



PLANNING COMMISSION STAFF REPORT

| | | |
|--|--------------------------------------|----------------------------|
| Originator Kris Aaker Assistant Planner | Meeting Date June 11, 2012 | Agenda # B-14-12 |
|--|--------------------------------------|----------------------------|

Recommended Action: Approve an 8 foot lot width and a 4,892 square foot lot area variance as requested.

Project Description

An 8 foot lot width and a 4,892 square foot lot area variance to build a new twin home to replace an existing double dwelling unit at 3932/3924 49th St. owned by LIG Investments LLC.

INFORMATION/BACKGROUND

The subject property is 82 feet in width and is a 10,108 square foot lot developed with a double dwelling unit located north of 49th Street and is zoned R-2, Double Dwelling Unit District, (see attached pages: A.1-A.6), site location, aerial photographs, photos of subject and adjacent Properties). The property owner is hoping to demolish the existing double for the construction of a new double dwelling home, (see attached pages: A.7-A.13, site surveys, and bulding plans).

The ordinance requires a double dwelling unit lot consist of no less than 90 feet in width and a minimum of 15,000 square feet. The 82 foot wide lot consists of 10,108 square feet, so it is therefore 8 feet short in width and 4,892 square feet short of the minimum 15, 000 square foot area requirement. The existing double dwelling unit was built in 1953 and pre-dates the current lot area requirements.

SUPPORTING INFORMATION

Surrounding Land Uses

Northerly: Single-family homes.
Easterly: Double-dwelling homes
Southerly: Double-dwelling homes.
Westerly: Single-family homes.

Existing Site Features

The subject lot is 10,108 square feet in area and is a double dwelling unit lot.

Planning

Guide Plan designation: Double Dwelling Unit
Zoning: R-2, Double Dwelling Unit District

Building Design

The proposal is to build a new two story double home with attached two car garages.

Compliance Table

| | City Standard | Proposed |
|--|--|---|
| Front - Side- Rear - | Average of adjacent 10+ height, (living) 35 feet | Average of adjacent 17/16feet 38 feet |
| Building Height Lot Area Lot Width | 2 1/2 stories, 35 Ft 15,000 Sq Ft 90 | 2 stories, 29 Ft *10,108Sq Ft *82 |
| Lot coverage | 25% | 24.6% |

*** Variance Required**

Primary Issues

- **Is the proposed development reasonable for this site?**

Yes. Staff believes the proposal is reasonable for four reasons:

1. The proposed use is permitted in the R-2, Double Dwelling Unit Zoning District and complies with all requirements with the exception of lot area.
2. The homes are appropriate in size and scale for the lot and the improvements will enhance the property.

3. The property is an existing nonconforming lot that has always been developed with a double dwelling unit.

4. The homes are a two stories with attached two car garages and should complement the character of the neighborhood. The homes are within the setback, coverage and height requirements.

- **Is the proposed variance justified?**

Yes. Per the Zoning Ordinance, a variance should not be granted unless it is found that the enforcement of the ordinance would cause practical difficulties in complying with the zoning ordinance and that the use is reasonable. As demonstrated below, staff believes the proposal does meet the variance standards, when applying the three conditions:

Section 850.0.Subd., requires the following findings for approval of a variance:

Minnesota Statutes and Edina Ordinances require that the following conditions must be satisfied affirmatively. The Proposed Variance will:

1) *Relieve practical difficulties that prevent a reasonable use from complying with ordinance requirements.*

Reasonable use does not mean that the applicant must show the land cannot be put to any reasonable use without the variance. Rather, the applicant must show that there are practical difficulties in complying with the code and that the proposed use is reasonable. "Practical difficulties" may include functional and aesthetic concerns.

Staff believes the proposed variance is reasonable given that historically the existing double home has been on a lot that is narrower and is less than the required 15,000 square foot lot since it was built in 1953. The practical difficulty for the subject property is that the ordinance has changed regarding minimum lot size for a double unit lot.

2) *There are circumstances that are unique to the property, not common to every similarly zoned property, and that are not self-created?*

Yes. A unique circumstance is that the existing property predates the ordinance and was not self-created after the fact.

3) Will the variance alter the essential character of the neighborhood?

No. The proposed homes will not alter the essential character of the neighborhood. The new twin homes will complement the existing neighborhood homes. Approval of the variance allows the continued reasonable use of the property as a double dwelling lot.

Staff Recommendation

Recommend that the Planning Commission approve the variance.

Approval is based on the following findings:

- 1) With the exception of the variances requested, the proposal would meet the required standards and ordinances for the R-2, Double Dwelling Unit District.
- 2) The proposal would meet the required standards for a variance, because:
 - a. The proposed use of the property is reasonable; as it is consistent with existing conditions.
 - 3) The imposed lot area does not allow redevelopment of the property without the benefit of a variance or a zone change.

Approval of the variance is subject to the following conditions:

- 1) Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:

Survey date stamped: May 29, 2014.

Building plans and elevations date stamped: May 1, 2014.

Deadline for a City Decision: July 27, 2014.



VARIANCE APPLICATION

CASE NUMBER _____ DATE _____

FEE PAID _____

City of Edina Planning Department * www.EdinaMN.gov
4801 West Fiftieth Street * Edina, MN 55424 * (952) 826-0369 *
fax (952) 826-0389

FEE: RES - \$350.00 NON-RES - \$600.00

APPLICANT:

PDW Investments LLC
NAME: Paul Whiteman (Signature required on back page)

ADDRESS: 8722 Egan Dr. Sauge PHONE: 612-501-5224

EMAIL: Whiteman P @Gmail.com

PROPERTY OWNER:

NAME: LJG Investments LLC (Signature required on back page)

ADDRESS: 3617 Kipling Ave St. Louis PHONE: 314-645-7391
Park

LEGAL DESCRIPTION OF PROPERTY (written and electronic form):

Lot 2, Block 1, Enoch Sward Addition

**You must provide a full legal description. If more space is needed, please use a separate sheet.

Note: The County may not accept the resolution approving your project if the legal description does not match their records. This may delay your project.

