



BOARD OF ZONING ADJUSTMENT

AGENDA

September 30, 2014

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MINUTES AUGUST, 26, 2014

MEMBERS PRESENT: Chairman George Barran, Messrs., Mr. Larry Waye, Mr. Greg Dobbs, and Ms. Frances Tate

SUPERNUMERARIES: Ms. Sally Jo Green and Mr. Charles Taylor
Mr. Taylor acted as voting member for Eddie Pike

OTHERS PRESENT: Mr. Wally Terry, Director
.....and Custodian of Records
Mr. Herman Marks, City Attorney
Mr. Chip Alexander
Mrs. Karen Smith, Planner
Mr. Bob Sims, Building Inspector
Ms. Judy Bosworth, Recorder

Chairman George Barran called the meeting to order at 4:00 p.m. in the Council Chambers at City Hall. Mr. Bob Sims called the roll.

Mr. Larry Waye moved to **approve** the minutes of the July meeting as printed. Mr. Greg Dobbs seconded the motion. On a voice vote, the motion carried.

The Board considered the following applications and appeals.

Old Business:

Mr. Wally Terry gave a report to the Board concerning the status of Chris Armor's project at 812 Bradley ST SW. Mr. Terry stated the building permit had been issued and the project was moving forward. Additionally, Mr. Terry recommended the Board consider the status of this project again next month.

CASE NO 1

Application and appeal of Lucia Galeano for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a cleaning service at 324 Cardinal Dr SW, Apt. 505, property located in an R-4 Multi-Family Zoning District.

This case was moved to the end of the docket since no one came forward to present the case when called.

CASE NO 2

Application and appeal of Gary Balentine for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning

Ordinance to have an administrative office for a lawn care business at 3201 Wheat Ave SW, property located in a R-2 Single-Family Zoning District.

Mrs. Balentine came forward to present the case. The Board informed Mrs. Ballentine it is policy for the applicant to present the case. Therefore, her husband would need to come to the meeting and present the case. The Board voted to Table this case until next month's meeting so that Mr. Balentine can present the case.

CASE NO 3

Application and appeal of Darnell L. Burt for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a general contractor business at 414 Briarwood Dr SW, property located in a R-2 Single-Family Zoning District.

Mr. Darnell L. Burt presented this case to the Board. Mr. Burt stated he would like to get a contractor license to operate a bucket truck.

Chairman, George Barran asked Mr. Burt if he was seeking an administrative office in order to get his license. Mr. Burt stated, "yes".

The Board asked various questions concerning where the bucket truck would be stored, if he would have employees, and about signage on his vehicle.

Mr. Burt stated he would park the truck at his mother's house off the street; he had no employees, and no signage.

The Board stated if he ever hired employees, they could not report to his home to go to work. The Board also stated he could have signage on his vehicle but it could not contain his address.

Mr. Bob Sims stated the Building Department would recommend approval.

Mrs. Karen Smith stated the Planning Department would concur with the Building Department.

Mr. Larry Waye moved to approve this home occupation request as submitted. Ms. Frances Tate seconded the motion. On a roll-call vote, the motion carried.

CASE NO 4

Application and appeal of David Yee with Signarama for a 21 foot setback variance from Section 25-78(d) of the Zoning Ordinance in order to erect a monument sign at 715 Cedar Lake Rd SW, property located in an R-4 Multi-Family Zoning District

Mr. David Yee with Signarama represented Summer Key Apartments in presenting this case. Mr. Yee stated they were requesting a 21 foot setback variance due to visibility issues. Mr. Yee also stated there is no current signage on the property other than the temporary sign which would

be removed if they get approval for a monument sign. Additionally, Mr. Yee stated, with the variance the visibility of the sign would be much better when approaching from the east or west.

Mr. Greg Dobbs asked if the trees depicted on the drawing belonged to Summer Key Apartments or did they belong to an adjacent property owner.

Mr. Yee replied the trees belonged to the adjacent property owner.

Chairman, George Barran asked Mr. Yee would the property owner move the sign back so it would not be a hazard if the city made the road wider.

Mr. Yee replied they would move the sign back within the sign requirements.

Mr. Sims stated the Building Department would recommend approval with a condition. If the city makes the road wider in the future, the sign will be moved to a distance that would not create a hazard.

Mr. Herman Marks stated the owners would have no choice in the matter if the city widens the road. The sign would have to be moved.

Mrs. Karen Smith of the Planning Department stated concerns about the possibility of the road being widened and the placement of the sign in the event that should happen. Mrs. Smith then stated the Planning Departments recommendation would be for the sign to be moved at the owner's expense if the city acquired additional right-of-way and the road was widen.

Mr. Greg Dobbs asked if the applicants' would consider a lesser variance so the sign could be located elsewhere on the lot.

Mr. Yee stated they would still have the same problem with visibility because of the fence.

Mr. Wally Terry questioned who owned the island that was pictured.

Mr. Bob Sims confirmed the city owned the island.

Mr. Greg Dobbs moved to consider the testimony presented. Chairman, George Barran added the following condition: If the road is made wider in the future and the sign placement becomes a hazard, then it will be removed at the owner's expense. Mr. Larry Waye seconded the motion with the aforementioned condition. On a roll-call vote, the motion carried.

CASE NO 5

Application and appeal of Gina Penney with Atlas Signs for a 72.7 square foot area variance from Section 25-77(d)(2) of the Zoning Ordinance in order to increase the allowable square footage of the attached sign from 112 square feet to 184.70 square feet at 1801 Beltline Rd SW, Ste. 410, property located in a B-4 Regional Shopping Zoning District.

Mr. Terry Ikard of B & B Signs and Lighting stated he was hired by Atlas Sign to represent them at the meeting.

