AN ORDINANCE No. 2021-134

To authorize the special use of the property known as 2015 North Avenue for the purpose of a two-family detached dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: JUN 14 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 2015 North Avenue, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of a two-family detached dwelling, which use, among other things, is not currently allowed by section 30-412.4, concerning lot area and width, density, and unit width, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the

AYES:	9	NOES:	0	ABSTAIN:
ADOPTED:	JUN 14 2021	REJECTED:		STRICKEN:

safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2020), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or

(vi) interfere with adequate light and air.

§ 2. Grant of Special Use Permit.

- (a) Subject to the terms and conditions set forth in this ordinance, the property known as 2015 North Avenue and identified as Tax Parcel No. N000-0406/016 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled "Survey and Plat of Lot 4, Block 12, Barton Heights in the City of Richmond, VA," prepared by Davison Land Surveying and Mapping, and dated January 5, 2021, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of a two-family detached dwelling, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "2015 North Avenue, Building Renovation Plans," prepared by Obsidian, dated September 6, 2019, and last revised July 11, 2020, hereinafter referred to as "the Plans," copies of which are attached to and made a part of this ordinance.
- (b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as "the Owner." The conditions contained in this ordinance shall be binding on the Owner.
- § 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:
- (a) The Special Use of the Property shall be as a two-family detached dwelling, substantially as shown on the Plans.
 - (b) The height of the Special Use shall not exceed the height as shown on the Plans.
 - (c) Two off-street parking spaces shall be provided to the rear of the Property.

- (d) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.
- § 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:
- (a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.
- (b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.
- (c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.
- (d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws.
- (e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.
- § 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:
- (a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

- (b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.
- (c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2020), as amended, unless the context clearly indicates that a different meaning is intended.
- (d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.
- (e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.
- (f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.
- § 6. **Implementation.** The Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this

ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

A TRUE COPY:

TESTE:

City Clerk

2021-293

City of Richmond

900 East Broad Street 2nd Floor of City Hall Richmond, VA 23219 www.rva.gov

Item Request

File Number: PRE.2021.574

O & R Request

DATE:

April 12, 2021

EDITION:1

TO:

The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)

(This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH: J.E. Lincoln Saunders, Acting Chief Administrative Officer

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

Planning

FROM:

Kevin Vonck, Acting Director, Department of Planning and Development Review

RE:

To authorize the special use of the property known as 2015 North Avenue for the purpose of

a two-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 2015 North Avenue for the purpose of a two-family detached dwelling, upon certain terms and conditions.

REASON: The subject property is located in the R-6 Single-Family Attached Residential zoning district. Two-family detached dwellings are permitted uses in this zoning provided that certain lot feature requirements are met. The lot containing the proposed two-family detached dwelling does not conform to these features. Therefore a special use permit is required.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its June 7, 2021 meeting.

BACKGROUND: The .121 acre subject property is located midblock on the eastern side of North Avenue between East Roberts Street and Poe Street. The structure on the property was constructed in 1900 as a duplex. In 1974 a Certificate of Occupancy was issued designating the structure as a single-family dwelling.

File Number: PRE.2021.574

This designation is still current. The applicant wishes to use the structure as a two-family detached dwelling however the lot features required in Sec.30-412.4 of the zoning ordinance cannot be met. Specifically, a parcel must have a minimum lot width of 50 feet and a total area of 6,000 square feet. The subject property is 44 feet wide, a depth of 120 feet for a total area of 5,280 square feet.

The Richmond 300 Master Plan recommends Residential uses for the Property. For this area, the plan states that future single-family housing, accessory dwelling units, duplexes, and small multi-family residential buildings are built to a scale and design that is consistent with existing buildings. Single-family dwellings and accessory dwelling units are noted as primary uses and duplexes are noted as secondary uses.

FISCAL IMPACT / COST: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No.

REVENUE TO CITY: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: May 10, 2021

CITY COUNCIL PUBLIC HEARING DATE: June 14, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission

June 7, 2021

AFFECTED AGENCIES: Office of Chief Administration Officer

Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report, Plans, Survey, Map

STAFF: David Watson, Senior Planner, Land Use Administration, 804-646-1036



Application for SPECIAL USE PERMIT

Department of Planning and Development Review Land Use Administration Division 900 E Broad Street Room 511 Richmond Virginia 23219 (804) 646-6304 http://www.richmondgov.com/

Application is hereby submitted for: (check one) 🗹 special use permit, new special use permit, plan amendment special use permit, text only amendment **Project Name/Location** Property Address: 2015 North Ave Richmond VA 23222 Date: 07/21/2020 Tax Map #: N0000406016 Fee: \$300.00 Total area of affected site in acres: 0.1212 (See page 6 for fee schedule, please make check payable to the "City of Richmond") Zoning Current Zoning R-6 Existing Use: R-6 Two Family Duplex Proposed Use (Please include a detailed description of the proposed use in the required applicant's report) Duplex Existing Use Duplex Is this property subject to any previous land use cases? If Yes, please list the Ordinance Number Applicant/Contact Person: Paul Clothier Company: New Life Homes REI, LLC Mailing Address: 8600 Branchs Woods Ln City: N Chesterfield Zip Code: 23237 State: VA Telephone: _(804) 271-2211 Fax: (804)) 207-8797 Email: paul@newlifehomesrei.com Property Owner: New Life Homes REI, LLC If Business Entity, name and title of authorized signee: Paul N. Clothier, Manager (The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.) Mailing Address: 8600 Branchs Woods Ln City N Chesterfield State: VA Zip Code: 23237) 271-2211 Fax: _(804 Telephone: _(804 Email: paul@newlifehomesrei.com Authentiscae 07/21/2020 Property Owner Signature: Paul N Clothion, Manager 7/21/2020 1.28:37 PM EDT

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. Faxed or photocopied signatures will not be accepted.

