



**Board of Adjustment Meeting
118 Arizona Street
Bisbee, Arizona 85603**

March 16, 2015, 6:00 pm

Agenda

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING.

CALL TO ORDER

Roll Call:

**Rick Corley
Keith Dennis
Jeff Harris
David Smith
Peter Von Gundlach**

City Staff

**Ron Oertle, Mayor
Jestin Johnson, City Manager
Anne Carl, City Attorney
Joel Ward, Building Inspector**

CALL TO THE PUBLIC – Any member of the public may speak about Board of Adjustment Issues, subject to reasonable time limitations.

NEW BUSINESS

Item1. Discussion and Possible Action to Elect a Chair and Vice Chair for the Board of Adjustment.

Item2. Discussion and Possible Approval of tentatively updating the Board of Adjustment's By-Laws and Procedures.

Item3. Discussion and Possible Action on all other preliminary matters, necessary and proper.

Item4. Appeal by Allen Hoese of the Decision of the Bisbee Historic District's Design Review Board dated January 7, 2015 in case no. 14-049 regarding appellant's Application for approval of smooth cement plaster on non-contributing structure located at 430 Garden Avenue in the Historic District of downtown Old Bisbee.

- A. Call of the Docket**
- B. Summarization of the issues and relevant data by the Planning Director or his designee.**
- C. Presentation by the Appellant**
- D. Comments by other persons in favor of the Appellant's position.**
- E. Comments by other persons opposed to the Appellant's position. The Planning Director or his designee may respond to the substance of this appeal at this time.**
- F. Rebuttal by the Appellant.**
- G. Closure of the comments from the public.**
- H. Discussion of the issues among the Board members.**
- I. Call for motion and decision by the Board.**

COMMISSIONER'S COMMENTS

ADJOURNMENT

Anyone needing special accommodations to attend this meeting should contact the City Clerk, Ashlee Coronado (520) 432-6012 at least twenty-four hours before the meeting.

Public documents referred to herein may be viewed during regular business hours at the City Clerk's Office at 118 Arizona St., Bisbee.

Pursuant to A.R.S. § 38-431.03(A)(3), the Council may vote to enter executive session at any point during this meeting for discussion or consultation for legal advice with its attorney(s).

BY-LAWS AND RULES OF PROCEDURE

FOR

BOARD OF ADJUSTMENTS - CITY OF BISBEE

COCHISE COUNTY, ARIZONA

ARTICLE I - PREAMBLE

The Board of Adjustment for the City of Bisbee, of Cochise County, Arizona is created by the Zoning Ordinance by authority of the City Council by City Charter on June 7, 1988. The function of the board of Adjustment shall be to perform those duties specified in Section 1.500 of the City Zoning Ordinances.

The purpose of these by-laws and rules of procedure shall be to implement the City Zoning Ordinances, and shall at all times be interpreted as carrying out the responsibilities set forth in said ordinances.

In order that the functions, duties and responsibilities of the Board of Adjustments may be carried in an orderly and consistent fashion with full public knowledge of the procedures involved, the following by-laws and rules of procedure are adopted:

ARTICLE II - THE BOARD OF ADJUSTMENT

1. The Board of Adjustment shall consist of five (5) members appointed by the City Council.
2. The Officers of the Board of Adjustment shall be:

See Zoning Code for 7 members.

A. Chairman: The Chairman shall preside at all meetings and public hearing of the Board of Adjustment, appoint all committees, have general supervision of the conduct of the affairs of the Board of Adjustment, administer oaths, and perform such other duties as are usually exercised by the Chairman of a Board of Adjustment.

B. Vice-Chairman: In the absence of the Chairman, the Vice-Chairman shall perform the duties of the Chairman.

3. The Officers from the Board of Adjustment shall be elected each year for among the members for a one-year term at the annual meeting.
4. An Office of the Board of Adjustment which becomes vacant shall be filled for the unexpired term by election by the Board of Adjustment from its membership.
5. The Executive Secretary, who shall be the Planning Director, or the Director's designated, shall keep a written and/or record of all business transacted by the Board of Adjustment, notify members of all meetings, keep on file all official records of the Board of Adjustment, and be responsible for serving legal notice of all public hearings.

ARTICLE III - MEETINGS

1. Annual Meeting: The annual meeting for the installation of new members and election of officers shall be held at the first regular meeting in January on the 2nd Tuesday.
2. Special Meeting: Special meetings of the Board of Adjustment may be held at the call of the Chairman, or at the request in writing of

any two (2) or more members, who shall all sign the notice, which shall then be considered a legal notice of said special meetings. All members shall be notified at least 48 hours in advance of the time set for a special meeting.

3. **Meeting Open to Public:** All meetings and hearings of the Board of Adjustment shall be open public meeting pursuant to the requirements and procedures of the Arizona Revised Statutes; and all official votes or actions must be in session open to the public. Executive sessions may be convened by the Board of affirmative vote of the majority of members present only pursuant to the requirements and procedures of the Arizona Revised Statutes (ARS 38, 431.03, Purposes for Executive Session paragraphs 2 and 3 as enacted or as hereafter amended).
4. **Notices:** Notices of all meetings shall be furnished to each member at the same time that the required public notification is sent to the news media for publication, usually during the first part of the month in which a meeting will be held. Docket packets shall be furnished to each member at least 48 hours in advance of any meeting to permit perusal and evaluation of the cases to be adjudicated.
5. **Quorum:** A majority, three (3) or more, of the members of the Board of Adjustment shall constitute a quorum for the transaction of any business or official action.

