

A G E N D A PLANNING COMMISSION December 21, 2020 at 7:00 PM

Call to Order

Consideration of Minutes

1. NOVEMBER 16, 2020 PLANNING MINUTES

Disclosures and Recusals

Old Business

New Business

2. Variance: requesting to go over required 35 foot height ordinance -1801 Chatham Avenue – 40009 13006 – Zone R-2 – Walt Freeman.

Adjournment

Standing Items

Adjournment

PLANNING COMMISSION

Demery Bishop Ron Bossick Charles Matlock Elaine T. McGruder David McNaughton J. Whitley Reynolds Alan Robertson



CITY MANAGER
Shawn Gillen

COMMUNITY DEVELOPMENT DIRECTOR

George Shaw

CITY ATTORNEY Edward M. Hughes

Planning Commission Meeting MINUTES November 16, 2020

Chair Bishop called the November 16, 2020 Tybee Island Planning Commission meeting to order. Commissioners present were Charles Matlock, Elaine T. McGruder, Alan Robertson, Vice Chair Ron Bossick and David McNaughton. J. Whitley Reynolds was absent.

Consideration of Minutes:

Chair Demery Bishop asked for consideration of the October 19, 2020 minutes. Vice Chair Ron Bossick made a motion to approve. Commissioner Matlock seconded. The vote to approve was unanimous.

Disclosures/Recusals:

Chair Demery Bishop asked if there were any Disclosures or Recusals. There were none.

Old Business:

New Business:

1. Subdivision of land: requesting to split one lot into two lots for residential houses – Lot 10 Ocean View Court – 40003 10011 – David E. Lane.

George Shaw stated the applicant would like to divide the one lot into two lots for two single family homes. He also stated the drainage has been approved by the City Engineer. And water and sewer are nearby. Staff recommends approval. Commissioner Matlock asked if the parking meters were in the right of way or on the said property. George Shaw stated when the meters were put in years ago they did not have a survey, so the City would have to move them at some point. Vice Chair Bossick asked George Shaw if the access road on the survey is on the applicant's property. He also stated it looks like the five foot pedestrian access easement is in the drainage easement. George Shaw stated those would have to be addressed by the applicant. Terry Coleman of Coleman and Company in Savannah Georgia approached the Planning Commission and stated he is the designer for the applicant David Lane. He stated the access road on the survey was built on this applicant's property and will have to be moved north. The five foot pedestrian access easement that is in the drainage easement can be adjusted before the plat is recorded. Vice Chair Bossick asked if the system they are going to connect to the City's system will have the capacity to handle the two lots. Terry Coleman stated it does meet the City's requirements. Vice Chair Bossick asked George Shaw if the City looked into the amount being added. George Shaw stated the City Engineer Peter Gulbronson reviewed it as well and is comfortable with the design. David Lane who lives at 2 Penny Feather Lane, Savannah, approached the Planning Commission. Commissioner

Item #1.

McGruder asked David Lane if he is going to build on the lots for himself or will he sell them. And is he aware of the tree ordinance. **David Lane** stated he is going to build for his self on the two lots and he will follow the tree ordinance requirements when he goes to build. **Commissioner McGruder** made a motion to approve. **Commissioner Matlock** seconded. The vote to approve was unanimous.

Discussions:

Adjournment: 7:30pm

Lisa L. Schaaf

PLANNING COMMISSION

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Planning Commission Meeting AGENDA December 21, 2020 – 7:00 p.m.

For City Council Meeting January 14, 2021 – 7:00 p.m.

	A	Call	to	order:
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- **B. Consideration of Minutes:**
 - 1. Minutes of November 16, 2020
- C. Disclosures/Recusals:
- D. Old Business:
- E. New Business:
 - 1. Variance: requesting to go over required 35 foot height ordinance -1801 Chatham Avenue
 - 40009 13006 Zone R-2 Walt Freeman.
- F. Discussions:

Adjournment:

Lisa L. Schaaf

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact Jan LeViner at 912.472.5080 promptly to allow the City to make reasonable accommodations for those persons.

