

# BOARD OF ZONING ADJUSTMENT

# AGENDA

November 29, 2016

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#### **MINUTES OCTOBER 25, 2016**

MEMBERS PRESENT:	Chairman; George Barran, Messrs., Mr. Larry Waye, MrThomasRossi, Mr. Collis Stevenson and Mr. Charles Taylor
SUPERNUMERARIES:	Mrs. Sally Jo Green
	Mr. Forrest Temple attended the pre-meeting
OTHERS PRESENT:	Mr. Wally Terry, Director
	and Custodian of Records
	Mr. Herman Marks, City Attorney
	Mr. Chip Alexander, Asst. City Attorney
	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. Charles Taylor moved to **approve** the minutes of the September meeting with the correction of removing Forrest Temple as attending and adding himself. Mr. Larry Waye seconded the motion. On a voice vote, the motion carried.

The Board considered the following applications and appeals.

#### CASE NO 1

Application and appeal of Starr Lynne Farrish 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 tax service at 2304 Arapaho Trail SE, property located in a R-2 Residential Single-Family Zoning District.

Ms. Starr Lynne Farrish presented this case to the Board. Ms. Farrish stated she wanted to have an administrative office for her tax service. Ms. Farrish also stated there would be no employees and no one coming to her.

Mr. Larry Waye explained all the parameters of a home occupation.

Both Mr. Sims of the Building Department and Mrs. Smith of the Planning Department recommended approval.

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

CASE NO 2

Application and appeal of Fabian Deloney 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 company at 3911 Whitney LN SW, property located in a R-MH Residential Single-Family Manufactured Zoning District.

Mr. Fabian Deloney presented this case to the Board. Mr. Deloney stated he was asking for an administrative office for a cleaning company. Mr. Deloney additionally stated he would be using one room of his home and he would have employees.

Mr. Larry Waye explained that employees could not come to his home and that if he got approval, it would be for administrative only. Mr. Deloney stated he understood.

Both Mr. Sims of the Building Department and Mrs. Smith of the Planning Department recommended approval.

Mr. Collis Stevenson moved to approve this home occupation request as submitted. Mr. Charles Taylor seconded the motion. On a roll-call vote, the motion carried.

## CASE NO 3

Application and appeal of Donaciano B. Santos 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 1613 7<sup>th</sup> Ave SW, property located in a R-1 Residential Single-Family Zoning District.

Mr. Donaciano B. Santos presented this case to the Board. Mr. Santos stated he would like an administrative office for a lawn care business. Mr. Santos also explained he would keep his equipment in his garage and he did not have employees.

Mr. Larry Waye explained that if his business grew, employees could not come to his home to meet for work. Mr. Santos stated he understood.

Mr. Sims stated to the applicant the importance of keeping the equipment out-of-site. Mr. Sims then stated the Building Department would recommend approval.

Mrs. Smith stated as long as the equipment was stored out-of-site, the Planning Department would recommend approval.

Mr. Charles Taylor moved to approve this home occupation request as submitted. Mr. Thomas Rossi seconded the motion. On a roll-call vote, the motion carried.

### CASE NO 4

Application and appeal of Colleen A. Crockett 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 quilting/sewing business at 135 Mill Rd SW, property located in an AG-1 Agricultural Zoning District.

The Board voted to dismiss this case due to the applicant's request to withdraw.

## CASE NO 5

Application and appeal of George Franklin 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 janitorial service at 707 Newcomb ST NW, property located in a R-3 Residential Single-Family Zoning District.

Mr. George Franklin presented this case to the Board. Mr. Franklin stated he would like a business license for a janitorial service.

Chairman, George Barran explained the Board could not grant a business license but they could hear his appeal for an administrative office. Mr. Franklin stated that was what he wanted.

Mr. Larry Waye asked if he had employees. Mr. Franklin stated "No". Mr. Waye explained that if the business grew, he could not have employees coming to the home. Mr. Franklin stated he understood.

Both Mr. Sims of the Building Department and Mrs. Smith of the Planning Department recommended approval.

Mr. Thomas Rossi moved to approve this home occupation request as submitted. Mr. Collis Stevenson seconded the motion. On a roll-call vote, the motion carried.

## CASE NO 6

Application and appeal of Jason E. Chitwood 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 appraisal business at 1904 Carpenter DR SW, property located in a R-2 Residential Single-Family Zoning District.

Mr. Jason Chitwood presented this case to the Board. Mr. Chitwood stated he was seeking an administrative office for an appraisal business that would be conducted by e-mail and the internet.

Mr. Sims stated the Building Department would recommend approval.

Mrs. Smith asked if he was going to have signage. Mr. Chitwood said, "No". Mrs. Smith then stated the Planning Department would recommend approval.

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

## CASE NO 7

Application and appeal of Linda Sue Fleming 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 consulting business at 813 7<sup>th</sup> Ave SE, property located in a R-3 Residential Single-Family Zoning District.

Ms. Linda Sue Fleming presented this case to the Board. Ms. Fleming stated she would like an administrative office for a consulting business where the work would be performed off-site. Additionally stating, she would have no employees and no signs.

Both Mr. Sims of the Building Department and Mrs. Smith of the Planning Department recommended approval.

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

### CASE NO 8

Application and appeal of Gordon Telepun MD, 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 to sell astronomer products on-line at 2309 Arapaho Trl SE, property located in a R-2 Residential Single-Family Zoning District.

Dr. Gordon Telepun MD, presented this case to the Board. Dr. Telepun stated he would like an administrative office to sell astronomer products on-line. Dr. Telepun explained the mounting systems for the product would be welded at a local welding shop and then drop shipped to the customer.

Mr. Sims stated the Building Department would recommend approval.

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

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

### CASE NO 9

Application and appeal of Byron Black 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 CAD service at 3212 Leafwood PL SW, property located in a R-2 Residential Single-Family Zoning District.

Mr. Byron Black presented this case to the Board. Mr. Black stated he was seeking an administrative office for a CAD service doing drafting work that would be transmitted by e-mail.

Both Mr. Sims of the Building Department and Mrs. Smith of the Planning Department recommended approval.

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

### CASE NO 10

Application and appeal of Byron Black 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 off-site photography service at 3212 Leafwood Pl SW, property located in a R-2 Residential Single-Family Zoning District.

Mr. Byron Black presented this case to the Board. Mr. Black stated he would like an administrative office for an off-site photography business. Mr. Black also stated the sales would be on-line.

Mr. Larry Waye inquired if he would have customers. Mr. Black stated the request for service would be taken on-line and he would go to the customer to take the pictures. Mr. Waye asked if he would have a sign. Mr. Black stated "No".

Both Mr. Sims of the Building Department and Mrs. Smith of the Planning Department recommended approval.

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

### CASE NO 11

Application and appeal of Siechao Cai for a 10 foot rear yard setback variance to Section 25-11 of the Zoning Ordinance in order to construct a covered parking area at 3503 Highway 31 SO, property located in a B-2 General Business Zoning District.

Mr. Siechao Cai presented this case to the Board. Mr. Cai stated he needed 25 feet of setback in order to construct a covered parking area.

Mr. Bob Sims stated that he actually only needed 10 feet of setback.

Chairman, George Barran asked what he was constructing. Mr. Cai stated a pole barn type construction for parking RV's.

Mr. Sims stated the Building Department would recommend approval.

Mrs. Smith stated the Planning Department had no comment.

Mr. Collis Stevenson moved to approve this variance request as submitted. Mr. Charles Taylor seconded the motion. On a roll-call vote, the motion carried.