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)



A Real Estate Investment Company



Proposed Use

New Life Homes REI is proposing to continue the use of 2015 North Ave as two-family duplex. We are receiving historic tax credits from DHR and have followed all DHR guidelines during the renovation. We also have already received a permit for construction to remodel this property after purchasing it in late 2018. That permit was approved for the following:

- Complete cosmetic renovation to include new kitchens, bathrooms, trim, walls, etc
- Refinish historic wood floors
- Refurbish all historic windows to ensure functionality
- Install new wood siding (old wood was too rotted to repair) to maintain historical integrity
- Full upgrades to electrical, plumbing, and HVAC
- Repair front porch and back decks
- Install privacy fence in back yard

Once we had started renovating this property and inspected it even more thoroughly, we made the decision to re-build the back decks since they were not properly built and were held together with roofing nails. We have submitted for a permit revision to add that construction into the plans. We were notified in July of 2020 that the original permit (issued in 2019) never made it to zoning for review before being issued and that despite the property showing in the tax records as a duplex when we purchased it, that zoning had no record of it being a duplex. Therefore, we needed to get a special use permit for it to stay as a two-family dwelling since it did not meet the minimum lot requirements. As the attached plans show, We have no intention to change the layout of the property and have kept it the same as when we purchase it. In fact, the only layout changes made removal of a non-historic wall in the front living room and refurbished the existing pocket door in the first floor unit to bring back those original historic features. The project is close to completion with almost all finishing completed on the interior and the exterior nearing completion but needing the permit revision approved to move forward.

2015 North Ave is one of several properties in the area that is a converted duplex, including the house next door at 2017 North Ave. The lot size on both properties looks to be similar which would set a good precedence for us to use this as we purchased it, a two-family dwelling. In addition to that we will meet all requirements set forth by the city charter which are outlined below:

- A. This property will NOT be detrimental to the safety, health, morals, and general welfare of the community involved: This property was originally built in 1900 and was uninhabitable when we purchased it. There was extensive water damage and it needed a complete gut renovation. We are restoring this historic gem back to its original glory to provide a safe and beautiful house both for the tenants and the surrounding neighborhood.
- B. This property will NOT create congestion in streets, roads, alleys, and other public ways and places in the area involved: 2015 North Ave will have parking spaces in the back behind the fence as well as on street parking in front of the property. The fence will split the back yard into

two individual back yards for the residents and will be short enough to ensure space for parking off the ally as not to inconvenience anyone around. There is also the option to park on the street in front of the house, ensuring that both tenants for unit 1 and 2 are able to park wherever is most convenient for them without disturbing anything around them.

- C. This property will NOT create hazards from fire, panic, or other dangers: The house has been fire proofed including fire rated drywall on the exterior of the house in compliance with current residential building code. It has also had rockwool fireproof insulation installed between the top and bottom units as an extra measure for fire safety and sound proofing.
- D. This property will NOT tend to cause overcrowding of land and undue concentration of population: This house is one of many duplexes in the area. As mentioned previously, the two back yards will be separated by a 6' privacy fence to ensure that both tenants have their own outdoor space in addition to a front porch for the bottom tenant and a balcony for the top tenant.
- E. This property will NOT adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements: The house is within the same original floor plan as when it was built in 1900 and will have no effect on any of the aforementioned public amenities.
- F. This property will NOT interfere with adequate light and air: The house is within the same original floor plan as when it was built in 1900 and will have no adverse effect on light or air.

Since our inception, New Life Homes REI, LLC has worked to restore several historic properties within the Richmond area. We have taken severely outdated and distraught properties and have created highly desirable homes for new tenants and owners generating tax revenue for the city and ensuring that Richmond's amazing historical properties shine bright in the community. 2015 North Ave is no different and we would appreciate the opportunity to continue our work as planned. We would like to provide not just one but two families with the opportunity to experience all that Richmond's rich historic properties have to offer. Thank you for your time and consideration. I have included some photos of other historic houses that we have renovated in the area for your reference. Please let me know if you have any questions. You can contact me via email at paul@newlifehomesrei.com or by phone at (804) 271-2211.

Property Showcase-4017 Dunston Ave

BEFORE



AFTER









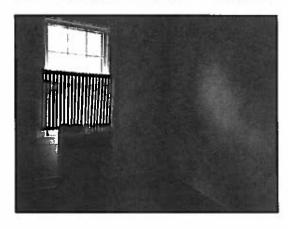


Property Showcase- 3127 Griffin Ave

BEFORE



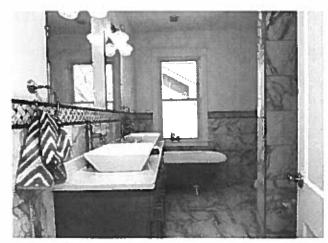




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Property Showcase-727 N. 22nd ST