PLANNING COMMISSION

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Discussions:

Adjournment: 7:30pm

Lisa L. Schaaf





STAFF REPORT

PLANNING COMMISSION MEETING: December 21, 2020

CITY COUNCIL MEETING: January 14, 2020

LOCATION: 1801 Chatham Ave.

PIN: 40009-13006

APPLICANT: Walt Freeman

OWNER: Walt Freeman

EXISTING USE: Single family home

PROPOSED USE: Same

ZONING: R-2

USE PERMITTED BY RIGHT: Yes

COMMUNITY CHARACTER MAP: Back River Neighborhood

APPLICATION: Height Variance

PROPOSAL: The applicant is requesting a variance to elevate the home 5.75 feet above the permitted height of 35

feet.

ANALYSIS: The home is in the AE-11 flood zone. The current finished floor elevation is 8.29 feet. To meet Tybee flood code the home would have to be elevated to 12 feet above mean sea level. That would require the home to be elevated 3.7 feet. The peak of the roof is currently at 31.9 feet. To bring the home into compliance with the flood ordinance the home would need a variance of 0.6 inches. The applicant is requesting to elevate the home approximately 9 feet.

Variance standards require that the applicant meet the following conditions:

- (1) That there are unique physical circumstances or conditions beyond that of surrounding properties, including irregularity, narrowness, or shallowness of the lot size or shape, or exceptional topographical or other physical conditions, or considerations related to the environment or the safety, or to historical significance, that is peculiar to the particular property; and,
- (2) That because of such physical circumstances or conditions, the property cannot be developed in strict conformity with the provisions of this Land Development Code, without undue hardship to the property.
- (3) A nonconforming use or structure does not constitute a unique physical circumstance, condition, or consideration.

I believe that a variance could be granted to elevate the home to meet our flood ordinance. Any elevation beyond the 3.7 feet required to bring the home into flood compliance is superfluous and not accordance with our codes. The lot is fully developed with a large home and an accessory structure. The lot is very large with plenty of room for parking.

The Comprehensive Plan describes the Inland Cottage Neighborhood as follows:

This character area describes the traditional neighborhood along the west side of Butler, which contains narrow, tree-lined streets laid out in a grid pattern. The area is varied in land use as it contains permanent residential properties, multi-family homes, rental properties, parks, low-impact commercial establishments, and public buildings.

	Comprehensive Plan – Community Character Area	
	The Inland Cottage Neighborhood Sec. 1.2.6	
	Recommended Development Strategies	Meets Strategy Y/N or N/A
1.	New development, redevelopment, and restoration should be consistent with the existing	N
	character of the area in terms of mass, scale, use and density	
2.	Permit only compatible uses including low density residential, public/institutional, and low	Y
	impact commercial	
3.	Develop and implement design and architectural standards	N/A
4.	Implement streetscape improvement to improve the pedestrian/bicycle environment and	N/A
	encourage safety and mobility	
5.	Historic structures in this area should be restored and/or preserved whenever possible	Y
6.	The City should provide appropriate incentives for historic restoration projects	N/A
7.		

STAFF FINDING

The variance as requested goes beyond what our ordinance would allow. Staff could support a variance of 0.6 inches to elevate the home above the flood zone with one foot of freeboard but cannot support any variance beyond this.

This Staff Report was prepared by George Shaw.

ATTACHMENTS

- A. Variance application (5 pages)
- B. Survey (1 page)
- C. Site Plan (1 page)
- D. SAGIS map (1 page)

<u>Fee</u> Commercial \$500 Residential \$200



CITY OF TYBEE ISLAND VARIANCE APPLICATION from the Tybee Island Land Development Code

