Danbury	Township, Ohio		AFF REPORT of Zoning Appeals Date: May 21, 2025
Case #:	BZA-2025-067	Address:	2471 Port Pleasant
Appellant:	Francisco & Christine Orozco, Owners	Zoning:	"R-C" Recreational Commercial
Request:	Request for an Area Variance to Section addition to encroach into the west, front-y		-

SUMMARY:

The property is part of Port Pleasant Subdivision which was platted in 1956, so the lot is considered to be a "Lot of Record" and allowed reduced setbacks. The lot is a double frontage lot with two front-yards being required from both Port Pleasant & Brooke, even though the property is not accessible from Brooke. There is currently a 6' x 16' uncovered deck on the front of the house. The applicant is proposing to construct a 6' x 12' covered front porch addition on the west side of the house in the same location as the existing deck. The covered front porch addition will be 14' from the west, front property line where 20' is required. Other improvements are being made to the property as well, but those all met the zoning requirements, and the applicants received zoning permit #2025-053 for that work.

ANALYSIS:

Staff provides the following analysis of the decision standards the Board utilizes in their deliberations for deciding whether the request should be approved or denied. The Board is not obligated to agree in whole or in part with any of Staff's review:

The property in question will yield a reasonable return and can be beneficially used without the variance because the property can be used for a single-family residence. The zoning resolution does not deny the owner's use of the property or expansion to the principal use.

The request is not substantial because the roof covering for this new porch will be no closer to the front property line than where the edge of the uncovered deck currently is located. The essential character of the neighborhood would not be substantially altered or suffer a substantial detriment as a result of the variance for the same reason aforementioned.

There is no indication that there would be a detrimental effect on the delivery of government services since all utilities exist and are available to the property. The property owner states in their narrative statement that they did not purchase the property with knowledge of the zoning restrictions since the deck was existing at the time they purchased in 2010.

Whether the property owner's predicament can or cannot feasibly be obviated through some method other than a variance can be debated. On the one hand the deck could remain as is or be cosmetically enhanced without the roof covering. On the other hand, since the main part of the house sits right at the 20' front-yard setback, any improvement to the front will require some sort of variance.

The spirit and intent would be met by granting the variances because there is no known negative impact to the neighboring properties, the request is not unreasonable, and it is the least amount needed to accomplish their goal.

List of E-shihits E-sologed

STAFF RECOMMENDATION:

None.

SUBMITTED BY:

Kathryn A. Dale, AICP Danbury Township Zoning Inspector

Date Prepared: April 25, 2025 Danbury Township Case # 2025-067 Staff Report

List of Exhibits Enclosed:					
Exhibit 1:	BZA Application Appellants Response to Decision Standards Photos of neighboring porched Adjacent property owners' notification list Property Deed				
Exhibit 2:	Refused Permit Site Plan & building Plans - 1 -				

59 M 2	Panbury Township, Ohio 972 E. Port Clinton Rd. arblehead, Ohio 43440	HIBIT BOARD OF ZONING APPEALS APPLICATION Date Filed: 4/17/25 Application #: 2025-067 Action: Rejected Permit: 2025-052 Approved Permit:
1.	Property Location: 2471 Port P	Pleasant Parcel ID# 0141284717143000 & 5000
÷.	Subdivision Port Pleasant	Lot # 6 & 7 Zoning District : "R-C"
	and the second	For Complete Property Legal Description
	Existing Use SF Home	Proposed Use 6' x 12' Covered Front Porch
2.	Agent	Address
	City	_StateZipPhone
	Email:	
3.	Appellant/ Owner Francisco & Christine	
	Email: forozco@gonzalez-group.com / ch	StateXipZip48067 Phone (248) 765-3256
		on if there is more than one owner making the request.
	Ose un additional applicatio	m g mere is more man one owner making the request.
4.	Specific Request:	
	Area Variance Use Variance	Special Exception Conditional Use Appeal Variance from Section 5.1.7 to allow for a covered front porch
		-yard setback (14' proposed/ 20' required).
	I factical Difficulty	TTACHED NARRATIVE STATEMENT
	Attach Separate Narrative Stateme	ent Describing The Request If Additional Space Is Needed.