6. Minutes and Records: The Board of Adjustment shall keep minutes and records of all its resolution, transactions, findings, and determination. All votes taken by the Board of Adjustment shall be by roll call and the Chairman shall be the last to vote. The minutes, records, resolutions, transactions, findings, and determinations shall be of public record.
7. Decisions: After a matter has been officially considered and the Board of Adjustment has reached a decision, the Board of Adjustment shall not reconsider the decision until the matter has been entered upon the agenda for and heard at a subsequent meeting of the Board of adjustment.
8. Rules of Order: Robert's Rules of Order (Modern Edition) by Major Henry M. Robert (revised edition 1989) and these by-laws and rules of procedure shall govern the proceedings of all meetings, subject to interpretation by the City of Bisbee Attorney. Robert's Rules of Order will govern the procedures only to the extent not in conflict with these by-laws and rules of procedure.
9. Adjournment: A motion to adjourn shall always be in order, and shall be carried by majority vote of the members present.
10. Lack of Quorum: In the event that a meeting is not held due to lack of a quorum, all matters scheduled for public hearing and/or action shall be automatically postponed to the next meeting. Notice of such cancellation and continuation will be provided by staff or any Board

member at the meeting place, identifying the time and place for the re-scheduled public hearing. In such instances, the matter shall not be required to be re-published, nor shall additional notification be required to be mailed to neighboring property owners.

ARTICLE IV - ORDER OF BUSINESS

1. Call to Order by Chairman or Vice-Chairman.
2. Roll Call.
3. Determination of Quorum.
4. Approval of Minutes or Executive Summary of Preceding Meeting.
5. Unfinished Business.
6. New Business.
7. Member Comments.
8. Staff Comments.
9. Adjournment.

ARTICLE V - PRESENTATION OF MATTERS

1. Documentation Required: Every matter on which the Board of Adjustment is authorized or required to act, brought before it by any person, official, organization or agency, shall be presented in writing or on forms provided for the purpose, and shall include all information necessary for a clear understanding and intelligent action by the Board of Adjustment. Such information may include maps, surveys, drawings, plans, charts, and other descriptive data.

2. Filing: All matters requiring legal advertisement to come before the Board of Adjustment should generally be filed with the Planning Director at least one (1) month prior to a meeting of the Board of Adjustment. The Board of Adjustment. The Board of Adjustment may reject any application that it considers improper or incomplete.
3. Docket and Agenda: Each matter or presentation shall be numbered serially under the proper heading and shall be placed upon the agenda, or withdrawn by the applicant, or the applicant's agent. Docket numbers shall start on the first day of January of each year and shall be referenced with the number of year in which said matter was filed or presented. All matters docketed at least one (1) month prior to a meeting of the Board of Adjustment shall appear on the agenda for that meeting, unless other regulations or emergency requirements necessitate a greater or shorter length of time between the date of filing and the date it is placed upon the agenda.
4. Publication of Notice: On matters requiring publication of notice, such matters shall be scheduled for the next meeting in accordance with notice of the hearing following the publication of notice thereof.
5. Posting of Agenda: The agenda of cases to be heard shall be forwarded for posting in the physical location required for posting other legal notices for the City of Bisbee not less than ten (10) days before each special meeting.

6. The Secretary shall indicate on all documents presented for action by the Board the official action taken, and shall permanently file all such documents. All such records shall be kept open to public inspection during regular office hours as required by law.
7. Disposition of Agenda: Only those cases set for hearing at a given meeting will be heard and they shall be heard in the order in which they appear on the agenda for that day. When a matter is set for hearing on a given day and so advertised, the matter will be heard and disposed of on the record before the Board of Adjustments, whether or not anyone is in favor of or in opposition to the matter appears at the hearing.
8. Order of Proceedings: Each matter shall be heard in the following order:
 - A. The Chairman shall call the docket number and read the notice of hearing.
 - B. The Planning Director or the Director's designated will summarize relevant correspondence and explain maps or other pertinent data. The planning Director or the Director's designated will provide to the Board of Adjustment with written recommendations.
 - C. The applicant or the applicant's representative may make a statement in support of the application.
 - D. Other persons in favor of the application may be heard.

- E. Those opposed to the application may be heard.
 - F. The applicant may be heard in rebuttal.
 - G. Meeting is closed to public discussion.
 - H. Discussion among Members present.
 - I. Call for the motion/question.
9. Consent from the Chair: All questions must be addressed to the Chair in order to prevent general discussion between those in favor of the application and those opposed to it. No person shall speak more than once on any one matter without consent from the chair.
10. Withdrawal of Application: The applicant may withdraw any matter brought before the Board of Adjustment at any time before the Board of Adjustment has closed public discussion.

ARTICLE VI - AMENDMENT OF BY-LAWS AND RULES OF PROCEDURE

The foregoing by-laws and rules of procedure, or any part thereof, may be amended at any meeting of the Board of Adjustment after not less than ~~two (2)~~ ^{FIFTEEN (15)} days notice has been given to all members of the Board of Adjustment and a copy of the proposed amendment sent with the notice. It shall require the affirmative vote of not less than three (3) members to make any amendment or change in these by-laws and rules of procedure.

ARTICLE VII - RECORDATION OF RULES AND AMENDMENTS

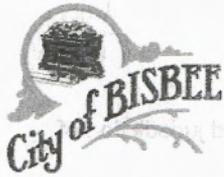
A certified copy of these rules and amendments thereto shall be placed on record in the office of the Clerk of the City of Bisbee within five (5) days following the date of adoption.

REVISED ON 29 OF SEPTEMBER, 1994

Chairman

ATTESTED:

Planning Director and Executive Secretary



Planning and Zoning Department

PAID

JAN 28 2015

CITY OF BISBEE

118 Arizona St • Bisbee, Arizona 85603

Phone (520) 432-6000 • FAX (520) 432-6266 • TDD (520) 432-7681

Board of Adjustments Variance Application Application # _____

Name of applicant: Allen Hoese

Mailing Address: P.O. Box 469 Bisbee 85603

Name of Property Owner: James Harmon

Owner's Address: 1008 Main St. Louisville Co. 80027

Telephone: 520 432-3585 & 520 678-5862

Location of Property: 430 Garden Ave Bisbee

Property Zoning: Residential PID# 103-61-075

Change Being Requested: Smooth Cement Plaster
ON Non-contributing structure

Signature of Owner: [Signature] For Jim Harmon.