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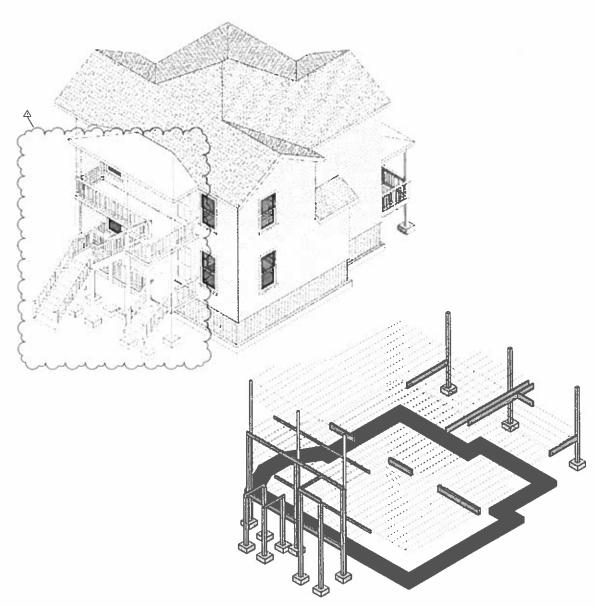






2015 North Avenue **Building Renovation Plans**

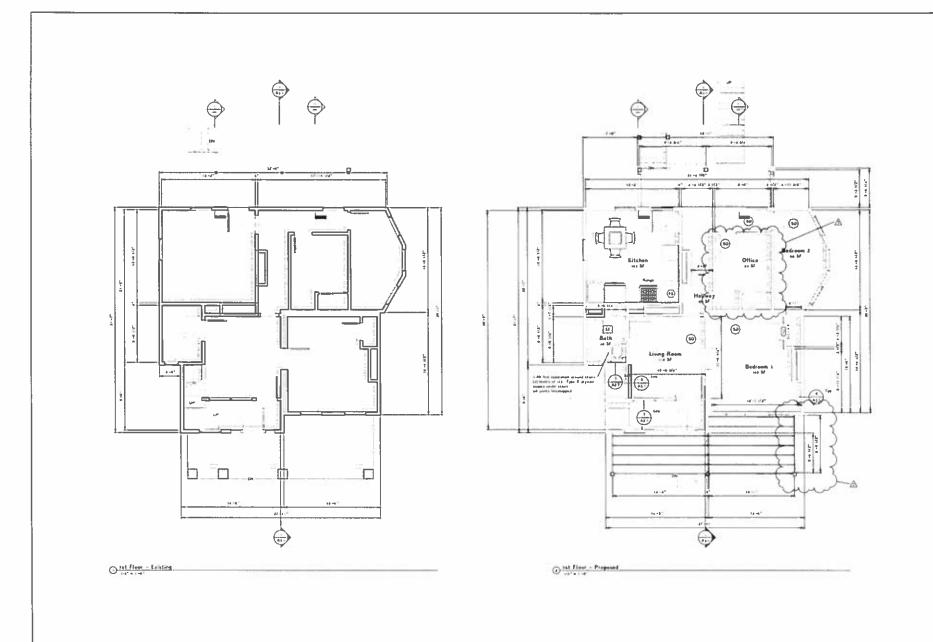
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Cover Sheet

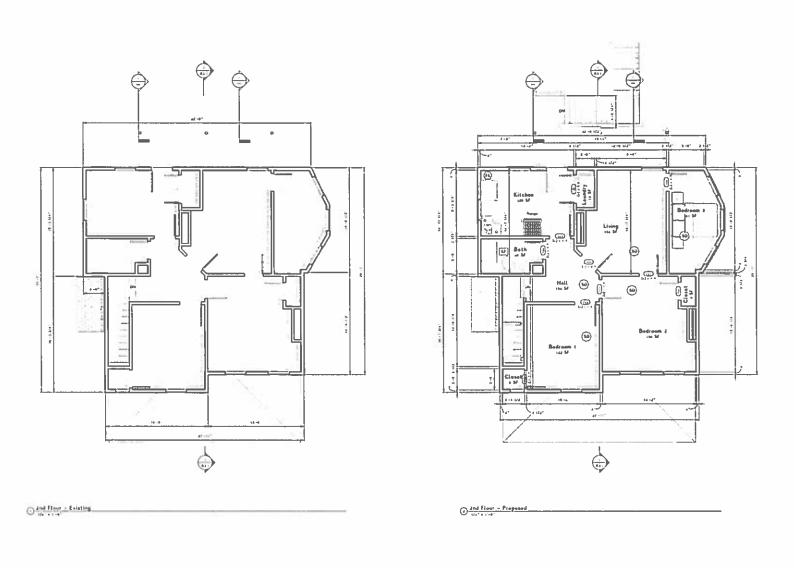




A1.1

First Floor Plan 2015 North Avenue Paul Clothier

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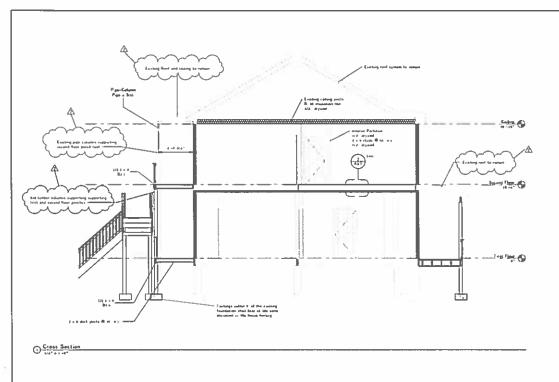