5. Attach a Narrative Statement with a response to each Decision Standard listed in <u>Attachment "A"</u> hereto, as is relates to the specific request.

- 6. Maximum 11" x 17" sized drawings. Attach a scaled site plan/ plot plan showing the dimensions of the property, location of roads, size and location of existing and proposed structures, including but not limited to driveways, patios, sidewalks and decks, as well as the setback distances from the property lines to each of these aforementioned items on the property. Elevations shall also be submitted when applicable. Applications for signs shall include all drawings depicting the size, height and location of the proposed sign.
- 7. A typewritten list of the names & addresses of the property owners contiguous to and directly across the street from the property involved.
- 8. Photographs or any other information and documentation as it relates to the request being made.

An application is hereby made for an appeal before the Danbury Township Board of Zoning Appeals (BZA). It is understood and agreed to by the appellant(s) and agent(s) that the Board of Zoning Appeals is a quasi-judicial Board. The BZA's primary function is to hear testimony and issue a decision. The BZA only hears relevant, sworn testimony from the Appellant, his/her duly appointed agent or attorney, and any other person with standing to testify in a particular matter. The Appellant has the right to cross-examine any testimony given. Hearings are open to public attendance. Unless appealed to the judicial system, the subject property shall comply with the decision rendered and the laws of the State of Ohio, and; should an application be granted, a permit shall be applied for and issued 30 days after such decision is rendered. The Appellant and Agent hereby certify that the information and statements given on this application, drawings and specification are to the best of their knowledge, true and correct.

	156156
(Agent's Signature)	(Date)
Francisco Orozco Digitally signed by Francisco Orozco Date: 2025.04.16 15:48:43 -04'00'	4/16/2025
(Appellant's Signature)	(Date)

PLEASE REFER TO THE BZA DOCKET CALENDAR FOR SUBMISSION DATES. INCOMPLETE OR LATE APPLICATIONS WILL NOT BE ACCEPTED.

Do not write below this line

	ZONING SUMMARY
BZA Hearing Date: 5/21/25	BZA Application #:
Notice Published to Website:	Notice Sent to Neighboring Property Owners:
Filing Fee = \$200.00 Postage Fee \$	5.60 Total Fees Paid \$ 205.60 Amount Invoiced \$
Cash/ Check # 1974	List of neighboring property owners provided? Ye No

Applicant's Narrative Statement & Response to Decision Standard's

2471 Port Pleasant Orozco

Scope of Work: We are proposing to cover over an existing front porch (deck), at the time the deck was constructed, decks did not have to meet the front yard setback requirements, we understand that the proposed cover will be part of the house structure and does not meet the minimum setback of 20' and it will end up at 14', we are requesting a variance to cover the existing front porch (deck)

Decision Standards:

- A. The property in question (will) yield a reasonable return or (cannot) be used beneficially without the variance because we have experienced water damage in the threshold of the front door during heavy rain.
- B. The variance (is) substantial because it will add curve appeal to the property and will match the properties across the street.
- C. The essential character of the neighborhood (would not) be substantially altered by the variance and adjoining properties (would not) suffer a substantial detriment as a result of the variance because it will match the properties across the street.
- D. The variance (would not) adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because It will cover an existing structure.
- E. The property owner (did not) purchased the property with knowledge of the zoning restriction because As the existing deck was already in place.
- F. The property owner's predicament (cannot) feasibly be obviated through some method other than a variance because <u>The property is located at the 20' setback requirement.</u>
- G. The spirit and intent behind the zoning requirement (would) be observed and substantial justice done by granting the variance because it will prevent future water damage to the front door entrance.
- H. Other relevant factors, if any, considered include <u>The variance should not significantly alter the</u> essential character of the neighborhood or negatively impact neighbors.