## CASE NO 12

Application and appeal of Ricky McNally for an 8 foot front yard setback variance from Section 25-10.8(2)(c) and a 5 foot side yard setback variance from Section 25-10.8(2)(e) in order to construct a garage at 1625 Vestavia DR SW, property located in a AG-1 Agricultural Zoning District.

Mr. Ricky McNally presented this case to the Board. Mr. McNally stated he was seeking both front and side yard setback variances because he wanted to construct a garage within 5 feet of his home thereby; making the house all one structure by code. Mr. McNally also stated he could not put the garage in the back yard because of hardships such as the elevation of the land, the location of the pool pump and because of a long driveway from the street.

Mr. Sims of the Building Department and Mrs. Smith of the Planning Department both stated they had no comment.

Mr. Larry Waye moved to approve this variance request as submitted. Mr. Collis Stevenson seconded the motion. On a roll-call vote, the motion carried.

### CASE NO 13

Chairman, George Barran recused himself from this case. Mrs. Sally Jo Green sat in for the case.

Application and appeal of LWS, LLC for a 30 foot rear yard setback variance from Section 25-12 of the Zoning Ordinance in order to construct a building at 1642 Beltline Rd SW, property located in a M-1A Expressway Commercial Zoning District.

Mr. Blake McAnally of Pugh Wright McAnally, Inc. and Mr. Mike Birnbrey of LWS, LLC presented this case to the Board. Mr. McAnally handed out a drawing for the development to the Board. Mr. McAnally stated there was a 60 foot front yard setback and a TVA easement on the property which was taking out a total of 95 feet of property and thereby; making it difficult to construct anything. Mr. McAnally further stated this property had been vacant for decades but now there is a good opportunity to develop it.

Mr. Larry Waye stated the Board had concerns about what appeared to be a drive-thru for one of the occupants of the proposed building. Mr. Waye asked for clarification as to whether it was a drive-thru or a patio.

Mr. Mike Birnbrey, stated it would probably be a patio.

Mr. Sims stated the Building Department would recommend approval.

Mrs. Smith stated there were hardships present in this case relating to the TVA easement on the property and the frontage road being located at the rear of the lot making the property compressed. Mrs. Smith then stated the Planning Department would recommend approval.

Mrs. Sally Jo Green moved to approve this variance request as submitted. Mr. Thomas Rossi seconded the motion. On a roll-call vote, the motion carried.

Chairman, George Barran resumed his seat as Chairman for the remainder of the cases. Mrs. Sally Jo Green stepped down.

### CASE NO 14

Application and appeal of Jackie Letson for a use permitted on appeal to Section 25-110(a) to have a temporary seasonal business to sell produce at 214 6<sup>th</sup> Ave SE, property located in a B-2 General Business Zoning District.

Mr. Jackie Letson presented this case to the Board. Mr. Letson stated he was seeking permission to get a temporary occupancy to sell his seasonal produce for three months. Mr. Letson also stated he is currently selling at the Farmer's Market but when they close, he wanted to be able to sell his produce at another location.

Mr. Sims stated the Building Department would defer to the Planning Department.

Mrs. Smith stated the Planning Department would recommend that Mr. Letson use the Farmers Market property until they close November 25<sup>th</sup>, after Thanksgiving and that the temporary occupancy business only be permitted when the Farmer's Market was closed.

Mr. Larry Waye moved to approve this use permitted on appeal with the understanding that the start date would commence on or after November 25, 2016. Mr. Thomas Rossi seconded the motion. On a roll-call vote, the motion carried.

### CASE NO 15

Application and appeal of Southern Food Services, LLC for a 7 foot height variance and a 2.5 foot setback variance from Section 25-77(f)(3) in order to install a 15 foot tall, 49.33 square feet sign with a setback of 12.5 foot from the property line at 1024  $6^{th}$  Ave SE, property located in a RD-2 Redevelopment Zoning District.

Mr. Ed Davidson with Southern Food Service presented this case to the Board. Mr. Davidson stated he needed a variance in order to install a sign in which the cabinet part extended out in to the setback area but the pole itself was in conformance according to the ordinance. Mr. Davidson also stated that since AL-DOT had certain requirements with the in and out lanes onto the property, this limited where they could install the sign and still be seen.

Both Mr. Sims of the Building Department and Mrs. Smith of the Planning Department stated they had no comment.

Mr. Charles Taylor moved to approve this variance request as submitted. Mr. Larry Waye seconded the motion. On a roll call vote, the motion carried.

## CASE NO 16

Application and appeal of Anchor Sign, Inc. for a 145.27 square foot area variance from Section 25-77(d)(2) to install 3 signs at 67.99 square feet each and one sign at 41.30 square feet for a total of 245.27 square feet at 1821 Beltline Rd SW, property located in a B-4 Regional Shopping Business Zoning District.

Mr. Mike Cohen with Anchor Sign, Inc. presented this case to the Board. Mr. Cohen stated his client needed more signage for their business. Mr. Cohen additionally stated when traveling from either direction on the Beltline the business could not be seen due to other signage blocking the view. Mr. Cohen also added that his client likes to get signage on all four sides of their building due much of their building facing the mall.

Both Mr. Sims of the Building Department and Mrs. Smith of the Planning Department stated they had no comment.

Mr. Larry Waye moved to approve this variance request as submitted. Mr. Charles Taylor seconded the motion. On a roll-call vote, the motion carried.

The meeting adjourned at 4:40

Chairman, George Barran

### PLAIN AGENDA NOVEMBER 29, 2016

## CASE NO 1

Application and appeal of Lauren Norton 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 to sell clothing on-line at 2701 Revere Ave SW, property located in a R-2 Residential Single-Family Zoning District. CASE NO 2

Application and appeal of Zonita Jones 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 business at 2801 Sandlin Rd SW Apt 205C, property located in a R-4 Residential Multi-Family Zoning District.

### CASE NO 3

Application and appeal of Willie Beckham 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 mobile car wash service at 604 Blaine DR SW, property located in a R-2 Residential Single-Family Zoning District.

#### CASE NO 4

Application and appeal of Kevin Corum for relief from Section 25-2 (1) of the Zoning Ordinance in order to locate an accessory structure in the side yard at 5002 Indian Hills RD, property located in an AG-1 Agricultural Zoning District.

#### Case NO 5

Application and appeal of Phillip Kelly for relief from Section 25-2(1) of the Zoning Ordinance in order to locate an accessory structure in the side yard at 2922 Cedar Creek SW, property located in an AG-2 Agricultural Zoning District.

### CASE NO 6

Application and appeal of Henry Atwood for a 8 space parking variance from Section 25-16(2)(j) of the Zoning Ordinance in order to allow space for twelve employees to park at 105 1<sup>st</sup> Ave NE, property located in a M-1 Light Industrial Zoning District.

#### CASE NO 7

Application and appeal of Henry Atwood for a use permitted on appeal from Section 25-12 of the Zoning Ordinance in order to have a microbrewery that will contain a tasting room and sell alcohol at 105 1<sup>st</sup> Ave NE, property located in a M-1 Light Industrial Zoning District.

#### CASE NO 8

Application and appeal of Dan Thomas for a variance from Section 25-80(a)(1) in order to alter an existing non-conforming sign at 509 11<sup>th</sup> ST SE, property located in a M-1 Light Industrial Zoning District.