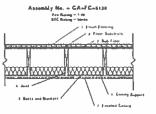
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Second Floor Plan 2015 North Avenue Paul Clothier

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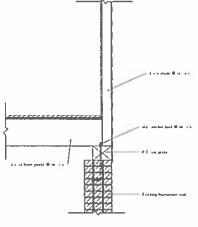


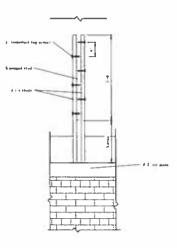
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Section & Details

2015 North Avenue Paul Clothier

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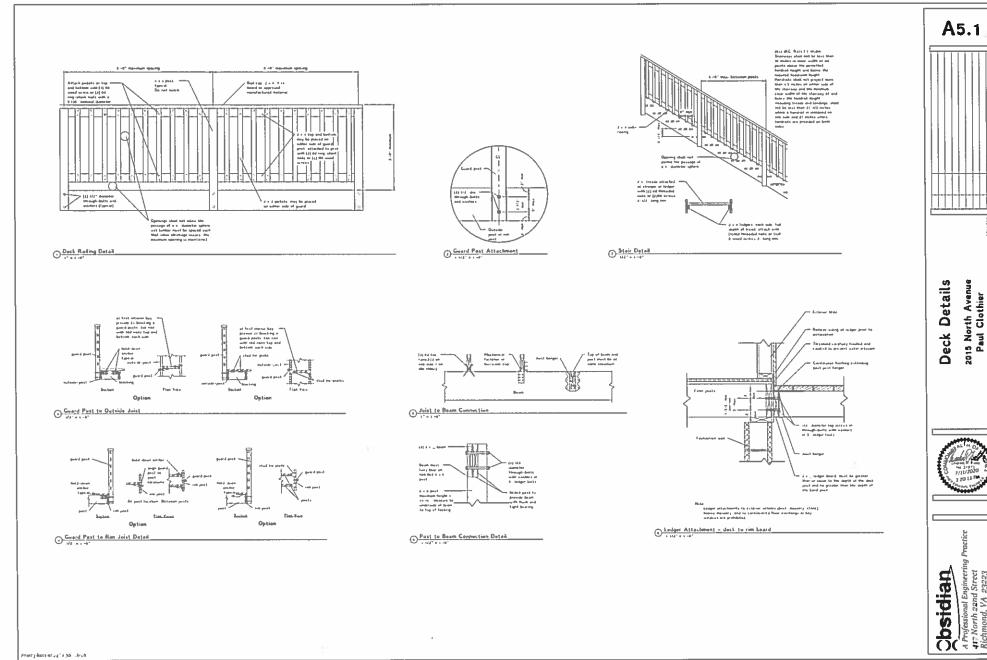
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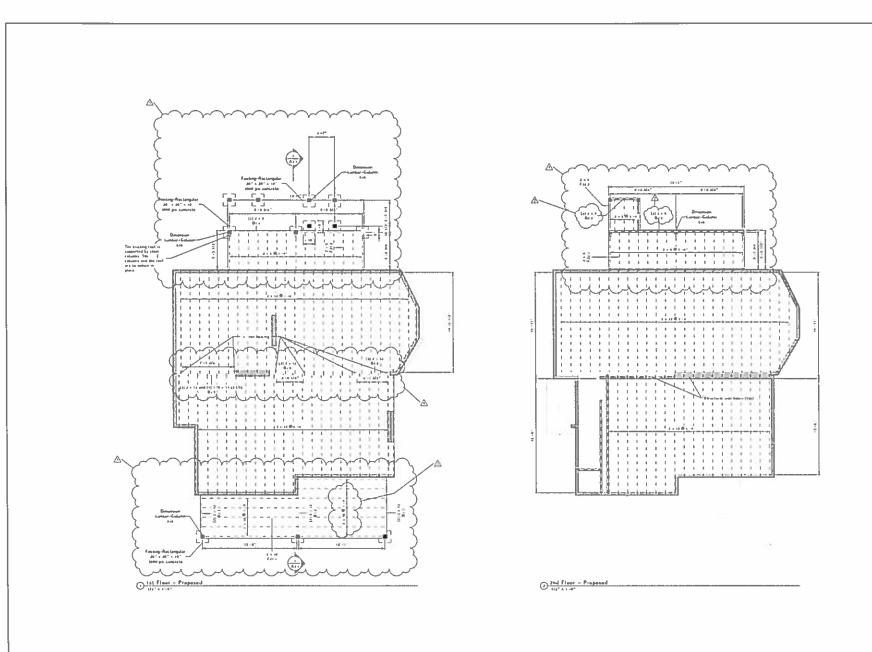
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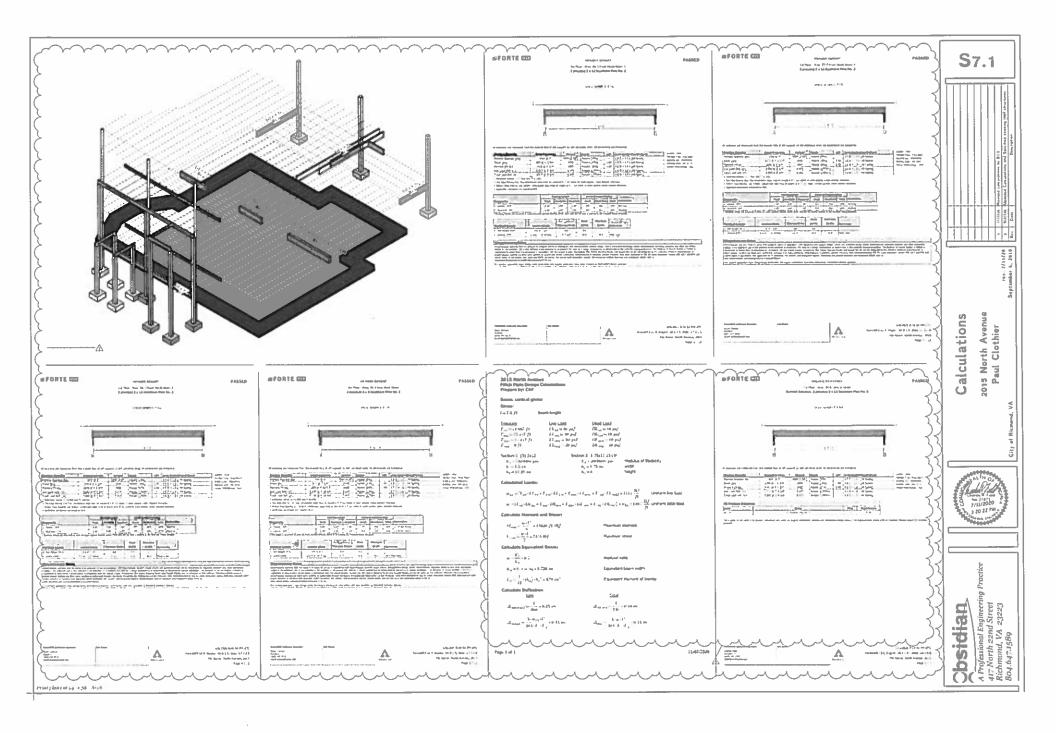


