

2012-V-039

Project Name: n/a

Applicant and/or Property Owner: David & Elizabeth Mills

Representative: Jason Taylor, Wetland Sciences, Inc.

Request: Variance to allow the construction of a pier/dock, two boatlifts, and a jet ski lift (accessory structures) prior to the construction of the main (principal) dwelling.

(LDC 2.10.05.A, 6.03.05.F.5.e)

Zoning District: R-1 (Single Family Residential District)

STAFF ANALYSIS

Variance 2012-V-039

I. **Applicant:**

David & Elizabeth Mills represented by Jason Taylor, Wetland Sciences, Inc.

II. **Request:**

Variance to allow the construction of a pier/dock, two boatlifts, and a jet ski lift (accessory structures) prior to the construction of the main (principal) dwelling.

III. **Land Development Code Criteria:**

2.10.05 Accessory Buildings and Structures

A. Timing of Construction and Use - No accessory building or structure shall be constructed upon a lot until the construction of a main building has been commenced, or in the case of a lot two (2) acres or greater in size, until the construction permit for a main building has been issued. Buildings used solely for agriculture purposes (such as for livestock or for storage of farm equipment) on those parcels located in Agriculture zoning districts shall be allowed to be constructed before the construction of the main dwelling.

6.03.05 Accessory Activities: In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with and appropriately incidental and subordinate to the principal activity when located on the same zone lot as such principal activity and meet the additional conditions set forth below. Such accessory activities shall be controlled in the same manner as the principal activities within such zone except as otherwise provided in Section 2.10.06. Accessory activities include, but are not limited to, the activities indicated below:

F. Docks, Piers and Mooring Devices: Structures such as piers, docks, wharves, mooring devices, lifting and launching devices, the decking of which is no higher than three (3) feet above mean high water, are permitted as accessory structures.

Such structures shall not extend seaward from the property line for more than three hundred (300) feet or fifteen (15) percent of the open water span at the point of installation whichever is less, except as provided in Section 6.03.05(F)(5.b).

STAFF ANALYSIS

When structures are constructed on waterfront property and are to cross on or over areas of public access, this access may not be impeded or blocked by such structures. The owner of said structure must construct or provide public access. This provision shall apply only to water front property located on Escambia Bay south of Highway 90, Blackwater Bay south of Interstate 10, East Bay and Santa Rosa Sound.

On all construction of docks, boathouses, piers, retaining walls, seawalls, and dolphin poles a zoning review and site plan must be filed and approved by the Community Planning, Zoning and Development Division before building permits can be obtained or construction begun.

The site plan must include:

5. All canal front construction must meet the following dimensions and setbacks.
 - e. No waterfront construction, except for seawalls may begin until the foundation for the residence has been completed and inspected.

IV. **Proposed Location:**

3553 Laguna Ct., Gulf Breeze; this property is located south of Gulf Breeze Parkway, east of Laguna Lane, and south of Laguna Court, directly on Santa Rosa Sound in Santa Rosa Shores Subdivision (7th Addition) within the Gulf Breeze Community. (Parcel Number 32-2S-28-4900-00B00-0190 & 32-2S-28-4936-00000-0151)

V. **2.04.00 SPECIAL EXCEPTIONS AND VARIANCES:** The Zoning Board shall have the following duties and powers:

B. **No variances shall be authorized under this provision unless the Board finds that all of the following conditions exist:**

1. The special circumstances or conditions applying to the building or land in question are peculiar to such property and do not apply generally to other land or buildings in the vicinity.

Is this criterion met?

NO

Staff Analysis: Staff has determined that there are no special circumstances regarding the land or building in question, and that this parcel does not possess unique qualities with

STAFF ANALYSIS

respect to size or exceptional shallowness that are peculiar to such property and not to other lots within the area.

The applicant is seeking relief from those sections of the Ordinance which maintain that accessory structures may only be placed on a parcel after construction of the principal structure has begun and that no waterfront construction, except for seawalls, may begin until the foundation for the residence has been completed and inspected.

2. The variance is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant.

Is this criterion met?

NO

Staff Analysis: This Variance request is not necessary for the preservation and enjoyment of a substantial property right and serves merely as a convenience to the property owner.

3. The authorization of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of Santa Rosa County.

Is this criterion met?

YES

Staff Analysis: The authorization of this Variance will not impair an adequate supply of light and air to adjacent property, increase congestion to public streets, or impair the public safety. It is unknown whether the authorization of this Variance will unreasonably diminish or impair established property

STAFF ANALYSIS

values within the surrounding area.

4. The variance will not impair the intent of the zoning ordinance or zoning district map.

Is this criterion met?

NO

Staff Analysis: If authorized, a Variance without special circumstances would impair the intent of the zoning ordinance.

5. To permit the reduction of parking or loading requirements whenever the character or use of a building is such as to render unnecessary the full provision of parking or loading facilities as specified herein or whenever the strict enforcement of such provision would impose an unreasonable hardship as contrasted with merely granting an advantage or convenience.

