AGENDA CITY OF FAYETTEVILLE HISTORIC RESOURCES COMMISSION SPECIAL MEETING CITY HALL, LAFAYETTE CONFERENCE ROOM 433 HAY STREET TUESDAY, DECEMBER 5, 2023 4:00 P.M.

- 1. ROLL CALL
- 2. APPROVAL OF THE AGENDA
- 3. APPROVAL OF THE CONSENT AGENDA
 - ❖ COA23-46: Major Order of Approval—107 Gillespie Street
- 4. APPROVAL OF THE MINUTES
 - Approval of minutes from the September 26, 2023 meeting
- 5. ELECTION OF CHAIR AND VICE-CHAIR
- 6. EVIDENTIARY HEARING

MAJOR WORKS

- ❖ COA23-61—450 Hay Street- Dumpster enclosure

 The applicant is requesting a Certificate of Appropriateness to construct and install a wooden dumpster enclosure at the rear of 450 Hay Street.
- 7. OTHER BUSINESS
- 8. ANNOUNCEMENTS
- 9. ADJOURNMENT

MINUTES CITY OF FAYETTEVILLE HISTORIC RESOURCES COMMISSION MEETING CITY HALL/LAFAYETTE ROOM **433 HAY STREET**

SEPTEMBER 26, 2023 @ 4:00 P.M.

MEMBERS PRESENT

STAFF PRESENT

Clayton Deaton, Planning and Zoning Division Manager Michael Pinkston, Chair Rebecca Meredith, Vice-Chair (Arrived at 4:15 p.m.) Jennifer Lockart

Michael Pennink

Michael Houck

Heather Eckhardt, Planner II Paul Allen, Assistant City Attorney Catina Evans, Office Assistant II

MEMBERS ABSENT

Robert Tiffany

The September 26, 2023, meeting of the Historic Resources Commission was called to order by Chair Michael Pinkston at 4:04 p.m.

I. **ROLL CALL**

The members and Staff introduced themselves.

APPROVAL OF THE AGENDA II.

Michael Pennink made a motion to approve the agenda. **MOTION:**

Jennifer Lockart SECOND: VOTE: Unanimous (4-0)

APPROVAL OF THE MINUTES FROM THE MAY 23, 2023, MEETING III.

MOTION: Michael Pennink made a motion to approve the minutes from the May 23, 2023, meeting.

Michael Houck **SECOND:** VOTE: Unanimous (4-0)

EVIDENTIARY HEARING IV.

COA23-46. The applicant is requesting a Certificate of Appropriateness to remove the existing steel angle beam and replace it with an 8" black I-beam spanning the width of the storefront. The applicant also plans to have two helical anchors placed under both front pillars of the building at 107 Gillespie Street (REID 0437634868000), owned by Liberty Point Realty, represented by Seth Barbrow.

Heather Eckhardt presented case COA23-46. She said this request is for 107 Gillespie Street. The request is to remove an existing steel angle beam and replace it with a 8" black I-beam and to install two helical anchors under the front pillars of the building. Ms. Eckhardt showed the Board a picture of the building which was outlined in yellow. This request contains two main items. The first main item is removing the steel angle and the second is installing the anchors. She noted that some bricks will be removed temporarily during this process.

Ms. Eckhardt informed the Board that the design guidelines are in the agenda packet, and she listed the findings as follows:

- 1. The applicant is requesting a Certificate of Appropriateness for:
 - a. Removal of steel angle beam from front façade (above storefront)
 - b. Replacement of steel angle beam with 8" I-beam across the width of the storefront
 - c. Two helical anchors under both front pillars (underground)
- 2. The building is a non-contributing, two-story brick building built ca. 1850 located south of Person Street and north of Otis Jones Parkway at 107 Gillespie Street.

Ms. Eckhardt provided the Board with their voting options to approve, approve with conditions, or deny the Certificate of Appropriateness request. Ms. Eckhardt told the Board to hold their questions until after the hearing.

