

File #

9-4-19-VA



CITY OF KNOXVILLE

BOARD OF ZONING APPEALS APPLICATION

APPLICANT INFORMATION	APPLICANT IS:	THIS PROPOSAL PERTAINS TO:
Name Gregor Smee, Smee + Busby Architects	Owner <input type="checkbox"/>	New Structure <input checked="" type="checkbox"/>
Street Address 2554 Sutherland Ave.	Contractor <input type="checkbox"/>	Modification of Existing Structure <input checked="" type="checkbox"/>
City, State, Zip Knoxville, TN 37919	Tenant <input type="checkbox"/>	Off Street Parking <input checked="" type="checkbox"/>
Phone Number (865) 414-1326	Other <input checked="" type="checkbox"/>	Signage <input type="checkbox"/>
Email gsmee@smeebusby.com		Other <input type="checkbox"/>

THIS IS A REQUEST FOR:

- ☐ Zoning Variance (Building Permit Denied)
 ☒ Extension of Non-Conforming Use/or Structure
☐ Appeal of Administrative Official's Decision
 ☐ Map Interpretation

PROPERTY INFORMATION

Street Address 531 Vanolsdale Rd.

City, State, Zip Knoxville, TN 37909

Parcel # (see KGIS.org) 120BD007

Zoning District (see KGIS.org) R-1E

VARIANCE REQUIREMENTS

City of Knoxville Zoning Ordinance Article 7, Section 2

The City of Knoxville Board of Zoning Appeals shall have the power and authority to grant variances from terms of this ordinance according to the procedure and under the restrictions set out in this section.

The purpose of the variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property as the zoning ordinance intended.

DESCRIPTION OF APPEAL

Describe your project and why you need variances.

The existing building has been in consistent use as a day care facility since the 1950's and pre-dates the zoning. It is a legal, pre-existing, non-conforming, use and the owner is intending to continue its use as a day care facility. Because the existing zoning is R-1E which does not allow day care under any circumstances, there are no Use-On-Review options. However, according to Article VI, Appendix B, of the Code of Ordinances for the City of Knoxville (2019, current version), in Section A., the Board of Zoning Appeals may approve the extension of an existing building and permit the erection of an additional building, subject to requirements.

The property sits with West Hills Presbyterian Church to the north and west and West Hills Elementary School to the south. Directly across Vanosdale Rd, to the east, is the First Church of the Nazarene. There are no residential properties contiguous to this property.

There is currently a waiting list for after school care at West Hills Elementary School.

Describe hardship conditions that apply to this variance.

Hardship: without BZA approval, the Owner cannot improve the property, including: 1.) parking and circulation, to meet the current zoning ordinance, 2.) renovation/addition to the facade/entry facing Vanosdale Rd. and, 3.) a new small (1760 sf) after school facility to the rear of the property.

APPLICANT AUTHORIZATION

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request and that all owners have been notified of this request in writing.

APPLICANT'S SIGNATURE

DATE

8/19/2019

File #9-H-19-VA



CITY OF KNOXVILLE

BOARD OF ZONING APPEALS APPLICATION

*****OFFICE USE ONLY*****

Is a plat required? Yes ☐ No ☒

Small Lot of record? ☐

VARIANCE REQUEST(S) WITH ORDINANCE CITATION(S):

1. Permit the extension and erection of an additional building for a pre-existing non-conforming use (Article 6.A.)
2. Reduce the minimum parking lot setback from the street line (property line) from 25 feet to 10 feet (Article V Section 7.C.2).

REVISED

PROJECT INFORMATION

Date Filed 8-19-19

Fee Amount \$250

Council District 2

BZA Meeting Date 9-19-19

PLANS REVIEWER Rebecca Johnson / Joshua Frerichs

DATE REVISED (08-27-2019)

ARTICLE VI. - NONCONFORMING BUILDINGS, STRUCTURES AND USES OF LAND

Land uses which existed legally upon the effective date of a zoning change, but which are not in conformance with all the applicable provisions of the adopted or amended zoning regulation, shall be subject to the provisions of this section to the fullest extent permitted by state law.

A nonconforming building, structure or use of land lawfully existing at the time of the adoption or amendment of this ordinance may be continued and maintained as provided in this article; provided, however, that nothing herein shall be construed to authorize the continuation of any illegal or nonconforming use which was illegal prior to the adoption of this ordinance.