The Board informed Mr. Ikard it is policy for the applicant to present the case. Chairman, Barran asked Mr. Ikard if his company was hired to install the sign. Mr. Ikard stated that Atlas Signs had not accepted their bid yet as they did not know the exact size of the sign.

Mrs. Karen Smith asked Mr. Ikard if he had an email or some documentation showing his company had been contacted to represent them. Mr. Ikard stated, “no”.

Mr. Greg Dobbs suggested the case be Tabled until next month to allow time for either B & B Signs and Lighting to apply for the variance or Atlas Signs be present at the meeting. Mr. Charles Taylor seconded the motion. On a roll-call vote, the motion carried.

CASE NO 1 –Called Again

Application and appeal of Lucia Galeano for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a cleaning service at 324 Cardinal Dr SW, Apt. 505, property located in an R-4 Multi-Family Zoning District.

Ms. Lucia Galeano and her interpreter Ms. Sandra Guevara presented this case to the Board. Ms. Galeano stated she would like to have a small business to clean houses and apartments.

Chairman, George Barran asked if she wanted an administrative office for her business. Ms. Galeano stated “yes”.

Mr. Greg Dobbs asked the applicant if the owner was aware of her request. Ms. Galeano stated she would let her know. Additionally, the Building Department responded by stating the owner had received notification by mail.

Board members pointed out to Ms. Galeano if her business grows and she needs to hire employees, they cannot meet at her house. The Board also stated she was allowed to have a sign on her vehicle but it could not contain her address.

Mr. Sims of the Building Department and Mrs. Smith of the Planning Department both stated they would recommend approval.

Mr. Greg Dobbs moved to approve this home occupation request as submitted. Mr. Larry Waye seconded the motion. On a roll-call vote, the motion carried.

The meeting adjourned at 4:35

Chairman, George Barran

AGENDA SEPTEMBER 30, 2014

Old Business: Mr. Wally Terry will give a report on the progress of the Chris Armor project at 812 Bradley St SW.

Tabled Case: Application and appeal of Gary Balentine for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a lawn care business at 3201 Wheat Ave SW, property located in a R-2 Single-Family Zoning District.

CASE NO 1

Application and appeal of Kisha Bolding for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for an on-line boutique at 2401 Chadsworth St SW, property located in a R-2 Single-Family Zoning District.

CASE NO 2

Application and appeal of Daris and Michele Borden for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a cleaning service at 3301 Wheat Ave SW, property located in a R-2 Single-Family Zoning District.

CASE NO 3

Application and appeal of Robert H. Griner, III for a variance from Section 25-2(1) of the Zoning Ordinance in order to construct a garage in the front yard at 2305 Mud Tavern Rd SW, property located in an AG-1 Agricultural Zoning District.

CASE NO 4

Application and appeal of Trav-Ad Signs for a 36 square foot area variance from Section 25-77(e)(1) of the Zoning Ordinance in order to install a 6 foot diameter logo at the left elevation rear side of the building at 945 Wimberly Dr SW, property located in a M-1A Expressway Commercial Zoning District.



APPLICATION FOR APPEAL TO THE BOARD OF ZONING
ADJUSTMENT
CITY OF DECATUR, ALABAMA

APPLICANT NAME:	GARY BALENTINE
MAILING ADDRESS: PLEASE INCLUDE CITY, STATE AND ZIP	3201 WHEAT AVE SW DECATUR AL 35603
PHONE:	(256) 345-5564
PROPERTY OWNER NAME:	GARY BALENTINE
MAILING ADDRESS: PLEASE INCLUDE CITY, STATE AND ZIP	3201 WHEAT AVE SW DECATUR AL 35603
PHONE:	256-345-5564

PROPERTY LOCATION/STREET ADDRESS FOR REQUEST:
3201 WHEAT AVE SW

NATURE OF THE APPEAL:

<input checked="" type="checkbox"/> HOME OCCUPATION	<input type="checkbox"/> SETBACK VARIANCE	<input type="checkbox"/> USE PERMITTED ON APPEAL
<input type="checkbox"/> SIGN VARIANCE	<input type="checkbox"/> APPEAL OF ADMINISTRATIVE DECISION	<input type="checkbox"/> OTHER

DESCRIBE IN DETAIL THE REQUEST: I'm wanting to use my home as
business address and my garage as storage for
my lawn care equipment

APPLICANT SIGNATURE 	OFFICE USE ONLY
PRINT NAME GARY BALENTINE	REVIEWED BY: RLS
DATE 7-18-2014	ZONING DISTRICT: R-2
	HEARING DATE:
	APPROVED/DISAPPROVED:

The Board of Zoning Adjustment meets the LAST Tuesday of each month at 4:00 PM in the Council Chambers of City Hall. Applications must be filed by the 10th of the month. Applicants MUST be present in order for the case to be heard. Please request a copy of this application.

OLD BUSINESS 3201 WHEAT AVE SW

HOME OCCUPATION QUESTIONS

CHECK YES OR NO FOR EACH QUESTION

1. Is the use applied for, administrative office, making of crafts, sewing, etc., conducted entirely within the dwelling? YES ☒ NO ☐
2. Does the occupation produce sounds, colors or other audible or visible evidence of a home occupation being present? YES ☐ NO ☒
3. Is there advertising on the premises or your vehicles? YES ☐ NO ☒
4. Is more than one room within the home used for the home occupation? YES ☐ NO ☒
5. Are there any explosives or highly combustible materials used or stored within the home in connection with this home occupation? YES ☐ NO ☒
6. Does the home occupation produce any electrical interference, smoke, dust, or noise, which may be offensive? YES ☐ NO ☒
7. Is there any increase in traffic connected with this home occupation? YES ☐ NO ☒
8. Will there be any more than one sales parties at you home per quarter related to this home occupation? YES ☐ NO ☒
9. Will this home occupation result in increased parking demands? YES ☐ NO ☒
10. Will there be any deliveries to the home other than the usual common carrier trucks serving a residential area such as UPS, Fed-Ex, Airborne Freight? YES ☐ NO ☒
11. Will there be any employees of this home occupation other than members of the family living in the home? YES ☐ NO ☒