#### CASE NO 9

Application and appeal of Two Marks Decatur, LLC for an appeal of an administrative decision from Section 25-76(j) in order to install color changing LED lighting on the front façade of the building at 809 Beltline RD SW, STE B, property located in an M-1A Expressway Commercial Zoning District.



on a CHARMING SCALE

Board of Zoning Adjustment

APPLICANT: LOUVEN NORTON			
MAILING ADDR: 2701 Revere Ave. SW			
CITY STATE ZIP: DECATUR, AL 35603			
PHONE: (256) 648-9723			
PROPERTY OWNER: Daniel and Lauren Norton			
OWNER ADDR: 2701 REVERE AVE. SW			
CITY STATE ZIP: DECATUR, AL 35603 OWNER PHONE: (256) 648-9723 (256) 762-2289			
OWNER PHONE: (2007) 0 10 1120 (2007) 102 220 1			
ADDRESS FOR APPEAL: 2701 REVERE AVE. SW DECATUR, AL 35603			
HOME OCCUPATION DETBACK VARIANCE SIGN VARIANCE			
USE PERMITTED ON APPEAL APPEAL OF ADMINISTRATIVE DECISION			
OTHER       SURVEY FOR VARIANCES ATTACHED       DRAWINGS FOR VARIANCES ATTACHED			
***** Applicants or Duly Appointed Representative 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.)			
We are seeking a variance for using a room in our home for			
an administrative office for selling LuLa Roe clothes. The selling			
of these clothes will mainly be done online and we are using			
our home for administrative purposes.			
Applicant Name(print)     Lauren     Norton     If applicant is using a representative for the     Office Use Received By			
Remarking Standard Norton request both signatures Zone R-U			
signature Daw New are required. Hearing Date 11/29/6 Approved/Disapproved			
Date 10-21-16			

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

CASE NO 1 2701 REVERE AVE SW

#### HOME OCCUPATION QUESTIONS

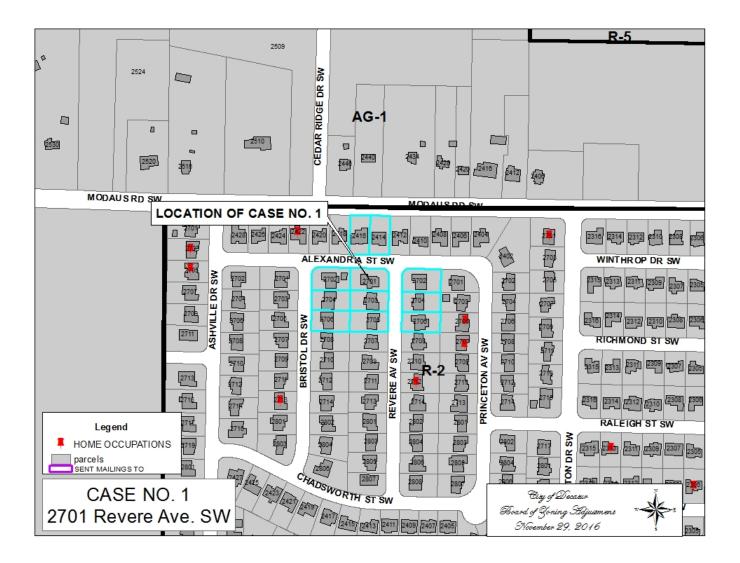
#### CHECK YES OR NO FOR EACH QUESTION

- Is the occupation\* applied for (administrative office, making of crafts, sewing, etc.,) conducted entirely within the dwelling? YES V NO \_\_\_\_\_\_
   \*note: This refers to only the work being done at your home.
- 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  $\checkmark$
- 4. Is more than one room within the home used for the home occupation? YES NO  $\checkmark$
- 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  $\checkmark$
- Will there be any more than one sales party 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, FedEx, 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:	Laur	en N	porton	Decatur, AL	10-21-16
ADDRESS: _	2701	Revere	Ave. SW	Decatur, AL	35603

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#### **QUESTIONNAIRE**



#### LOCATION MAP 2701 REVERE AVE SW

on a CHARMING SCALE D) D Board of Zoning Adjustment APPLICANT: Conita One d I SW APT 2050 MAILING ADDR: 280 CITY STATE ZIP: Dec 357003 PHONE: (2.5% PROPERTY OWNER: OWNER ADDR: 2801 SID 257003 CITY STATE ZIP: Dec. OWNER PHONE: (256) 333 ADDRESS FOR APPEAL: SAN Alin Rd SW APT 205C NATURE OF APPEAL: HOME OCCUPATION SETBACK VARIANCE SIGN VARIANCE **USE PERMITTED ON APPEAL** APPEAL OF ADMINISTRATIVE DECISION SURVEY FOR VARIANCES ATTACHED DRAWINGS FOR VARIANCES ATTACHED OTHER \*\*\*\*\* Applicants or Duly Appointed Representative 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.) office for Cleaning business. es will be stored in a garage Applicant Name(print) ogita DONES Office Use If applicant is using a Received By Signature representative for the Zone R-4 Representative Name(print request both signatures Hearing Date 11 291 16 4:0 are required. Signature Approved/Disapproved Date 03

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 10<sup>h</sup> of the month to be heard the last Tuesday of the month.

#### CASE NO 2 2801 SANDLIN RD SW APT 205C

#### HOME OCCUPATION QUESTIONS

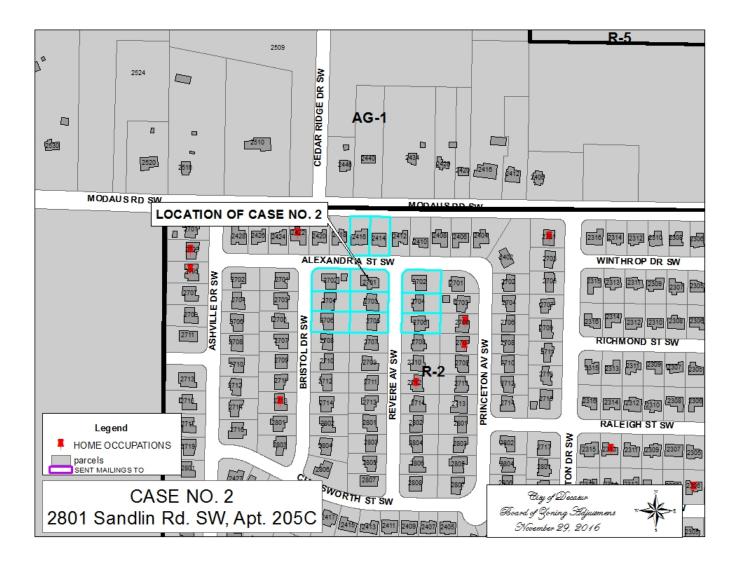
#### CHECK YES OR NO FOR EACH QUESTION

- Is the occupation\* applied for (administrative office, making of crafts, sewing, etc.,) conducted entirely within the dwelling? YES <u>NO</u> \*note: This refers to only the work being done at your home.
- 2. Does the occupation produce sounds, colors or other audible or visible evidence of a home occupation being present? YES \_\_\_\_ NO <u>/</u>\_\_\_\_
- 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 party 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, FedEx, 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 \_\_\_

19 DATE: 11/03/16 1801 SANdlin Rd Sw Decatur, A1 35teol APT 205C ADDRESS

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#### QUESTIONNAIRE



### LOCATION MAP 2801 SANDLIN RD SW APT 205C

on a CHARMING SCALE 00 3 57 Board of Zoning Adjustment m G APPLICANT: 5 U MAILING ADDR CITY STATE ZIP PHONE: NR PROPERTY OWNER OWNER ADDR: (0 02 6 CITY STATE ZIP OWNER PHONE: ADDRESS FOR APPEAL: Blaine DR. S.W. Decator A1 35603 604 NATURE OF APPEAL: HOME OCCUPATION SETBACK VARIANCE SIGN VARIANCE USE PERMITTED ON APPEAL APPEAL OF ADMINISTRATIVE DECISION THER SURVEY FOR VARIANCES ATTACHED DRAWINGS FOR VARIANCES ATTACHED \*\*\*\*\* Applicants or Duly Appointed Representative 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.) 5 am Applicant Nam Office Use If applicant is using a Received By Signatur representative for the Zone request both signatures Represenativ Hearing Date NOW d are required. Signatur Approved/Disapproved 60 Date

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 10<sup>h</sup> of the month to be heard the last Tuesday of the month.