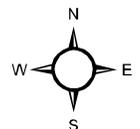
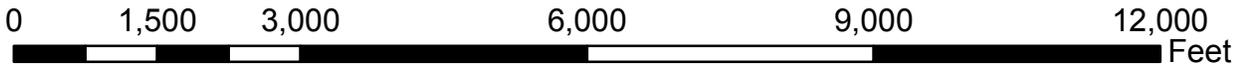
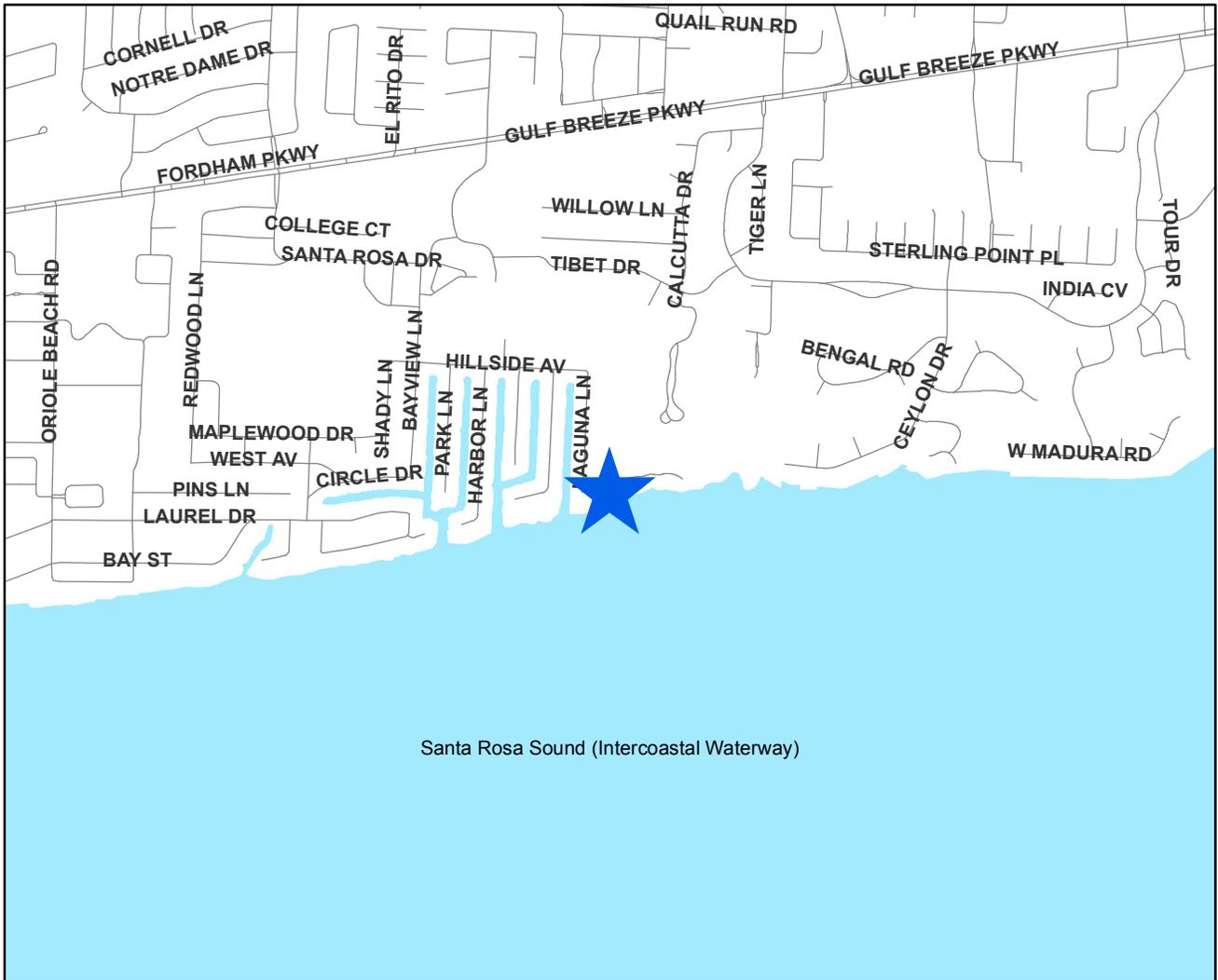
Is this criterion met?

N/A

Staff Analysis: The proposed request does not apply to the reduction of parking or loading requirements nor does it apply to the access management standards which would affect the safety or operation of the roadway.

Additionally, variances from access management connection standards may be granted where the effect of the variance would be to enhance the safety or operation of the roadway.

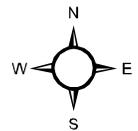
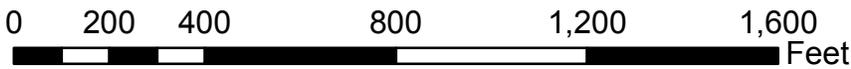
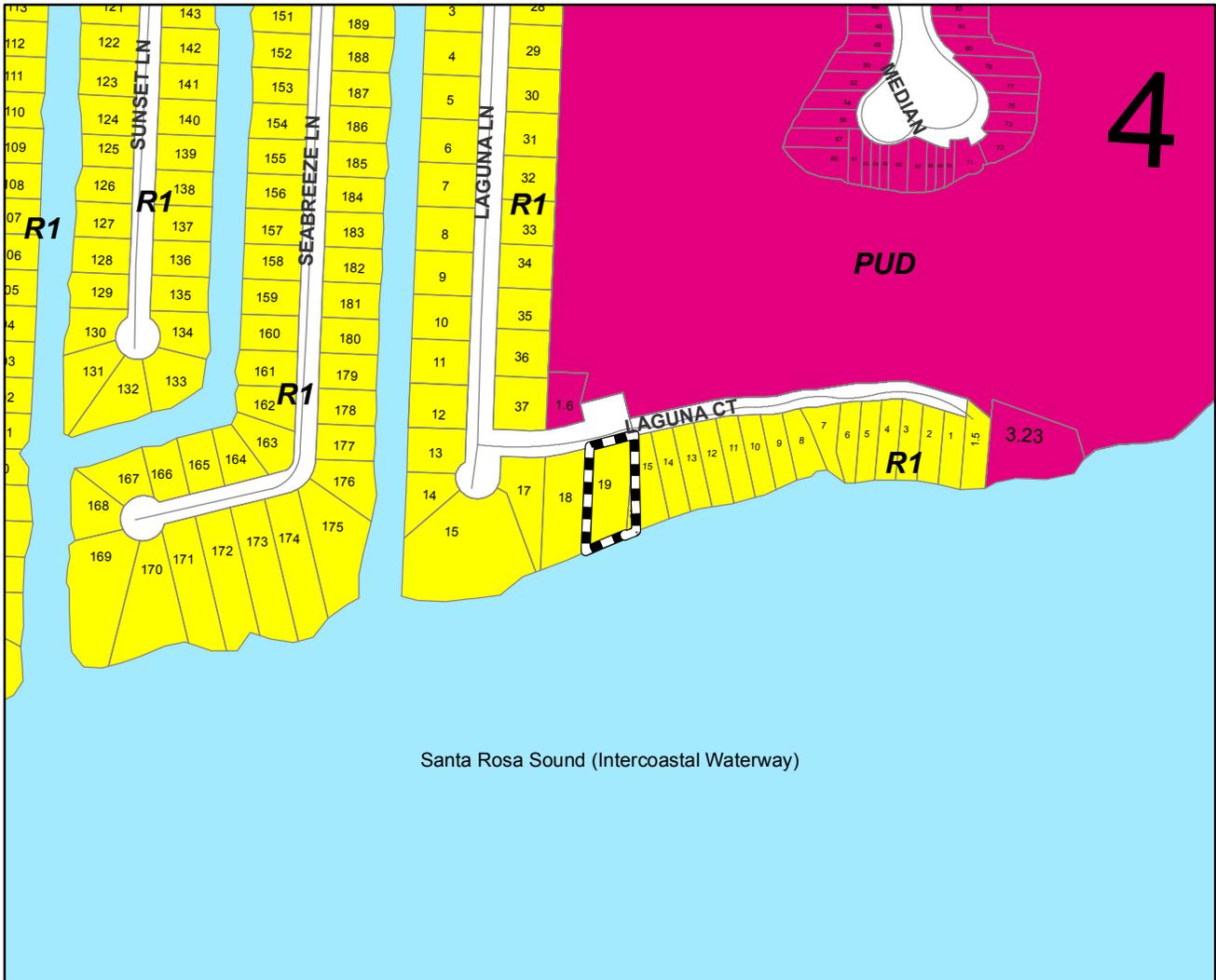
Location