Non-refundable filing fee: \$75.00

FOR OFFICE USE ONLY

Docket #		Received by:			
Property Map		Filing Date		Appeal Posted	
Site Plan		Posting Date		Appeal Date	
Letter of Reasons		Mailing Date		Permit Hearing	
Legal Description		Hearing Date	Y or N	Council Action	Y or N
List of Owners		Action Date		Council Action Date	
Filing Fee		Fee Amount	\$	Receipt #	
Other Information					



Doug Ducey
Governor

Bryan Martyn
Executive Director

State Parks Board

Alan Everett, Sedona, Chair
Walter D. Armer Jr., Vail
R.J. Cardin, Phoenix
Mark Brnovich, Phoenix
Kay Daggett, Sierra Vista
Larry Landry, Phoenix
Vanessa Hickman, State Land Commissioner

January 13, 2014

Allen Hoese
PO Box 469
Bisbee, AZ 85603

re: alterations to 430 Garden Avenue

Dear Mr. Hoese,

Thank you for contacting us regarding the proposed alterations to the property located 430 Garden Avenue in Bisbee, AZ. This property is a non-contributor to the Bisbee Residential Historic District due to multiple alterations. The proposed alterations, including stuccoing the exterior, new windows, removal of two of the additions, etc..., will not change the status of the property. It will remain a non-contributor. There will be no change to the integrity of the Bisbee Residential Historic District as this is already a non-contributor. If you have any questions please contact me at evondy@azstateparks.gov or (602) 542-6998.

Sincerely,

Eric E. Vondy
Preservation Planner
State Historic Preservation Office



COMMUNITY DEVELOPMENT
Planning and Zoning

Design Review Board Application

DRB # _____

Completed applications must be received at the Building Office by 12:00 noon, ten (10) working days before the scheduled meeting. The DRB meets the 1st Wednesday of the month at 6:00PM, at City Hall, 118 Arizona Street. **A non-refundable filing fee of \$25.00 must accompany the application. A non-refundable fee of \$100.00 will be required for an application that requires City staff to notify property owners within 300 feet of the subject property including those for new construction, demollition, an increase in height of an existing building, or the substantial modification to a building that has been designated as having special significance or as a contributing structure within the District.** If the applicant or designated representative is not present at the hearing, the Board may table the application if it requires additional information.

DRB APPROVAL DOES NOT MEAN APPROVAL FOR A BUILDING PERMIT - **A separate building permit must be obtained within one year.

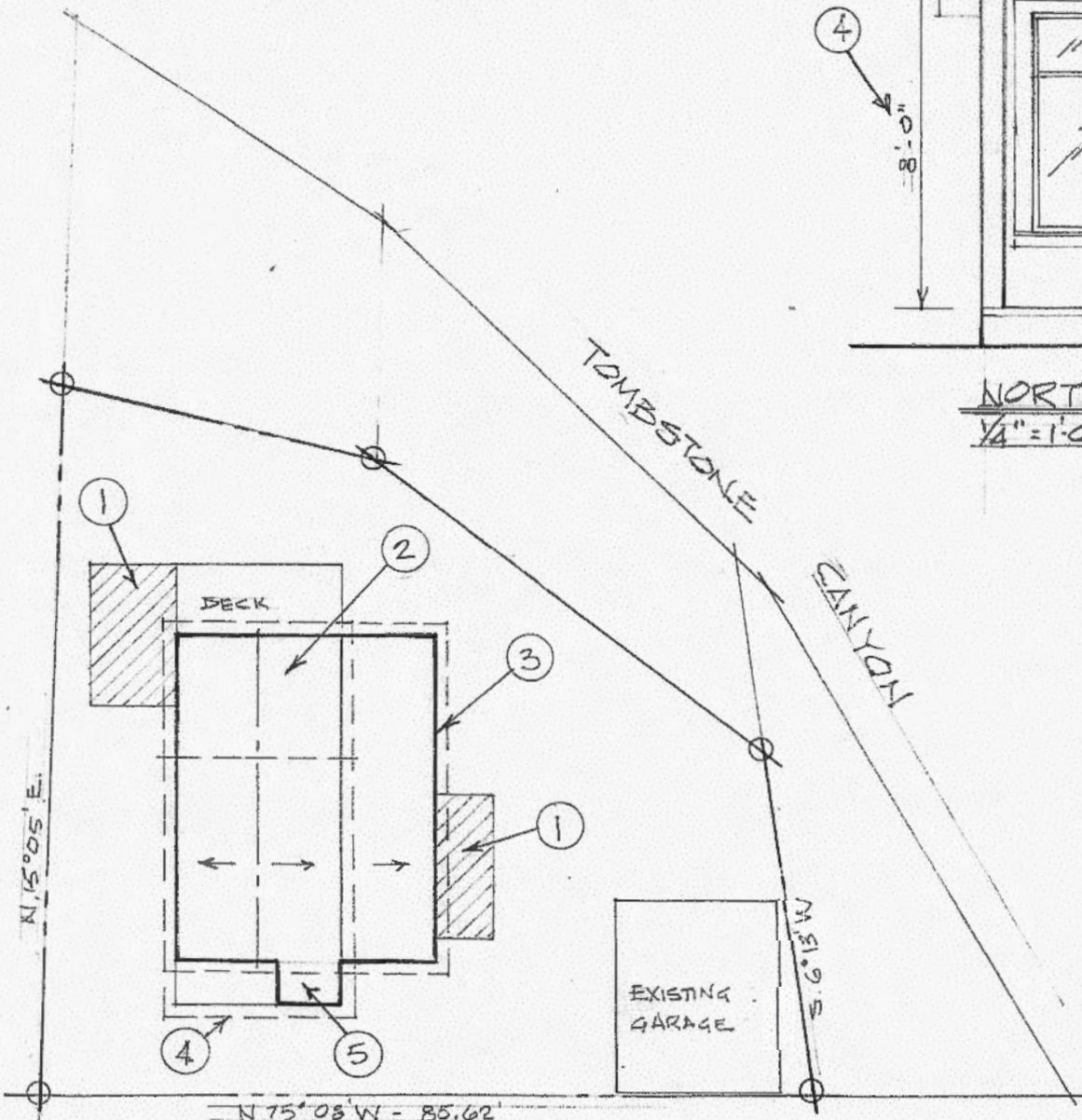
Date: 12-12-14	Year Built: ?	Parcel #: 103 61 075	Phone: 303 665-1125
Property Owner: JAMES & MARGARET Harmon		Mailing Address: 1008 main St Louisville, Col. 80027	
Property Address: 430 GARDEN AVE		Representative: Allen HOESE 520 6785862	
Short Description of work to be done: Remove two (2) add ons as noted in drawing, Raise Right Hand Shed Roofline to Eight (8') FT to provide 8' ceilings, Extend main Gable Roofline to Back of House R&R All windows as noted with clad wood DBL Hungs as noted in drawing Stucco Exterior of Building (smooth surface), Trim windows as noted in drawings ReRoof with shingles or 2 A Panel metal $\frac{24"}{12"} \times \frac{12"}{12"} \times$			