Speakers in favor:

Seth Barbrow, 107 Gillespie Street, Fayetteville, NC 28301

- Mr. Barbrow showed the Board a market house view of the structure in question.
- He pointed out that his building is located near a barbershop (across the street) and a local restaurant is located down the street from the building. He noted that a tree blocks a large portion of the front of the building, hiding it from public view. The current condition is that an L-shaped steel angle is running across the entire front facade.
- The facade was built in the late 1970s or early 1980s. The facade is currently drooping and rolling back. This is almost along the whole front of the façade creating a lack of structural support. The beams are attached to the original façade, but they do not know how they are attached.
- Without that knowledge, Mr. Barbrow stated that he wants to strengthen the façade so that it will last for years to come. He points out the gaps in the façade and that the mortar has cracks. He explained that they wanted to push the beam back up to eliminate any deflections.
- Mr. Barbrow acknowledged that the Historic Resources Commission is stringent about upholding the design standards.
- He plans to remove and replace the current bricks, maintaining the current coloring of the structure.
- Mr. Barbrow showed the Board where the beams and anchors will be installed.
- He informed the Board that within the past year, the business owners across the street had put a steel beam on their building at 104 Gillespie Street.
- He showed the Board his structural engineer's drawing of where structures will be molded to the original beams. Mr. Barbrow said he will not need to apply for a COA to complete the remaining work on the inside of the building.

Ms. Lockart asked Mr. Barbrow if there were any historical pictures of the front of the building on hand. Mr. Barbrow said the picture he provided was the only one he could find. He mentioned that the original facade had white bricks. They do not know why the facade was installed in the 1970s. They want to put in a steel channel to secure the structure. Mr. Pinkston wanted to know how long it would take to complete the work, and Mr. Barbrow said it would take two to three days. Ms. Lockart asked Mr. Barbrow if he plans to place an awning on the building after he has completed this project, and Mr. Barbrow said yes, he would like to place an awning on the building. He has received COAs to complete past work on the building. Mr. Barbrow stated that he just wants to maintain the building. He acknowledged that he would have to come back before the Board and request a Certificate of Appropriateness to construct the awning. Mr. Barbrow said he brought his engineer, John Kells, to answer questions as well.

MOTION: Mr. Pennink made a motion to close the evidentiary hearing for case COA23-46.

SECOND: Michael Pinkston **VOTE:** Unanimous (5-0)

MOTION: Michael Pinkston made a motion for the Historic Resources Commission to grant the Certificate

of Appropriateness to Liberty Point Realty based on the conditions and the facts presented and that

the proposed project is not incongruous based on the reasons stated in the COA application.

SECOND: Michael Pennink **VOTE:** Unanimous (5-0)

Ms. Lockart stated that she wanted to discuss the proposed COA before voting on the matter. Mr. Pinkston tabled the motion so that Ms. Lockart could ask questions and discuss the COA.

Ms. Lockart had a question generated from her and Mr. Pinkston's participation at a Certified Local Government training in Southern Pines. She asked the Staff if the City of Fayetteville has a period of significance that they refer to regarding approving COAs. Mr. Pennink said that this is unclear because you have various time periods involved around the date that this Historical Resouces Commission was enacted. Anything that occurred before the creation of this commission would be the date that you would look back to as a historical reference point.

Ms. Lockart said that her understanding is that the Board should establish periods of historical significance that serve as a reference point from which they could say yes, these things are keeping in touch with what the Board is trying to do and the character the Board is trying to preserve. Ms. Lockart asked the Board if there was a point of historic significance established when the City established this Commission. As she understood, there are things that the Board should be going back and matching with COAs as a historically significant reference point. Ms. Lockart informed the Board and Staff that during the training, she performed an activity that helped her understand the need for a point of historical significance. Ms. Lockart said she researched and could not find a point of historical significance for the City of Fayetteville. She inquired to the Staff as to when during the review process would the Board say to an applicant you need to make sure that this looks like it originally was constructed. Otherwise, she feels that the Board is just haphazardly approving COAs.

Mr. Pinkston stated that he was concerned that the Board was not receiving the evidence for the COAs in a timely manner for them to do the type of research suggested by Ms. Lockart. He wants the Board to receive the COA requests a month prior to the Historic Resources Commission meetings. Mr. Pinkston stated that they have applicants that come before this Commission with COAs ready and the Commission thinks that the applicant has done their homework, but the Commission cannot be sure that the applicant has done their homework or how the Board should properly proceed if we have not had the time to dig in and utilize the tools that we have at our disposal to make sure that this is a COA that is going to get approved, approved with conditions and in some cases denied.