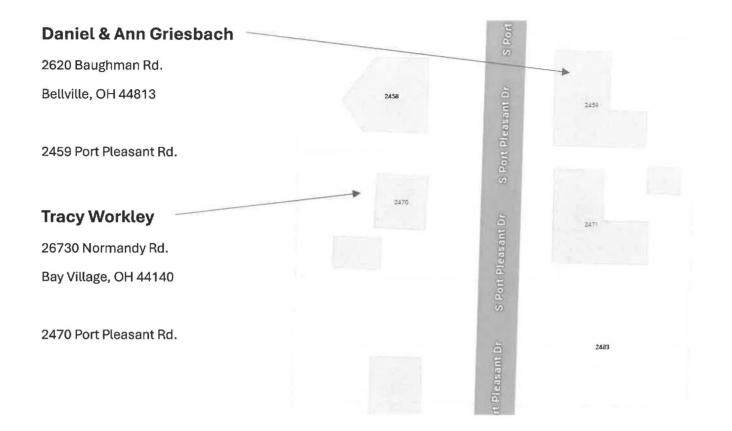
Existing Front Deck



2458 Port Pleasant



2494 Port Pleasant



BZA – 2025-067 2471 Port Pleasant Orozco Harriet & Kate Mountcastle 11069 E. Bella Vista Dr Scottsdale, AZ 85259

BZA-2025-067 2471 Port Pleasant Area Variance 0141284717143000 Side Setback Orozco

John Polinsky 36710 Estee Ln. Grafton, OH 44044

Mark & Shannon Long 6836 Wallings Rd Brecksville, Ohio 44141

Jessie Nestor & Robert Grunder 2481 S. Brooke Cir Marblehead, Ohio 43440

> Gerald Cornell 2467 S. Brooke Cir Marblehead, Ohio 43440

Tedman & Cheryl Shoop 7316 Kittie Ln Sagamore Hills, Ohio 44067

Bethany Gabriel 5900 Julian Loop The Villages, FL 32163

Tracy Workley 26730 Normandy Rd Bay Village, Ohio 44140

Richard Witherspoon 2458 S. Port Pleasant Marblehead, Ohio 43440

Daniel & Ann Griesbach 2620 Baughman Rd Bellville, Ohio 44813

201800278594 Filed for Record in OTTAWA COUNTY, OHIO VIRGINIA H PARK, RECORDER 08-15-2018 At 11:44 am. QUIT C DEED 28.00 OR Book 1688 Page 611 - 612

This conversing has been examined and the grantor had complied with section 119-202 of the revised code,	
FEES S	
J Regar , County Auditor	1
Transfer B to 8-15	5-18

QUIT CLAIM DEED - Statutory Form O.R.C. 5302.11

KNOW ALL MEN BY THESE PRESENTS

That WE, FRANCISCO R. OROZCO and CHRISTINE M. OROZCO, husband and wife, for valuable consideration paid, grant to FRANCISCO OROZCO and CHRISTINE OROZCO, CO-TRUSTEES OF THE JOINT REVOCABLE LIVING TRUST AGREEMENT OF FRANCISCO OROZCO AND CHRISTINE OROZCO DATED JULY 19, 2018, whose tax-mailing address 1126 N. Altadena Ave., Royal Oak, MI 48067 the following real property:

[SEE LEGAL DESCRIPTION ATTACHED HERETO]

Property Address: Parcel 1: 2471 S. Port Pleasant Drive, Marblehead, OH 43440 Parcel 2: 0 South Port Pleasant Drive, Marblehead, OH 43440

Parcel 3: 680 Plasterbed Unit# 1-7, Port Clinton, OH 43452

Parcel I.D. No.:

Parcel 1: 014-12847-17143-000 Parcel 2: 014-12847-17145-000 Parcel 3: 020-07190-09514-008

Prior Instrument Reference: Vol. 1332, Page 639; Vol. 1438, Page 88 & Vol. 1649, Page 158

EXECUTED this <u></u>day of August, 2018.