PROPERTY ADDRESS: 3932/3934 W 49th St Edina

PRESENT ZONING: R-2 P.I.D.# 1802824140042

EXPLANATION OF REQUEST:

The lot is less than the required 90' width

and 15,000 sq ft. in lot area

(Use reverse side or additional pages if necessary)

ARCHITECT: NAME: Tom Huelbert PHONE: 605-725-4852

EMAIL: Tom@co-oparch.com

SURVEYOR: NAME: Tim Peterson PHONE: 507-291-1137

EMAIL: Tim@ptsland.com

Minnesota Statutes and Edina Ordinances require that the following conditions must be satisfied affirmatively. Please fully explain your answers using additional sheets of paper as necessary.

The Proposed Variance will:

YES

NO

Relieve practical difficulties in complying with the zoning ordinance and that the use is reasonable

Correct extraordinary circumstances applicable to this property but not applicable to other property in the vicinity or zoning district

Be in harmony with the general purposes and intent of the zoning ordinance

Not alter the essential Character of a neighborhood

Kris Aaker

From: agese@hotmail.com on behalf of Alexander Gese <alex@ljginvestments.com>
Sent: Thursday, May 29, 2014 11:20 AM
To: Paul Whiteman; Kris Aaker
Subject: Re: 3932-3934 49th S. Variance questions
Attachments: Variance application for 3932.docx

Hi Kris,

Please find attached the variance request explanations, in a word document. Also attached below.

Alex Gese
LJG Investments LLC

Variance application for 3932-3934 W. 49th Street, Edina, MN 55424.

Lot Width and Lot Area Variance request.

We are seeking to rebuild twin homes on the subject lot, and need a lot width and lot area variance to do so. We believe that all of the following conditions strongly apply to our situation:

The proposed variance will relieve practical difficulties in complying with the zoning ordinance because, without the variance, rebuilding on the lot will be impossible. In short, if the variance is not granted no builder will ever be able to comply with the zoning ordinance at this location. The use is reasonable because we are simply proposing an improvement of the existing condition – i.e., to build two new attached homes on an R-2 site.

This variance will correct extraordinary circumstances applicable to this property but not applicable to other property in the vicinity or zoning district because, in essence, it will put the lot on an equal playing field with other R-2 lots in the area that either meet the lot width and lot area requirement OR that have been granted a variance – the very same variance we are seeking – in order to redevelop similarly situated lots. Specifically, the adjacent property to the immediate east was recently granted the exact variances we are seeking, for the exact same type of project.

Our project is in harmony with the general purposes and intent of the zoning ordinance. Simply put, the purpose and intent of the zoning ordinance could not have been to deny future development of any lot that became non-compliant when the ordinance was written or was changed. At one time this lot was compliant with relevant lot area and lot width requirements, and the existing R-2 duplex was built on the site. Our proposed project complies with all other aspects of the building code – meeting all relevant setback, size, and design requirements for a lot of its size.

Our proposed project does not alter the essential character of the neighborhood. It is a tastefully designed twin-home that is code compliant in all aspects that are within our control. The subject street has many duplexes and a couple of new construction twin-homes, including the aforementioned adjacent property. Our proposed twin-home will not only fit into the neighborhood, it will improve the condition of the subject lot with a tastefully designed, updated building.

Thank you for considering our variance request.

Best Regards,

Alex Gese
President, LJG Investments LLC
alex@ljginvestments.com
(347) 645-7391

From: Paul Whiteman
Sent: Tuesday, May 27, 2014 11:11 AM
To: KAaker@edinamn.gov, Alex Gese

Hello Kris,

If I am reading this variance application correctly it appears we need to have the entire app in by tomorrow to be sure to be considered at the June 11th meeting, is that correct? We can drop everything by tomorrow, but I was wondering if we can set up a time with you when we drop everything off to go over the variance process just to make sure we have everything in that is needed. Let me know if you have time that works tomorrow.

Thanks

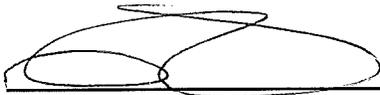
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Paul Whiteman
PDW Investments
612-501-5224

APPLICANT'S STATEMENT

This application should be processed in my name, and I am the party whom the City should contact about this application. By signing this application, I certify that all fees, charges, utility bills, taxes, special assessments and other debts or obligations due to the City by me or for this property have been paid. I further certify that I am in compliance with all ordinance requirements and conditions regarding other City approvals that have been granted to me for any matter.

I have completed all of the applicable filing requirements and, to the best of my knowledge, the documents and information I have submitted are true and correct.



Applicant's Signature

5/27/14

Date

OWNER'S STATEMENT

I am the fee title owner of the above described property, and I agree to this application.

(If a corporation or partnership is the fee title holder, attach a resolution authorizing this application on behalf of the board of directors or partnership.)



Owner's Signature

5-27-14

Date

Note. Both signatures are required (if the owner is different than the applicant) before we can process the application, otherwise it is considered incomplete.

Interactive Maps

Find a PID or an address on the map

Welcome

Results

Links
[Tax information](#)
[View oblique imagery \(Bing maps\)](#)
[Survey documents](#)
[About the data](#)

PID: 1802824140042
 3932 49th St W
 Edina, MN 55424

Owner/Taxpayer

Owner: Ljg Investments Llc
 Ljg INVESTMENTS LLC
 1312 DOUGLAS AVE #2
 MINNEAPOLIS MN 55403

Taxpayer: Ljg INVESTMENTS LLC
 1312 DOUGLAS AVE #2
 MINNEAPOLIS MN 55403

Tax District

School Dist: 273
Sewer Dist:
Watershed Dist: 3

Parcel

Parcel Area: 0.23 acres
 10,087 sq ft
Torrens/Abstract: Abstract
Addition: Enoch Sward Addn
Lot: 002
Block: 001
Metes & Bounds:

Tax Data (Payable 2014)

Market Value: ██████████

Legend

Measure



*side location
A.1*

Interactive
Maps

Find a PID or an address on the map

Welcome

Results

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[About the data](#)

PID: 1802824140042
 3932 49th St W
 Edina, MN 55424

Owner/Taxpayer

Owner: Ljg Investments Llc
 Ljg INVESTMENTS
 LLC
 1312 DOUGLAS AVE
 #2
 MINNEAPOLIS MN
 55403

Taxpayer:

Tax District

School Dist: 273
Sewer Dist:
Watershed Dist: 3

Parcel

Parcel Area: 0.23 acres
 10,087 sq ft
Torrens/Abstract: Abstract
Addition: Enoch Sward Addn
Lot: 002
Block: 001
Metes & Bounds:

Tax Data (Payable 2014)

Market Value: ██████████

Legend

Measure



*5.46 LOCATION
A.2*



subject property

A.3



property to west

A.A

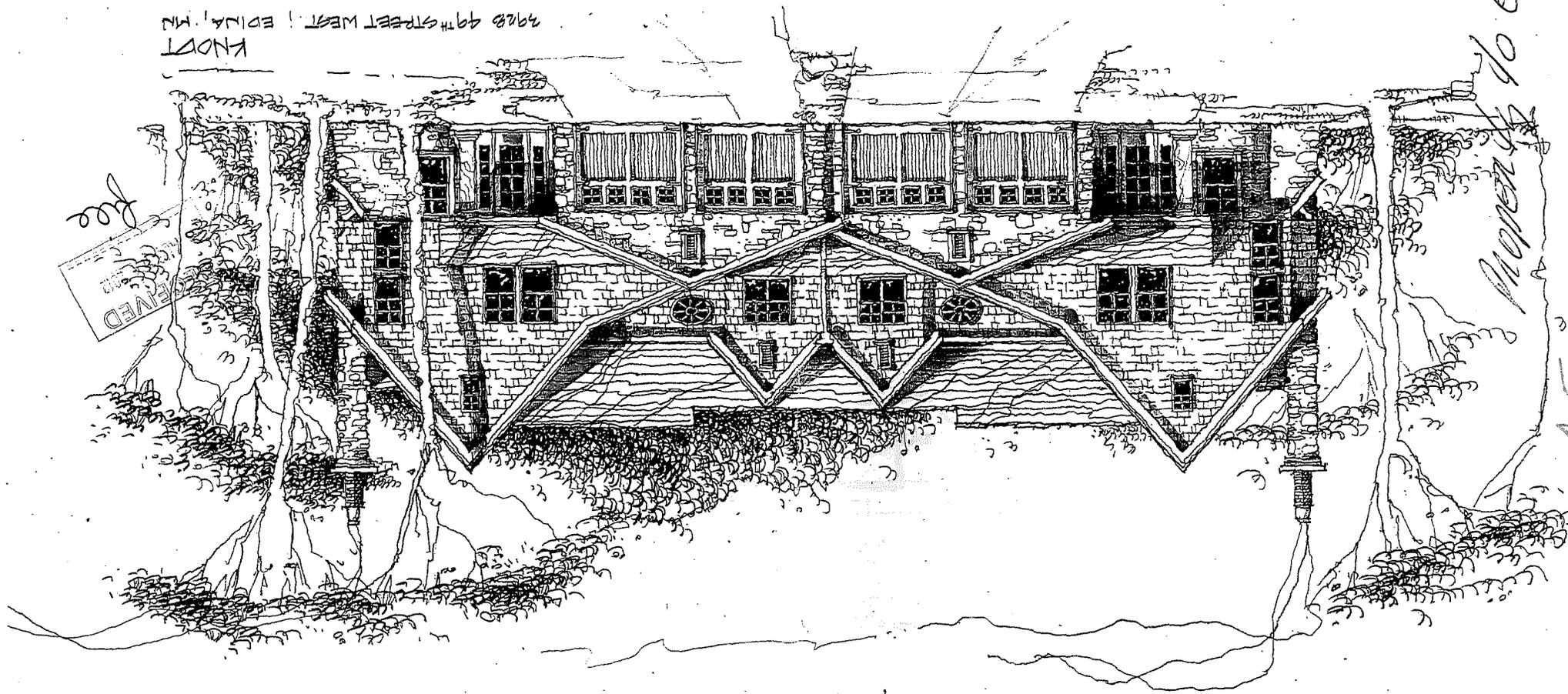
STUDIO HITTLE / BUILDINGS & LANDSCAPE ARCHITECTURE

7 AUGUST 2012

3928 49TH STREET WEST, EDINA, MN

KNOT

REVISED
DATE
BY



Property to East

A-5

LEGEND

- GAS METER
- IRON MONUMENT FOUND
- IRON PIPE MONUMENT SET
- * 921.0 EXISTING ELEVATION
- (922.0) PROPOSED ELEVATION
- CS CURB STOP
- MANHOLE
- ▨ CATCH BASIN
- ∅ POWERPOLE
- DECIDUOUS TREE
- ✱ CONIFEROUS TREE
- ✱ BUSH
- ✱ PROPOSED TREE REMOVAL

DENOTES TREE PRESERVATION FENCE

DENOTES SILT FENCE

LEGAL DESCRIPTION:

Lot 2, Block 1, ENOCH SWARD ADDITION, according to plat thereof, on file and of record in the Office of the Hennepin County Recorder.

Surveyor:
 PTS Land Services, Inc.
 826 NW 30th Street
 Faribault, MN 55021
 Phone: 507-291-1137
 Fax: 507-334-9472
 www.ptsland.com

ELEVATIONS:

EXISTING:
 MAIN FLOOR = 892.2
 PROPOSED:
 MAIN FLOOR = 892.00
 TOP OF BLOCK = 891.60
 BASEMENT FLOOR = 882.23

SET BACK REQUIREMENTS:

31.51' FRONT BUILDING TO ROW (AVE.)
 35' REAR BUILDING TO PROP LINE
 10' SIDE BUILDING TO PROP LINE
 PER CITY OF EDINA MUNICIPAL CODE

NOTE : This survey was performed under cover of substantial snow fall. The surveyor makes no guarantee that all visible improvements are shown.