### CASE NO 3 604 BLAINE DR SW

W,B

#### HOME OCCUPATION QUESTIONS

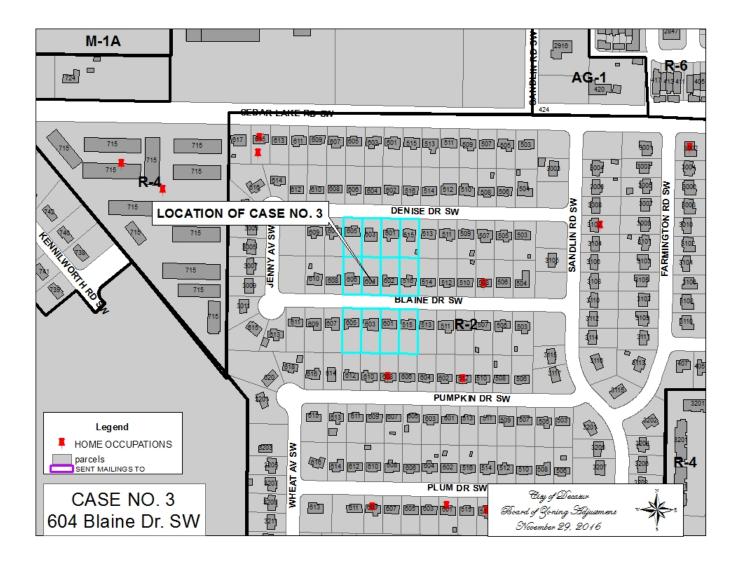
#### CHECK YES OR NO FOR EACH QUESTION

- Is the occupation\* applied for (administrative office, making of crafts, sewing, etc.,) conducted entirely within the dwelling? YES // NO \_\_\_\_\_\*note: This refers to only the work being done at your home.
- 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 VNO
- 4. Is more than one room within the home used for the home occupation? YES NO V
- 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 /\_\_\_
- 8. Will there be any more than one safes party 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, FedEx, Airborne Freight? YES \_\_\_\_ NO \_\_\_
- 11. Will there be any employees of this nome occupation other than members of the family living in the home? YES \_\_\_\_ NO \_\_\_

DATE: 11-14-16 DU Blaine Dr. S.W Decator A/35603 ADDRESS

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#### **QUESTIONNAIRE**

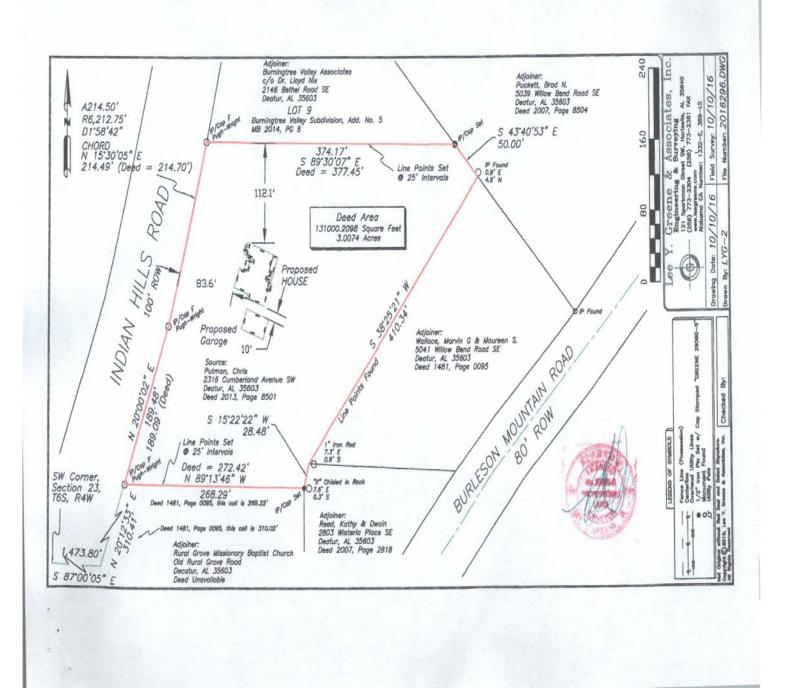


### LOCATION MAP 604 BLAINE DR SW

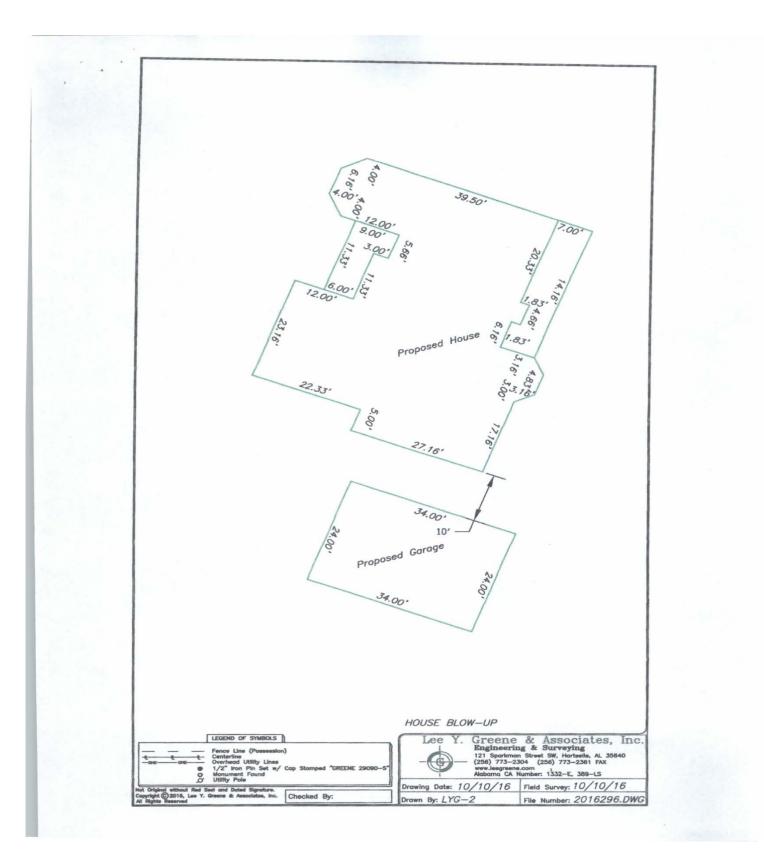
DECATUR	on a Charming Scale
.Stabarna .	Board of Zoning Adjustment
APPLICANT: Bama Goog MAILING ADDR: 4 CITY STATE ZIP: HARTS PHONE: 256-74 PROPERTY OWNER: CHRIS PUT MO OWNER ADDR: 5002 7 CITY STATE ZIP: 2007	The Kenin Grum The Kenin Grum The Booth St SW 14-1206 AL 35640 IN 1206 AL 35603 1305 Continel Maioni Holls Rd 1305 Continel Maioni Holls Rd Decartur, AL 35603
HOME OCCUPATION	URE OF APPEAL: TBACK VARIANCE SIGN VARIANCE APPEAL OF ADMINISTRATIVE DECISION ARIANCES ATTACHED DRAWINGS FOR VARIANCES ATTACHED
	ed Representative MUST be present in order se to be heard****
DESCRIBE APPEAL IN DETAIL: (INCLUDE:DIMENSION	NS, # FT FOR VARIANCES; # FOR PARKING; HARDSHIP; TYPE OF BUSINESS.)
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Signature     Image: Comparison of the second	f applicant is using a epresentative for the equest both signatures are required. Office Use Received By Zone AG 2 Hearing Date NOU 2920, 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 10<sup>b</sup> of the month to be heard the last Tuesday of the month.