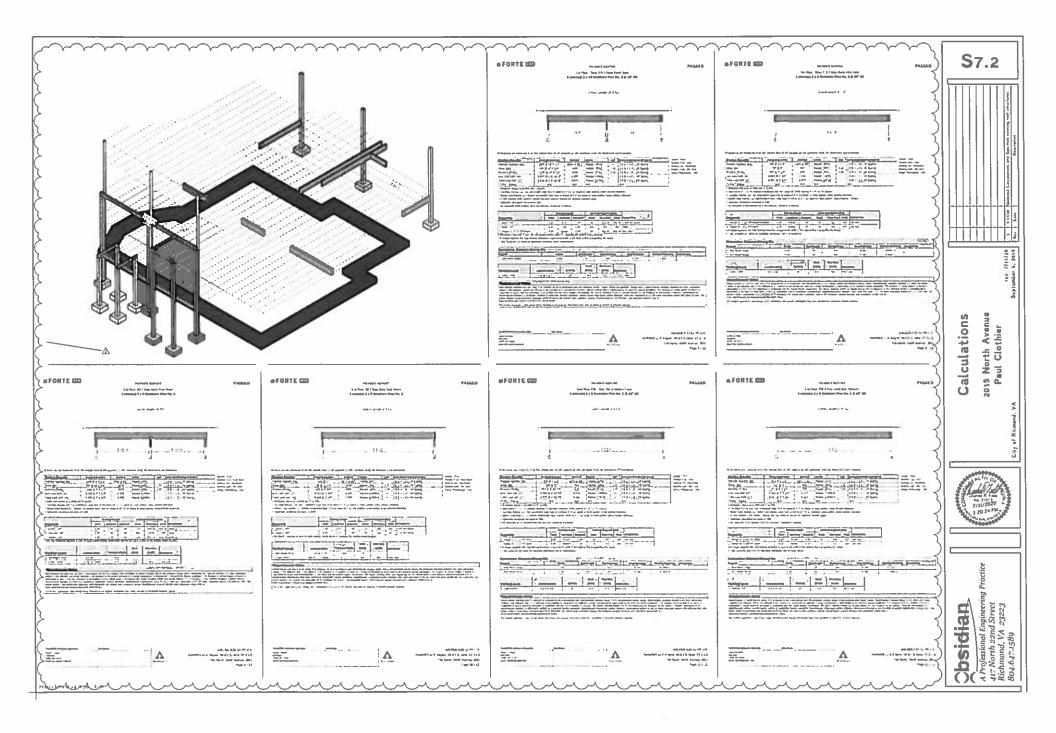


S1.1

Framing Plan 2015 North Avenue Paul Clothier

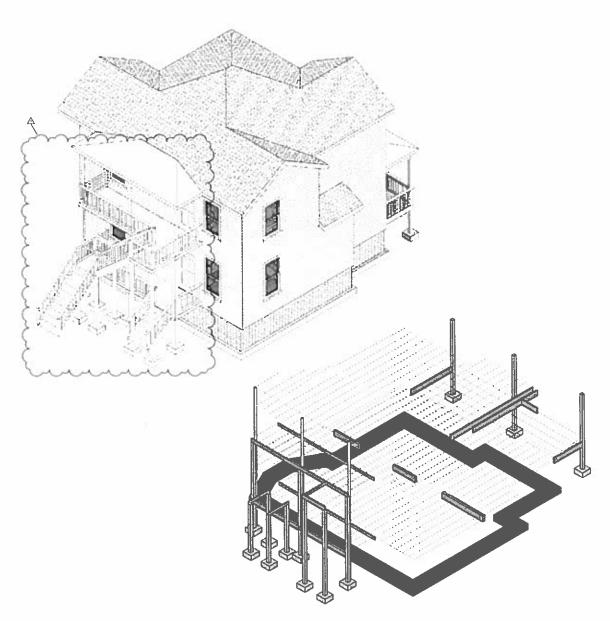
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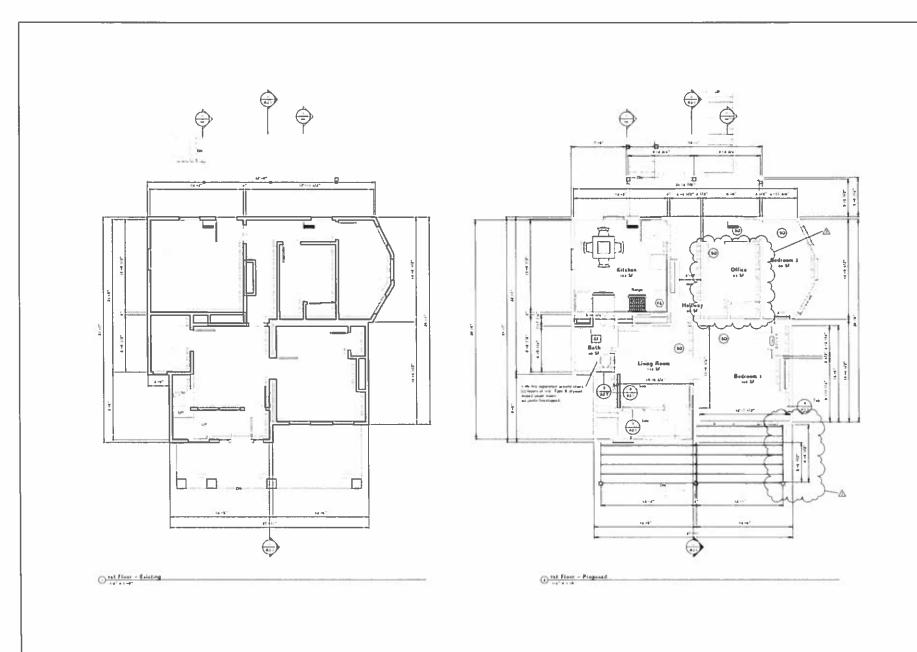
2015 North Avenue **Building Renovation Plans**

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Cover Sheet

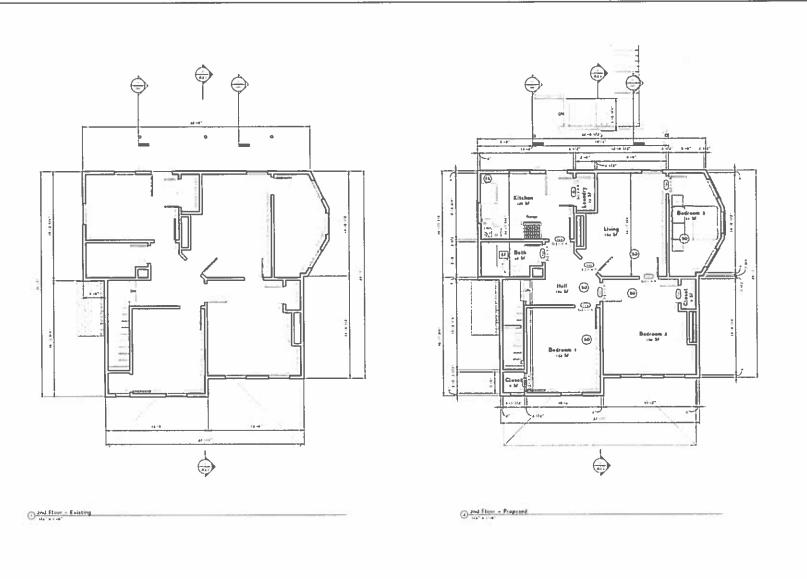


A1.1

First Floor Plan 2015 North Avenue Paul Clothier



Spsidian



A1.2

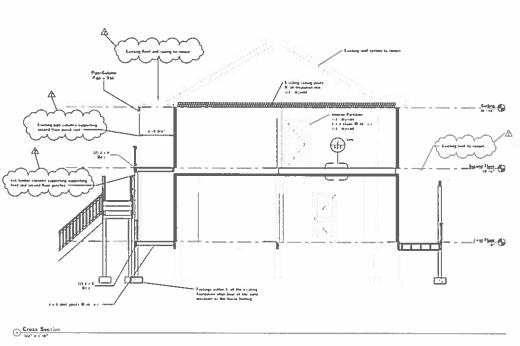


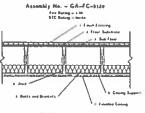
Second Floor Plan 2015 North Avenue Paul Clothier

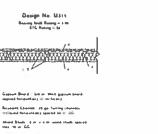


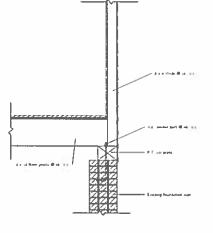
Cbsidian
A Professional Engineering Practice
417 North 22nd Street
Richmond, VA 23223
804.647.1589