Applicant:Walt Freeman R-2 / AF II '
Telephone #: 9125081711Email Address:walterjfreeman@gmail.com
Mailing Address1801 Chatham Ave Tybee Island Ga
*Note: If the applicant is not the property owner as listed on the property deed, a letter from the listed owner(s), including a telephonenumber and address along with any other relevant information, authorizing the applicant to act in their behalf must be included in the application.
PROCEDURE Application Requirements All applications must be complete, including required supporting documents. Drawings or surveys will be 11" X 17" or larger. Incomplete applications will not be accepted and will delay review.
Application Deadline Applications are due by 4:00 p.m. of the last day of the month before the next scheduled Planning Commission meeting.
Application Submittal Return one copy of this completed application and all supporting documents to: Tybee Island Planning and Zoning, City Hall, 403 Butler Avenue / P.O. Box 2749 City of Tybee Island, GA 31328
Application Public Hearings Applications will be heard at a public hearing before the Planning Commission on the third Monday of each month, followed by a final decision by City Council at another public hearing on the second Tuesday of the following month. Each hearing will be held at 7 p.m. at the Public Safety Building, 78 Van Horn Dr.
Property Address (Or General Location Description if no Address Assigned):
1801 Chatham Ave Tybee Island Ga 31328
Tax Map/Parcel ID#: 40009 13006 Current Zoning: R2
Existing use of Property: Primary Residence
Proposed use of Property: Primary Residence
Has the property been denied a variance in the past 12 months? If so, please provide brief details:
Not that I am aware of

Variance Questionnaire:

1. Does the requested variance change the Tybee Island character designation for the property as described in the Master Plan? If so, provide a brief explanation.
I dont believe so the home id raied would be lower than the House directly to the South of me.
2. Please explain the purpose of the requested variance and the intended development of the subject property
if the variance is granted. The requisted variance is intended to raise the home above flood elevation by at least 2 feet which is what Fema Requires when given a lifting grant. We would like to request and additional one foot and 8 inches over FEMA recomendation in order to allow room for a garage under the home. The elavation would by at 15.6 feet above sea level with the Height of the Structure being 40 Feet and nine and three quarters of an inch tall. See Attached Drawing
Due to the nature of this request the petitioner is applying for this request to be approved without the items in section 5-090 applying to the setback criteria. Petitioner request that no additional sectbacks be applied to the the front, rear or side setbacks with the height limit going over 35 feet since the height limit is only being requested to bring the home into flood compliance and a reasonble request is being made due to the cost of raising the home. Due to the size of this parcel the additional setbacks mentioed would greatly diminish the value of the land and place an undue hardship on the owner.
The provision would relate to hardship of the Home being in a flood zone and having such a tall roof making it impossible to lift the home
above flood without going over 35 feet.
4. Per the Tybee Island Land Development Code, the Tybee Island Planning Commission shall not make a recommendation on a variance from the terms of the Land Development Code unless it has met the following. Please explain how the requested variance meets each of the following:
A. The need for a variance arises from the condition that is unique and peculiar to the land, structures and buildings involved.
The land is unique in that it is one of the oldest properties on the island being built in 1903 on Founders row. The orginal Homes roof
pitch is quite tall making the home lifting process staying below 35 feet impossible.
B. The variance is necessary because the particular physical surroundings, the size, shape or topographical condition of the property involved would result in unnecessary hardship for the owner, lessee or occupants as distinguished from a mere inconvenience.
Yes. Due to the low elevation of the Land and the Height of the Roof staying below 35 feet would be impossible in order to lift above flood. The cost to
Lift the home is substantial and only is feasble by allowing room for the garage.

C. The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.
The condition is not ordinary in the age of the home and the height of the original roof requirng the
to go above 35 feet in order to go above flood.
D. The condition is created by the regulation in the Tybee Island Land Development Code and not by the action of the property owner or applicant.
The conditon is created by the Tybee Island Land DevelopIment code and not by the owner.
E. The granting of the requested variance will not conflict with Sec. 26-70-Amendments and modifications to the Fire Prevention Code of the Tybee Island Code of Ordinances or endanger the public.
No the variance does not conflict with section 26-70
F. The variance requested is the minimum variance that will make possible the reasonable use of the land, building or structures.
Yes. The variance in the Min variance that will make is possible for Reasonable use of the land.

Adjacent Property Owners

Please list all current owners of properties located immediately adjacent to or directly across the street from the subject property. This information may be obtained from the Chatham County Tax Assessor's office (912) 652-7271 or by using the website at www.boa.chathamcounty.org The accuracy and completeness of this information shall be the responsibility of the applicant.