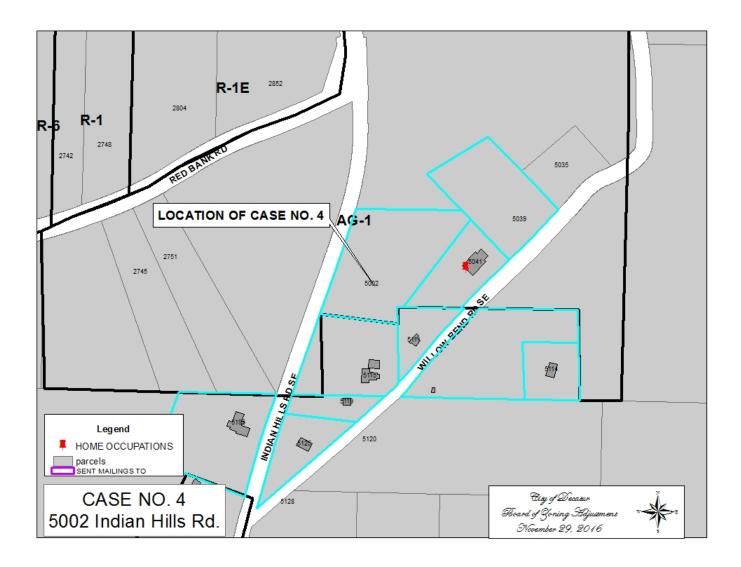
## CASE 4 5002 INDIAN HILL RD



#### SURVEY



## LARGER IMAGE SURVEY

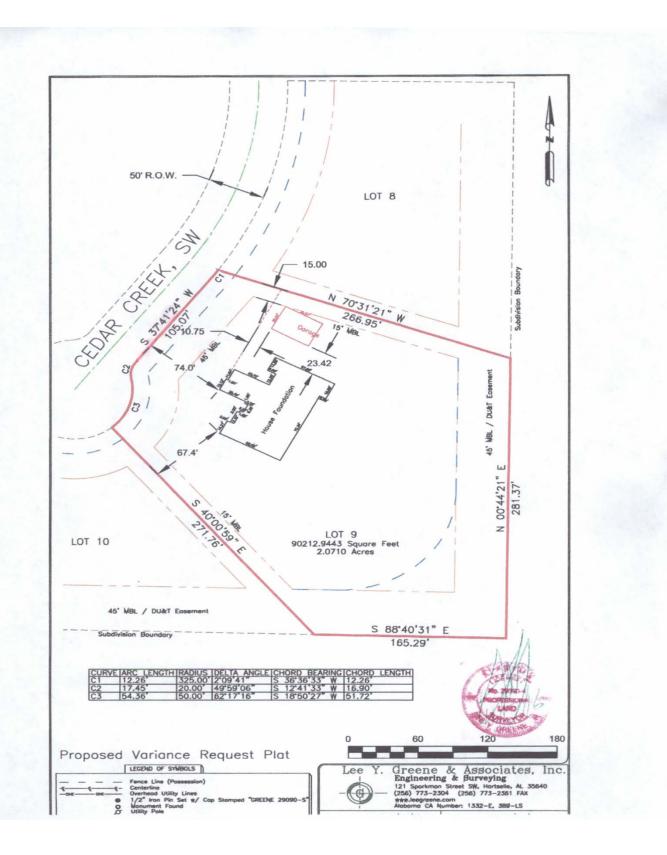


#### LOCATION MAP 5002 INDIAN HILLS RD

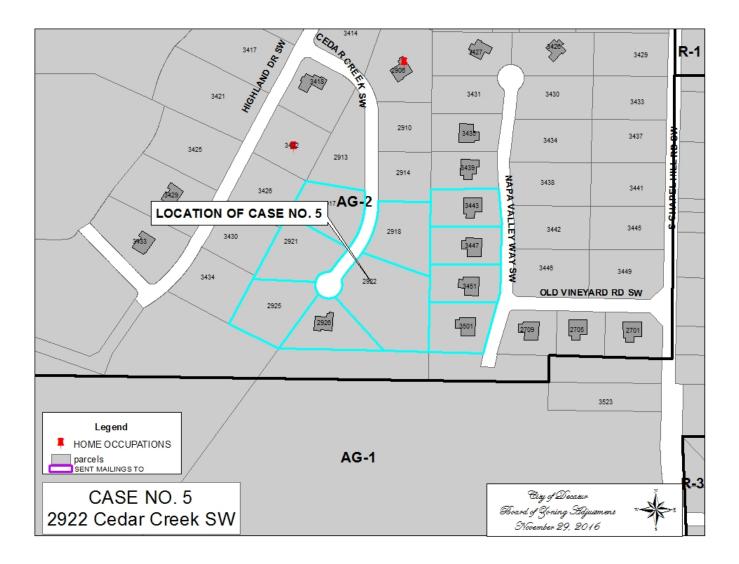
DECATUR	on a Charming Scale
DECATOR Juliuma	Board of Zoning Adjustment
APPLICANT: Philip Kelly	
MAILING ADDR: 124 Meadow Vow Drive	
CITY STATE ZIP: Triniky, AL 35673	
PHONE: 256-318-8896	
PROPERTY OWNER: Philip & Eleanor Kelly	* (PROPERTY seeking a Variance)
OWNER ADDR: 2922 Cedar Creek	ŚW,
CITY STATE ZIP: Decatur, Al. 3560	3
OWNER PHONE: 256-313-8896	
NAT	URE OF APPEAL: ETBACK VARIANCE
HOME OCCUPATION	URE OF APPEAL:
□ HOME OCCUPATION SE □USE PERMITTED ON APPEAL □OTHER SURVEY FOR VA ***** Applicants or Duly Appointe	URE OF APPEAL: ETBACK VARIANCE SIGN VARIANCE
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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 10<sup>h</sup> of the month to be heard the last Tuesday of the month.