SIGNED:

Gary Balm

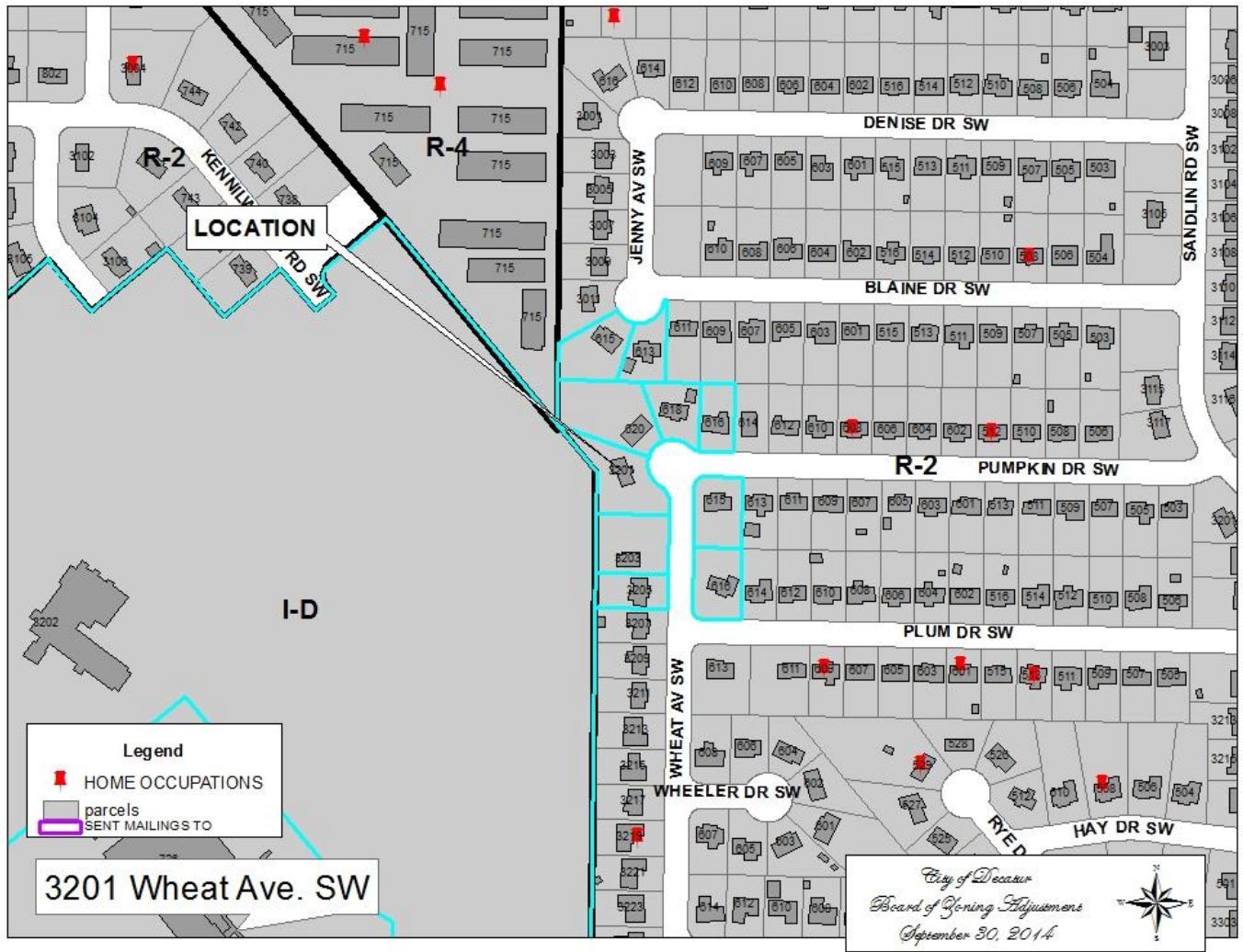
DATE:

7-18-2014

ADDRESS:

3201 Wheat Ave SW

Old Business Questionnaire



LOCATION MAP 3201 WHEAT AVE SW



CITY OF DECATUR

BOARD OF ZONING ADJUSTMENT APPLICATION

APPLICANT: Kisha Bolding
MAILING ADDR: 2401 Chadsworth St SW
CITY STATE ZIP: Decatur, AL 35603
PHONE: 256-353-8218

PROPERTY OWNER: James + Kisha Bolding
OWNER ADDR: 2401 Chadsworth St SW
CITY STATE ZIP: Decatur, AL 35603
OWNER PHONE: 256-353-8218

ADDRESS FOR APPEAL: 2401 Chadsworth St SW, Decatur, AL 35603

NATURE OF APPEAL:

☒ HOME OCCUPATION ☐ SETBACK VARIANCE ☐ SIGN VARIANCE
☐ USE PERMITTED ON APPEAL ☐ APPEAL OF ADMINISTRATIVE DECISION
☐ OTHER ☐ SURVEY FOR VARIANCES ATTACHED ☐ DRAWINGS FOR VARIANCES ATTACHED

***** Applicants MUST be present in order for the case to be heard*****

DESCRIBE APPEAL IN DETAIL: (INCLUDE DIMENSIONS, # FT FOR VARIANCES; # FOR PARKING, HARDSHIP; TYPE OF BUSINESS.)

I would like to use my residence for Administrative purposes to run a small online boutique. I will be selling women's and children's clothing.