. 047	Property owners name and mailing address:
Croz+	Helen Downing 912-596-0879 One House south
113	Erica Wilson 912-429-1076 One House North
07 8th	3
	4
	5
	6
	7
	8
	9
	10
	11
	12
	13
	14
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	21

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- Page 13 -

NOTE: This application must be accompanied by additional documentation, including drawings that include or illustrate the information outlined below.

5-090(C) <i>Varian</i>	ce longevity. After a variance has been granted by the ma	ayor and council it shall be valid for a period
Signature of App	licant	Date
Walt Fr		11/22/2020
The Applicant co	ertifies that he/she has read the requirements for best of his/her ability in a truthful and honest man	Variances and has provided the required ner.
5-090 (B)	Height. No part of any structure shall project beyong grade of a property except: (1) See section 2-010, terms and definitions; height (2) The following items that were existing on the opoles, television aerials, water towers and tanks, strelay towers, transmission line towers, and electric	t of building. date of the adoption of this section; flag eeples and bell towers, broadcasting and
5-090 (A) (2)	Because of such physical circumstances or conditions strict conformity with the provisions of the Lar hardship to the property. NOTE: Provide attachments illustrating conditions the subject property, indicating uniqueness, expenses.	nd Development Code, without undue
5-040 (D) (3) 5-090 (A) (1)	A survey of the property signed and stamped by a SThat there are unique physical circumstances or properties, including: irregularity; narrowness; or, shallowness of the lot shape; or, x exceptional topographical or other considerations related to the environment, or the sepeculiar to the particular property; and;	conditions beyond that of surrounding physical circumstances, conditions, or
	Explain the hardship: Would like to Be raised above Flood above flood the home must go above 35 feet due to the Low el	
5-040 (D) (2)	the circumstances where special conditions, which prior owner, affect a particular property and make governing dimensional standards (such as lot area, building height) unnecessarily burdensome or unrecode. Unnecessary hardship is present only where, use can be made of the property.)	were not self-created or created by a strict conformity with the restrictions width, setbacks, yard requirements, or easonable in light of the purpose of this in the absence of a variance, no feasible
5-040 (D) (1)	Site plan and/or architectural rendering of the proposition of lot restrictions. Narrative describing the hardship and the reason for	
REFERENCE	DESCRIPTION Site also and/or architectural randoring of the prop	ocad dayalanment denicting the location

of 12 months from date of approval. Such approval is based on information provided in the application. Building permits may only be granted for plans consistent with the approved application. Any deviation from the information

submitted will require separate approval by the mayor and council.

140		#∩
<i>ite</i>	III	#/

CERTIFICATION AND AUTHORIZATION

I hereby certify that, to the best of my knowledge and belief, the above listed information and all attached supporting documents are complete and accurate. I understand that this application will require public hearings by the Tybee Island Planning Commission and City Council. I have been made aware and I hereby acknowledge the scheduled hearing dates/times and location where this application will be considered. I also understand that review of this application will require a site visit, and I hereby authorize City staff and members of the Planning Commission and City Council to inspect the property which is the subject of this application.

Signature of Applicant	Walt Freeman	Date 11/22/2020	

If within two (2) years immediately preceding the filing of the applicant's application for a zoning action, the applicant has made campaign contributions aggregating more than \$250 to the mayor and any member of Council or any member of the Planning Commission, the applicant and the Attorney representing the Applicant must disclose the following:

- a. The name of the local government official to whom the campaign contribution or gift was made;
- b. The dollar amount of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for this zoning action, and the date of each contribution;
- c. An enumeration and description of each gift having a value of \$250 or more made by the Applicant to the local government official during the two (2) years immediately preceding the filing of the application for this zoning action.