Disclaimer:

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2012-V-039 Zoning



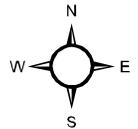
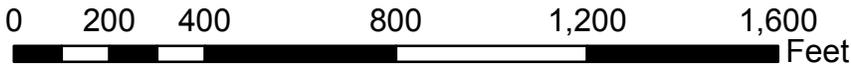
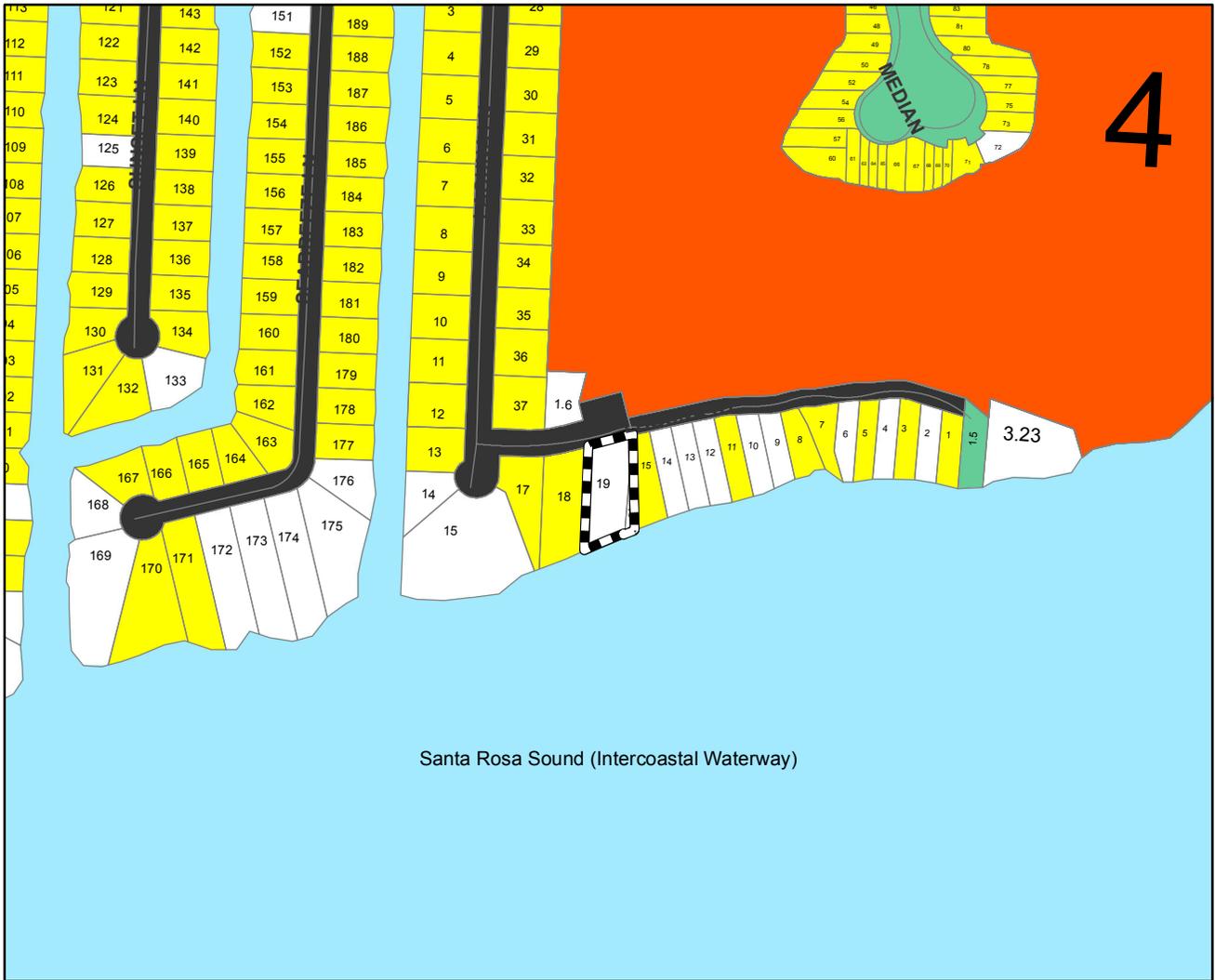
Legend