A. *Alteration or enlargement of buildings and structures.*

1. The board of zoning appeals may, in appropriate cases and after public notice and hearing, permit the extension of an existing building and the existing use thereof upon the lot occupied by such building, or permit the erection of an additional building. The addition or extensions shall be subject to the following requirements:
 - a. Yard requirements shall not be permitted which are less than those required for the district in which the nonconforming use is located.
 - b. Percentage of lot covered by building shall not be greater than the maximum stated for the district.
 - c. The architectural style of any new building or additions permitted under this section shall be similar to that which exists in the area.
 - d. Off-street parking shall be provided and shall be screened from adjacent property by landscaping or a solid screening fence or wall not less than five (5) nor more than six (6) feet in height.
 - e. Landscaping may be required where the board deems it necessary.
 - f. Signs used in conjunction with the nonconforming use shall be governed by the regulations of the district in which it is located.
 - g. These requirements shall be binding on the property regardless of succession of ownership, unless the use is changed to one generally permitted in the district, or the zoning is changed to make the use conforming. Performance bonds or other sureties acceptable to the city may be required where appropriate to the circumstances of the case.
 - h. Applications shall be accompanied by site and building plans, and photographs of present conditions of the property and surrounding property.
2. Where a building or structure is conforming as to use, but nonconforming as to yard, height, or off-street parking requirements, such building or structure may be enlarged or added to along existing building lines providing:
 - a. Addition or enlargement does not extend into any other required yard or exceed the existing height of the building or structure.
 - b. Existing building together with addition or enlargement does not exceed the maximum lot coverage permitted in the district in which it is located.
 - c. All off-street parking requirements for both existing building and addition or enlargement are complied with.

- B. *Outdoor advertising signs and structures.* No outdoor advertising sign or outdoor advertising structure which, after the adoption of this ordinance, exists as a nonconforming use in any A-1 [R-1A], R-1, R-2 or R-3 zoning district, shall continue, as herein provided for nonconforming uses, but every such sign or structure shall be removed or changed to conform to the regulations of said district within a period of two (2) years.

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When the building inspector finds that a portable or movable business or advertising sign is not in conformance with these regulations, he shall notify the owner or lessee of the sign, whose business or service is benefitted by the sign. If the violation is not corrected within twenty-four (24) hours, the building inspector shall have the sign removed from the premises at the expense of the owner or lessee thereof.

- C. *Building vacancy, nonconforming.* With the exception of houses or duplexes, a nonconforming building, structure or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a continuous period of six (6) months, shall not thereafter be occupied except by the uses which conform to the use regulations of the district in which it is located.
- D. *Change in use.* A nonconforming use of a conforming building or structure (example—commercial use in a dwelling) shall not be expanded or extended into any portion of such conforming building or a structure nor changed except to a conforming use. If such a nonconforming use or a portion thereof is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of six (6) months after the effective date of this ordinance.

The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification. However, where the use of a nonconforming building or structure is changed to a use of a more restricted district classification, it thereafter shall not be changed to a use of a less restricted district classification.