### CASE NO 5 2922 CEDAR CREEK SW



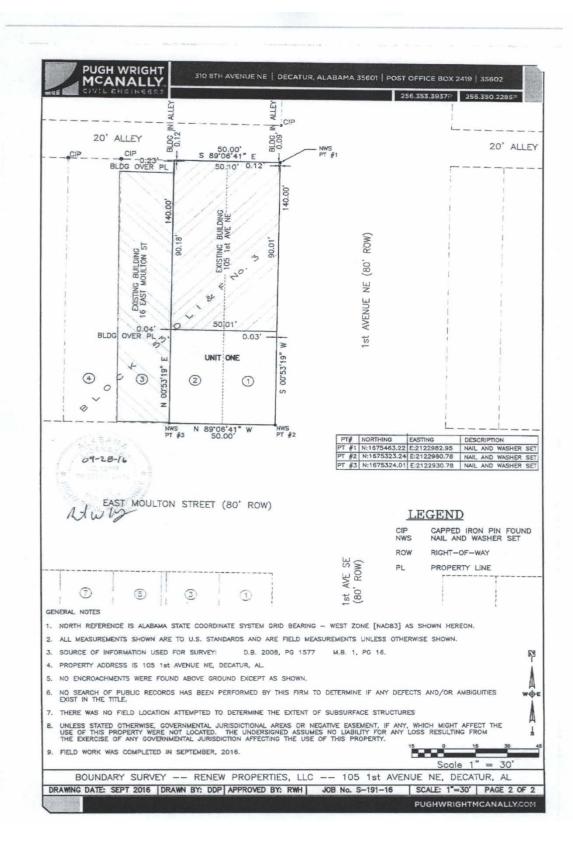
**SURVEY** 



### LOCATION MAP 2922 CEDAR CREEK SW

	on a CHARMING SCAL
DECATUR	Board of Zoning Adjustment
Your	Dourd of Doning Frequencies
APPLICANT: Cross-Eyed and Brewi	ing Company INC/Henry ATwood
MAILING ADDR: 105 1ST AVENE ,	
CITY STATE ZIP: Decetur, AL 3	35601
PHONE: 256-431-0931	
PROPERTY OWNER: Renew Properties	s u.c
OWNER ADDR: 645 East Moult	
	5601
OWNER PHONE: 256. 350. 52	
NATURE OF APPEAL:	VISTRATIVE DECISION
NATURE OF APPEAL: HOME OCCUPATION SETBACK VARIAN USE PERMITTED ON APPEAL APPEAL OF ADMIN OTHER SURVEY FOR VAR PARCINICI JARIANCE	ICE GIGN VARIANCE VISTRATIVE DECISION IANCES ATTACHED CORAWINGS FOR VARIANCES ATTACHE
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CASE NO 6 105 1<sup>ST</sup> AVE NE



#### **SURVEY**



November 16, 2016 (page 1 of 2)

Cross-Eyed Owl Brewing Company Inc.

City of Decatur, AL Planning Department City Hall Annex 308 Cain Street N.E.

An application has been made to rezone the property at 105 First AV SE. The intent is to have a microbrewery called Cross Eyed Owl Brewing Company at this location. The area is vibrant and exciting and will be a good location for this endeavor, however, it is densely developed and there is little land available to expand. We believe that producing more than 6,000 barrels annually at this location would be too much of a strain both on the building and the neighborhood. We understand that if our production grows to a point that exceeds 6,000 barrels annually the city will again work with us to find a site that will support our increased production. We are excited about the downtown Decatur location, but recognize that this site has a limit to growth. This annual production restriction is a voluntary limitation intended to provide assurance that our business plan does not involve utilizing the site beyond reasonable physical limitations or for purposes other than the intents laid out herein. There is no additional property to utilize for onsite parking, loading and unloading. This annual volume does not impact our ability to fully realize the potential we see for this location.

Although Decatur Utilities will require that we install a grease trap, it also is **not** our intention to have a kitchen or dining room at this location. This means there will be no sinks, dishwashers or other facilities associated with this location other than those used in the manufacture and serving of beer. It is also **not** our intention to apply to be in the arts and entertainment district. Should we apply in the future, there have been no representations made that it would be approved.

It is our desire to have a tasting room and part of the tasting room will be outdoors. We understand that we must receive approval from and comply with all Alabama Beverage Control regulations as well as the city of Decatur. The outdoor facility requires we provide a detail drawing showing the location of permanent railing delineating the tasting area from the public Right of Way, an approved exit and the location of all tables and chairs. At this time, we are aware that this location is not in the sidewalk café district.

★ We understand that we will need to obtain a Use Permitted on appeal for the proposed use in order to have a microbrewery that will have a tasting room, and sell alcohol as permitted by the ABC rules for a manufacturer's license. We will also apply to the Board of Zoning Adjustment for a variance from the parking requirement. We will have four employees to start and may eventually have as many as twelve employees that will require an approximate 8 space variance.

#### **REVISED LETTER**



November 16, 2016 (page 2 of 2)

Gross-Eyed Owl Brewing Company Inc.

We also understand that we will need to provide a plan for loading and unloading from the alley. The parking, loading and unloading plans and outdoor tasting area will be subject to review and approval of the Building and Planning Departments.

We are working in conjunction with the landlord, professional architect and general contractors to identify the following preliminary improvements to the building. The below list is subject to change as the architecture and planning process matures. The below list is not the final or complete list of improvements.

- · Replace existing storefront glass with insulated glass meeting energy cost requirements.
- · Plumb for two toilets to meet ADA requirements.
- Demolish existing toilet and build two new toilet areas.
- · Rebuild stair section.
- Required ceiling/roof insulation to meet energy code.
- Required Air and Heating for both floors.
- · Required automatic fire suppression system.
- Exterior steel stairs for second exit at upper floor.
- · Required opening and door at upper floor exit.
- Required fencing enclosing patio space.
- Required opening allowing access to patio space from first floor.
- · Sloped manufacturing floor for the production of beer.
- Refurbish exterior signage.

Henry Trey' Atwood III President Cross-Eyed Owl Brewing Company, Inc

### PAGE 2 OF REVISED LETTER

#### PROPOSED IMPROVEMENTS TO BLDG.



## LOCATION MAP 105 1<sup>ST</sup> AVE NE

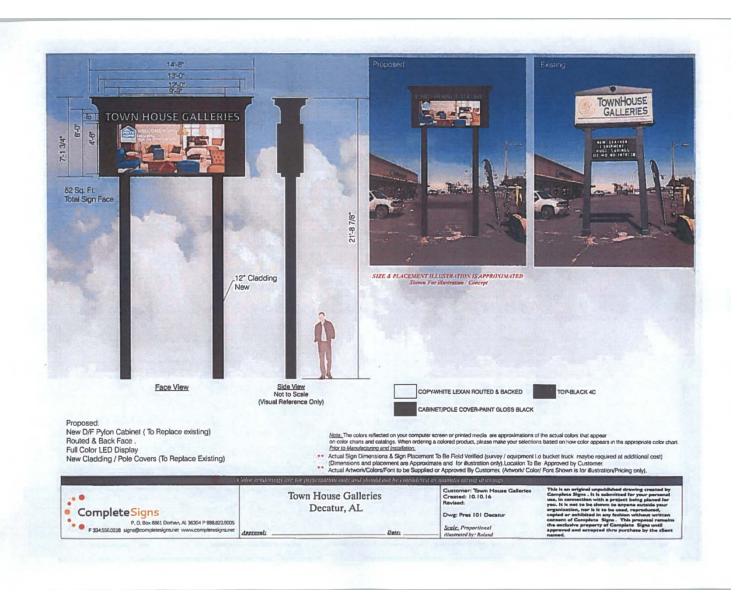
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	0 0
DEGATUR	A Grand City on a CHARMING SCALE
. Stabarna .	Board of Zoning Adjustment
APPLICANT: Trey Atwood /C	Prosseyed oul Brewingles
MAILING ADDR: 105 1St Ave. NF	
CITY STATE ZIP: Decatur, AL. 356	
PHONE: 256) 431-0931	
PROPERTY OWNER: Renew Property	
OWNER ADDR: 645 Fast Moul	
CITY STATE ZIP: De catur, AL.	3560)
OWNER PHONE: 256-350-5	239
NATURE OF APPEAL: HOME OCCUPATION	SIGN VARIANCE
NATURE OF APPEAL:         HOME OCCUPATION         USE PERMITTED ON APPEAL         OTHER	ATIVE DECISION ES ATTACHED DRAWINGS FOR VARIANCES ATTACHED
NATURE OF APPEAL:         HOME OCCUPATION         USE PERMITTED ON APPEAL         OTHER	ATIVE DECISION ES ATTACHED DRAWINGS FOR VARIANCES ATTACHED Appointed Representative, listed above
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NATURE OF APPEAL:         HOME OCCUPATION         QUSE PERMITTED ON APPEAL         OTHER         DOTHER         PLEASE NOTE Applicants or Duly A         MUST be present in order for the case         DESCRIBE APPEAL IN DETAIL:         (INCLUDE: DIMENSIONS, # FT)         FOS         A HICED D REWEY         APPEAL IN DETAIL:         (INCLUDE: DIMENSIONS, # FT)         FOS         A HICED D REWEY         Applicant Name(print)         Applicant Name(print)         Applicant Name(print)         If appresentive Name(print)	ATTIVE DECISION ES ATTACHED DRAWINGS FOR VARIANCES ATTACHED Sppointed Representative, listed above to be heard FOR VARIANCES; # FOR PARKING; HARDSHIP; TYPE OF BUSINESS.) That will have a protocol on private alcomol as permitted Defice Use
NATURE OF APPEAL:         HOME OCCUPATION         QUSE PERMITTED ON APPEAL         OTHER         DOTHER         PLEASE NOTE Applicants or Duly A         MUST be present in order for the case         DESCRIBE APPEAL IN DETAIL:         (INCLUDE: DIMENSIONS, # FT)         FOS         A Hicro brewesy         tasting score         (Indoc         PTOPERTy         Applicant Name(print)         Applicant Name(print)         Menny Anwon         Signature	ATIVE DECISION ES ATTACHED DRAWINGS FOR VARIANCES ATTACHED Sppointed Representative, listed above to be heard FOR VARIANCES; # FOR PARKING; HARDSHIP, TYPE OF BUSINESS.) That will have a prover on private al comol as permitted Dabama. Office Use Received By B