APPLICANT SIGNATURE:

Kisha Bolding

PRINT NAME:

Kisha Bolding

DATE:

9-8-14

OFFICE USE ONLY:

RECEIVED BY:

RLS

ZONING DISTRICT:

R-2

HEARING DATE:

9/30/14

APPROVED/DISAPPROVED:

The Board of Zoning Adjustment meets the last Tuesday of each month at 4:00 PM in the Council Chambers on first floor of City Hall. Applications must be filed by the 10th of the month to be heard the last Tuesday of the month. Applicants MUST be present in order for the case to be heard. Request a copy of this application.

CASE NO 1 2401 CHADSWORTH ST SW

HOME OCCUPATION QUESTIONS

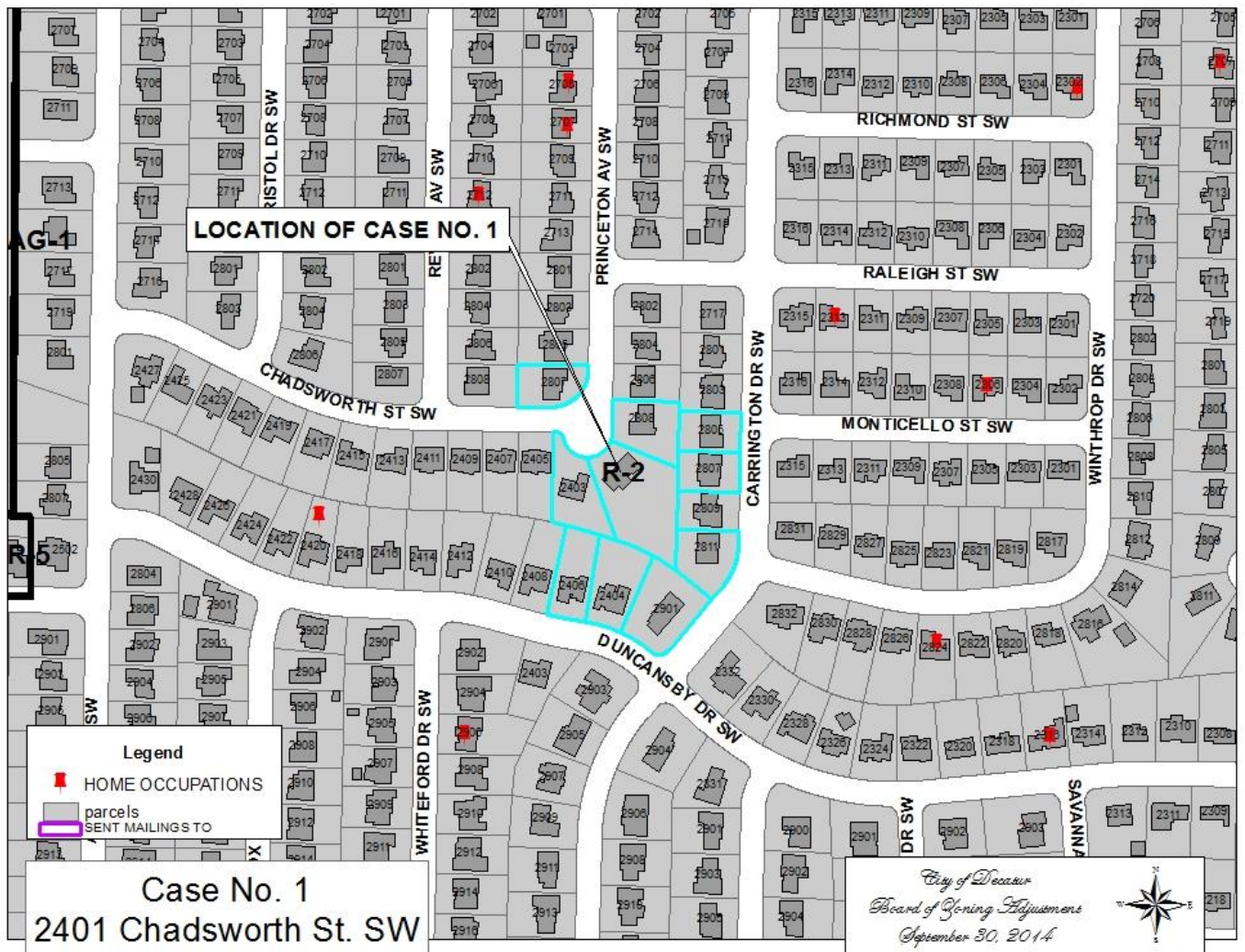
CHECK YES OR NO FOR EACH QUESTION

1. Is the use applied for, administrative office, making of crafts, sewing, etc., conducted entirely within the dwelling? YES ☒ NO ☐
2. Does the occupation produce sounds, colors or other audible or visible evidence of a home occupation being present? YES ☐ NO ☒
3. Is there advertising on the premises or your vehicles? YES ☐ NO ☒
4. Is more than one room within the home used for the home occupation? YES ☐ NO ☒
5. Are there any explosives or highly combustible materials used or stored within the home in connection with this home occupation? YES ☐ NO ☒
6. Does the home occupation produce any electrical interference, smoke, dust, or noise, which may be offensive? YES ☐ NO ☒
7. Is there any increase in traffic connected with this home occupation? YES ☐ NO ☒
8. Will there be any more than one sales parties at you home per quarter related to this home occupation? YES ☐ NO ☒
9. Will this home occupation result in increased parking demands? YES ☐ NO ☒
10. Will there be any deliveries to the home other than the usual common carrier trucks serving a residential area such as UPS, Fed-Ex, Airborne Freight? YES ☐ NO ☒
11. Will there be any employees of this home occupation other than members of the family living in the home? YES ☐ NO ☒