ANTORS GI NCISCO R. OROZCO, Co

OAKLAND COUNTY, STATE OF MICHIGAN:

Before me, a NOTARY PUBLIC in and for said County and State, personally appeared the above-named, FRANCISCO R. OROZCO and CHRISTINE M. OROZCO, and acknowledged the signing of the foregoing instrument to be a voluntary act and deed in the capacity described therein for the uses and purposes therein mentioned.

· mad	IN TESTIMONY WHEREOF I have hereunto-set my hand and official seal
Place	this day of August, 2018.
1000 A	HALLAND CANEDO I MA DOG
Instrument prepared by Atty Bres Nosilitt Brown, 318 M	Iadison St., Port Clinton, OH 43452 419-732-3145
	Commission EXPLES 1/20/2019
11178 - 6	

CHRISTINE M. OROZCO, Co-Trustee

LEGAL DESCRIPTION:

PARCEL 1: Situated in the Township of Danbury, County of Ottawa, and State of Ohio:

And being Lot Number Six (6) in the Plat of Port Pleasant Allotment, a subdivision in Lot No. 1, Section 2, of said Township as recorded in Plat Volume 9, Page 44 of Ottawa County, Ohio Records, together with the right and privilege of launching or docking one boat at the waterfront area, but subject to conditions, restrictions, reservations, covenants and easements appearing of record, and restrictions found in Deed Volume 259, Page 1070, Ottawa County, Ohio Records.

 PROPERTY ADDRESS:
 Parcel 1: 2471 South Port Pleasant Drive, Marblehead, OH 43440

 PARCEL I.D. NO.:
 Parcel 1: 014-12847-17143-000

PARCEL 2: Situated in the Township of Danbury, County of Ottawa, and State of Ohio:

And being Lot Number Seven (7) in the Plat of Port Pleasant Allotment, a subdivision in Lot No. 1, Section 2, of said Township as recorded in Plat Volume 9, Page 44 of Ottawa County, Ohio Records, together with the right and privilege of launching or docking one boat at the waterfront area, but subject to conditions, restrictions, reservations, covenants and easements appearing of record, and restrictions found in Deed Volume 259, Page 1070, Ottawa County, Ohio Records.

PROPERTY ADDRESS: Parcel 2: 0 South Port Pleasant Drive, Marblehead, OH 43440 PARCEL I.D NO.: Parcel 2: 014-12847-17145-000

PARCEL 3: Situated in the Township of Portage, County of Ottawa and State of Ohio:

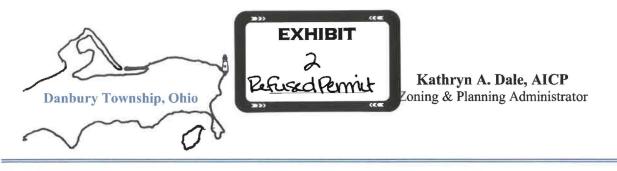
Being UNIT NUMBER 1-7 together with the use of the limited common areas appurtenant thereto and an undivided 4.167 percent interest in and to the common areas and facilities of WEST BAY STORAGE CONDOMINIUM, a Condominium located in Portage Township, Ottawa County, Ohio.

The Declaration of Condominium Covenants, Conditions & Restrictions are recorded in Volume 974, Pages 425 through 476 and First Amendment to Declaration of Condominium Covenants, Conditions & Restrictions recorded in Volume 990, Pages 603 through 606, Ottawa County Recorder's Official Records and the Drawings of said Condominium are recorded in Volume 47, Page 27, Ottawa County Plat Records.

This conveyance is being made pursuant to and in accordance with Chapter 5311 of the Ohio Revised Code and is subject to the terms and conditions of the Declaration of Condominium Covenants, Conditions & Restrictions as if the same were fully rewritten herein and the same shall be binding upon the grantees, their heirs, successors and assigns.