Signature of Applicant	Date
STAFF	USE ONLY
Date received: 11/30/2020 Fee Amount \$ 200 · 00 Check Number	Received by
PUBLIC HEARING DATES: Planning Commission 12/21/2020	_ City Council
DECISION: (Circle One) Approved Approved with Conditions:	Denied



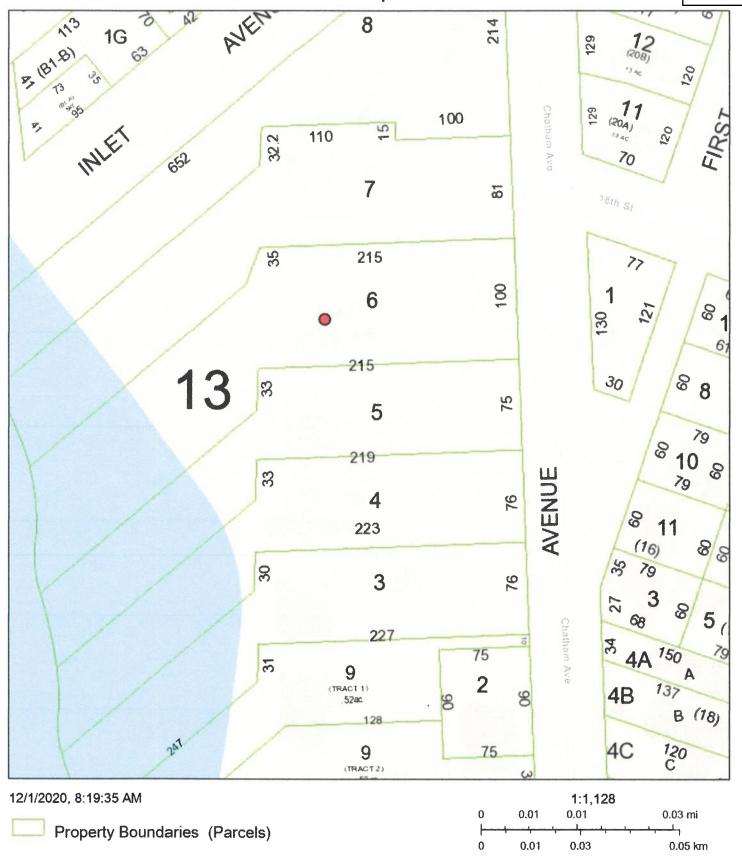
CITY OF TYBEE ISLAND

CONFLICT OF INTEREST IN ZONING ACTIONS DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you within the past two (2) years made campaign contributions or gave gifts
having an aggregate value of \$250.00 or more to a member of the City of Tybee Island
Planning Commission, or Mayor and Council or any local government official who will b
considering the rezoning application?

	or Mayor and Council or ng application?		
YES	NO X		
IF YES, PLEASE COMP	LETE THE FOLLOWING	SECTION:	
NAME OF GOVERNMENT OFFICIAL	CONTRIBUTIONS OF \$250.00 OR MORE	GIFTS OF \$250.00 OR MORE	DATE OF CONTRIBUTION
FORM MUST BE FILED PLANNING COMMISSI	AK CONCERNING THE AD WITH THE ZONING AD ON MEETING IF CAMPAI NAVE BEEN MADE TO AN YOR AND COUNCIL.	MINISTRATOR FIVE GN CONTRIBUTION	(5) DAYS PRIOR TO IS OR GIFTS IN
Signature <u>Wa</u>	lt Freeman		
Printed Name Walt F	reeman		
Date 11/20/2020			





Esri Community Maps Contributors, Savannah Area GIS, BuildingFootprintUSA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, SAGIS

PARID: 40009 13006 MILLER PAUL M.

1801 CHATHAM AVE

Most Current Owner

Current Owner

Co-Owner

Care Of

Mailing Address

FREEMAN WALTER

JEFFERSON

101 BUTLER AVENUE UNIT H TYBEE ISLAND GA

31328

Digest Owner (January 1)

Owner

Co-Owner Address 1

Address 2 City

State Zip

MILLER PAUL M.