SIGNED: Kelly Buldino DATE: 9-8-14

ADDRESS: 2401 Chadsworth St SW, Decatur, AL 35603

QUESTIONNAIRE



LOCATION MAP 2401 CHADSWORTH ST SW



APPLICATION FOR APPEAL TO THE BOARD OF ZONING
ADJUSTMENT
CITY OF DECATUR, ALABAMA

APPLICANT NAME:	Daris + Michele Borden
MAILING ADDRESS: PLEASE INCLUDE CITY, STATE AND ZIP	3301 Wheat Ave. SW Decatur, AL 35603
PHONE:	256-345-9517 or 256-318-5613
PROPERTY OWNER NAME:	Daris + Michele Borden
MAILING ADDRESS: PLEASE INCLUDE CITY, STATE AND ZIP	3301 Wheat Ave. SW Decatur, AL 35603
PHONE:	256-345-9517 or 256-318-5613

PROPERTY LOCATION/STREET ADDRESS FOR REQUEST:
3301 Wheat Ave. SW Decatur, AL 35603

NATURE OF THE APPEAL:

<input checked="" type="checkbox"/> HOME OCCUPATION	<input type="checkbox"/> SETBACK VARIANCE	<input type="checkbox"/> USE PERMITTED ON APPEAL
<input type="checkbox"/> SIGN VARIANCE	<input type="checkbox"/> APPEAL OF ADMINISTRATIVE DECISION	<input checked="" type="checkbox"/> OTHER <i>MRB</i>

DESCRIBE IN DETAIL THE REQUEST: *administrative office, 9/8/14*
Requesting a ~~variance~~ ^{per} to operate
a cleaning service. This service will occur on
location with Business contracted and not at
residence. Home will be used as Administrative office only.

APPLICANT SIGNATURE <i>Daris Borden / Michele Borden</i>	OFFICE USE ONLY
PRINT NAME DARIS Borden / Michele Borden	REVIEWED BY: <i>Cindy</i>
DATE 9/8/14	ZONING DISTRICT: <i>R-2</i>
	HEARING DATE: <i>Sept. 30th, 2014 4:00pm</i>
	APPROVED/DISAPPROVED: _____

The Board of Zoning Adjustment meets the LAST Tuesday of each month at 4:00 PM in the Council Chambers of City Hall. Applications must be filed by the 10th of the month. Applicants MUST be present in order for the case to be heard. Please request a copy of this application.

* CUSTOMER TO FURNISH SUPPLIES.

CASE NO 2 3301 WHEAT AVE SW

HOME OCCUPATION QUESTIONS

CHECK YES OR NO FOR EACH QUESTION

1. Is the use applied for, administrative office, making of crafts, sewing, etc., conducted entirely within the dwelling? YES ☒ NO ☐
2. Does the occupation produce sounds, colors or other audible or visible evidence of a home occupation being present? YES ☐ NO ☒
3. Is there advertising on the premises or your vehicles? YES ☐ NO ☒
4. Is more than one room within the home used for the home occupation? YES ☐ NO ☒
5. Are there any explosives or highly combustible materials used or stored within the home in connection with this home occupation? YES ☐ NO ☒
6. Does the home occupation produce any electrical interference, smoke, dust, or noise, which may be offensive? YES ☐ NO ☒
7. Is there any increase in traffic connected with this home occupation? YES ☐ NO ☒
8. Will there be any more than one sales parties at you home per quarter related to this home occupation? YES ☐ NO ☒
9. Will this home occupation result in increased parking demands? YES ☐ NO ☒
10. Will there be any deliveries to the home other than the usual common carrier trucks serving a residential area such as UPS, Fed-Ex, Airborne Freight? YES ☐ NO ☒
11. Will there be any employees of this home occupation other than members of the family living in the home? YES ☐ NO ☒