E. *Nonconforming uses of land.*

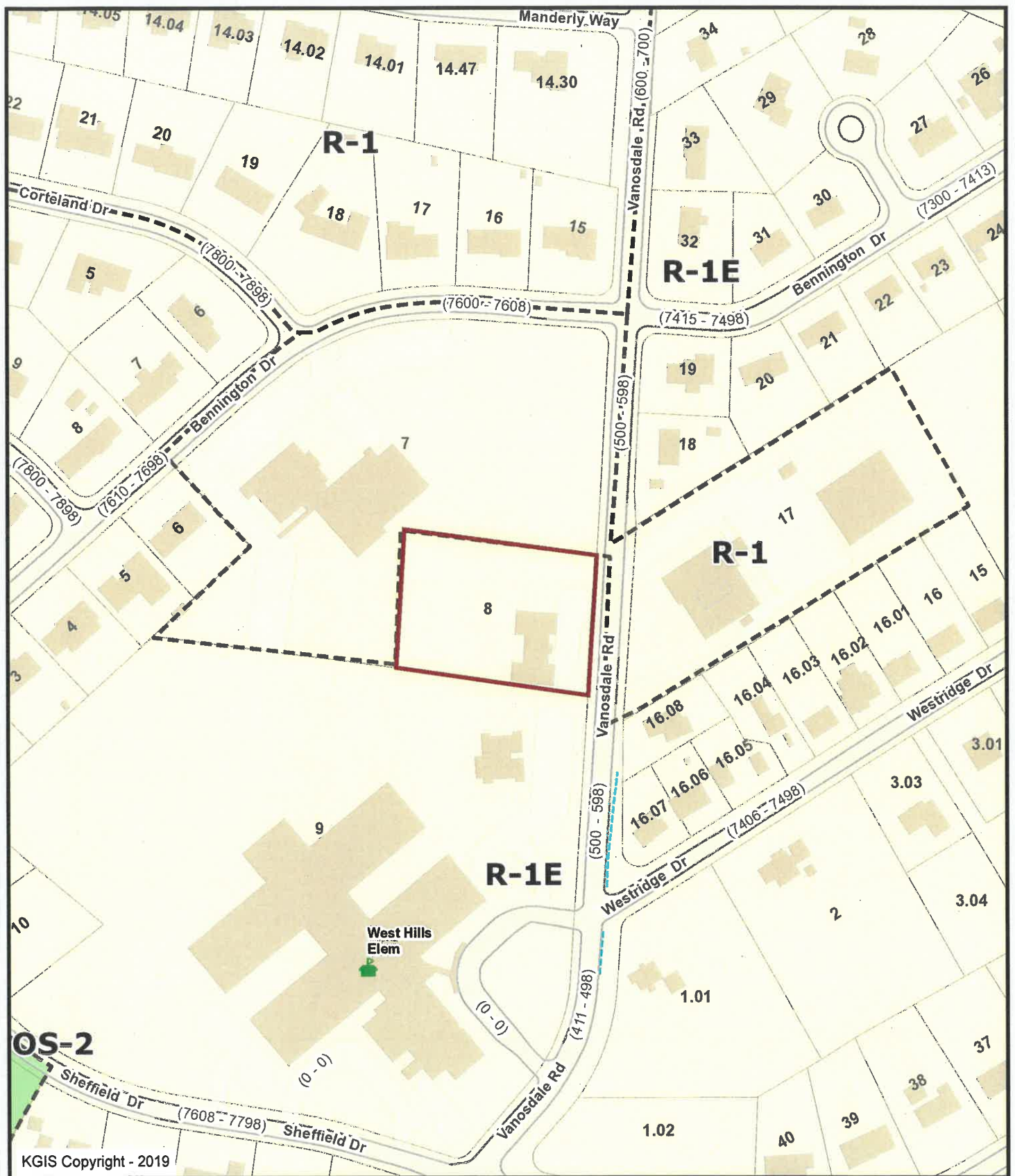
1. A nonconforming use of land, where the aggregate value of all permanent buildings or structures is less than one thousand dollars (\$1,000.00), existing at the time of adoption of this ordinance, may be continued for a period of not more than three (3) years therefrom, provided:
 - a. Said nonconforming use may not be extended or expanded.
 - b. If said nonconforming use or any portion thereof is discontinued for a period of six (6) months, or changed, any future use of such land shall be in conformity with the provisions of the district in which said land is located.
2. The following regulations shall apply to any automobile wrecking, junk or salvage yard, building material storage yard, contractor's yard, or any similar, more or less temporary, use of land when located as a nonconforming use in any residential district.
 - a. Any such use is hereby declared to be a public nuisance in any residential district established by this ordinance and shall be abated, removed or changed to a conforming use within a period of one (1) year after the date of passage of this ordinance.
 - b. Whenever any district shall have been changed to a residential district from any other district, the date of abatement, removal or change of such nonconforming use shall be within a period of one (1) year after the date of change of such district.
3. Any nonconforming automobile wrecking, junk or salvage yard in any nonresidential district shall be, after the adoption of this ordinance, abated, removed or changed to a conforming use within three (3) years.
4. Notwithstanding other provisions of this ordinance any automobile wrecking, junk or salvage yard, lawfully existing in an I-2, or I-3 general industrial district on January 17, 1964, may be continued and maintained as a nonconforming use provided that:

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- a. Such nonconforming use shall be subject to all the requirements of this section relating to extension or expansion of use, and discontinuance of such use for a period of six (6) months.
 - b. Such nonconforming use shall be subject to all the requirements of sections A. through D. of this article VI.
 - c. Within ninety (90) days from the effective date of this amendment, all such nonconforming uses shall be brought into full compliance with all applicable requirements of this ordinance not herein excepted, including but not limited to the requirements set forth in article V, section 3.
5. Nonconforming parking areas may be continued and counted towards the total parking requirements for any new activity, addition or extension placed on the site; provided, however, that the existing parking design does not pose a threat to traffic safety. The department of engineering may require redesign of such areas if a traffic safety hazard can be eased or eliminated. Loss of parking spaces resulting from the required redesign will be considered by the building inspection department in determining the minimum parking requirements.
- F. *Damage.* With the exception of houses or duplexes, a building which by reason of the passage of this ordinance has become nonconforming, which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than fifty (50) percent of its value at the time of damage, shall not be restored except in conformity with the regulations of the district in which it is located.
- When damaged by less than fifty (50) percent of its value, a nonconforming building may be repaired or reconstructed, and used as before the time of damage, provided such repairs or reconstruction are completed within one (1) year of the date of such damage.
- G. *Pending applications for building permits.* Nothing herein contained shall require any change in the overall layout, plans, construction, site or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of this ordinance, the construction of which, conforming with such plans, shall have been started prior to the effective date of this ordinance, and completion thereof carried on in a normal manner within the subsequent six (6) months' completion except for reasons beyond the builder's control.

(Ord. No. 4765, 3-4-69; Ord. No. O-44-84, 4, 3-13-84; Ord. No. O-30-07, § 3, 2-27-07; Ord. No. O-141-07, § 1, 6-19-07)

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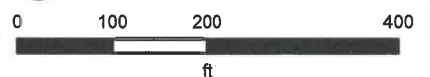
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Smee + Busby Architects