| | | | |
|---|---|---|---|
| Agriculture/Rural Residential (AG) | General Industrial (M-2) | Single Family Residential (R-1A) | Hotel - Navarre Beach |
| AG within an Accident Potential Zone (AG-APZ) | M2 within an Accident Potential Zone (M2-APZ) | Mixed Residential Subdivision (R-1M) | Navarre Beach - High Density |
| Agriculture (AG2) | Planned Industrial Development (PID) | R1M within an Accident Potential Zone (R1M-APZ) | Navarre Beach - Medium Density |
| AG2 within an Accident Potential Zone (AG2-APZ) | Neighborhood Commercial (NC) | R1M within the Heart of Navarre (R1M-HON) | Navarre Beach - Planned Mixed Use Development |
| Marina (C-1M) | NC-APZ | Medium Density Residential (R-2) | Navarre Beach - Conservation/Recreation |
| Marina and Yacht Club (C-2M) | NC within the Heart of Navarre (NC-HON) | R2 within an Accident Potential Zone (R2-APZ) | Navarre Beach - Single Family |
| Historical/Commercial (HC-1) | Passive Park (P-1) | R2 within the Heart of Navarre (R2-HON) | Navarre Beach - Medium High Density |
| Highway Commercial Development (HCD) | P1 within the Heart of Navarre (P1-HON) | Medium Density Mixed Residential (R-2M) | Navarre Beach - Utilities |
| HCD within an Accident Potential Zone (HCD-APZ) | Active Park (P-2) | R2M within an Accident Potential Zone (R2M-APZ) | State |
| HCD within the Heart of Navarre (HCD-HON) | P2 within an Accident Potential Zone (P2-APZ) | R2M within the Navarre Town Center (R2M-NTC) | State within an Accident Potential Zone (STATE-APZ) |
| HCD with the Navarre Town Center (HCD-NTC) | P2 within the Heart of Navarre (P2-HON) | Medium High Density Residential (R-3) | RAIL |
| Historical/Single Family (HR-1) | Planned Business District (PBD) | Rural Residential Single Family (RR-1) | Right of Ways |
| Historical/Multiple Family (HR-2) | Planned Unit Development (PUD) | RR1 within an Accident Potential Zone (RR1-APZ) | Military |
| Restricted Industrial (M-1) | Single Family Residential (R-1) | Navarre Town Center 1 (TC1) | Water |
| M1 within an Accident Potential Zone (M1-APZ) | R1 within an Accident Potential Zone (R1-APZ) | Navarre Town Center 2 (TC2) | Municipal Boundaries |
| M1 within the Heart of Navarre (M1-HON) | R1 within the Heart of Navarre (R1-HON) | Navarre Beach - Commercial | |

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2012-V-039 Existing Land Use



Legend

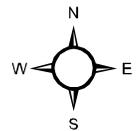
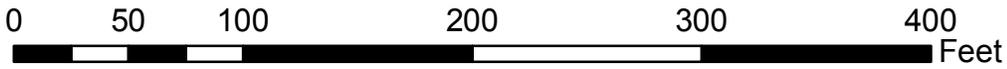
Existing Land Use

CATEGORY

| | | |
|----------------------------------|-------------------------------------|---------------------------------|
| Agriculture (AG) | Institutional (INST) | Recreation/Open Space (REC/OS) |
| Agriculture, Homestead (AH) | Multi-Family Residential <5 (MFR<5) | Right of Way (ROW) |
| Condo's/Townhomes (C/T) | Multi-Family Residential >5 (MFR>5) | Single Family Residential (SFR) |
| City | Military | Silviculture (SILVICUL) |
| Commercial (COMM) | Mixed Residential/Commercial (MRC) | Uncategorized (UNCAT) |
| Industrial | Office | Utilities |
| Rail | Public Owned Property (POP) | Vacant |
| Recreation/Commercial (REC/COMM) | Water | |

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Legend



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E Keith Johnson ->



Santa Rosa County Development Services



Beckle Cato, AICP
Planning and Zoning Director

Tony Gomillion
Public Service Director

2012 JUL 30 PM 3:39
John T. Tipton
Building and Fire Official

Variance Application

* Application Instructions begin on Page 5

| ** For Official Use Only ** | |
|-----------------------------------|-------------------------|
| Application No. <u>2012-V-039</u> | Date Received: _____ |
| Review Fee: <u>\$ 252.60</u> | Receipt No.: <u>157</u> |
| Zoning District: <u>R1</u> | FLUM Designation: _____ |

VD#5

Property Owner Property Owner Name: DAVID & ELIZABETH MILLS
 Address: 19 HIGHPOINT DRIVE
GULF BREEZE, FL 32561
 Phone: 850.637.4151 Fax: _____
 Email: emills5@gmail.com

Both packets

Applicant Check here and skip this section if the applicant is the Property Owner. Otherwise, complete this section and provide authorization from the Property Owner giving the Applicant the authority to pursue variance approvals.

Company: WETLAND SCIENCES, INC.
 Contact Name: JASON TAYLOR
 Address: 1829 RAWBRIDGE AVE
PENSACOLA, FL 32507
 Phone: 850.453.4700 Fax: _____
 Email: jtaylor@wetlandsciences.com

49 acres

Property Information Parcel ID Number(s): 32-25-28-4900-00800-0190
-OR- 32-25-28-4936-00000-0151
 Street Address of property for which the Variance is requested:
3553 LAGUNA CT, GULF BREEZE, FL 32563

Santa Rosa County Public Service Complex
 6051 Old Bagdad Highway, Suite 202 Milton, Florida 32583
 www.santarosa.fl.gov
 Office: (850) 981-7000

Inspections/Compliance Division Fax: (850) 623-1208 • Planning/Zoning Division Fax: (850) 983-9874

What is the present use of the property? VACANT RESIDENTIAL

Variance Request

Please describe the requested variance, including exact dimensions and purpose of the variance.

VARIANCE TO ALLOW THE CONSTRUCTION OF A PIER, TWO BOATLIFTS, & A JET SKI LIFT PRIOR TO THE CONSTRUCTION OF THE SINGLE FAMILY RESIDENCE

Please describe the special circumstances or conditions that apply to the building or land in questions which necessitate the variance request.

PLEASE SEE ATTACHED LETTER OF REQUEST

Are the special conditions or circumstances described above the result of a proposed or prior action of the applicant? Yes No

Please explain why the literal enforcement of the provisions of the Land Development Code will result in unnecessary hardship.

PLEASE SEE ATTACHED LETTER OF REQUEST

Variance Provisions And Criteria

Do you currently have a Code Enforcement Violation which pertains to this Variance request?

Yes No

I understand that all decisions made by the Zoning Board of Adjustment are subject to appeal and that their decision does not become effective until the appeal time has successfully passed.

Yes No

I understand that approval by the Zoning Board of Adjustments does not authorize construction and/or land clearing to occur on this site and that additional approvals and Building Permits may be required.

Yes No

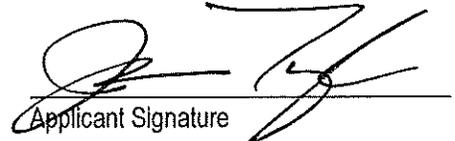
I understand that determinations by the Zoning Board of Adjustment are valid for 36 months.