Mr. Pinkston attended the same training, and he thought it was beneficial that he knew the definition of contributing and noncontributing structures. He requested that the Staff provide the Board with the COA case information at least one month prior to the Historic Resources Commission meetings so that the board members can study them. Attorney Allen stated that he would confer with Attorney Lisa Harper regarding the legal guidelines for notice and follow-up because sometimes there are legal procedures that fall into the issuing of notices. Mr. Pinkston noted that he would be willing to sign a document to ensure that he would not discuss the information with anyone prior to the meeting. He just does not think that the Board does not have enough time to effectively do their job when they receive the COA information a few days prior to the meetings.

Mr. Allen stated that he would have to discuss with Ms. Harper regarding the rules for evidentiary or quasi-judicial hearings, which might affect the Board's ability to research the information or evidence for a case before the meeting. He stated that quasi-judicial hearing standards dictate the Board makes their rulings based on the evidence heard during the hearing. Ms. Lockart noted that she learned (at the training) that Commissioners should go out and research COAs before the meeting with caution. She stated that during the training she learned that other city's Historic Resources Commissions travel to sites and gather information prior to hearing the evidence during the meeting. She noted that the instructor said the commissioners should travel to sites and research prior to the hearings but disclose that they did so during the formal meeting. Mr. Allen noted that it must be on record if you visited the site, and Ms. Lockart agreed that it should be on record along with the disclosure that the Board needed more time to review cases before the meeting and that the Board needed to understand what they were reviewing. Mr. Allen said he understands that the Board would like to review the cases by going on-site without having ex parte communication with the individuals on site. Then the Board can gather information on site and then take this information to the meetings. Mr. Allen said he would talk with Ms. Harper and address the concerns raised during the meeting.

Mr. Pinkston closed the hearing for case COA23-46.

MOTION:

Michael Pinkston made a motion that the Historic Resources Commission grant the Certificate of Appropriateness to Liberty Pointe Realty based on the following findings of fact that the proposed COA is constructed to the proposed plans submitted on September 25, 2023, that the proposed project is not incongruous with the character of the district for the following reasons based on the COA that has been presented and it is generally in harmony with the character of the adjoining properties and the historical district.

SECOND: Michael Pennink
VOTE: Unanimous (5-0)

V. OTHER BUSINESS

Mr. Pinkston expressed his dissatisfaction with a prior case regarding the Public Works Commission's (PWC) actions. Mr. Pinkston noted that in the minutes he stated three times his request that PWC come up with alternative methods of installing conduits downtown. He stated that it has been over 60 days that PWC has not answered the Board for suggestions the Board provided them regarding alternatives for the transfer stations. Mr. Pinkston stated PWC should not be allowed to do whatever they want and whenever they want to do it in the Historical District and violate all the principles that the Board stands for. The electrical boxes can be repaired underground the way they should be. Mr. Pinkston said PWC never presented the Board with an alternative plan for improving the underground electrical conduits. He is displeased that PWC came and presented a plan without considering the sensitivity of the Historical District. Mr. Pinkston said this is not the first time something like this has happened. He mentioned a cell tower constructed on Green Street that was installed without the owner going through the Historic Resources Commission. People seem to think that they can do what they want in the Historical District. He said this is something that the Board needs to take seriously.

Ms. Lockart mentioned a building downtown that conducted repairs after a fire occurred on the property, but the owner failed to apply for a Major COA for replacing wood windows with aluminum black windows on the outside façade. Ms. Lockart said there was a building permit on file but no COA. Ms. Lockart said she is sure that the building is a contributing factor, referring to the property at 100 Hay Street. Ms. Lockart does not understand how the owner did not have to apply for a Major COA when changing wooden windows to metal windows.

Ms. Lockart does not understand how businesses including public utilities companies are allowed to do this—to just do what they want and maybe later receive a slap on the wrist and move on. Mr. Pinkston asked if City Planners or the City Attorney would be able to work with the Commission on this issue. Ms. Eckhardt said the Public Works Commission presented that project before the Historic Resources Commission as a courtesy. She informed the Board that there is a section in the Unified Development Ordinance (UDO) that deals with specific exceptions for certain types of work, and the work that was done and attempted to be done was exempt by that portion of the UDO. That is why it was not brought to the Commission as a COA but as a project that PWC is planning to do. As far as the Self-Help Building (100 Hay Street), it was done as a minor work. The design guidelines lay out four situations where someone can complete work under a minor work designation—when the work is conducted at the rear of a structure, the work will not change the essential character of the structure, and the wall is not in public view. Ms. Lockart stated that the work done on 100 Hay Street was in public view—that is her issue that it is in public view. She accepts that those are the guidelines, but she does not agree with them. Ms. Lockart said it looks good, but she does not understand why the owners did not go before the Historic Resources Commission and present it as a Major COA request.