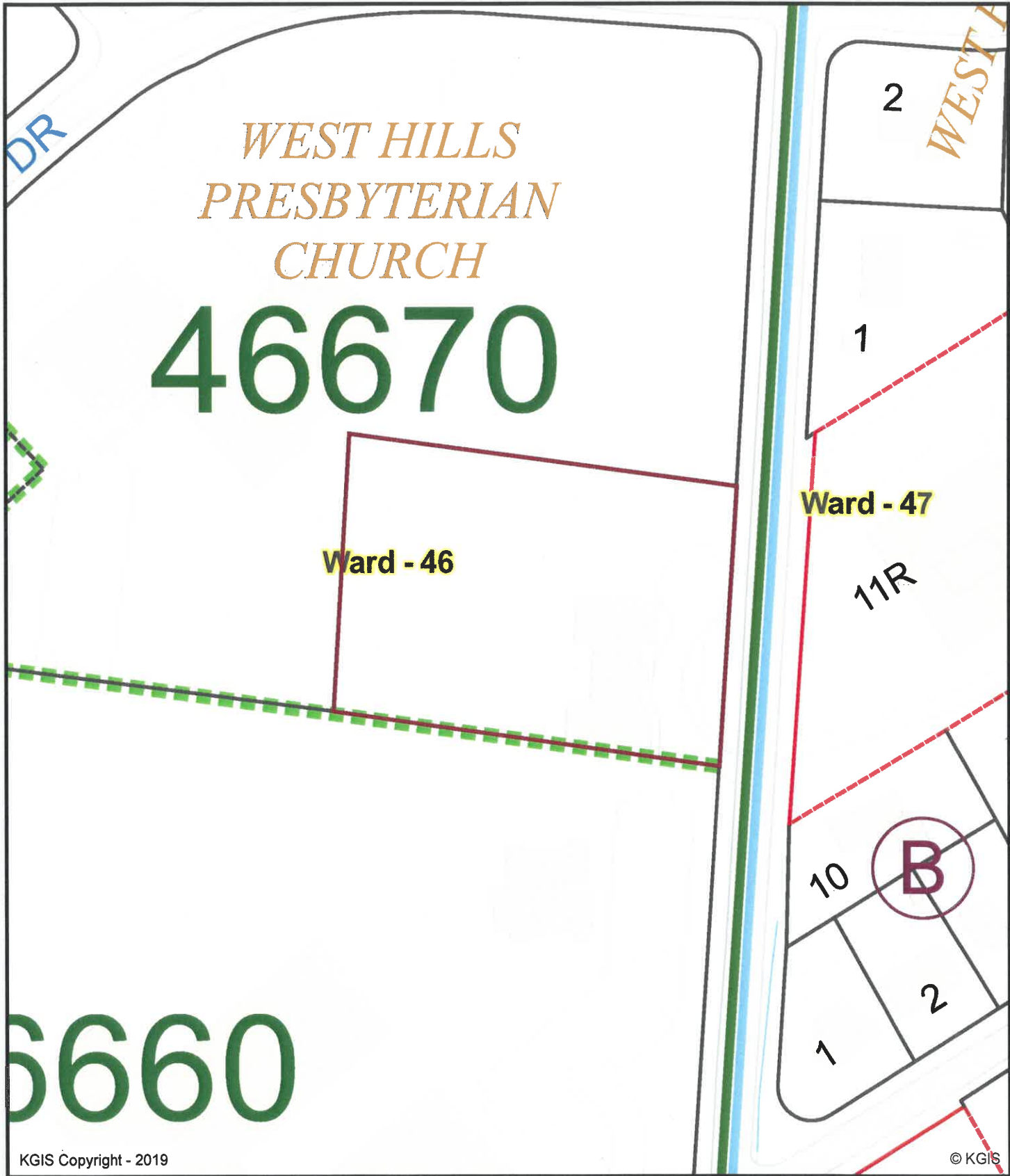
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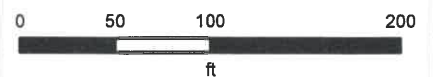
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