Yes No

Certification and Authorization

By my signature hereto, I do hereby certify that the information contained in this application and the required supplemental materials is true and correct, and understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application. I do hereby authorize County staff to enter upon my property at any reasonable time for purposes of site inspection.

JASON TAYLOR
Applicant Name (Type or Print)
ENVIRONMENTAL SCIENTIST
Title (if applicable)


Applicant Signature
7/27/12
Date



July 27, 2012

Kelly Hobbs
Zoning Board
Santa Rosa County Planning and Zoning
6051 Old Bagdad Highway, Suite 202
Milton, FL 32583

Re: Letter of Request, Variance Application
Project: Mills Residential Dock & Boatlift
Applicant: David & Elizabeth Mills
WSI Project #2012-167

Ms. Hobbs,

David and Elizabeth Mills (herein referred as the applicant) request a variance from Santa Rosa County Land Development Code (LDC) 2.10.05.A to construct a dock and two topless boatlifts, and a jet ski lift prior to the construction of a primary structure in Santa Rosa Sound at the applicants property located at 3553 Laguna Ct. **LDC 2.10.05.A, Accessory buildings and structures: Timing of construction and use: No accessory building or structure shall be constructed upon a lot until the construction of a main building has been commenced, or in the case of a lot two acres or greater in size, until the construction permit for a main building has been issued.** The property is zoned as R-1 Single Family Residential. Authorization is being sought to construct a 280.0' x 4.0' access pier, a 20.0' x 8.0' terminal platform, two 4-pole topless boatlifts and a single pole jet ski lift. Total preempted area is 1,280 sq. ft.

Land Development Code of Santa Rosa County, Florida, Section 2.04.00 requires the applicant to demonstrate that the variance request meets the criteria outlined in code. The following is a summary detailing how the request meets each criterion.

Criterion A

That there are special circumstances or conditions applicable to the building or land in question that are peculiar to such property that do not apply generally to other land or buildings in the vicinity.

Section 2.04.00 of the Land Development Code defines special circumstances or conditions specifically as follows: "Such special conditions shall be limited to unusual physical characteristics inherent in the specific piece of property and not common to properties similarly situated. Such physical characteristics include, but are not limited to, exceptional narrowness, shallowness, shape, topographic conditions, or the presence of sensitive environmental resources, any or all of which will result in peculiar or practical difficulties in the quite enjoyment and use of the property".

It is difficult to apply this criterion to any request to begin construction of an accessory structure before a primary structure. It is its intended use and in this example the upland owner will be storing two recreational vessels and one personal watercraft within their riparian rights during the construction of their primary residence.

The applicant has the intention to begin construction on the home in approximately 12 months. They are currently working with an architect on the design of the house. Due to the logistics of construction, access to the shoreline for the construction of a dock would be limited.

Criterion B

The variance is necessary for the preservation and enjoyment of a substantial property right as defined herein and not only to serve as a convenience to the applicant.

In the context of variance applications, a "property right" is the ability to use or improve land in such a manner as would be lawful except for (1) the special circumstance or condition applicable to the building or land and (2) the particular land development regulation, from which a variance is sought, that prohibits such use or improvement. A property right is "substantial" if it involves a use or improvement of real worth and importance which is or may be enjoyed by other similarly situated land owners in the vicinity.

As mentioned it is difficult to apply that there are special circumstances applicable to the subject property which prohibits the proposed accessory structures. The proposed activity is specific to subject property and the activity is a riparian right. The submerged lands within Santa Rosa Sound are sovereign lands of the state. Section 253.03, Florida Statutes, provides that the state, acting through the Board of Trustees of the Internal Improvement Trust Funds, owns all lands that the state acquired by right of its sovereignty. By statute the applicant has legal riparian rights. Section 253.141(1) defines riparian rights as:

Riparian rights are those incidental to land bordering upon navigable waters. They are rights of ingress, egress, boating, bathing, and fishing and such others as may be or have been defined by law. Such rights are not of a proprietary nature. They are rights inuring to the owner of the riparian land but are not owned by him or her. They are appurtenant to and are inseparable from the riparian land. The land to which the owner holds title must extend to the ordinary high watermark of the navigable water in order that riparian rights may attach. Conveyance of title to or lease of the riparian land entitles the grantee to the riparian rights running therewith whether or not mentioned in the deed or lease of the upland.

The riparian right referenced within this application is the right to erect a pier or dock waterward of the upland riparian owner to facilitate access to and use of navigable waters. There are several properties fronting Santa Rosa Sound which contain dock structures similar in design and configuration as proposed by the applicant. This is a use that is enjoyed by other similarly situated land owners in the vicinity of the property. With this said it is my opinion the proposed use meets the definition of a substantial property right.

Criterion C

The authorization of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Escambia County.

Public interest criteria that should be considered in evaluating this variance request should include navigation and protection of marine resources. The proposed activity has been submitted to the Florida Department of Environmental Protection (DEP) and Department of the Army Corps of Engineers. These agencies review the project and ensure that navigation and water quality is maintained on the water body affected.

In summary the authorization of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets or waterways, the danger of fire, imperil public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Santa Rosa County.

Criterion D

The variance will not impair the intent of the zoning ordinance or zoning district map.

The variance will not, in any manner, alter other provisions of this Code or the zoning district map.

Criterion E

To permit the reduction of parking or loading requirements whenever the character or use of a building is such as to render unnecessary the full provision of parking or loading facilities as specified herein or whenever the strict enforcement of such provision would impose an unreasonable hardship as contrasted with merely granting an advantage or convenience.

Additionally, variances from access management connection standards may be granted where the effect of the variance would be to enhance the safety of the roadway.

The proposed activity does not apply to the reduction of parking or loading requirements or access management standards.

In summary the variance is the minimum necessary to make possible use of the waterfront and to enjoy a substantial property right expected with waterfront property fronting Santa Rosa Sound.