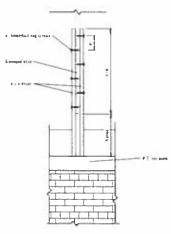












Section & Details



2015 North Avenue Paul Clothier

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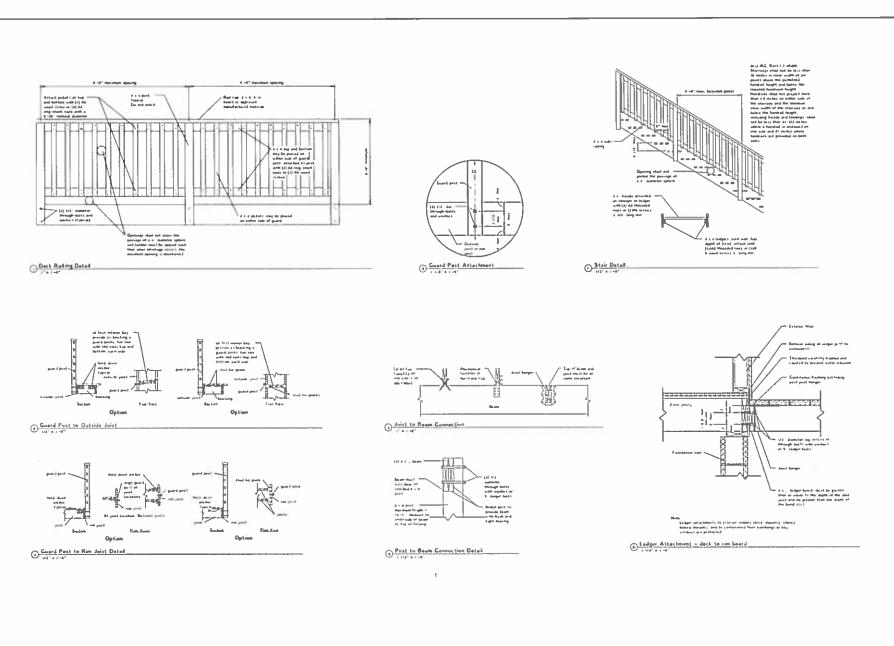
Obsidian
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417 Morth 22nd Street
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Stud & Sill Plate Repair Detail





A5.1

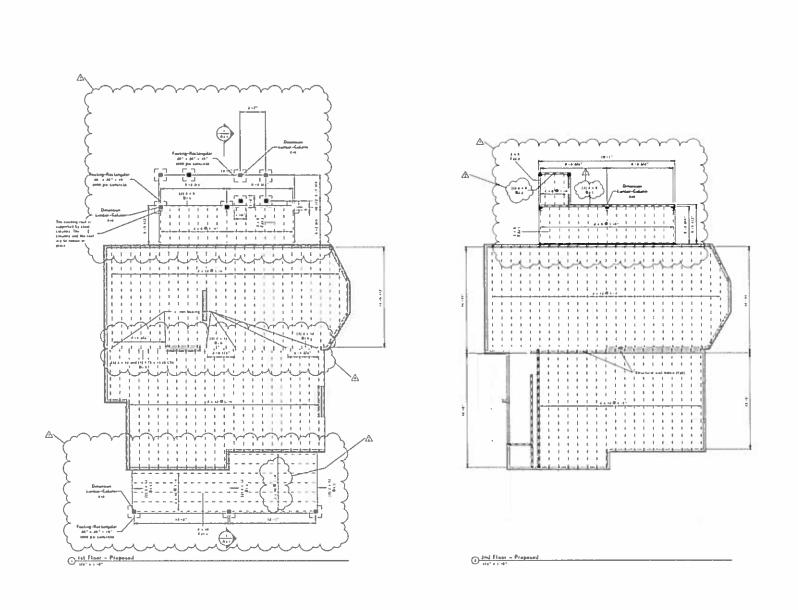
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2015 North Avenue Paul Clothier

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Obsidian
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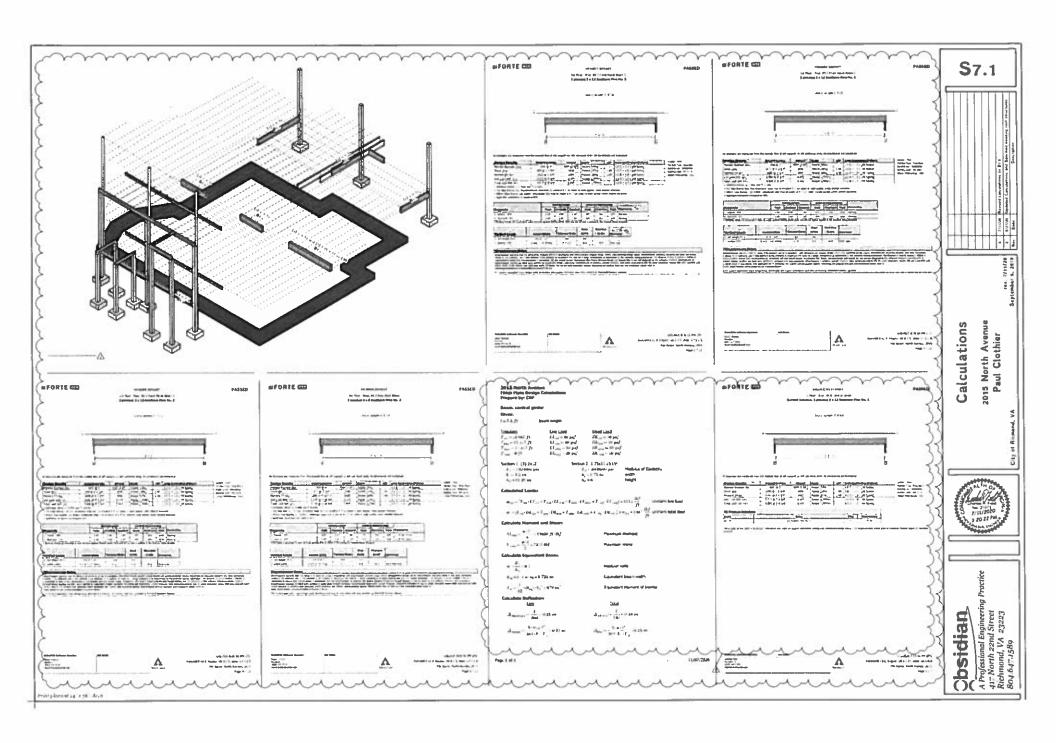
Framing Plan
2015 North Avenue
Paul Clothier