1801 CHATHAM AVENUE

TYBEE ISLAND GA

31328

Parcel

Status

Parcel ID

Category Code

40009 13006

RES - Residential

Bill#

2996207

ACTIVE

Address

1801 CHATHAM AVE

Unit # / Suite

City

TYBEE ISLAND

Zip Code

31328-

Neighborhood

20189.00 - T189 TYBEE BACK RIVR

Total Units

Zoning

R-2

Class

R3 - Residential Lots

Appeal Status

Legal Description

Legal Description

LOT E RESUB INLET LOTS 19, 20 & A WARD 6 SAVANNAH

BEACH

Deed Book

1800

Deed Page

0117

Permits

Permit#	Permit Date	Status	Туре	Amount
150185-4	04/09/2015	Complete	RF - ROOF	\$20,000.00
100165-3	04/06/2010	Complete	EL - ELECTRIC	\$2,200.00
090245-1	05/20/2009	Complete	-	\$8,000.00
090196-2	04/20/2009	Complete	GM - GENERAL MAINT.	\$5,000.00

Inspection

Inspection Date	Reviewer ID
03/19/2019	KMMORENO
02/04/2016	MWTHOMAS
10/22/2013	MWTHOMAS
04/28/2010	LESTEPH
05/15/2007	MWTHOMAS

Appraised Values

Tax Year	Land	Building	Appraised Total	Reason
2020	822,800	291,600	1,114,400	
2019	822,800	291,600	1,114,400	
2018	822,800	217,700	1,040,500	
2017	822,800	217,700	1,040,500	
2016	822,800	217,700	1,040,500	
2015	750,000	200,000	950,000	
2014	750,000	200,000	950,000	
2013	750,000	200,000	950,000	
2012	960,800	225,700	1,186,500	
2011	1,607,000	193,000	1,800,000	

Sales

Sale Date Sale Price	Sale Validity	Instrument	Book - Page	Grantor	Grantee
10/15/2020 1,600,00	_	LD	2106 - 0533	MILLER PAUL M.	FREEMAN WALTER JEFFERSON
12/17/2019 1,230,00	0 U		1800 - 0117	LEWIS CAROL SMITH	MILLER PAUL M.
08/03/2004 840,000	U	WD	273X - 315	LEWIS & STONE CAROL & HE	LEWIS MARY L & CAROL S
06/24/2004 0	U	NA	271U - 0302	LYNAH HELEN ROWLAND	LEWIS & STONE MARY L & HE
06/05/2001 0	U	NA	2241 - 06114	GAY EDGAR L T	LYNAH HELEN R

Land		
Line Number	1	
Land Type	U - UNIT	
Land Code	116 - RIVER/DIRECT ACCESS	
Square Feet		
Acres		
Influence Factor 1	10	
Influence Reason 1		
Influence Factor 2		

Influence Reason 2

Residential Building

Card #

Actual Year Built 1900 Effective Year Built 1980

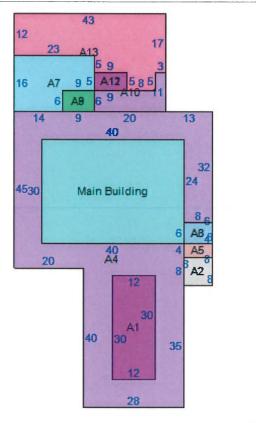
Type 1 - Single Family Residence

Style/Stories 2 - TWO STORY

Percent Complete 100
Quality 400

Condition AV - AVERAGE

Living Area 3,296
Basement Area 0
Finished Basement Area No
Bedrooms 4
Full / Half Baths 3 / 0



Area
1200
360
135

A11 - 903:903-Wood Deck (SF)	45
A12 - 901:901-Open Slab Porch (SF)	45
A13 - 901:901-Open Slab Porch (SF)	656
A2 - 100/100:100- LIVING SPACE/100- LIVING SPACE	64
A3 - 100:100- LIVING SPACE	48
A4 - 904/904:904-Slab Porch (SF) with Roof/904-Slab Porch (SF) with Roof	2336
A5 - 904/904:904-Slab Porch (SF) with Roof/904-Slab Porch (SF) with Roof	32
A6 - 904:904-Slab Porch (SF) with Roof	48
A7 - 904/904:904-Slab Porch (SF) with Roof/904-Slab Porch (SF) with Roof	314
A8 - 904:904-Slab Porch (SF) with Roof	54
A9 - 903:903-Wood Deck (SF)	54



SAGIS Map Viewer

Item #2.



12/1/2020, 8:20:59 AM

Property Boundaries (Parcels)

