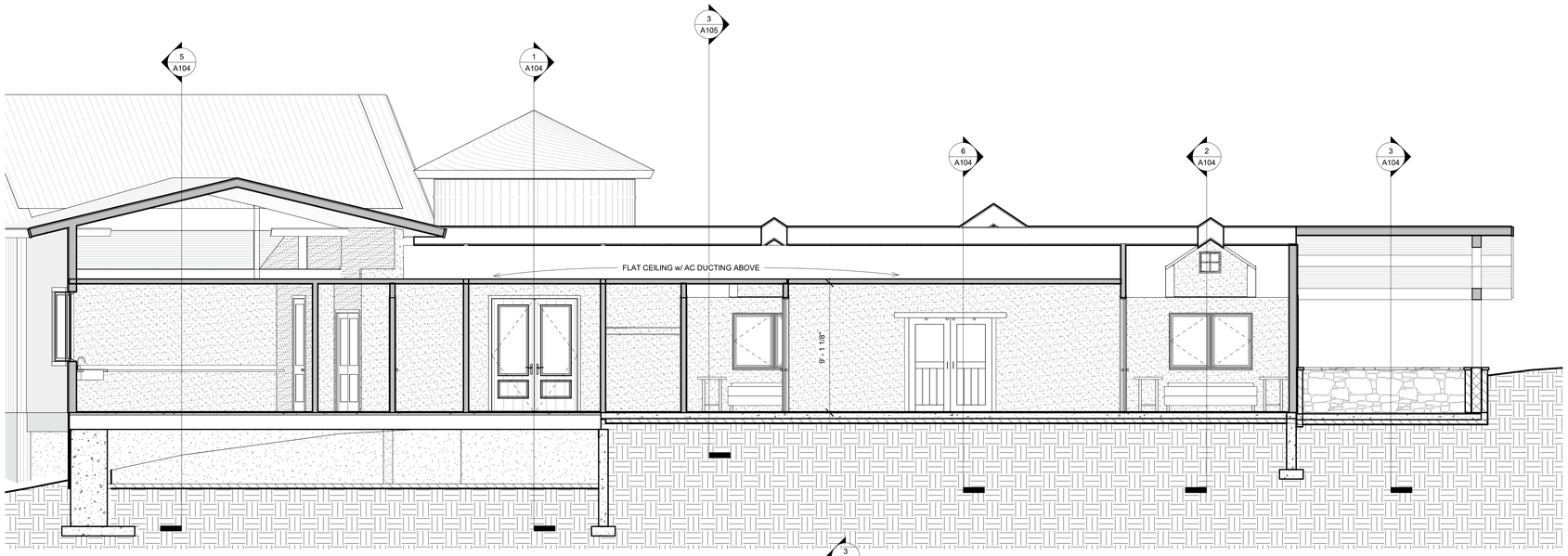
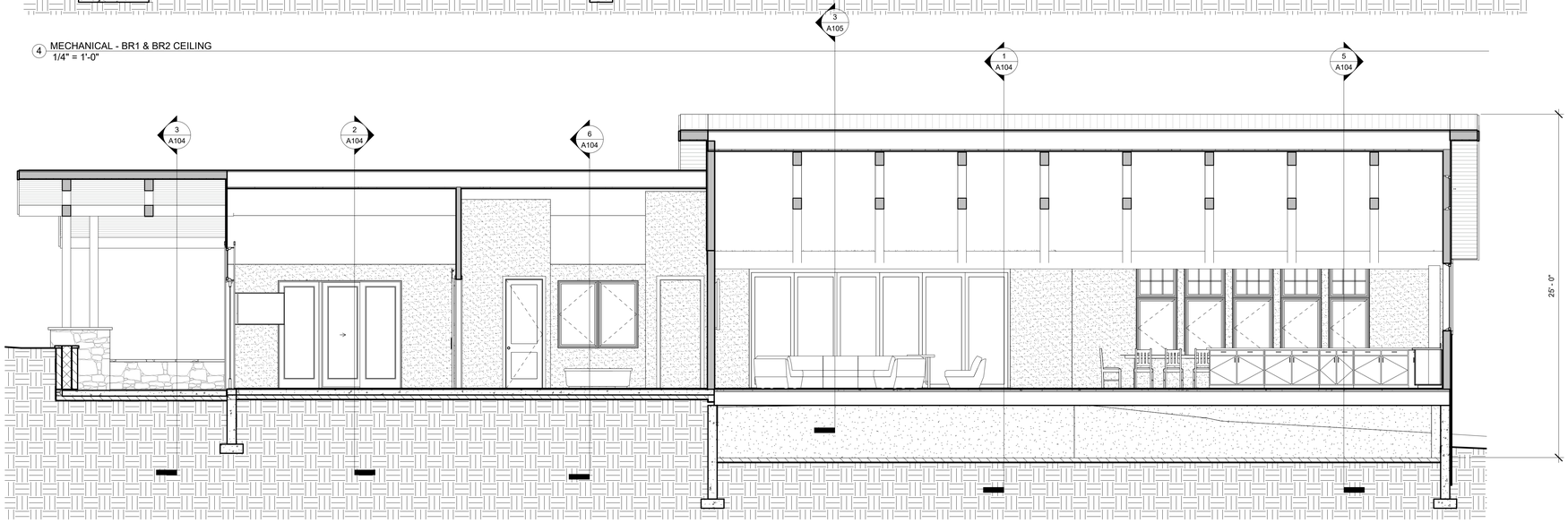
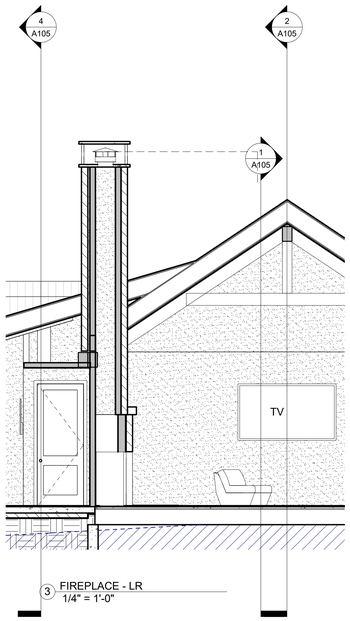