SIGNED: _____

Mark Bowler

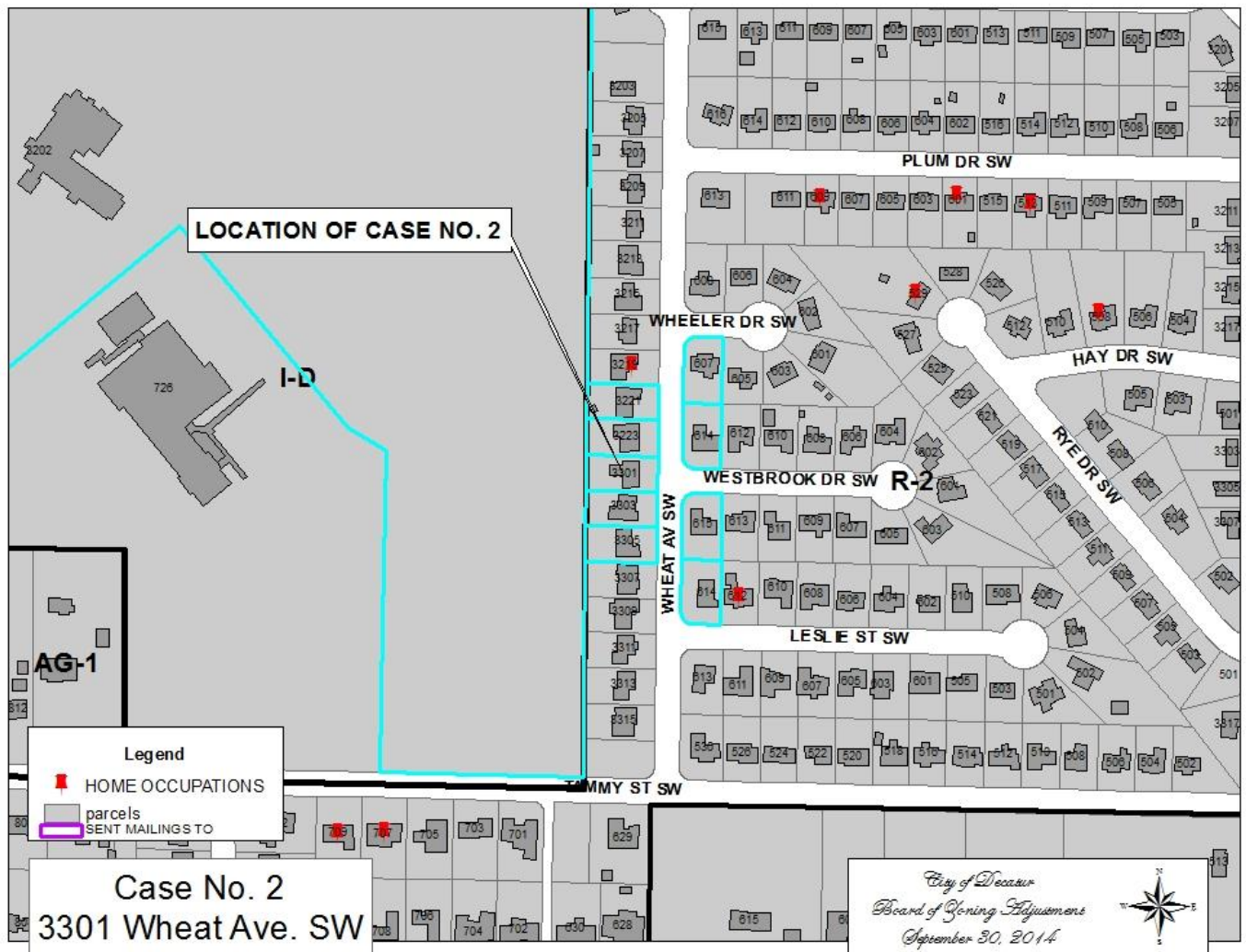
DATE: _____

9/9/14

ADDRESS: _____

3301 Wheat Ave. SW
Decatur, AL 35603

QUESTIONNAIRE



LOCATION MAP 3301 WHEAT AVE SW



APPLICATION FOR APPEAL TO THE BOARD OF ZONING
ADJUSTMENT
CITY OF DECATUR, ALABAMA

APPLICANT NAME:	<u>ROBERT H GRINER III</u>
MAILING ADDRESS:	<u>2305 MUD TAVERN RD SW</u>
PLEASE INCLUDE CITY, STATE AND ZIP	<u>DECATUR, AL 35603</u>
PHONE:	<u>256-351-4109</u>
PROPERTY OWNER NAME:	<u>ROBERT H GRINER III</u>
MAILING ADDRESS:	<u>2305 MUD TAVERN RD SW</u>
PLEASE INCLUDE CITY, STATE AND ZIP	<u>DECATUR, AL 35603</u>
PHONE:	<u>256-351-4109</u>

PROPERTY LOCATION/STREET ADDRESS FOR REQUEST:

2305 MUD TAVERN RD SW DECATUR, AL

NATURE OF THE APPEAL:

☐ HOME OCCUPATION ☐ SETBACK VARIANCE ☐ USE PERMITTED ON APPEAL

☐ SIGN VARIANCE ☐ APPEAL OF ADMINISTRATIVE DECISION ☒ OTHER

DESCRIBE IN DETAIL THE REQUEST: BUILD A GARAGE 36'X28' ON
SIDE OF FRONT YARD.

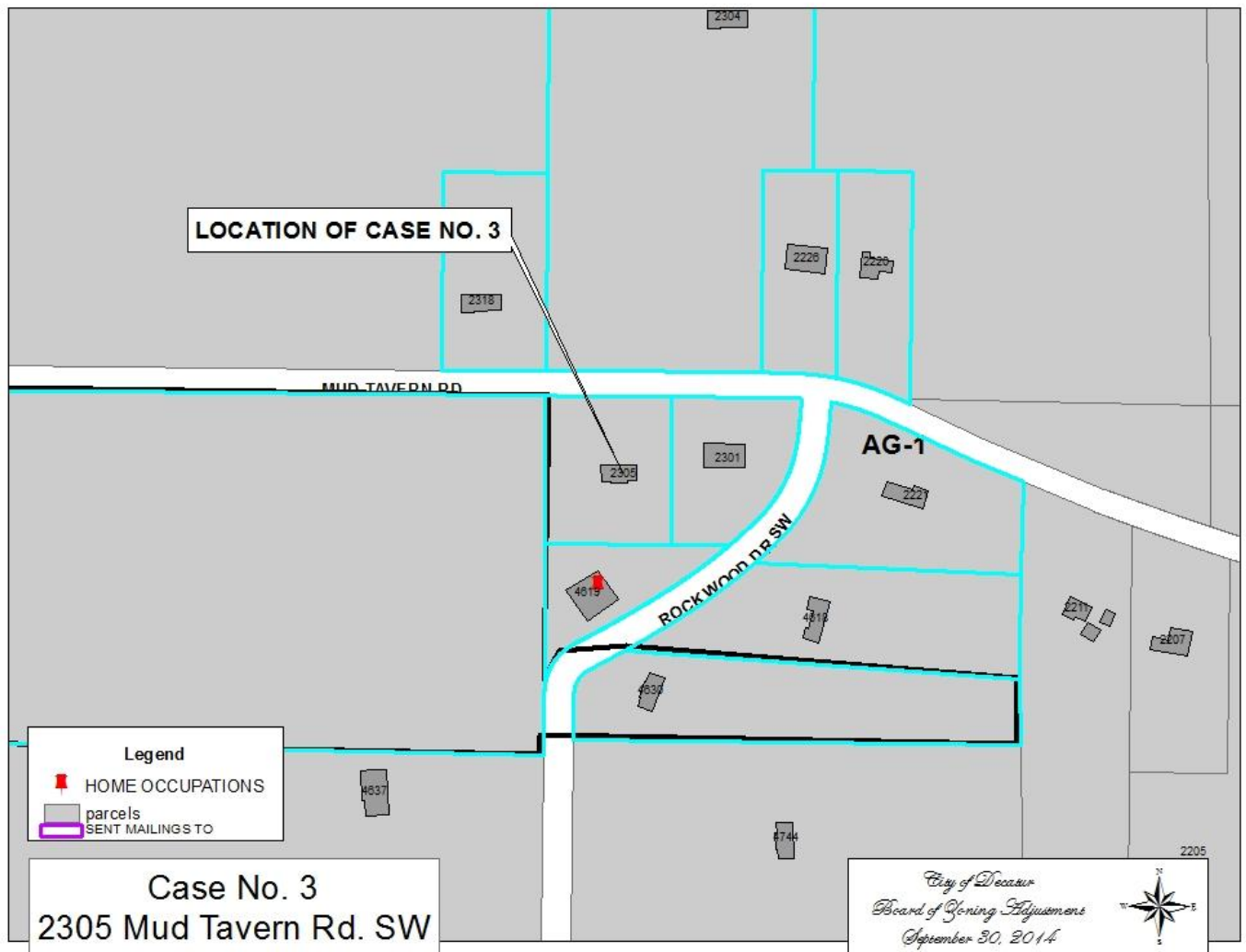
APPLICANT SIGNATURE <u>Robert H Griner III</u>	OFFICE USE ONLY
PRINT NAME <u>ROBERT H GRINER III</u>	REVIEWED BY: <u>RVS</u>
DATE <u>8/13/14</u>	ZONING DISTRICT: <u>A6-2</u>
	HEARING DATE: <u>9/30/14</u>
	APPROVED/DISAPPROVED: _____