Together with all the estate, right, title and interest said grantor has or ought to have in and to said described premises together with the privileges and appurtenances to the same belonging, but subject to zoning ordinances, restrictions of record and public utility or other easements of record.

PROPERTY ADDRESS: Parcel 3: 680 Plasterbed Unit# 1-7, Port Clinton, OH 43452 PARCEL I.D. NO.: Parcel 3: 020-07190-09514-008



NOTICE OF REFUSAL

April 8, 2025

To Applicant/: Francisco & Christine Orozco Owner 1126 N. Altadena Avenue Royal Oak, Michigan 48067 Application No.:

2025-052 2471 Port Pleasant

BZA Case No.:

Your application dated APRIL 8, 2025, for a zoning certificate for a 6' x 12' COVERED FRONT PORCH ADDITION located at 2471 PORT PLEASANT, MARBLEHEAD, OHIO 43452 is hereby refused on this 8th DAY OF APRIL, 2025 under Article 3, Article 5 and Article 7 of the Danbury Township Zoning Resolution in that;

Article 3 of the Danbury Township Zoning Resolution and Map designates the location of this property as "R-C" Recreational Commercial.

Article 5, Section 5.1.3	 General Regulations Applicable to All Districts 3. No building or structure shall be erected, converted, enlarged, or reconstructed or structurally altered except in conformity with the yard and lot area regulations of the district in which the building is located unless otherwise specified herein.
Article 5, Section 5.1.7	 General Regulations Applicable to All Districts 7. Any lot of record at the time of the adoption of this Resolution may be used for a single-family dwelling. Any lot of record that can comply with the required setback requirements of the district in which it is located shall be required to do so. However, on such lots in all districts where compliance with required district setbacks cannot occur, the following setbacks shall be maintained unless a variance is granted by the Board of Zoning Appeals: Min. Front-Yard Setback: 20' Min. Side-Yard Setback: 5' Min. Rear-Yard Setback: 5' The property is part of Port Pleasant Subdivision which was platted in 1956. The lot is a double frontage lot with two front yards being required from both Port Pleasant & Brooke, even though the property is not accessible from Brooke. There is currently a 6' x 16' uncovered deck on the front of the house. The applicant is proposing to construct a 6' x 12' covered front porch addition on the west side of the house in the same located as the existing deck.
Variance #1	• The covered front porch addition will be 14' from the west, front property line where 20' is required.

Article 7, Section 7.5.1.A states; It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, converted or enlarged, wholly or partly, until a zoning certificate/permit shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate/permit, provided the Zoning Inspector is satisfied that the structure, building or premises, and the proposed use thereof conform with all the requirements of this Resolution. No certificate/permit for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Resolution.

Article 7: An appeal from this decision to the Danbury Township Board of Zoning Appeals is governed under Section 7.9.2 of the Danbury Township Zoning Resolution. A request for an Area Variance is necessary prior to proceeding with the proposed construction.

Please contact the Zoning Department at (419) 734-6120 to obtain the appropriate application and to review the adjudication hearing process if you wish to proceed with the appeal.

Kathryn A. Dale, AICP Danbury Township Zoning & Planning Administrator

Note: The applicant has <u>20 days</u> (per Section 7.9.2.A.i) to submit revisions or to appeal this decision to the Board of Zoning Appeals. A new application will be required, including payment of a new fee, if the applicant fails to submit adequate revisions within this time period. Revisions that address these deficiencies may result in further comments relative to these or other Zoning Resolution provisions. This review is only for compliance with the zoning regulations. The Ottawa County Building Department may also have comments that will need to be addressed before releasing permits.