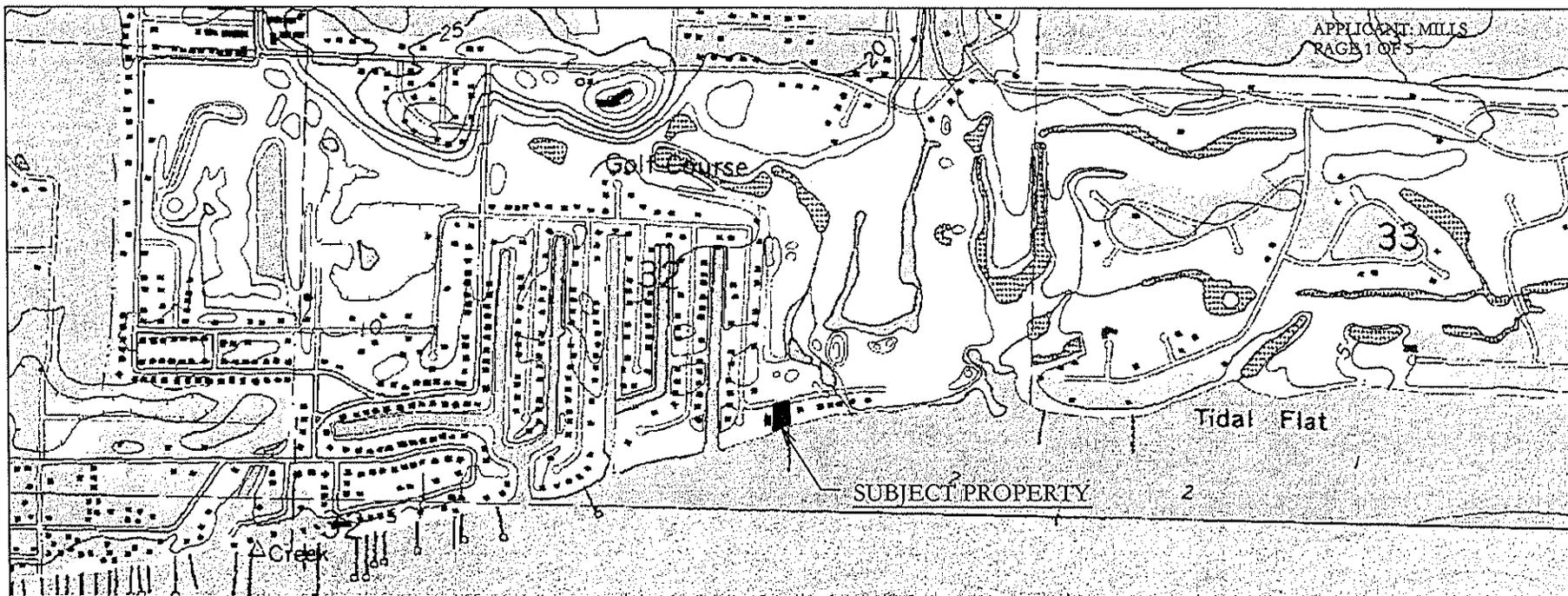
Your consideration in this matter would be greatly appreciated. If should any questions arise, please feel free to contact the undersigned at either the letterhead address or by telephone at 850-453-4700.

Sincerely,

WETLAND SCIENCES, INC.



Jason Taylor
Environmental Scientist



DIRECTIONS TO THE SITE FROM DOWNTOWN PENSACOLA: START OUT GOING EAST ON CHASE STREET/US-98 TOWARDS GULF BREEZE. CONTINUE TO FOLLOW US-98 FOR APPROXIMATELY 10 MILES. TURN RIGHT ONTO COUNTRY CLUB RD. TURN RIGHT ONTO SANTA ROSA DR. TURN LEFT ONTO BAYVIEW LN. TURN LEFT ONTO HILLSIDE DR. TURN RIGHT ONTO LAGUNA LN. TURN LEFT ONTO LAGUNA CT. SUBJECT PROPERTY WILL BE LOCATED ON THE RIGHT HAND SIDE OF THE ROAD WITH AN ADDRESS OF 3553 LAGUNA CT. PLEASE CALL 850-453-4700 WITH ANY QUESTIONS.

SUBJECT PROPERTY

PARCEL ID#
32-2S-28-4900-00B00-0190
PROPERTY OWNER
DAVID & ELIZABETH MILLS
19 HIGHPOINT DRIVE
GULF BREEZE, FL 32561

PROJECT LOCATION

3553 LAGUNA CT
GULF BREEZE, FL 32563
SEC 32 - TWN 2S - RNG 28W

INDEX OF SHEETS

| <u>SHEET NO.</u> | <u>DESCRIPTION</u> |
|------------------|---|
| 1 | SITE LOCATION MAP |
| 2 | EXISTING SITE CONDITIONS |
| 3 | PROPOSED SITE CONDITIONS OVERLAID ONTO AERIAL |
| 4 | PROPOSED ACTIVITY |
| 5 | DOCK PROFILE |