The Board of Zoning Adjustment meets the LAST Tuesday of each month at 4:00 PM in the Council Chambers of City Hall. Applications must be filed by the 10th of the month. Applicants MUST be present in order for the case to be heard. Please request a copy of this application.

CASE NO 3 2305 MUD TAVERN RD SW



PIC. OF PROPOSED GARAGE PLACEMENT



LOCATION MAP 2305 MUD TAVERN RD SW

82897



**APPLICATION FOR APPEAL TO THE BOARD OF ZONING
ADJUSTMENT
CITY OF DECATUR, ALABAMA**

APPLICANT NAME:

Trav-Ad Signs, Inc.

MAILING ADDRESS:

58 Shields RdPLEASE INCLUDE
CITY, STATE AND ZIPHuntsville, AL 35811

PHONE:

256-536-4232

PROPERTY OWNER NAME:

Wingin It, LLC/Rick Story

MAILING ADDRESS:

945 Wimberly Dr SWPLEASE INCLUDE
CITY, STATE AND ZIPDecatur, AL 35601

PHONE:

256-301-5454

PROPERTY LOCATION/STREET ADDRESS FOR REQUEST:

945 Wimberly Dr SW, Decatur, AL 35601

NATURE OF THE APPEAL:

☐ HOME OCCUPATION☐ SETBACK VARIANCE☐ USE PERMITTED ON APPEAL☒ SIGN VARIANCE☐ APPEAL OF ADMINISTRATIVE DECISION☐ OTHER

DESCRIBE IN DETAIL THE REQUEST:

Request for a 6' diameter circular logo to be placed on the left elevation of the building. There are currently no signage on that side of the building. In lieu of free standing pole/monument sign BWW is requesting 36 sqft additional building signage.

APPLICANT SIGNATURE

PRINT NAME

DATE

Shawn Cooper
Shawn Cooper
9/4/14

OFFICE USE ONLY

REVIEWED BY:

ZONING DISTRICT:

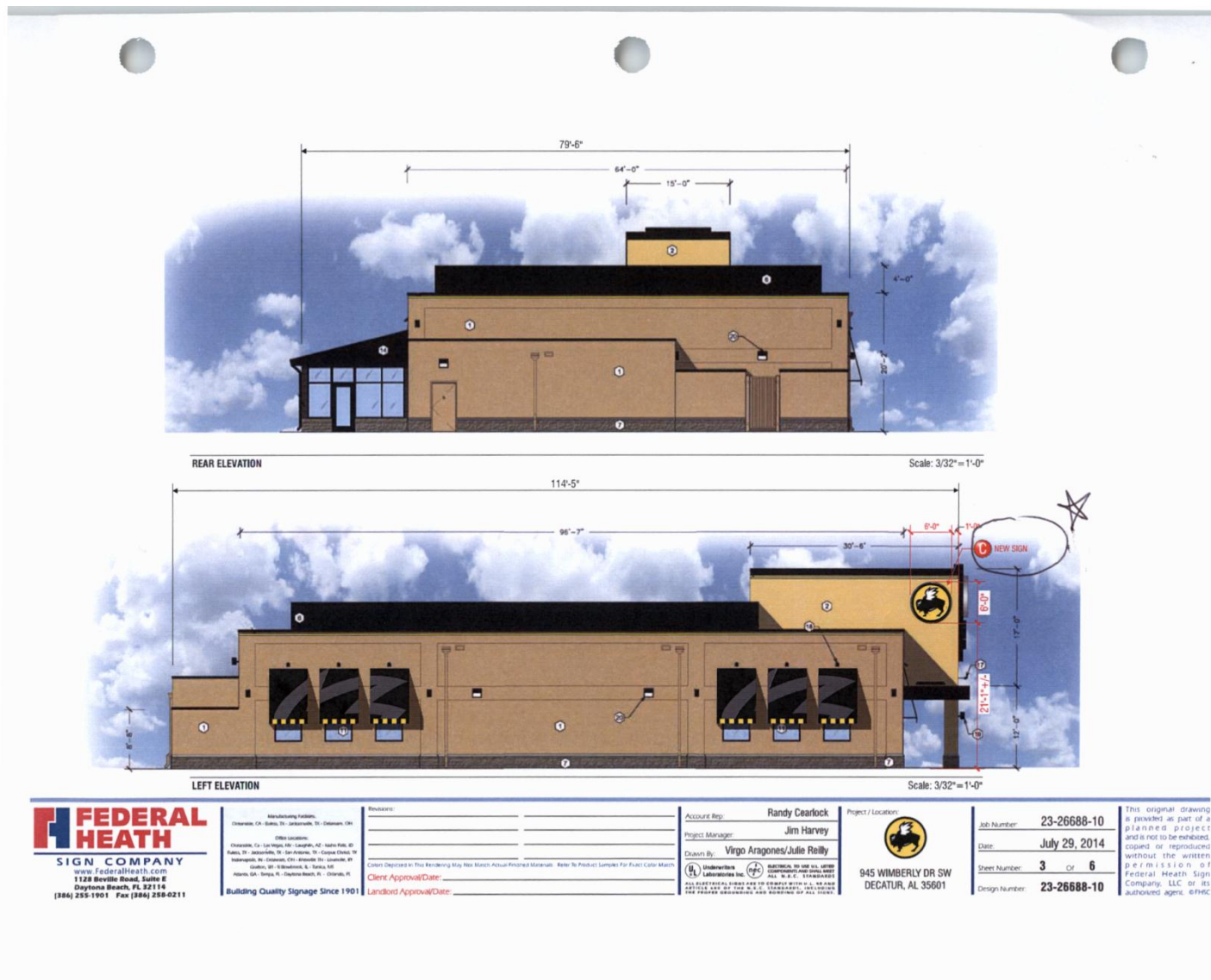
HEARING DATE:

APPROVED/DISAPPROVED:

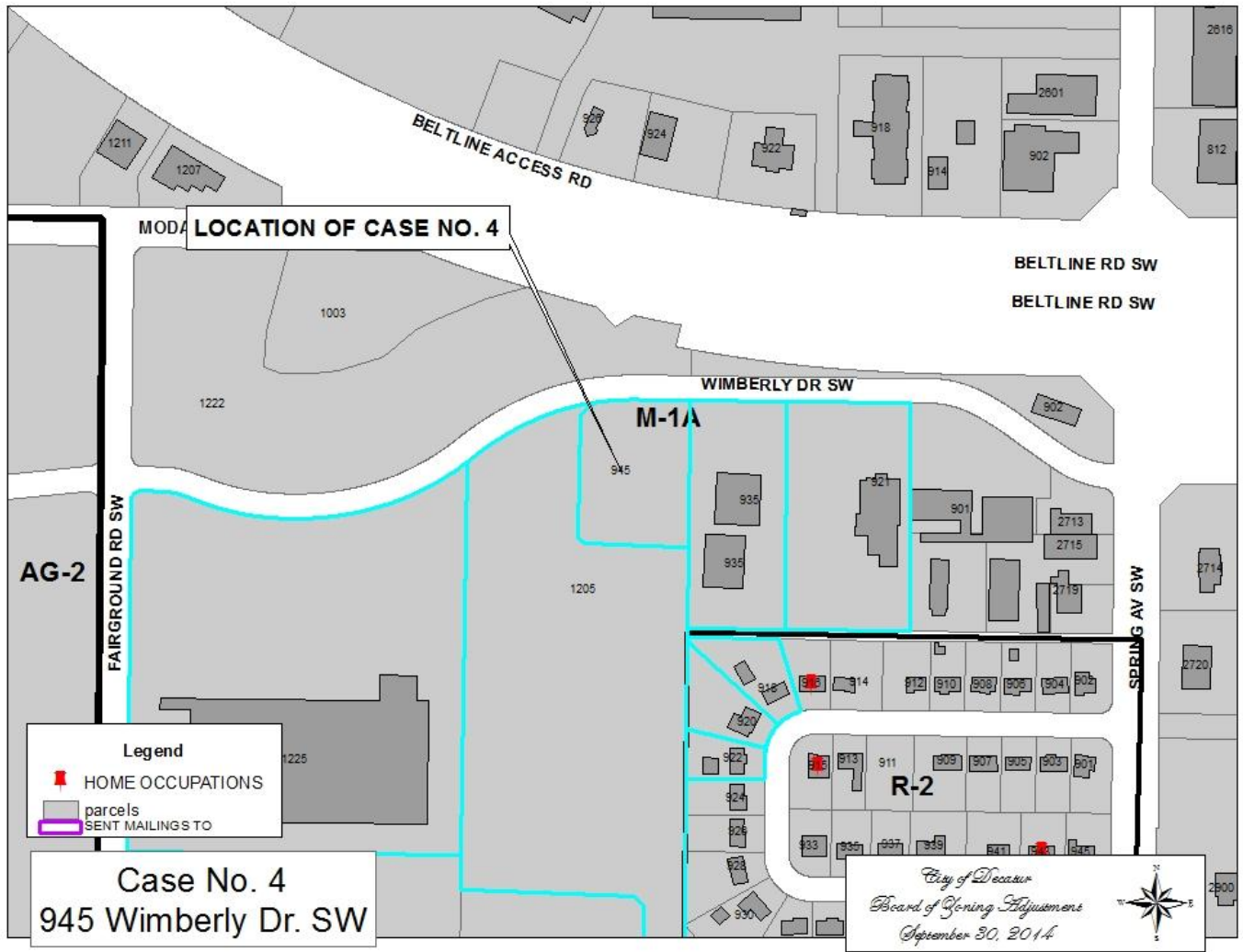
Judy
MFA
Sept 30, 2014

The Board of Zoning Adjustment meets the LAST Tuesday of each month at 4:00 PM in the Council Chambers of City Hall. Applications must be filed by the 10th of the month. Applicants MUST be present in order for the case to be heard. Please request a copy of this application.

CASE NO 4 945 WIMBERLY DR SW



PROPOSED SIGN PLACEMENT



LOCATION MAP 945 WIMBERLY DR SW