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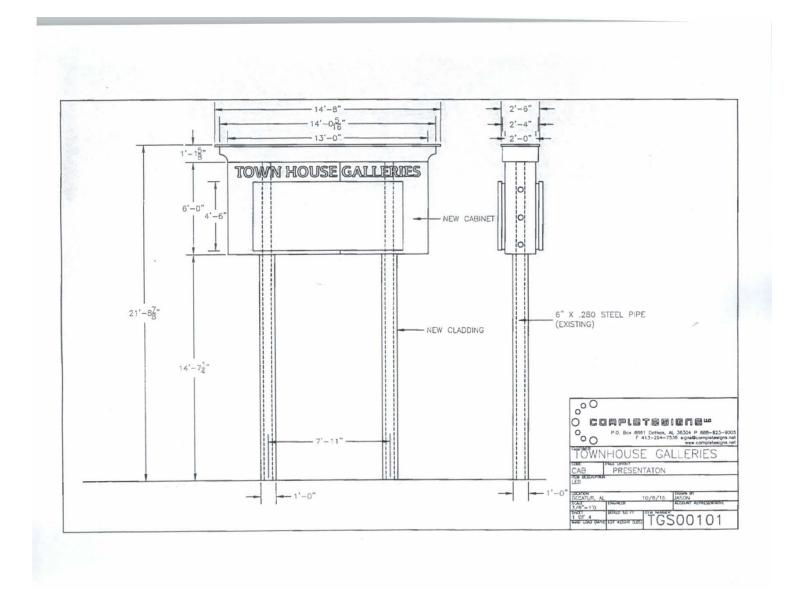


## LOCATION MAP 105 1<sup>ST</sup> AVE SE

	SI Grand Gile on & CHARMING SCALE
DECATUR	Board of Zoning Adjustment
APPLICANT: Dan Thomas	Johnny Green & Justin Holland
HAILING ADDR: 805 1100 St	w/ complet sizes
ITY STATE ZIP: Decator AL	35601
HONE: 256-9426-1772 C	#
ROPERTY OWNER: Dan Thomas	
WNER ADDR: 805 line St	
ITY STATE ZIP: Decator A1 3	560
WNER PHONE: 256 -426- 1772	ctt
UBJECT ADDRESS FOR APPEAL:	11th St. SE Decatur, A1 35601
	DMINISTRATIVE DECISION VARIANCES ATTACHED DRAWINGS FOR VARIANCES ATTACHED
LEASE NOTE Applicants or I IUST be present in order for t	Duly Appointed Representative, listed above he case to be heard
	SIONS, # FT FOR VARIANCES; # FOR PARKING; HARDSHIP; TYPE OF BUSINESS.)
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	variance to maintain our rurrat sign
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height. Our proposed sign h	reight is 227ed, and one current setback
height. Our proposed sign h is approx 19 Feet. To c	alter an EXT. NON- conforming Sign.
height, Our proposed sign h is approx 19 Feet. To a opticant Name(print) Pan Thomas	If applicant is using a Office Use
height. Our proposed sign h	If applicant is using a Office Use



#### PICTURES OF EXISTING AND PROPOSED SIGN



#### SIGN DIMENSIONS



### LOCATION MAP 509 11ST ST SE



Board of Zoning Adjustment

Frand Oily on & CHARMING SCALE

APPLICANT: Two Marks Decatur LLC

MAILING ADDR: 809 Beltline Rd SW Suite B

CITY STATE ZIP: Decaur AL 35601

PHONE: 256-724-0979

PROPERTY OWNER: AJ&C Garfunkel

OWNER ADDR: 400 Mall Blvd Suite M

CITY STATE ZIP: Savannah GA 31406

OWNER PHONE: 912-355-1311

SUBJECT ADDRESS FOR APPEAL: Installation of lighting on the front facade of building 809 Bettine Rd Sw Suite B Deceter AL 35601

## NATURE OF APPEAL:

 Image: Home occupation
 SETBACK VARIANCE
 SIGN VARIANCE

 Image: With the occupation
 Appeal of Administrative decision

 Image: Other
 SURVEY FOR VARIANCES ATTACHED
 DRAWINGS FOR VARIANCES ATTACHED

#### PLEASE NOTE Applicants or Duly Appointed Representative, listed above 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.)

Install LED lighting on the front facade of the building to be directed toward the building to wash the face of

the wall with light. The LED lighting has the ability to stay on a static color or change colors at various rates.

I am seeking the permission to install the lighting with the ability to use a static color (purple) and if permited use

other colors for holidays or awareness months and a slow cadence color change mode. I've submitted a

cut sheet for the proposed lighting and a mockup for where the lighting would be positioned on the building.

Applicant Name(print) Mark Marion Signature Application Representative Name(print) Signature	If applicant is using a representative for the request both signatures are required.	Office Use Received By B Zone M-22
Date 10/20/2016		Hearing Nov. 29, 20/

the BUILDING DEPARTMENT by the 10<sup>th</sup> of the month to be heard the last Tuesday of the month.

### CASE NO 9 809 BELTLINE RD SW STE B



## PICTURE OF PLANET FITNESS



Date:	T
Firm Name:	
Project:	

## ColorBlast 12

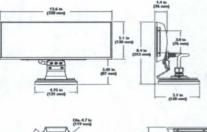
Da

10° clear lens

The original exterior LED wash fixture with intelligent color light

High-performance ColorBlast 12 LED fixtures generate rich, saturated colors and colorchanging effects for a range of wall-washing and floodlighting applications. Designed with the needs of lighting designers, architects, and retail window directors in mind, ColorBlast 12 can be used in both indoor and outdoor installations. High-intensity LEDs produce superior light output of up to 1207 lumens. ColorBlast 12 also offers full pan and tilt rotation, flexible mounting options, two beam angles, and superior control through Philips or third-party controllers.

- Two beam patterns A frosted glass lens (22° beam angle) produces a soft-edge beam, while a clear glass lens (10° beam angle) affords extended light projection.
- Outdoor rated Fully sealed for maximum fixture life and IP66-rated for outdoor applications, ColorBlast 12 fixtures meet or exceed specifications for use in wet locations. Rugged, die-cast aluminum housing is available in white or black powder-coated finish.
- Flexible mounting options The versatile fixture canopy base can be mounted to a junction box or directly to a wall, ceiling, or floor. A liquid-tight cable fitting seals the canopy opening for use in damp or wet environments.
- Versatile light positioning The locking canopy base offers friction-free rotation of up to 350°, and 110° fixture tilting lets installers quickly aim the fixture without special tools.
- Unified power and data cable Each ColorBlast 12 fixture comes with a 60 ft (18.3 m) unified power and data cable to minimize wiring. ColorBlast 6 is intended for use with PDS-150e and PDS-60 24V power / data supplies.