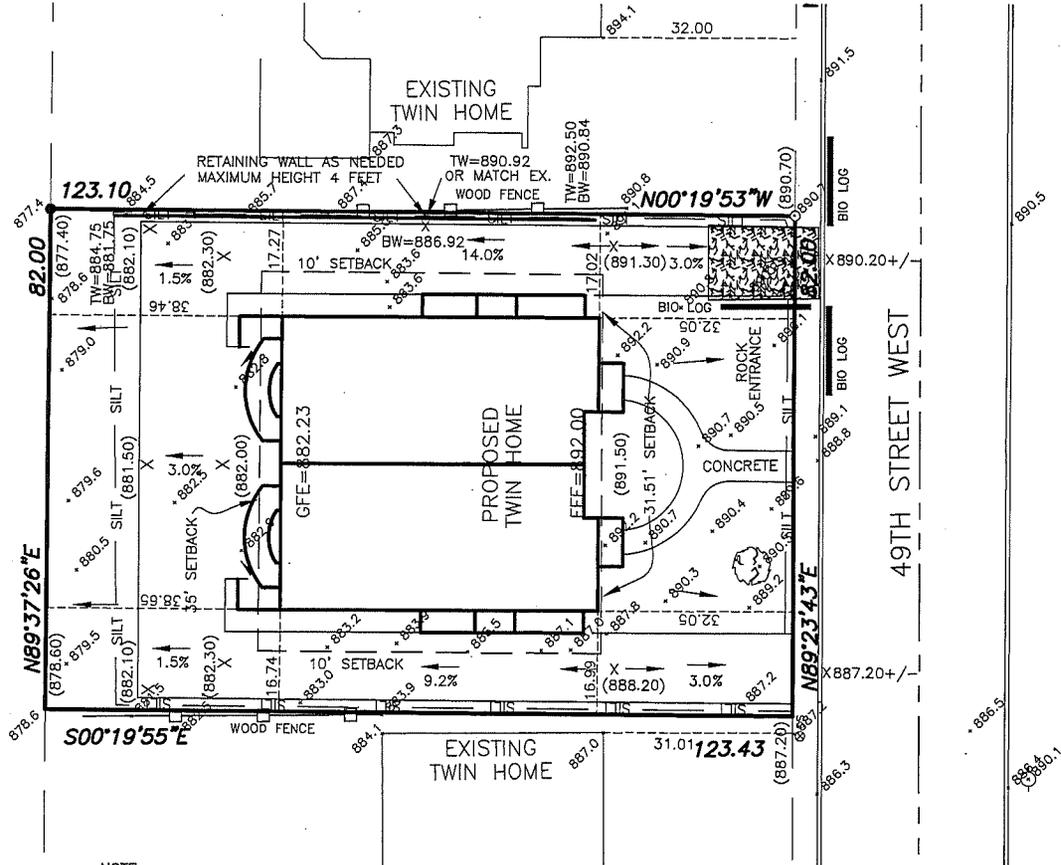
AREAS:

LOT = 10,108 SQ. FT.
 BUILDING = 2,655.61 SQ. FT. INCLUDES 2
 DECKS @84.15 SQUARE FEET EACH.
 BUILDING - DECKS=2,487.31 SQ. FT.
 % HARDCOVER = 24.6%



CERTIFICATE OF SURVEY

LOT 2, BLOCK 1, ENOCH SWARD ADDITION 3932-3934 49TH STREET WEST, EDINA, MN



NOTE:
 1. SEE BUILDING PLANS FOR ARCHITECTURAL DIMENSIONS. CONTRACTOR SHALL VERIFY DIMENSION & EXTENT OF BLDG PAD SOILS CORRECTION, IF ANY.
 2. PROPOSED HOUSE WILL BE FIELD STAKED AFTER DEMO OF EXISTING HOUSE.
 3. AVERAGE BUILDING SETBACK=(32.0+31.01)/2 = 31.51 FEET

EROSION CONTROL NOTES:
 1. SILT FENCE AND BIO-LOGS MUST BE MAINTAINED ON A DAILY BASIS.
 2. BIO-LOGS SHALL BE PLACED AS SHOWN ON PLAN, AT ROCK CONSTRUCTION ENTRANCE AND DOWN FLOW SIDE OF ROCK CONSTRUCTION ENTRANCE IN FLOW LINE OF CURB AND GUTTER.
 3. INLET PROTECTION SHALL BE PLACED AT STORM DRAINS LOCATED WEST OF SUBJECT PROPERTY AND CLEANED AND MAINTAINED REGULARLY.

FILE: PTS 12002_13
 05-28-14

| REV. NO. | DATE | BY | CHK | DESCRIPTION |
|----------|---------|-----|-----|------------------|
| 1 | 5-28-14 | TSP | | CITY COMMENTS |
| 2 | 5-29-14 | TSP | | AVERAGE SETBACKS |

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Timothy S. Peterson

NAME: Timothy S. Peterson LIC. NO.: 45332 DATE: 05-13-2014

PTS LAND SERVICES, INC.
 COMPLETE LAND SURVEYING SERVICES

| | |
|--------------------------------------|-------|
| 3932-3934 49TH STREET WEST | SHEET |
| LOT 2, BLOCK 1, ENOCH SWARD ADDITION | 1 |
| EDINA, MN | OF |
| | 1 |

A.G.

3932-3934 TWINHOME

WEST 49TH STREET
EDINA, MINNESOTA



A.7

A.7

DRAWING SHEET INDEX:

| ARCHITECTURAL | |
|---------------|------------------------------------|
| A0-0 | SITE PLAN |
| A1-0 | LOWER LEVEL FLOOR PLAN |
| A1-1 | MAIN LEVEL FLOOR PLAN |
| A1-2 | UPPER LEVEL FLOOR PLAN |
| A2-0 | LOWER LEVEL REFLECTED CEILING PLAN |
| A2-1 | MAIN LEVEL REFLECTED CEILING PLAN |
| A2-2 | UPPER LEVEL REFLECTED CEILING PLAN |
| A3-1 | ROOF PLAN |
| A4-1 | EXTERIOR ELEVATIONS |
| A5-1 | BUILDING SECTION |
| A5-2 | BUILDING SECTION |

ARCHITECT:

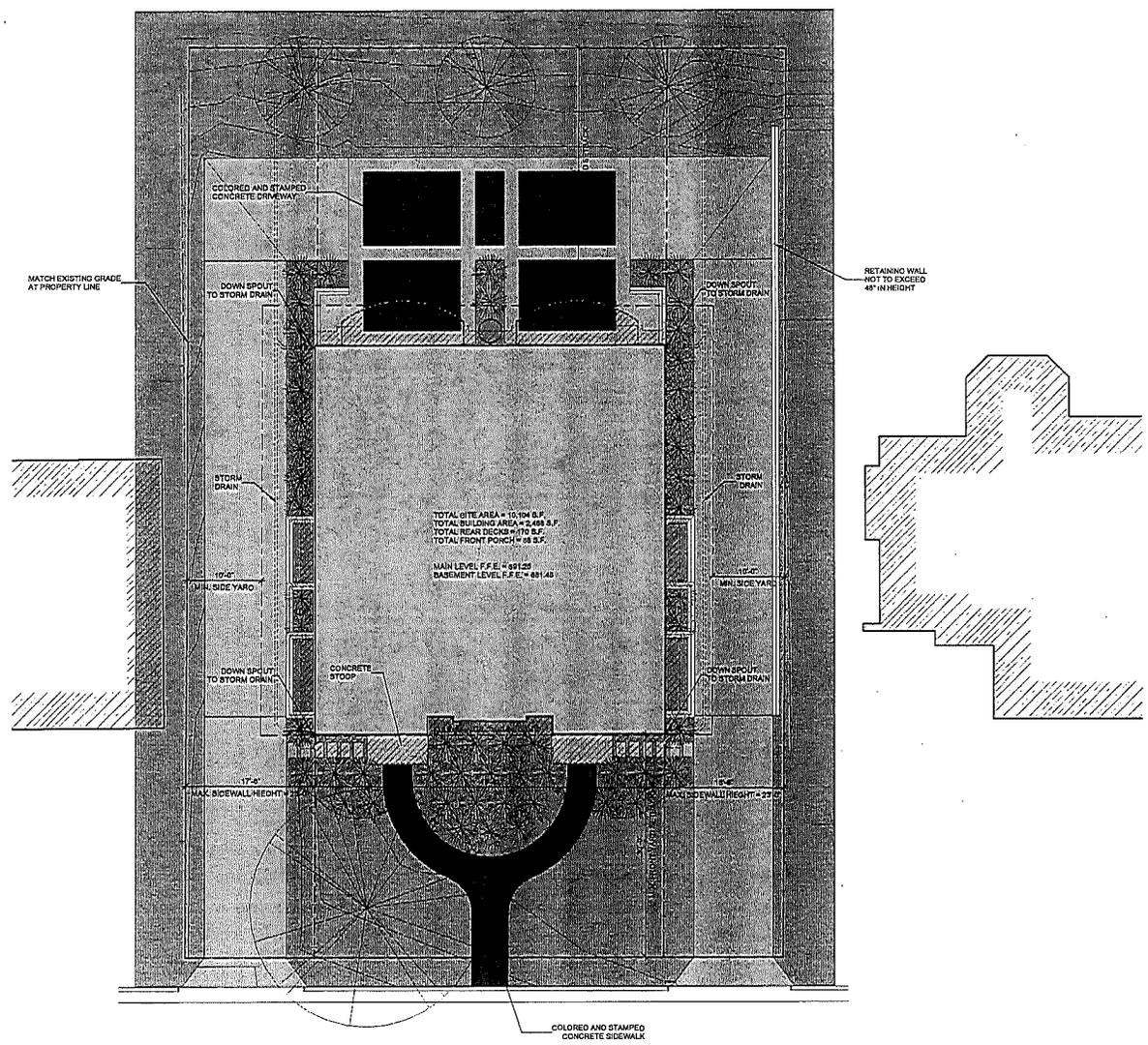


205 6th Ave. SE 301
Aberdeen, SD 57401
Phone: 605-725-4852
224 N. Phillips Ave. 208
Sioux Falls, SD 57104
Phone: 605-334-9999
www.co-oparch.com

BID DOCUMENTS

05-01-14

A.8



SITE PLAN
1/8" = 1'-0"