As applicant for approval by the Design Review Board, I hereby affirm that this application includes an accurate description of the proposed improvements. I understand that I can only obtain a building permit for construction or improvements that are substantially in conformance with this application, as approved. If this project is altered, I will re-apply for additional approval.

<u>Allen Hoese</u> Signature of owner or representative	<u>12-12-14</u> Date:	_____ Chair Signature	_____ Date:
		Design Review Board Action <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	

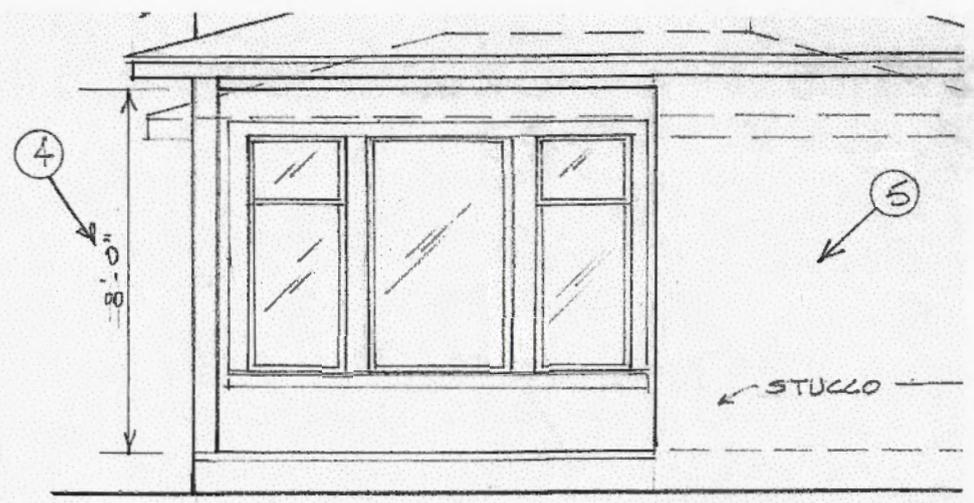
DRB Conditions:

ADMINISTRATIVE APPROVAL	
Name and Title	Date:
Conditions:	



430 GARDEN AVENUE

SITE PLAN
1" = 20'-0"



NORTH ELEVATION
1/4" = 1'-0"

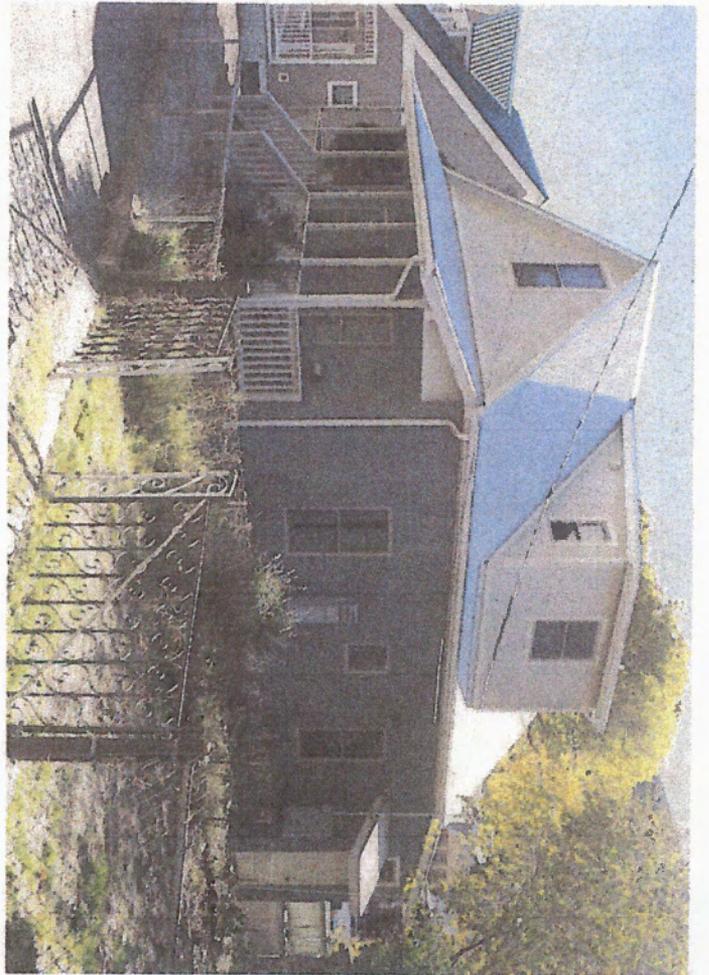
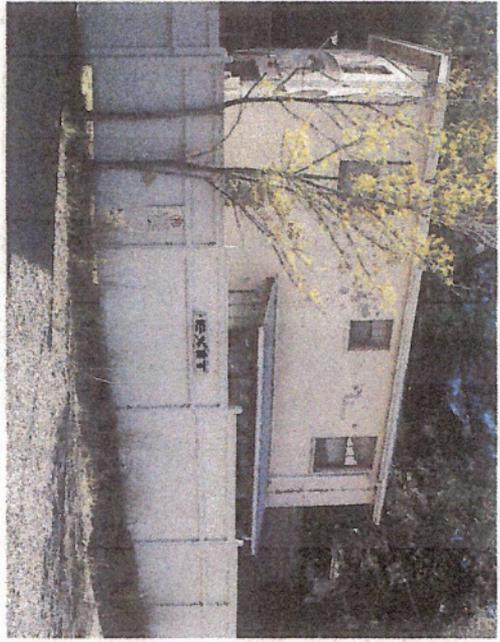
SCOPE OF WORK