- Industry-leading controls ColorBlast 12 fixtures work seamlessly with the complete line of Philips Color Kinetics controllers, including iPlayer 3 Light System Manager, and ColorDial Pro, as well as third-party controllers.
- Additional options for controlling and dispersing light - Designed specifically for the family of ColorBlast fixtures by City Theatrical, Inc., accessories include top hats, half top hats, egg crate louvers, barndoors, and horizontal and vertical spread lenses.

For detailed product information, please refer to the ColorBlast 6 / ColorBlast 12 Product Guide at www.philipscolorkinetics.com/ls/colorblast12/



#### **DESCRIPTION OF LIGHTING**

#### Specifications

Due to continuous improvements and innovations, specifications may change without notice.

ltem	Specification	Details		
~	Beam Angle	10°		
2	Lumens*	1207		
Output	LED Channels	Red / Green / Blue		
	Mixing Distance	6 in (152 mm) to uniform light		
	Lumen Maintenance† 50,000+ hours L ectrical Input Voltage 24 VDC via PDS Power Consumption 50 W maximum Interface PDS-150e 24V (Pro- post-60 24V (Pro- control System Phillips full range Manager, IPlayer Control System 8.4 × 12.6 × 5.1 Weight 4.2 lb (1.9 kg)	50,000+ hours L50 @ 50° C (full output)		
Electrical	Input Voltage	24 VDC via PDS-150e or PDS-60		
	Power Consumption	50 W maximum at full output, steady state		
	Interface	PDS-150e 24V (DMX / Ethernet) PDS-60 24V (Pre-programmed or DMX / Ethernet)		
Control	Control System	Philips full range of controllers, including Light System Manager, iPlayer 3, and ColorDial Pro, or third-party controllers		
		8.4 x 12.6 x 5.1 in (213 x 320 x 130 mm)		
	Weight	4.2 lb (1.9 kg)		
	Housing	Die-cast aluminium, black or white powder-coated finish		
	Lens	Clear glass		
Physical	Fixture Connections	60 ft (18.3 m) unified power / data cable		
	Temperature Ranges	-40° – 122° F (-40° – 50° C) Operating -4° – 122° F (-20° – 50° C) Startup -40° – 176° F (-40° – 80° C) Storage		
	Humidity	0 – 95%, non-condensing		
	Maximum Fixtures Per Power / Data Supply	PDS-150e 24V: 3 PDS-60 24V: 1		
Certification	Certification	UL / cUL, FCC Class A, CE, PSE, C-Tick, SAA, CQC		
and Safety	Environment	Dry / Damp / Wet Location, IP66		

#### **Photometrics** 10° clear lens

Polar Candela Distribution

Cd:0	90*	0	0 27343	22.5 27343	44 27343	67.5 27343	90 27343
Cast 1-1	1	5	12774	12942	13162	13077	12960
4,557	80*	15	458	465	473	464	459
9,114 HXXX	the formation of the second	25	157	152	156	153	154
ALLA AND A	70"	35	114	111	116	113	114
13.672	1 L L	45	55	56	58	56	56
	60"	55	21	21	21	21	21
18,229	X	65	2	2	2	2	2
		75	1	1	1	1	2
22,786	50"	85	0	0	0	0	0
	S. 19	90	0	0	0	0	0
27,343 VA:0" 10" 20" 30"	40"						

■ - 0° H B - 90" H

For lux m

Center Beam fc		Beam Wideh		
0 ft	1708 fc	0.7 ft 0.7 ft		
0.6	427 fc	1.3 ft 1.4 ft		
2.0 ft	190 fc	2.0 ft 2.0 ft		
6.0 ft	107 fc	2.7 ft 2.7 ft		
0.0 ft	68 fc	3.4 h 3.4 h		
4.0 ft	47 fc	4.0 ft 4.1 ft		

1 fc maximum distance Horiz Spread: 9.7"

	LED	Lumens	Efficacy
ultiply fc by 10.7	RGB	1207	16.9

\* Lumen measurement complies with IES LM-79-08

Linen measurement complex with its LPAPAGE with the second sec

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	PTIBIN'			
		1.00		
ixtures and	Power / D	ata Supplies	5	
tem	Туре		Item Number	Philips 12NC
ColorBlast 12	White	22° beam angle	116-000025-00	910503700589
		10° beam angle	116-000025-02	910503700591
	Black	22° beam angle	116-000025-01	910503700590
		10° beam angle	116-000025-03	910503700592
DS-150e 24V	DMX / E	DMX / Ethernet		910503700092
	Pre-prog	Pre-programmed		910503700096
PDS-60 24V	DMX / Ethernet		109-000017-03	910503700097

Accessories	* Intended for	use with Blast fixture	es with 10° clear lens
Item	Туре	Item Number	Philips 12NC
	White	120-000003-03	910503702839
Accessory Holders	Black	120-000003-04	910503702840
	White	120-000009-03	910503702847
Half Top Hats	Black	120-000009-04	910503702848
	White	120-000005-03	910503702843
Top Hats	Black	120-000005-04	910503702844
	White	120-000015-03	910503702851
Egg Crate Louvers	Black	120-000015-04	910503702852
	White	120-000019-03	910503702855
Barndoors	Black	120-000019-04	910503702856
Horizontal Glass Spread Lens*	36° (ribs out) 50° (ribs in)	120-000025-00	910503703897
Horizontal /Vertical Glass Spread Lens*	40°	120-000025-01	910503703898
	Use Irem Numb	er when ordering	in North America.

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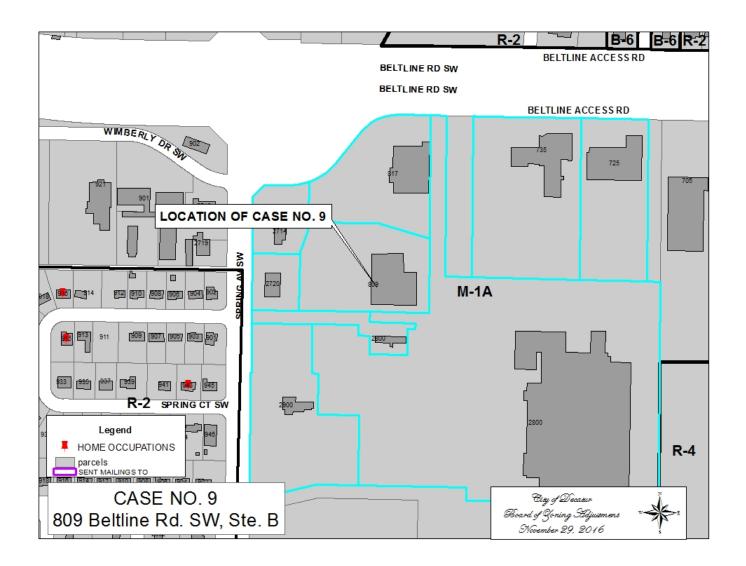
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PHILIPS

Philips Color Kinetics 3 Burlington Woods Drive Burlington, Massachusetts 01803 Tel 888.385.5742 D Tel 617.423.9999 Fax 617.423.9998 www.philipscolorkinetics.com 2016 0 By

#### **PAGE 2/DESCRIPTION**

DAS-000034-01 R04 07-12



### LOCATION MAP 809 BELTLINE RD SW STE B