Ms. Eckhardt stated that according to the information submitted to the Staff (regarding the building at 100 Hay Street), the original sashes were steel, and the steel was not available at this time, so the owner applied for a minor COA to replace them with aluminum sashes. Ms. Lockart inquired if the applicants should have come before the

Historic Resources Commission and Ms. Eckhardt said they submitted it as a minor COA. Ms. Lockart reiterated that the building does not look the same with the aluminum windows. Ms. Lockart added that she does not understand why PWC was able to do work without requesting a COA with the Board. Ms. Lockart understands the exemption, but she does not understand why PWC can do whatever they want whenever they want to do it.

Ms. Eckhardt said the work performed by the Public Works Commission followed Unified Development Ordinance guidelines for COA exemption for hazardous situations and PWC did not need a COA. Ms. Lockart stated that she did not understand why it was considered a hazardous situation. Members of the Board added that there were issues with water underground.

Mr. Pinkston stated that the Public Works Commission should have addressed the Historic Resources Commission to inform them about what they were doing so the Board would not have been blindsided. He said PWC should have met with the Board prior to the meeting or in a separate meeting and explained what they were doing and why they were doing it. The Board did not have an opportunity to understand what was going on. Therefore, Mr. Pinkston said the meeting in his opinion was a little hostile when they rejected (items) three times and then said they would go back and do something which was an utter lie. This could have been prevented if PWC had taken a much more upfront approach and considered the sensitivity of the Historic District. He said PWC handled the situation inappropriately.

Ms. Eckhardt stated that PWC representatives were providing the information to the Board out of courtesy. Ms. Lockart inquired why PWC did not come before the Board like Mr. Barbrow, providing evidence and proof that their measures were the only ones PWC could execute (to install the transformers downtown). Ms. Eckhardt stated that the work was determined to be exempt, and Ms. Lockart did not see any evidence in the minutes as to why they were exempt. She pointed out that the level of liability could be the same if the transformers blow up either above or below ground.

VI. ANNOUNCEMENTS

VII. ADJOURNMENT

MOTION: Michael Pinkston made a motion to adjourn the September 26, 2023, meeting.

SECOND: Michael Pennink VOTE: Unanimous (5-0)

The meeting adjourned at 4:41 p.m. Respectfully submitted by Catina Evans

MAJOR WORKS

HISTORIC RESOURCES COMMISSION STAFF REPORT

COA NUMBER: COA23-61

HISTORIC RESOURCES COMMISSION HEARING DATE: December 5, 2023

APPLICANT:

Mark Eline of FencEline Plus Inc

2533 Gray Goose Loop Fayetteville, NC 28306

OWNER:

Prince Charles Holdings LLC

PO Box 650

Durham, NC 27702

STAFF:

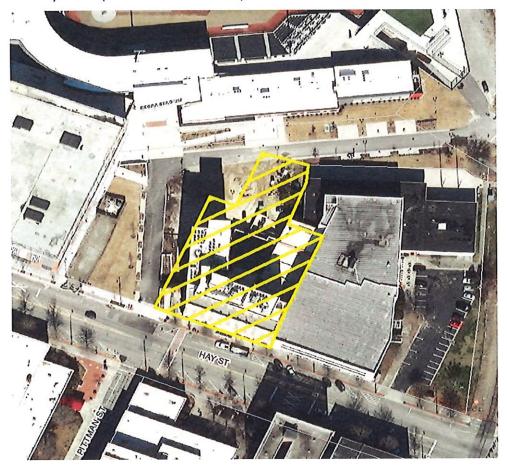
Heather Eckhardt, Planner II

PROPOSAL AND REQUESTED ACTION:

The applicant is requesting a Certificate of Appropriateness to construct and install a wooden dumpster enclosure at the rear of 450 Hay Street.

SITE LOCATION:

450 Hay Street (REID #0437449837000)



HISTORIC DESIGNATION:

Downtown Historic District

BACKGROUND INFORMATION:

The subject property is the Prince Charles Hotel which was constructed between 1923 and 1925. The "seven-story red-brick hotel is ten double bays wide and ten bays deep and exhibits the Colonial Revival style". A sixty-room addition was constructed in 1942. The hotel was converted to apartments in 2018.