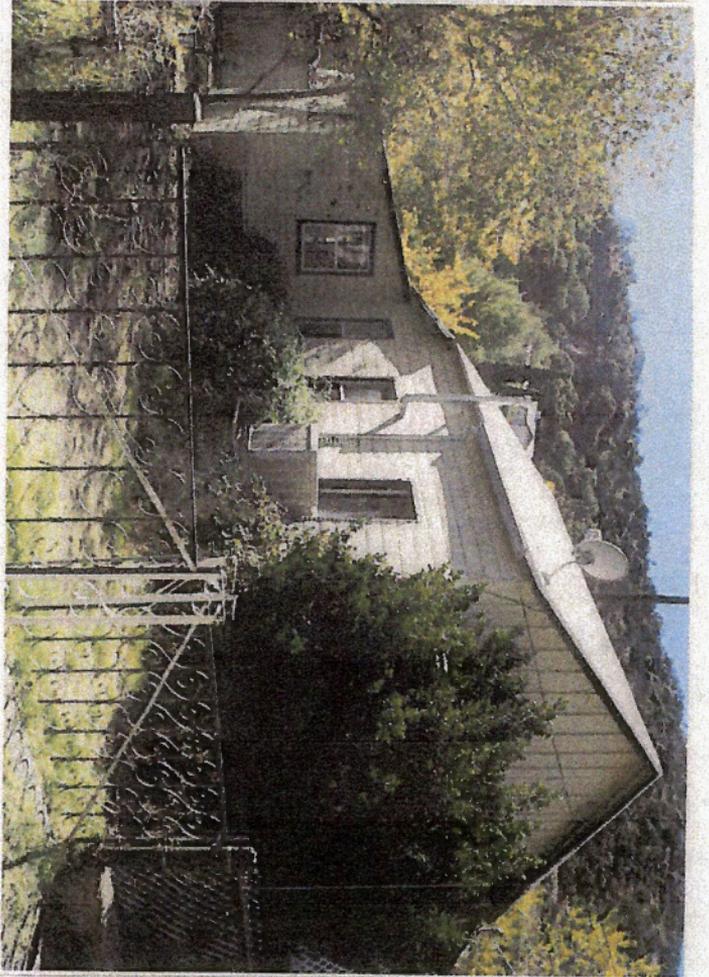
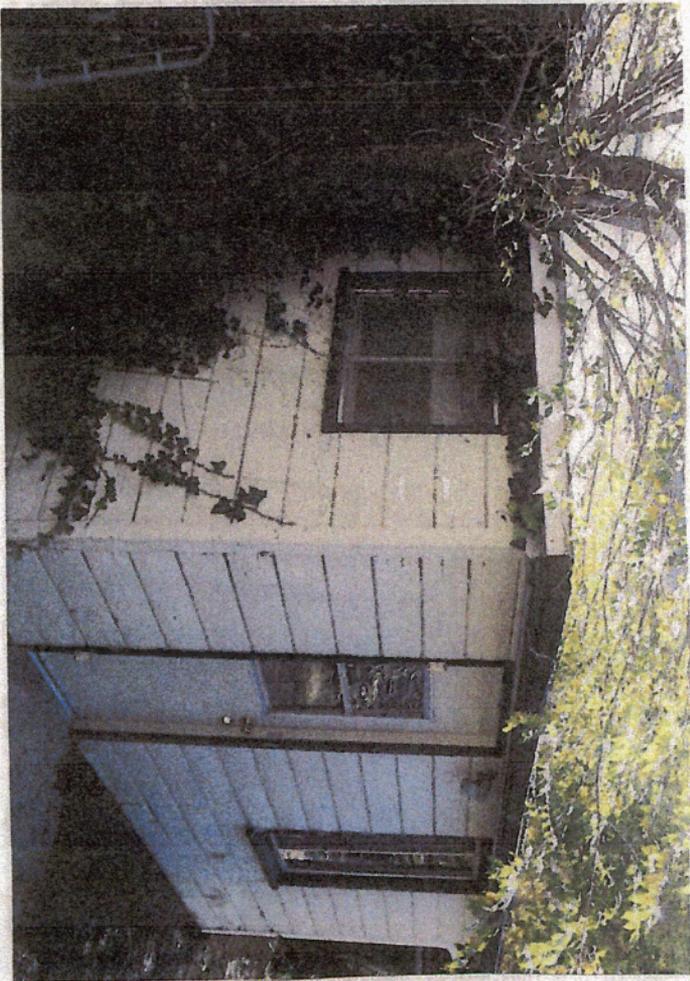
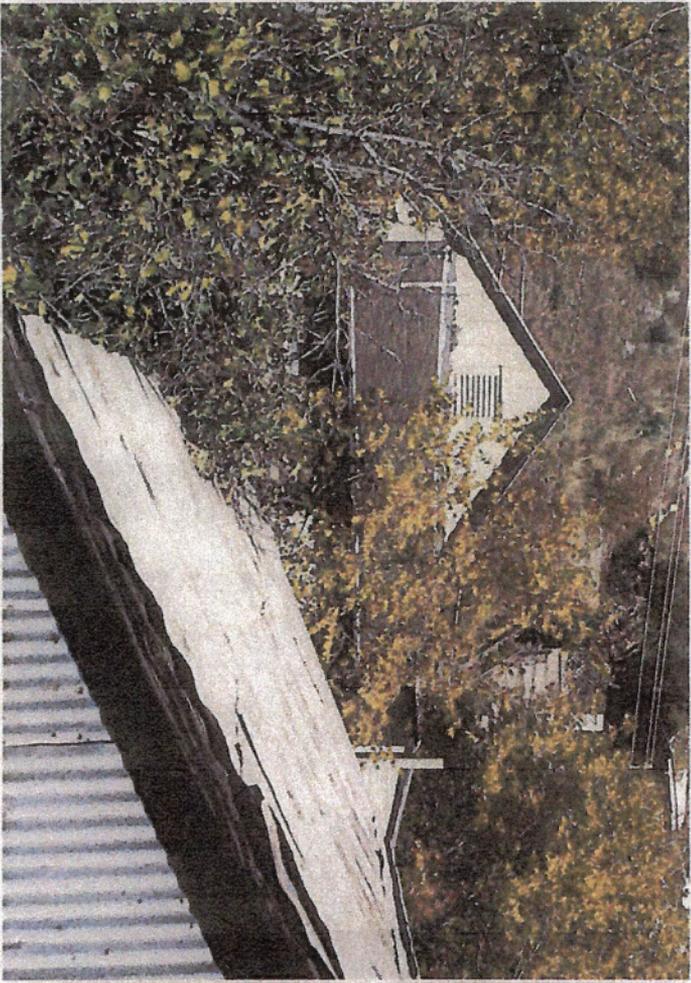
- ① REMOVE TWO ADD-ONS.
- ② EXTEND EXISTING GABLE & BACK WALL OF HOUSE (EAVE INCREASED TO 16").
- ③ RAISE WEST WALL OF HOUSE TO 8'-0" (SLOPE OF SHED ROOF CHANGES ACCORDINGLY).
- ④ RAISE PORCH ROOF TO MATCH AT FRONT.
- ⑤ ADD FOYER UNDER PORCH.