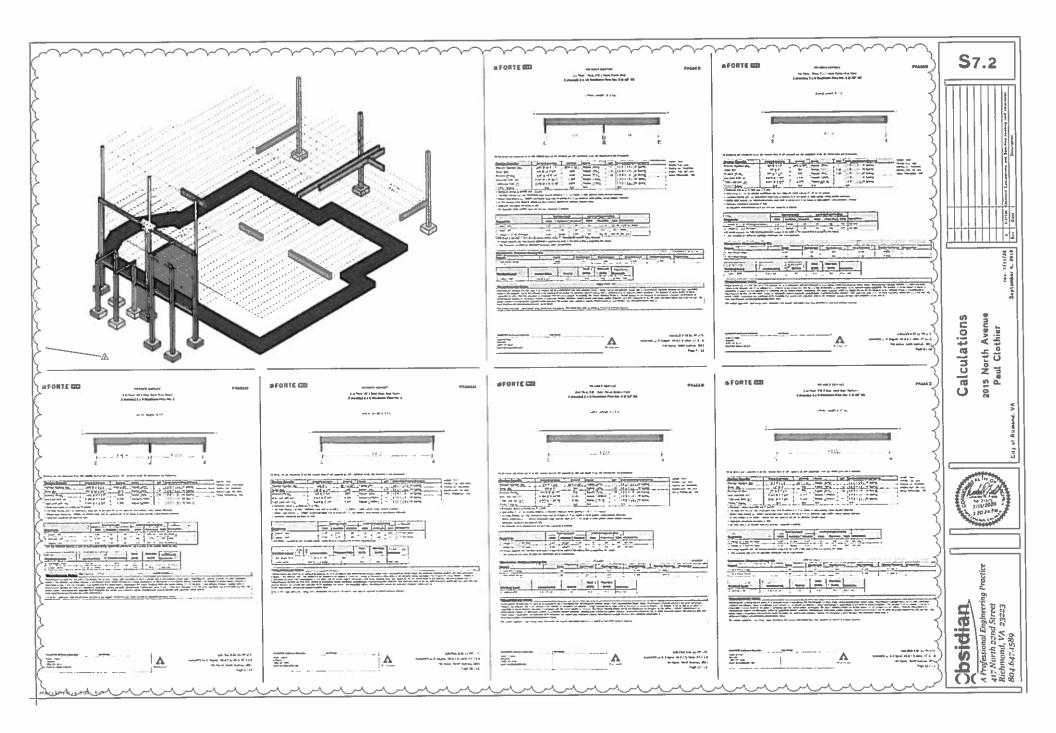
S1.1



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Obsidian
A Professional Engineering Pract
417 North 22nd Street
Richmond, VA 23223
804.647.1589

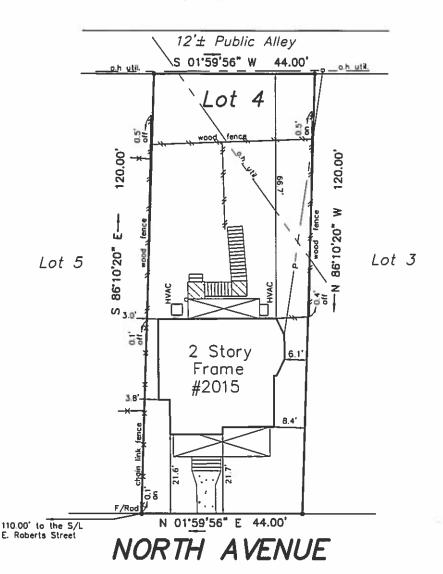




Note: Bearings protracted from City Address: #2015 North Avenue Baseline sheet 6 NE. Current Owner: New Life Homes REi, LLC

Parcel ID: N0000406016 I.D. 2018 20199





Survey and Plat of Lot 4, Block 12, Barton Heights in the City of Richmond, VA

This is to certify that on 12/11/20 I made an accurate field survey of the premises shown hereon that all improvements and easements arrown visible are shown hereon, that there are no encroachments by improvements either from adjoining premises or from subject premises upon this premises other than shown hereon. THIS adjoining premises other than shown hereon. THIS PLAT WAS MADE WITHOUT THE BENEFIT OF A TITLE SURVEY OR REPORT.





DAVISON LAND SURVEYING AND MAPPING

8306 Longlands Pl. Chesterfield, Virginia 23832

(804)314-7441 davisonlandsurveying@gmail.com

DATE: 01/05/21

SCALE: 1"=20"

N: 20-450