5! N	Panbury Township, Ohio P72 E. Port Clinton Rd. Marblehead, Ohio 43440 S: (419) 734-6120 F: (419) 734-3137 S: www.danburytownship.com	Date Filed:		Application	PLICATION n #: <u>2025-052</u> #:
1.	Property Location: 2471 Port F	Pleasant	Parcel ID #	01412847	17143000 & 5000
	Subdivision Port Pleasant	Lot # 6 & 7	Zoning Distric	"R-C" Reci	reational Commercial
	Existing Use SF Home	Proposed Use	6' x 13	2' Front Pore	ch Addition
2.	Applicant Francisco & Christine Orozco	Addres	s 1126 N. Alta	adena Avenu	ıe
	City Royal Oak	State MI	Zip_48067	Phone	(248) 765-3256
	Email: cisco6132@yahoo.com / chris	orzc@icloud.com			
3.	Owner Same as Above	Addres	is		
	City	State	Zip	Phone	
	Email:				
4.	Contractor/ Architect TBD	Addres	38		
	City	State	Zip	Phone	
	Email:				
5.	Site Plan: Attach site plan for subject	t property. See Ins	structions & Sa	mple.	

6. Type of Improvement **Residential Use** Non-Residential Use New Single Family (___w/Deck) New Building(s) New Two-Family Dimensions of each Bldg. New Multi-Family, No. of Units ✓ Addition Addition Accessory Structure Accessory Structure Decks or Patios Temporary Uses - Dates From: To: Swimming Pools (above or inground) Signs - Permanent _____ Temporary_ Walls or Fences Walls or Fences Temporary Uses - Dates From: Remodel/ Tenant Finish To: Docks, Finger, Main or Walkway -Signs – Permanent Temporary sf. Docks sf. Other (specify) Other (specify)

7. Project Description: Construct 6' x 12' Covered Front Porch

- 8. Are the property line pins located or have you had a recent survey of the lot? _____ Yes _____ (yes/no)
- 9. If application is for a non-residential use, list total square footage of building per floor. If application is for a residential use list total area of living space per floor as well as total area of all applicable attachments to the structure. Attach sketch of lot, showing existing buildings and proposed construction or use for which application is made. Give dimensions, indicate *north* and provide the following information:

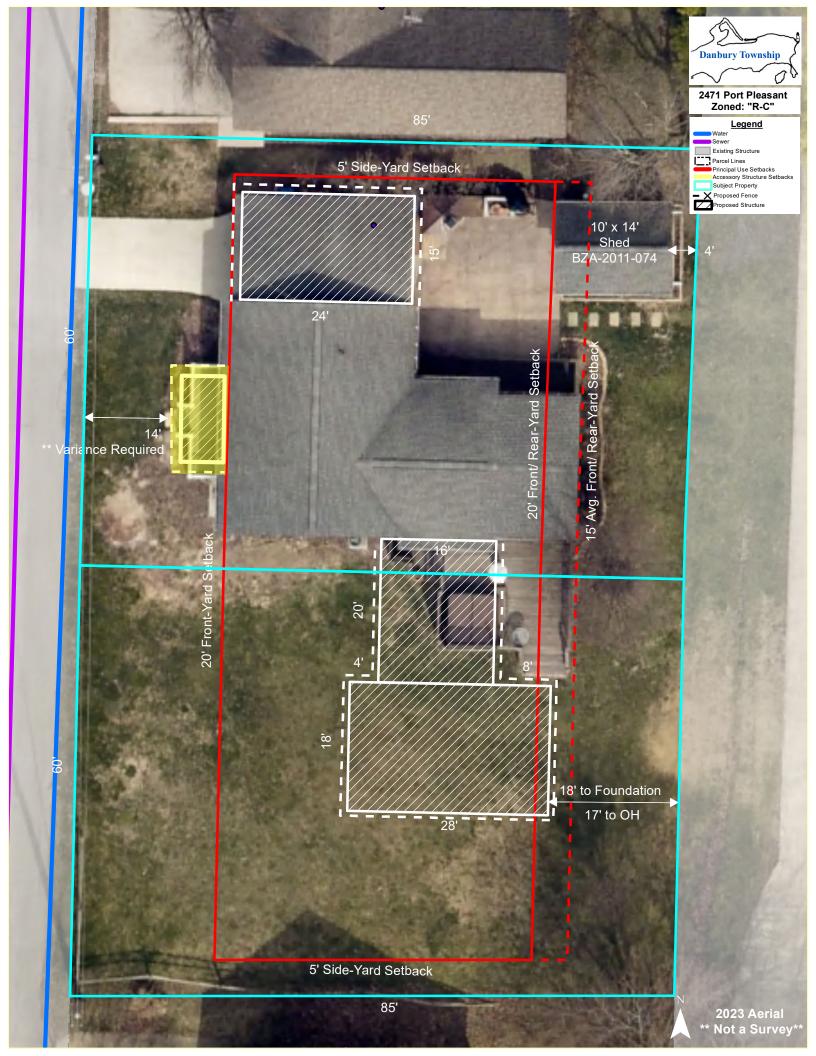
	Existing	Proposed	Setbacks:	Existing	<u>P</u>	roposed	
Basement:	sf.	sf.	(Setbacks are from the prop	erty lines to roo) overha	ng. not the	edge of the
			road	d pavement or f	oundation	n)	
First floor:	1,976 sf.	sf.	Front Yard Setback:	21'	ft.	14'	** Variance
Second floor:	sf.	sf.	Side Yard Setback: <u>N</u> side:	6.5'	ft.	Same	Needed ft.
Third floor:	sf.	sf.	S	62'	_ft	25'	ft.
Garage	360 sf.	sf.	Rear Yard Setback:	15'	_ft.	17'	ft.
Decks/porches	: <u>546</u> sf.	<u>72</u> sf.	5' Acc. Bldg/ Separati	on? 🖌 Yes	No	20'	_ft.
Breezeway:	sf.	sf.	Is the property Nonconforming?YesNo				X
Accessory:	<u>140</u> sf.	sf.	Lot Coverage:				
Parking:	sf.	sf.	A. Principal Building Footprint: 2,408 sf.			sf.	
Other:	sf.	sf.	B. Total of Accessory buildings: 140 sf				f
Highest point of building above the established grade:ftft.			C. Lot Width x Lot Depth = Lot Area: $10,200 \text{ sf.}$ [(A+B) \div C] x 100 = 25% %				sf

NOTE: Private deed restrictions may need to be met in some areas of the township. Zoning does not enforce private restrictions. It is the responsibility of the Owner & Applicant to be aware of these.

Application is hereby made for a zoning certificate. It is understood and agreed by the applicant that any error, misstatement or misrepresentation of fact or expression of fact in the application, either with or without intention on the part of the applicant, such as might, or would, operate to cause the issuance of a permit in accordance with this application, shall constitute sufficient ground for the revocation of the permit at any time. The owner of this building or premises and the undersigned, do hereby agree to comply with all the laws of the State of Ohio and the Zoning Resolution of Danbury Township, and to construct the proposed building or structure or make the proposed change or alteration in accordance with the plans and specifications submitted herewith, and certify that the information and statements given on this application, drawings and specification are to the best of their knowledge, true and correct.

Francisco Orozco		ed by Francisco Orozco 14.08 08:39:48 -04'00'			
(App	(Applicant's Signature)			(Date)	
	Do	not write belov	v this line		
	ZON	NING CERTI	FICATE		
Upon the basis of Application No.	• 052 the sta e with the Danbu C Zoning Dis	trict. Danbury Tow	Zoning Resoluti Hump rnship Zoning Ins	on and is hereby	(approved or rejected)
Date Application Received 40	, 20 <u>25</u>	Fee Paid \$	\$TBD	Check #	
Date Application Ruled On 418	, 20 25	If certificate r	efused, reason for	r refusal : <u>See</u>	Attoched

Permit valid for a period of one (1) year from date of issue.



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	John Gring R 10h 14700 G Rove Road Ga RRetsviile OH 44331 1490- 331- 5991

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