DRAWN BY
ALAN HAYWARD
PO BOX 506
BISBEE AZ 85603
432-9195

ALTERATIONS FOR
JAMES & MARGARET HAYWARD
1008 MAIN STREET
LOUISVILLE, COLORADO









Design Guidelines

for the
Bisbee Historic Districts



Bisbee, Arizona

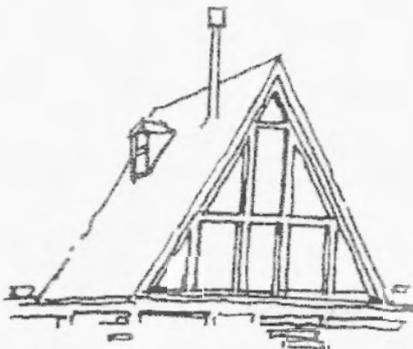


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ARCHITECTURAL DETAILS • WINDOWS • DOORS • SIDING • PORCHES

Some roof shapes that will not be approved in the Historic District. The Gambrel, the Mansard and the A Frame or "Ski-Chalet"



NO • A-FRAME

WINDOWS

Windows in older homes are predominately vertical, narrow and double hung. These are installed with or without transom windows and have wide trim boards, usually about five inches in width. There is room for variation in the way that the window panes are divided. (Please see illustrations.) Aluminum double hung windows may be used in place of wood

provided that the aluminum is anodized or painted (no bare aluminum showing) and the correct sill and trim detail is used. Flat pane roof skylights (no bubble domes) will be allowed in some cases.

DOORS

Exterior doors are usually paneled doors with several variations. Again, please see the illustrations. Door trim is wide like the window trim, about five inches in width.

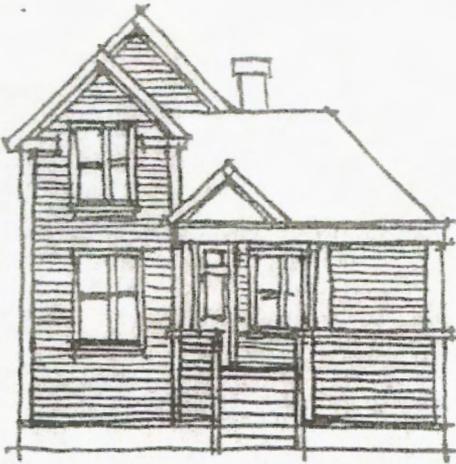
SIDING AND WALL TREATMENT

Most residential structures are of frame construction and are covered in a variety of horizontal boards. These include four inch shiplap, 1 x 6 and 1 x 8 tongue and groove boards. The tongue and groove should be a "V" groove rather than a flat butt tongue and groove. Also appropriate would be 1 x 12 vertical board and batten. A 5/8" minimum thickness rough sawn plywood with no vertical grooves may be used instead of 1 x 12 boards. 1 x 3 or 1 x 4 battens will be applied at twelve inches on center. Smooth or "sand finish" stucco is also common to the Bisbee District. Adobe bricks, fired red brick and shingles in a variety of patterns may also be used. In some cases a vinyl or aluminum siding will be approved provided that it closely resembles a wood shiplap design and there is no other alternative. Also available are hard board products that in some cases successfully imitate natural wood. These simulated boards should be smooth (no embossed wood grain). Plywood siding that contains vertical grooves or flagstone wainscots will not be accepted. (Materials should be applied in an historic and authentic manner.)