SCOPE OF WORK SUMMARY:

The applicant is requesting a Certificate of Appropriateness to construct and install a wooden dumpster enclosure at the rear of 450 Hay Street. Currently, an unscreened dumpster is located between the Prince Charles Hotel and Segra Stadium. The City of Fayetteville Unified Development Ordinance requires that all dumpsters be screened from view. The requested dumpster screening will not only bring the site into compliance with the Unified Development Ordinance but will also greatly improve the view as fans enter and exit Segra Stadium.

Findings:

- 1. The applicant is requesting a Certificate of Appropriateness for:
 - a. Construction and installation of a wooden dumpster enclosure
- 2. The building is a contributing, seven-story brick building built between 1923 and 1925 and is located south of Rowan Street and north of Hay Street at 450 Hay Street.

Applicable Guidelines and Standards:

The Secretary of the Interior's Standards:

- 1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment. (Note: This standard deals with use and thus does not apply to commission's design review.)
- 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- 7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- 8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measure shall be undertaken.

- 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- 10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Applicable Design Guidelines for Site and Setting

Fences and Walls:

 Introduce new walls or fences only in a compatible manner. They should be constructed of traditional materials and design only in locations that are characteristic of the historic district.

ATTACHMENTS:

- Application
- Site Photographs
- Application Information



Planning & Zoning 433 Hay Street

Fayetteville, NC 28301 910-433-1612

www.fayettevillenc.gov

Project Overview #1139827

Project Title: Prince Charles Jurisdiction: City of Fayetteville

Application Type: 6.1) Certificate of Appropriateness State: NC

Workflow: Major Work County: Cumberland

Project Location

Project Address or PIN: 450 HAY ST (0437449837000) **Zip Code:** 28301

GIS Verified Data

Property Owner: Parcel

450 HAYST: PRINCE CHARLES HOLDINGS LLC

Zoning District: Zoning District

• 450 HAYST: DT/CZ

Fire District: Fire District

450 HAYST: Primary Fire Zone

Hospital Overlay District:

Cape Fear District:

Haymount Historic District:

100 Year Flood: <100YearFlood>

Watershed:

Acreage: Parcel

• 450 HAYST: 0.72

Subdivision Name:

Airport Overlay District:

Coliseum Tourism District:

Downtown Historic District: Downtown Historic District

• 450 HAYST: Downtown Historic District

Floodway:

500 Year Flood: <500YearFlood>

Project Data

Was a pre-application conference conducted?: No

Project Type: Historic District

Describe in your own words all exterior work, buildings, and construction that can be seen from the public right-of-way. Be sure to indicate all exterior materials and colors. You may upload additional sheets and attach manufacturer's information where appropriate.:

10x10 dumpster screen against existing wall to stand no higher than 7ft 10in using all #2 pressure treated wood prime dog ear pickets and 4x6 as pot

Date of Pre-Application Conference:

Exterior Work Type: New Construction, Dumpster screen

Primary Contact Information

Contractor's NC ID#:

Project Owner

Mark Eline

Created with idtPlans Review 10/10/23

Prince Charles

Page 1 of 2

FencEline Plus Inc 2533 gray goose loop Fayetteville, NC 28306 P:9102291748 Fencelineplus@gmail.com

Project Contact - Agent/Representative

Mark Eline
FencEline Plus Inc
2533 gray goose loop
Fayetteville, NC 28306
P:9102291748
Fencelineplus@gmail.com

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000.:

NC State General Contractor's License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor"s #3 License Number:

NC State Electrical Contractor #1 License Number:

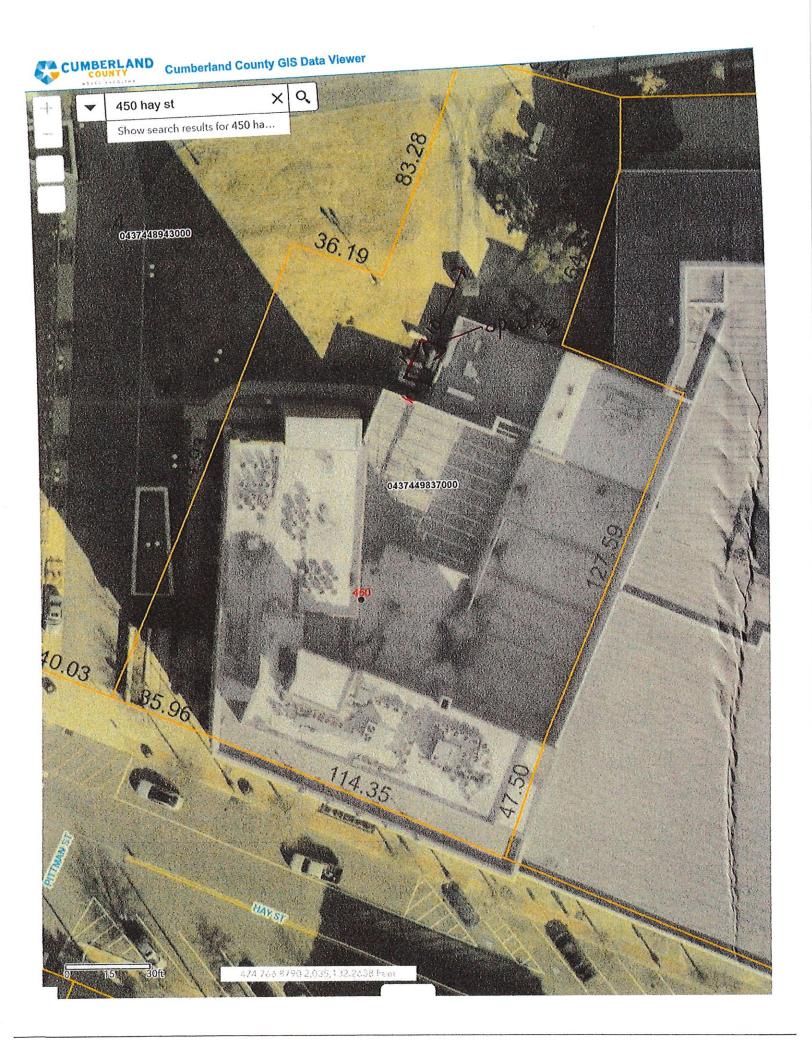
NC State Electrical Contractor #2 License Number:

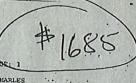
NC State Electrical Contractor #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

Indicate which of the following project contacts should be included on this project:





CMZR130A

LOWE'S HOWE CENTERS, LLC

PROJECT ESTIMATE

450 HAY ST, PAYETTEVILLE/PRINCE CHARLES

CONTACT: ELINE, MARK CUST \$: 431403045

SALESPERSON: TURNEY, CURTIS SALES #1 54269

PROJECT NUMBER: 784037046 .

DATE ESTIMATED: 06/20/23

NO EXTRA CHARGE FOR updates Changes

	8	314408	TION DESCRIPTION	VEND PART #	_ PRICE
16	120	10437	1-4-10 TREATED APPEARANCEE GRA QUIRRETE 50-LB FAST-SET CONCRE 5/8-6-8 DE PT PICKET	100450	51.84 72.60
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	1	903450 648932			35.98
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	2	312626 314386			109,92 35,36 51.56

TOTAL FOR ITEMS
FREIGHT CHARGES
DELIVERY CHARGES
TAX AMOUNT
TOTAL ESTIMATE 75.80

: 416+

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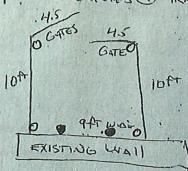
FencEline Plus 2533 Gray Goose Loop Fayetteville NC 28306 FencElinePlus@gmail.com 910-229-1748

ttps://mail.google.com/mail/u/1/#inbox/FMfcgzGtwWCBTRbXPNPRQXcSngrndSfm?projector=1&messagePartId=0.1

UPPATER DIAGRAM

450 HAY ST

PRINCE CHARLES (A) TRADE MARK RESIDENTIAL COM



10ft QUOTE TO A'llow FOR ANOTHER I Changes original FOR ANOTHER ISOT IN CIEARANCE SIDE TO SIDE AND 1.5. FRUNT TO BACK

> 2 4.5 GATES 10 foti SINES.

> > 7'10" HiGH

ADDING (2) 4×4×12 ANNOTATED ON DIAGRAM . IN FRONT OF WALL TUSIOS CONTANTMENT AREA ASWELL AS. (3) 2X4X10 IN FRONT OF. POST TO PROMOG ADDITIONAL BUFFER TO DREVENT OUMSSTER

FROM STRIKING WAll DURING DUMPING.

2xxx10

DKAXIO

2x4x10

IN FRONT OF

Side VIEW

WAIL BELIND DUMPSTER

INGS LLC

AY LLC 30-0152

CK HERE