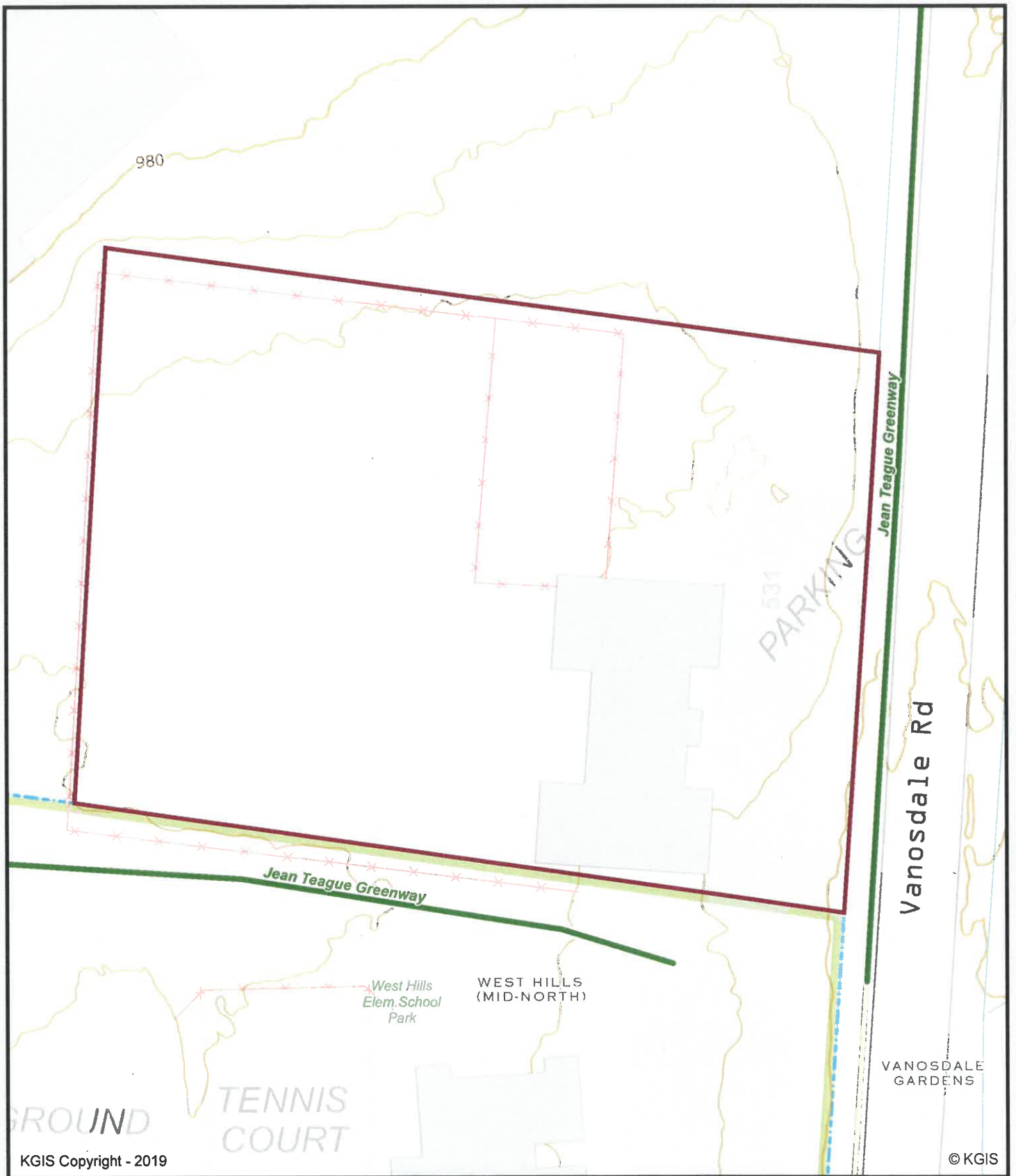
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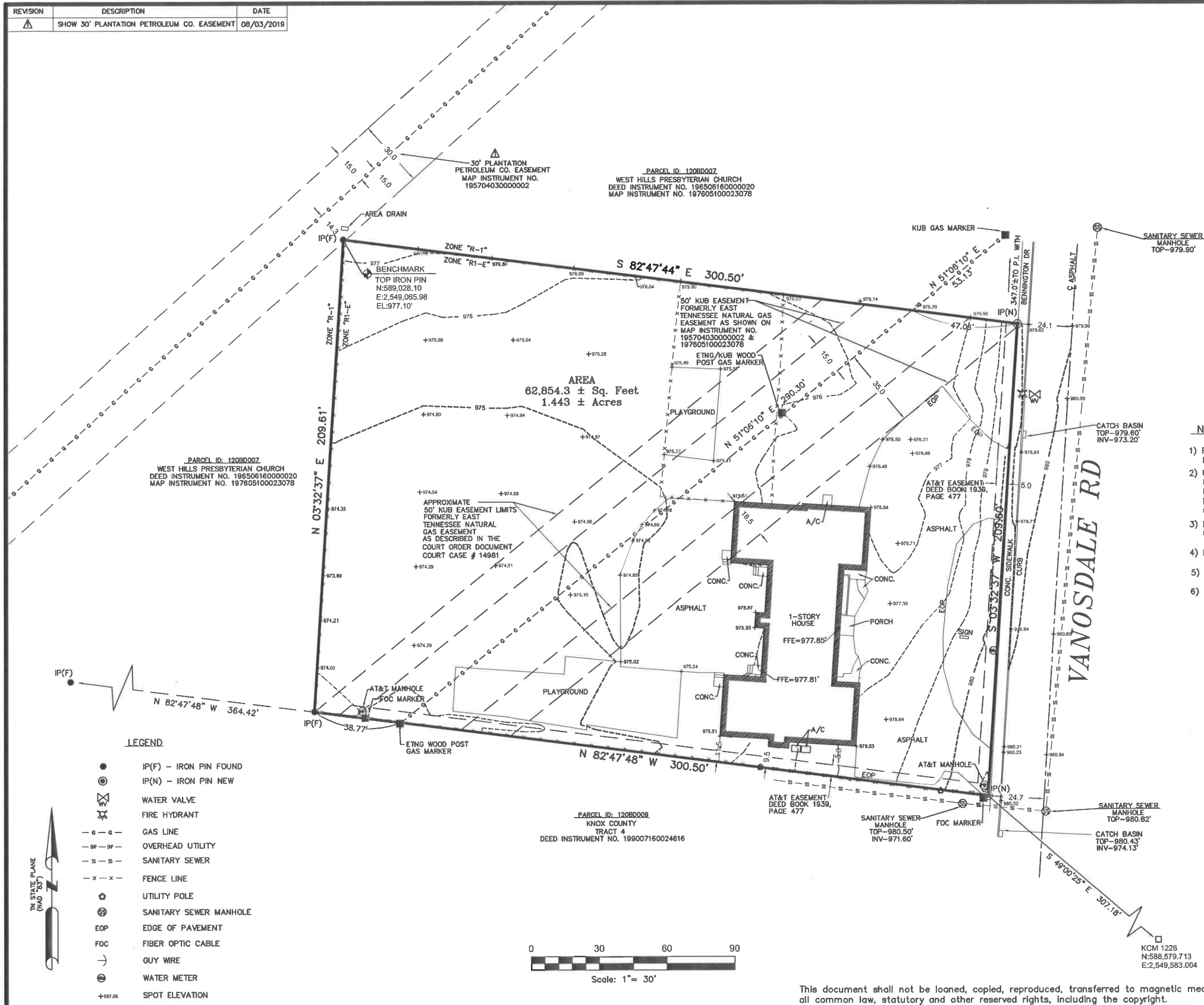