PORCHES

To our ancestors, no home was complete without the front porch and one should be included whenever possible in new residential design. (Please refer to the illustrations for examples of porch posts, railings, lattice work under the porch and post brackets.)

ARCHITECTURAL DETAILS • SIDING TYPES



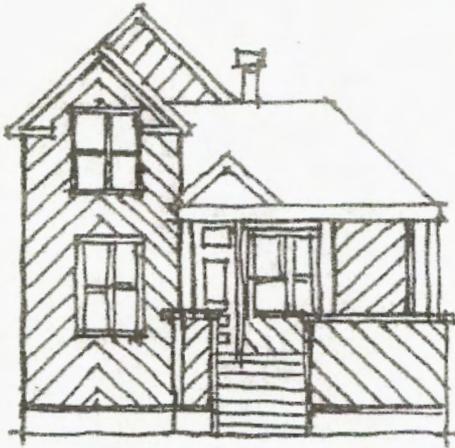
Yes • 1x4, 1x6, 1x8 horizontal siding with correct width trim.



Yes • Sand finish stucco to match existing house on renovations. Also for new construction in some cases.



Yes • Match original brick on remodels, also use brick for new construction.



No • Diagonal Siding.



No • Vertical groove plywood.



No • Fake stone or brick.



No • Very wide horizontal siding. (1x12) No window trim.

SUMMARY OF THE SECRETARY OF THE INTERIOR'S

STANDARDS FOR REHABILITATION

The Secretary of the Interior is responsible for establishing standards for all programs under departmental authority and for advising Federal agencies on the preservation of historic properties listed or eligible for listing in the National Register of Historic Places. In partial fulfillment of this responsibility, the Secretary of the Interior's Standards for Historic Preservation Projects have been developed to direct work undertaken on historic buildings.

Initially used by the Secretary of the Interior in determining the applicability of proposed project work on registered properties within the Historic Preservation Fund grant-in-aid program, the Standards for Historic Preservation Projects have received extensive testing over the years—more than 6,000 acquisition and development projects were approved for a variety of work treatments. In addition, the Standards have been used for Federal agencies in carrying out their historic preservation responsibilities for properties in Federal ownership or control; and by State and local officials in the review of both Federal and nonfederal rehabilitation proposals. They have also been adopted by a number of historic district and planning commissions across the country.

The Standards for Rehabilitation (36 CFR 67) comprise that section of the overall historic preservation project standards addressing the most prevalent treatment today: rehabilitation. "Rehabilitation" is defined as the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

The Standards for Rehabilitation are as follows:

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

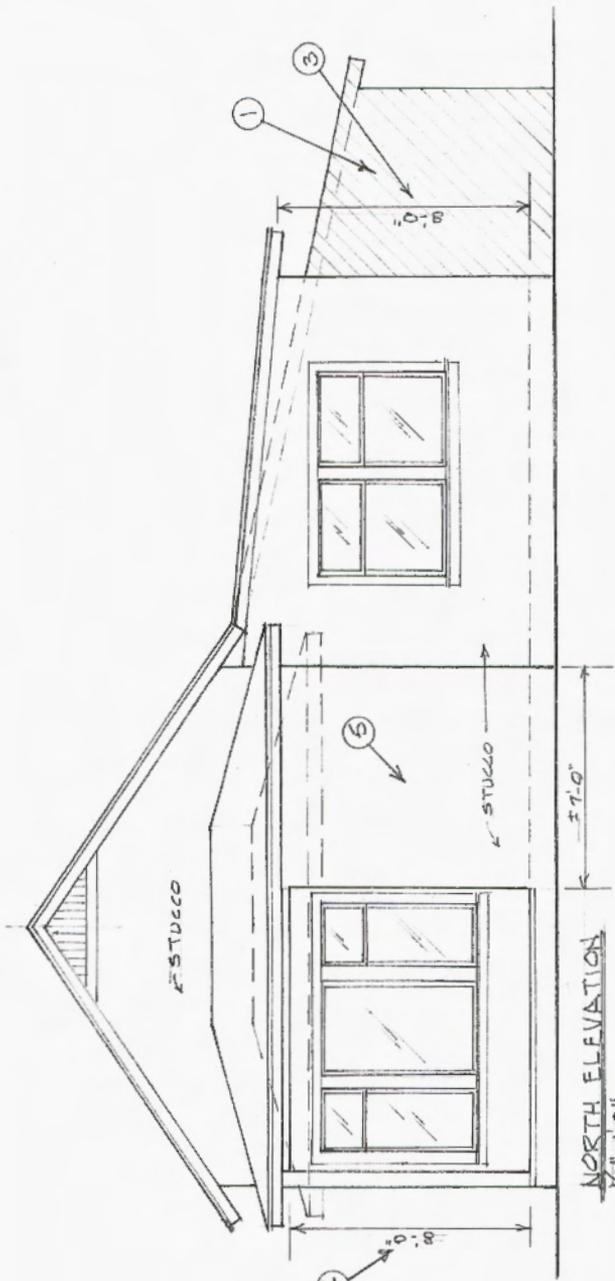
6. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that may damage the historic building materials shall not be undertaken.

8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.

9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alteration and additions do not destroy significant historic character of the property, neighborhood, or environment.

10. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

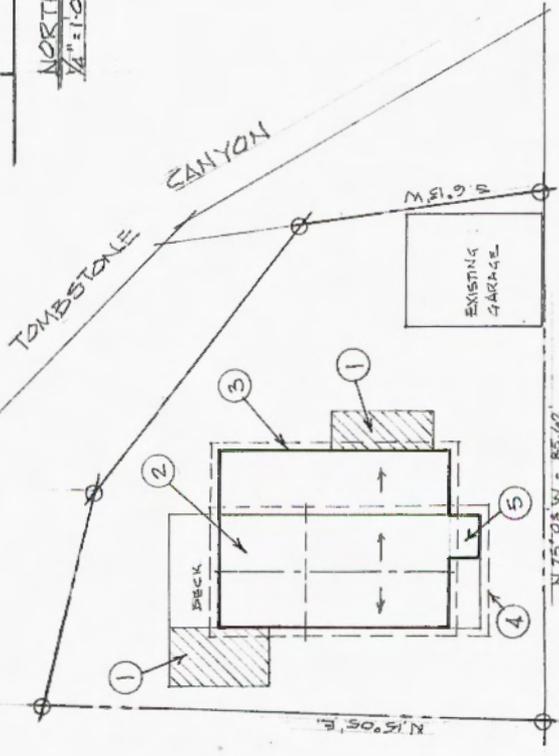


NORTH ELEVATION
1/4" = 1'-0"

SCOPE OF WORK

- ① REMOVE TWO ADD-ONS.
- ② EXTEND EXISTING GABLE ROOF TO BACK WALL OF HOUSE. (EAVES INCREASED TO 16").
- ③ RAISE WEST WALL OF HOUSE TO 8'-0" (SLOPE OF SHED TYPE ROOF CHANGES ACCORDINGLY).
- ④ RAISE PORCH ROOF TO 8'-0" AT FRONT.
- ⑤ ADD FOYER UNDER PORCH ROOF

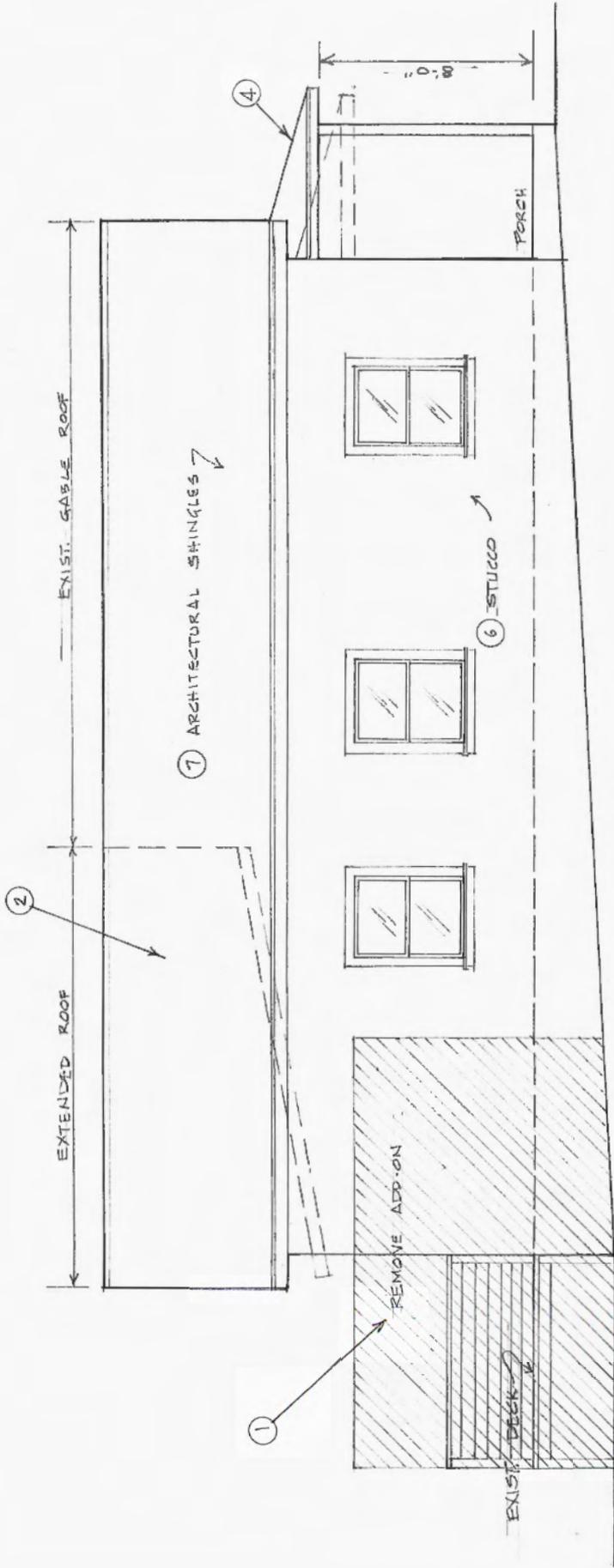
- ⑥ NEW SIDING TO BE STUCCO.
- ⑦ NEW ROOFING TO BE ARCH. SHINGLES.
- ⑧ ALL NEW WINDOWS TO BE DOUBLE-HUNG, DOUBLE-GLAZED, SIMILAR TO EXISTING WINDOWS IN SIZE, LOCATION AND GENERAL APPEARANCE.



430 GARDEN AVENUE

SITE PLAN
1" = 20'-0"

DRAWN BY ALAN HAYWARD PO BOX 506 BESSE AT 85005 432 - 9195	ALTERATIONS FOR JAMES & MARGARET HARMON 1008 MAIN STREET LOUISVILLE, COLORADO 80027	LOCATION 430 GARDEN AVE. PARCEL NO. 103-01-75	DRAWING SITE PLAN NORTH ELEV. SCOPE OF WORK	NO. 1 OF 3 DATE
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EAST ELEVATION
 1/4" = 1'-0"

DRAWN BY ALAN HAYWARD PO BOX 205 BISBEE, AZ 85603 432-9195	ALTERATIONS FOR JAMES & MARGARET HARMON 1008 MAIN STREET LOUISVILLE, COLORADO 80027	LOCATION 430 GARDEN AVE. PARCEL NO. 03-61-75	DRAWING EAST ELEVATION	NO. 2 OF 3 DATE
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