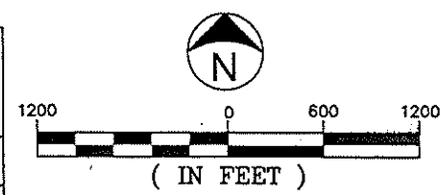
SITE LOCATION MAP

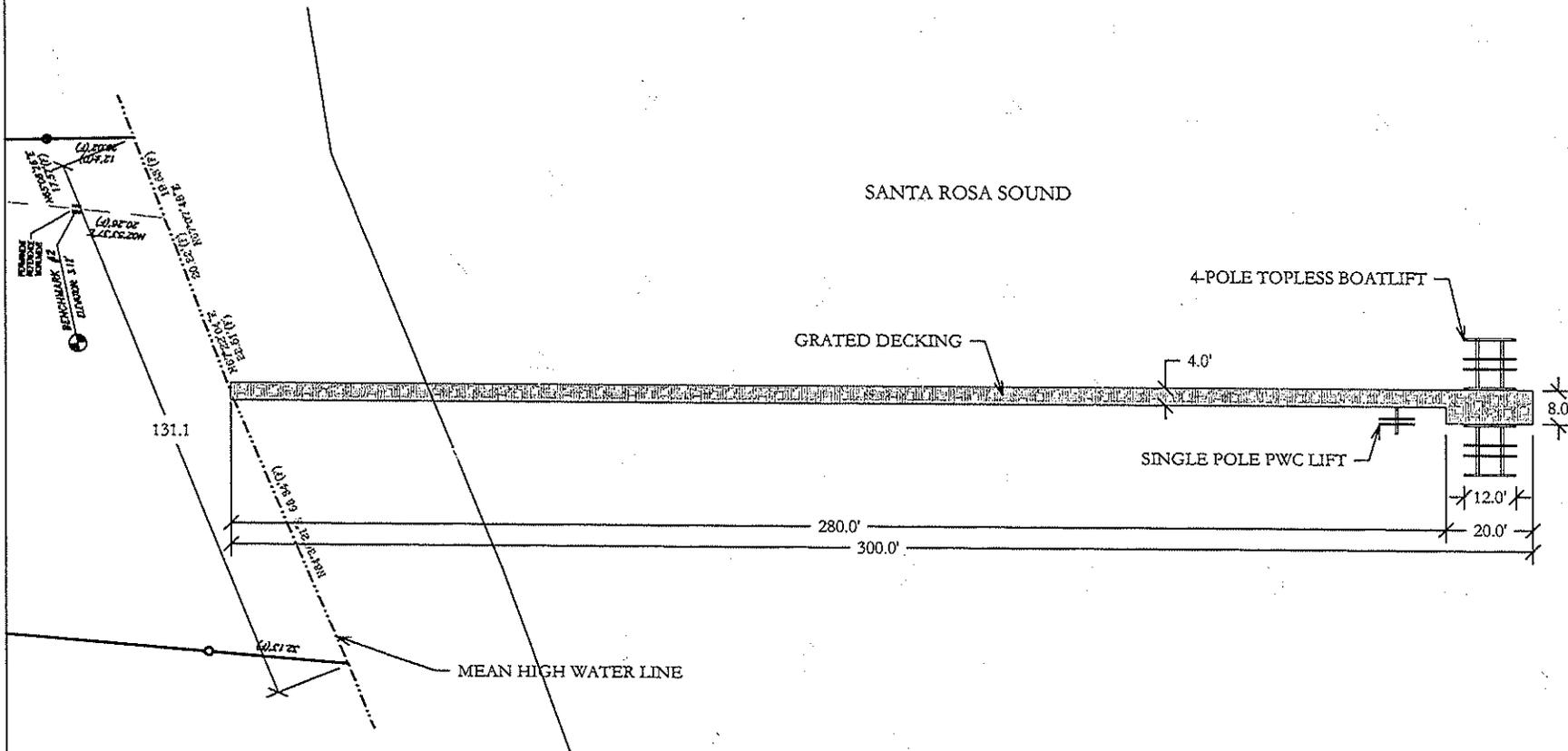
PROJECT #2012-167

DATE: JULY 24, 2012

DRAWN BY: JAT

SCALE: 1" = 1200'





NOTE: APPLICANT OWNS 130.7 LINEAR FEET OF SHORELINE

PREEMPTED AREA CALCS:

| | |
|----------------------------|-----------------------|
| 280' x 4' ACCESS PIER | = 1,120 SQ. FT. |
| 20' x 8' TERMINAL PLATFORM | = 160 SQ. FT. |
| 2-12'x12' BOATLIFT | = 288 SQ. FT. |
| 10'x6' PWC BOATLIFT | = 60 SQ. FT. |
| TOTAL | = 1628 SQ. FT. |