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REVISION	DESCRIPTION	DATE
1	SHOW 30' PLANTATION PETROLEUM CO. EASEMENT	08/03/2019

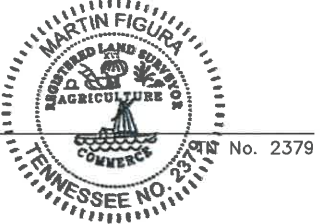


NOTES

- 1) PROPERTY IS SUBJECT TO ANY FINDINGS OF AN ACCURATE TITLE SEARCH. NO TITLE WORK FURNISHED TO SURVEYOR PRIOR TO SURVEY.
- 2) UTILITIES SHOWN WERE LOCATED FROM ACTUAL FIELD EVIDENCE, EXISTING UTILITY AGENCY RECORDS AND ANY OTHER AVAILABLE EVIDENCE. OTHER UTILITIES MAY EXIST AND NOT BE SHOWN OR VARY FROM WHERE SHOWN. NO GUARANTEE IS EXPRESSED OR IMPLIED AS TO THE ACTUAL LOCATION OF ANY UTILITIES SHOWN, WHICH ARE NOT VISIBLE FROM THE SURFACE.
- 3) IRON PIN CORNER MARKERS AT ALL LOT CORNERS, UNLESS DESIGNATED OTHERWISE.
- 4) RECORD NORTH REFERENCES THE TENNESSEE STALE PLANE GRID.
- 5) PROPERTY IS CURRENTLY ZONED "R-1E".
- 6) THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "X", BEING OUTSIDE THE 100 YEAR FLOOD ZONE PER FLOOD INSURANCE RATE MAP #47093C, PANEL 0266F.

CERTIFICATION

I hereby certify that this is an accurate on the ground survey, made under my supervision; that this survey has been made using the latest recorded deed and any other information furnished by the Title Attorney; that there are no encroachments or projections other than those shown; that the survey is correct to the best of my knowledge and belief; & that this is a Category "1" Survey, with a ratio of precision exceeding 1:10,000.



Registered Land Surveyor

Project: 19030	County of: KNOX	District: 6
Date: 07/30/2019	CLT Map: 120B, GROUP D	Parcel No.: 008.00
Scale: 1"= 30'	Ward: 46	City Block: 46670
Drawn by: MF	DEED INSTRUMENT # 201506020065873	MAP: N/A

PROPERTY ADDRESS:
531 VANOSDALE RD
KNOXVILLE, TN 37909

1 of 1

GENERAL PROPERTY AND TOPOGRAPHIC SURVEY



FIGURA LAND SURVEYING

MARTIN FIGURA R.L.S. # 2379
1300 COLLIER RIDGE LN
POWELL, TN 37849
Ph: (865) 765-7599
e-mail: mfigura@figuralandsurveying.com

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9-H-19-VA

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A Renovation for
Westside Learning Center
531 Vanosdale Rd, Knoxville, TN