205 8th Ave. SE 301
Aberdeen, SD 57401
Phone: 605-725-4852

224 N. Phillips Ave. 208
Sioux Falls, SD 57104
Phone: 605-334-8888

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CO-OP PROJECT NO: 1405

ISSUE:
09-01-14

REVISION SCHEDULE:
REV. # REV. DSC. REV. DATE

PROJECT:
3932-3934 TWINHOME
WEST 49TH STREET
EDINA, MINNESOTA

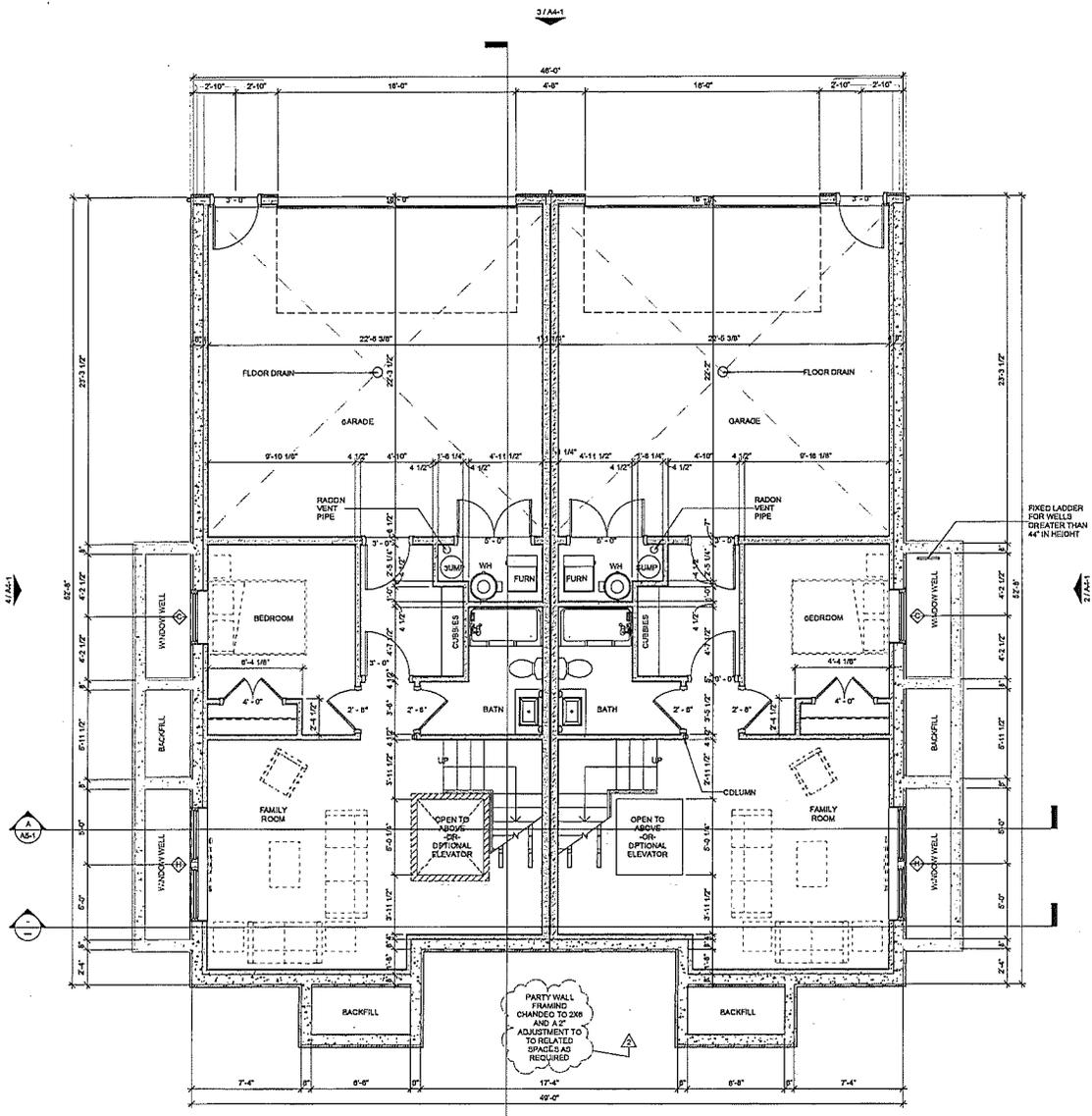
SHEET TITLE:
SITE PLAN

A0-0

A.8

A.9

A.9



LOWER LEVEL FLOOR PLAN
1/4" = 1'-0"

17AA-1



205 8th Ave. SE 301
Aberdeen, SD 57401
Phone: 605-725-4652

224 N Phillips Ave. 206
Sioux Falls, SD 57104
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CD-OP PROJECT NO: 1405

ISSUE:

05-01-14

REVISION SCHEDULE:

| REV.# | REV. DSC. | REV. DATE |
|-------|--------------------|-----------|
| 2 | PARTY WALL FRAMING | 5-19-14 |

PROJECT:

3832-3834 TWINHOME
WEST 49TH STREET
EDINA, MINNESOTA

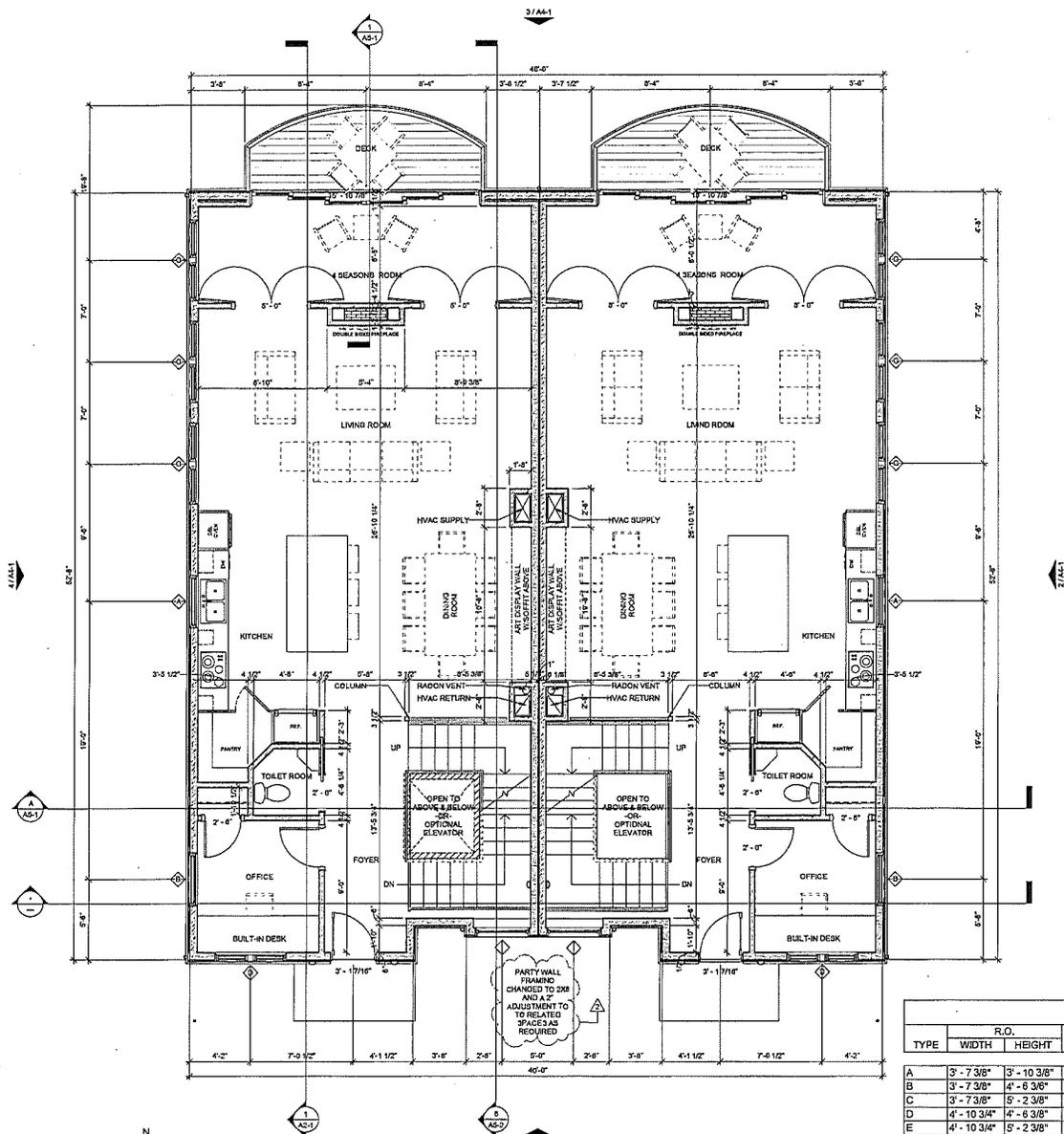
SHEET TITLE:

LOWER LEVEL FLOOR PLAN

A1-0

A.1.0

A.1.0



MAIN LEVEL FLOOR PLAN
1/4" = 1'-0"

| WINDOW SCHEDULE | | | | |
|-----------------|------------|------------|---|-----|
| TYPE | R.O. | | BASIS-OF-DESIGN | QTY |
| | WIDTH | HEIGHT | | |
| A | 3'-7 3/8" | 3'-10 3/8" | Window-Double Hung-Merwin-Clad_Ultimate; 44" X 46" | 2 |
| B | 3'-7 3/8" | 4'-6 3/8" | Window-Double Hung-Merwin-Clad_Ultimate; 44" X 54" | 2 |
| C | 3'-7 3/8" | 5'-2 3/8" | Window-Double Hung-Merwin-Clad_Ultimate; 44" X 62" | 2 |
| D | 4'-10 3/4" | 4'-6 3/8" | Window-Double Hung-Merwin-Clad_Ultimate-Multiple Units; (2) 28" x 54" | 2 |
| E | 4'-10 3/4" | 5'-2 3/8" | Window-Double Hung-Merwin-Clad_Ultimate-Multiple Units; (2) 28" x 62" | 4 |
| F | 5'-6 3/4" | 3'-10 3/8" | Window-Double Hung-Merwin-Clad_Ultimate-Multiple Units; (2) 32" x 46" | 6 |
| G | 5'-6 3/4" | 5'-2 3/8" | Window-Double Hung-Merwin-Clad_Ultimate-Multiple Units; (2) 32" x 82" | 6 |
| H | 7'-6 3/4" | 3'-10 3/8" | Window-Double Hung-Merwin-Clad_Ultimate-Multiple Units; (2) 44" x 46" | 2 |
| I | 3'-9 3/8" | 6'-2 3/8" | Window-Double Hung-Merwin-Picture_Unit-Clad_Ultimate; 44" x 72" | 2 |
| J | 3'-9 3/8" | 7'-2 3/8" | Window-Double Hung-Merwin-Picture_Unit-Clad_Ultimate; 44" x 84" | 2 |



205 6th Ave. SE 301
Aberdeen, SD 57401
Phone: 605-725-4852

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CO-OP PROJECT NO: 1405

ISSUE:
05-01-14

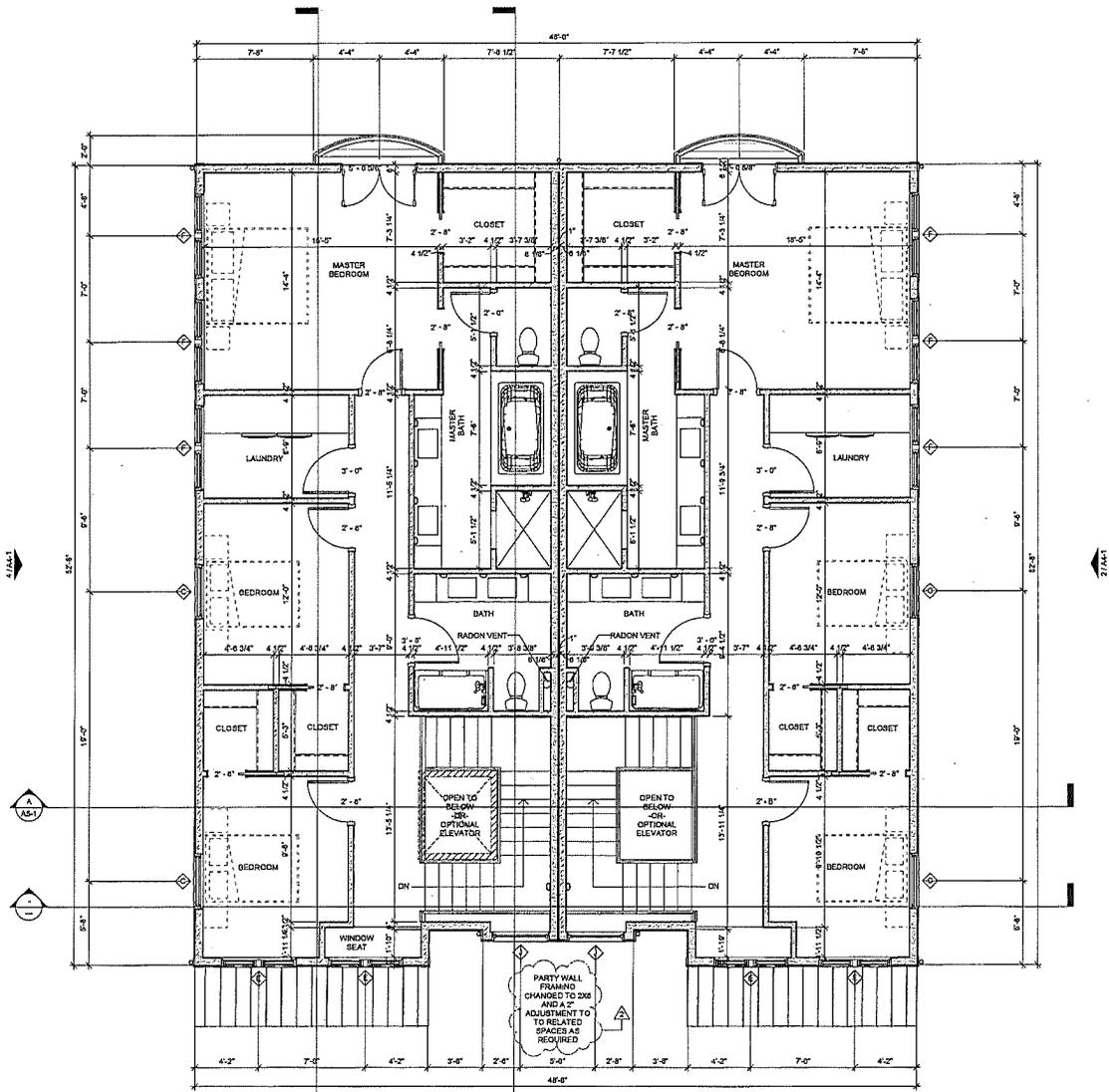
REVISION SCHEDULE:
REV.# REV.DSC. REV.DATE
2 PARTY WALL FRAMING 5-16-14

PROJECT:
3932-3934 TWINHOME
WEST 49TH STREET
EDINA, MINNESOTA

SHEET TITLE:
MAIN LEVEL FLOOR PLAN

A1-1

A.11



UPPER LEVEL FLOOR PLAN
1/4" = 1'-0"