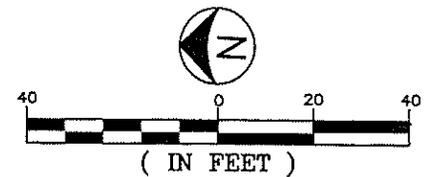
PLAN VIEW OF PROPOSED SITE
CONDITIONS

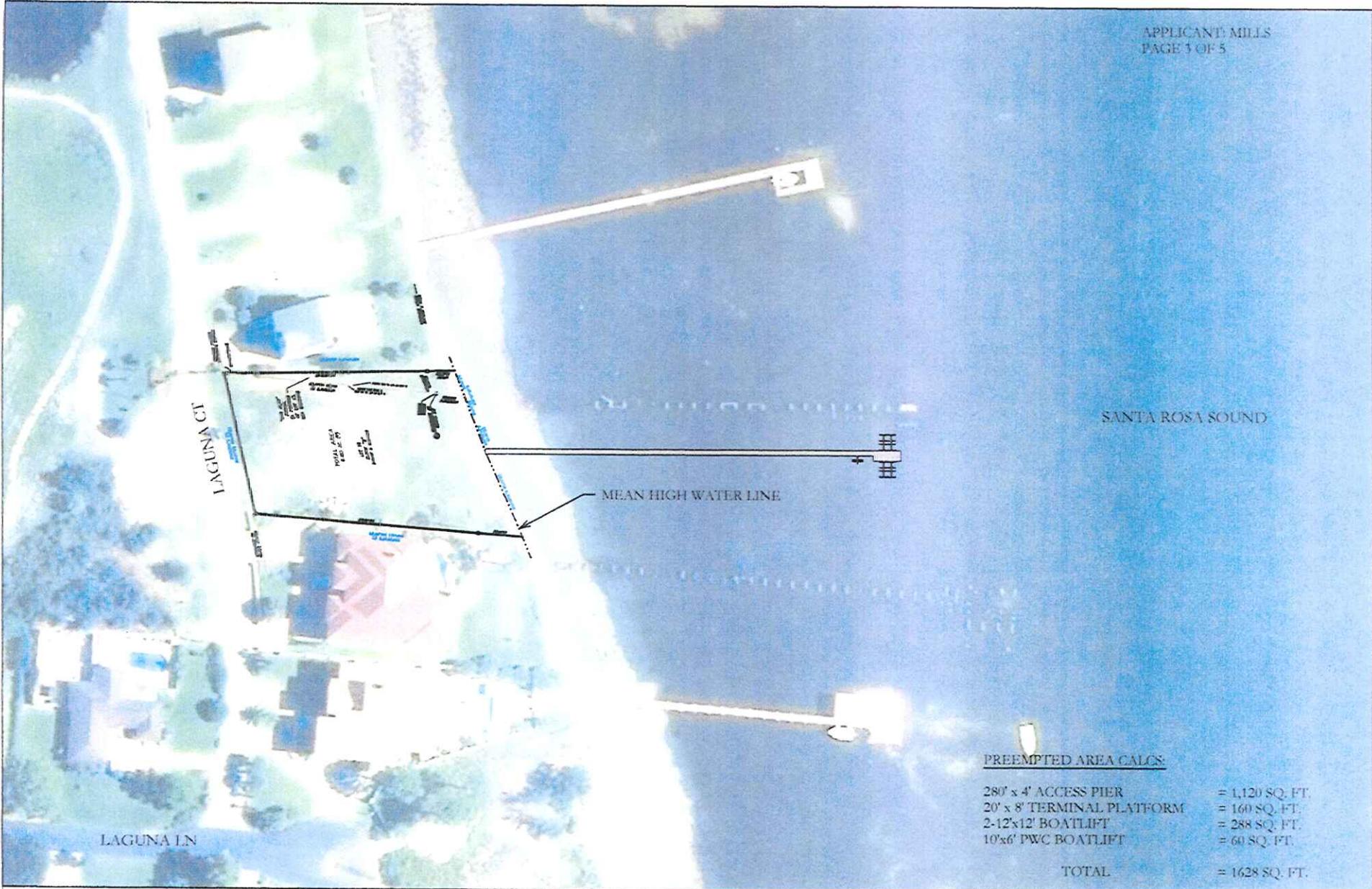
PROJECT #2012-167

DATE: JULY 24, 2012

DRAWN BY: JAT

SCALE: 1" = 40'





SANTA ROSA SOUND

MEAN HIGH WATER LINE

LAGUNA CT

LAGUNA LN

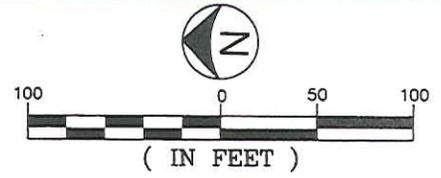
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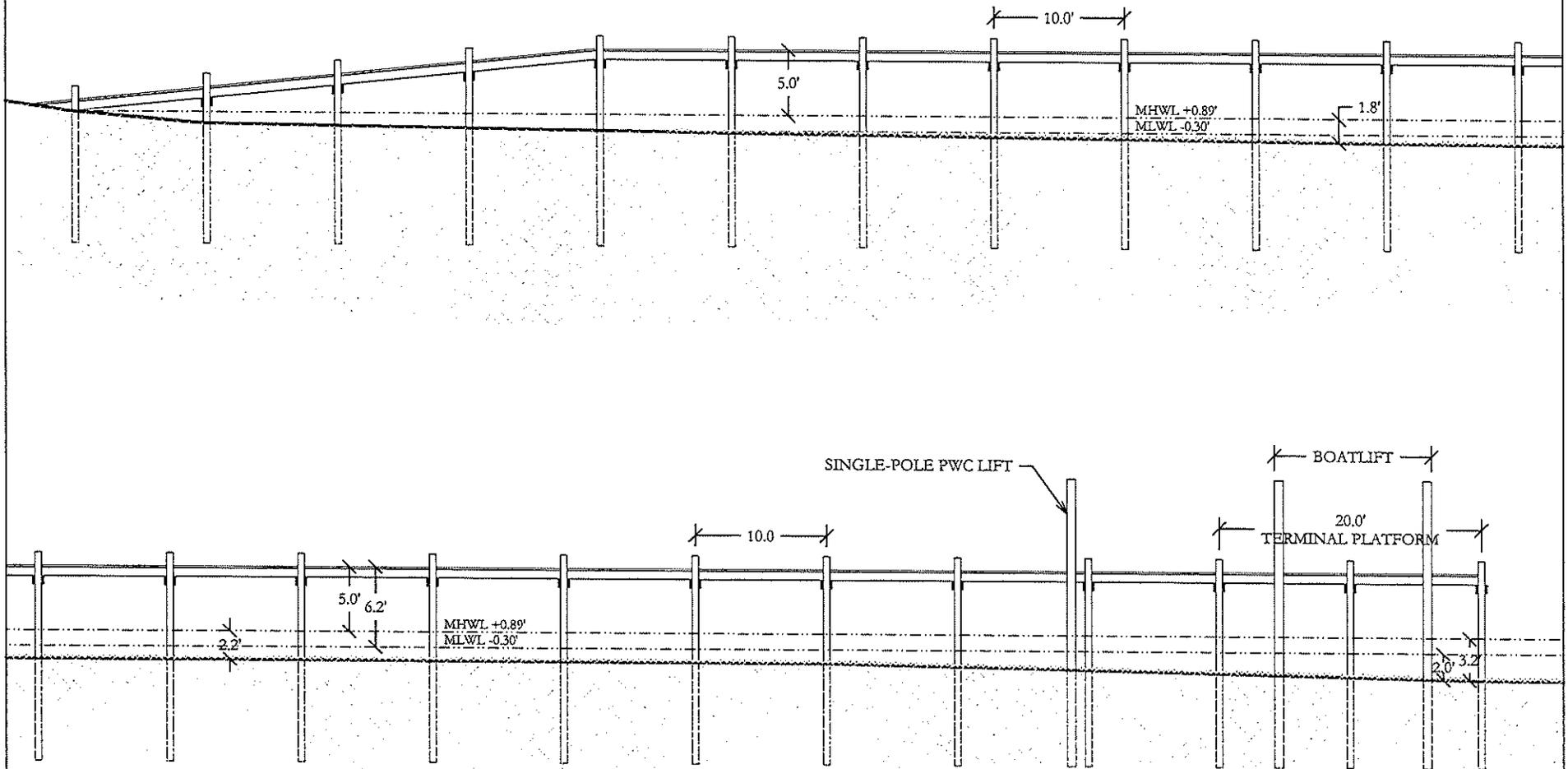
| | |
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| TOTAL | = 1628 SQ. FT. |



PLAN VIEW OF PROPOSED SITE
CONDITIONS DEPICTED ONTO AERIAL

| | |
|-------------------|---------------------|
| PROJECT #2012-167 | DATE: JULY 24, 2012 |
| DRAWN BY: JAT | SCALE: 1"= 100' |





DOCK PROFILE

PROJECT #2012-167

DATE: JULY 24, 2012

DRAWN BY: JAT

SCALE: 1" = 12'