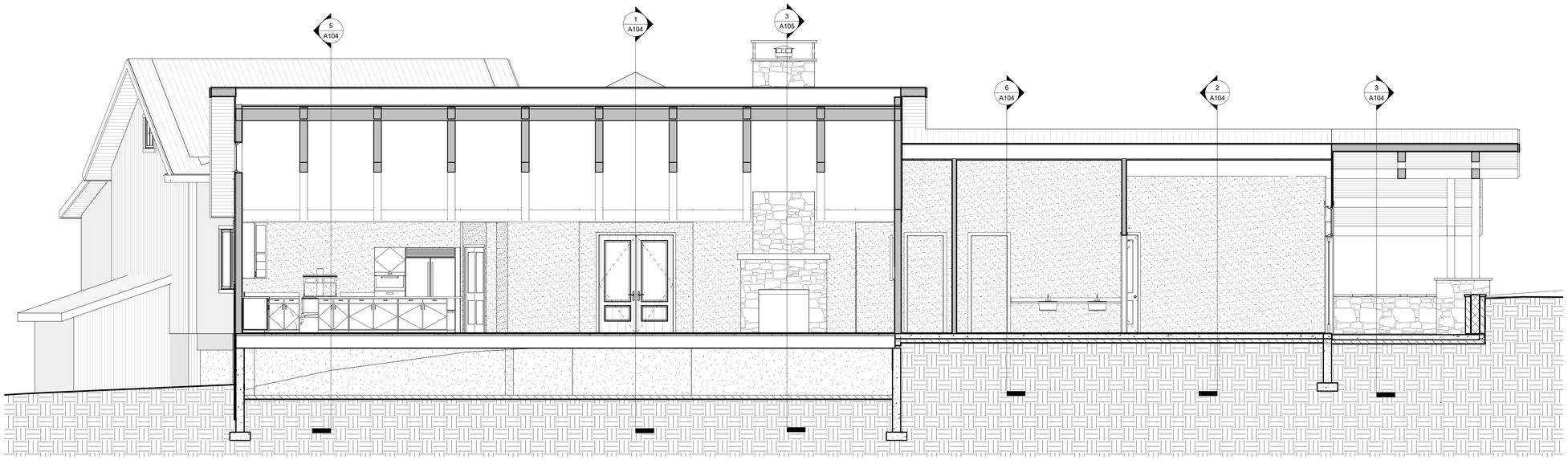
4 MECHANICAL - BR1 & BR2 CEILING
1/4" = 1'-0"



1 MAIN RIDGE - LR
1/4" = 1'-0"



3 FIREPLACE - LR
1/4" = 1'-0"



2 MAIN RIDGE LR - FP
1/4" = 1'-0"

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Exhibit C – Story Pole Photos

Exhibit D – Public Notice

Please note that posted and published notices are due after the distrubution of this report, so they are not yet included.

Exhibit E – Public Comments Received (if any)