205 6th Ave. SE 301
Aberdeen, SD 57401
Phone: 605-725-4852

224 N. Phillips Ave. 208
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Phone: 605-334-0099
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A.11

CO-OP PROJECT NO: 1405

ISSUE:

05-01-14

REVISION SCHEDULE:

| REV. # | REV. DSC. | REV. DATE |
|--------|--------------------|-----------|
| 2 | PARTY WALL FRAMING | 5-16-14 |

PROJECT:

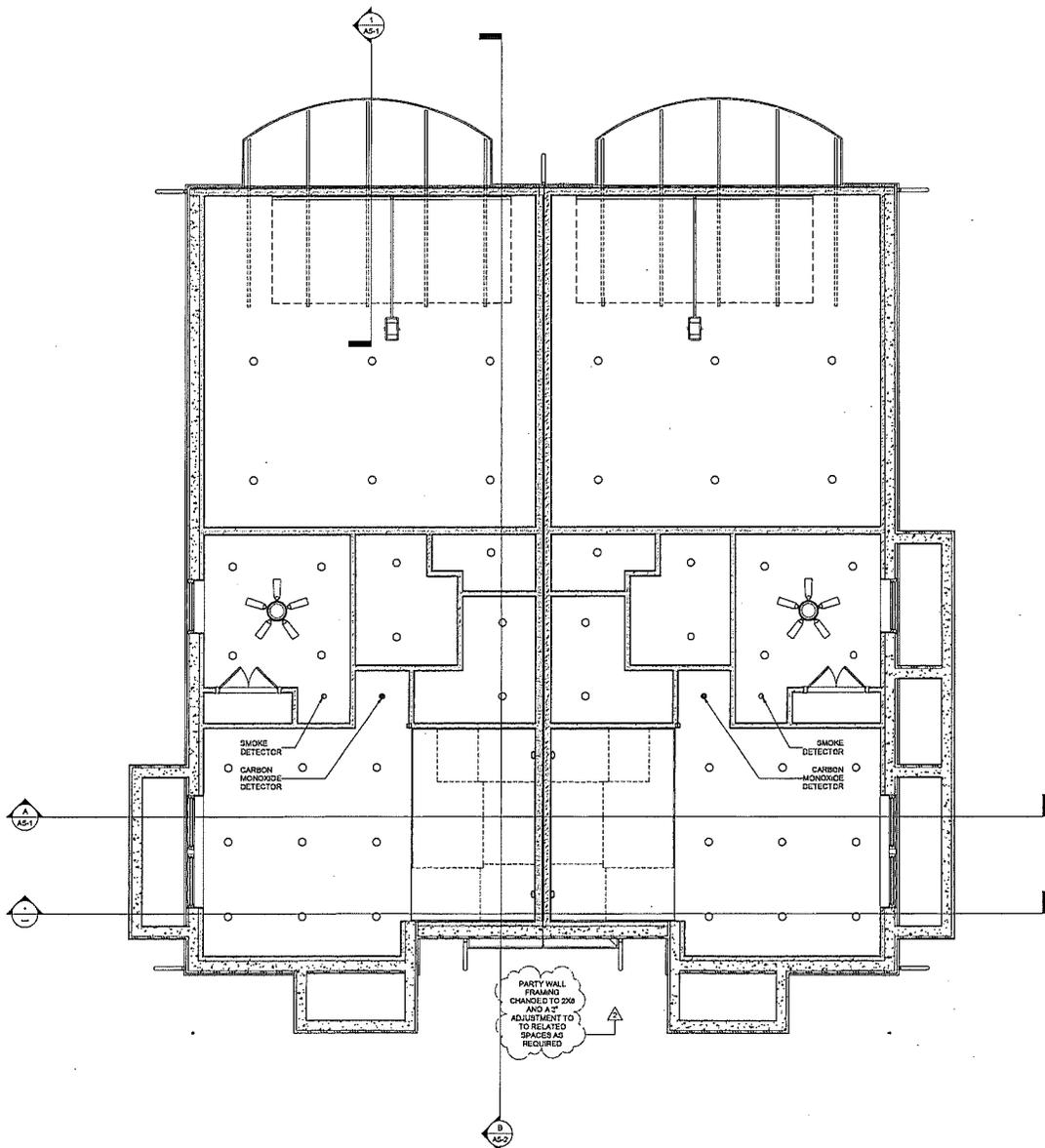
3932-3934 TWINHOME
WEST 48TH STREET
EDINA, MINNESOTA

SHEET TITLE:

UPPER LEVEL FLOOR PLAN

A1-2

A.12



LOWER LEVEL
1/8" = 1'-0"



205 6th Ave. SE 301
Aberdeen, SD 57401
Phone: 805-725-4852

224 N. Phillips Ave. 308
Sioux Falls, SD 57104
Phone: 805-334-8899
www.co-oparch.com

A.12

CO-OP PROJECT NO. 1405

ISSUE:
05-07-14

| REV. # | REV. DSC. | REV. DATE |
|--------|--------------------|-----------|
| 2 | PARTY WALL FRAMING | 5-10-14 |

PROJECT:
3932-3934 TWINHOME
WEST 49TH STREET
EDINA, MINNESOTA

SHEET TITLE:
LOWER LEVEL REFLECTED
CEILING PLAN

A2-0

A.179



1 SOUTH ELEVATION
3/16" = 1'-0"



2 EAST ELEVATION
3/16" = 1'-0"



3 NORTH ELEVATION
3/16" = 1'-0"



4 WEST ELEVATION
3/16" = 1'-0"



ARCHITECTURE

205 6th Ave. SE 301
Aberdeen, SD 57401
Phone: 605-725-4852
224 N. Phillips Ave. 206
Sioux Falls, SD 57104
Phone: 605-334-9999

www.co-oparch.com

A.18

CO-OP PROJECT NO: 1405

ISSUE:
05-01-14

REVISION SCHEDULE:
REV. # REV. DESC. REV. DATE

PROJECT:
3032-3034 TWINHOME
WEST 49TH STREET
EDINA, MINNESOTA

SHEET TITLE:
EXTERIOR ELEVATIONS

A4-1