Project Number: 19018
Issue Date: 08-26-2019

Drawn By: TNG
Approved By: GRS
Project Manager: GRS
Principal: GRS

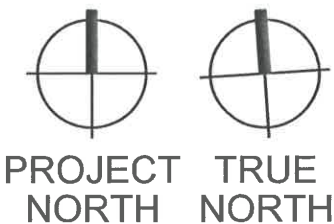
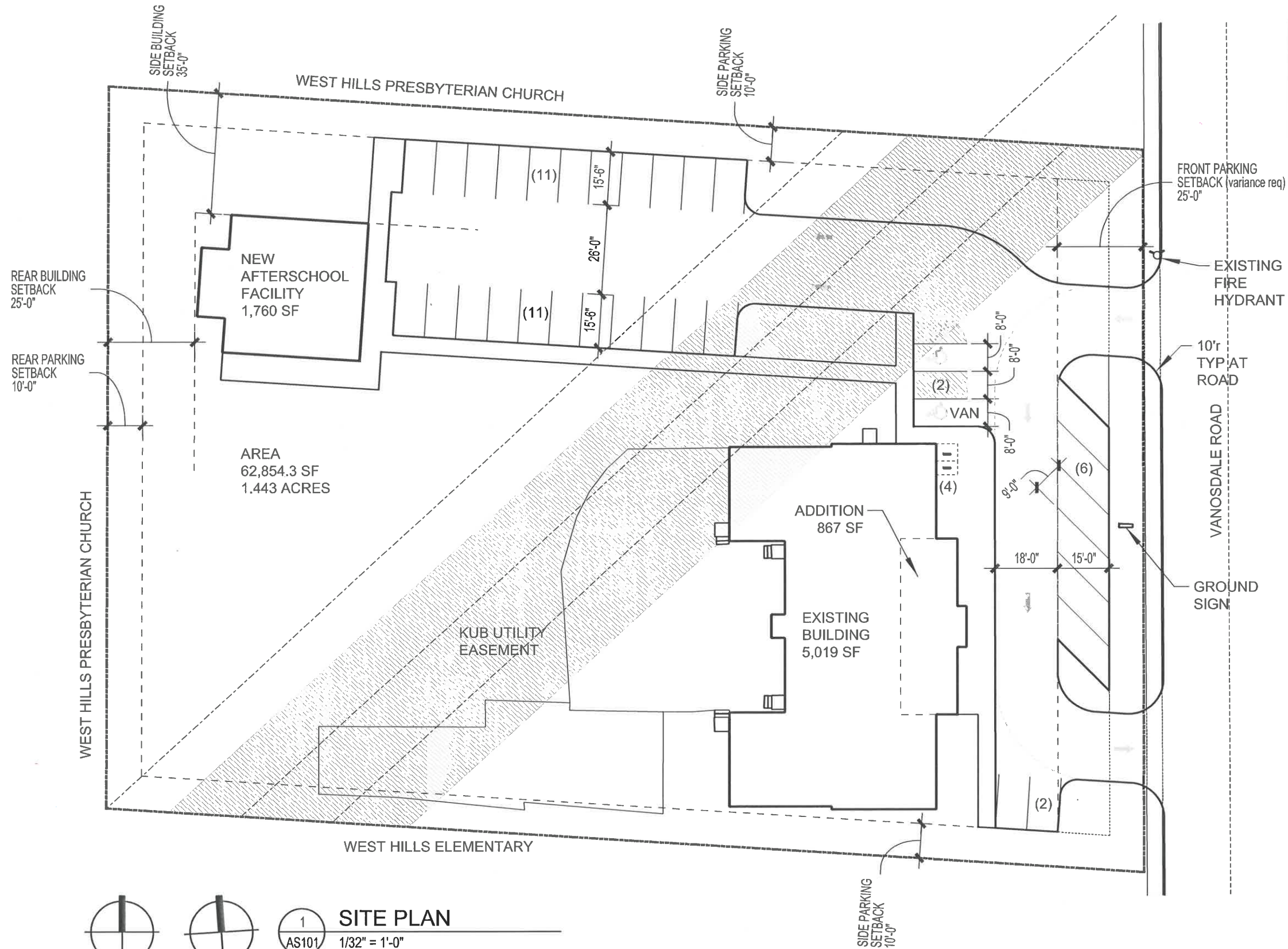
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COVER SHEET

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1
AS101

SITE PLAN
1/32" = 1'-0"

LOT COVERAGE CALCULATIONS
KNOXVILLE TN CODE OF ORDINANCES
2.1.3. - R-1E, SECTION D.5.A

LOT COVERAGE ALLOWABLE: 30%
LOT SIZE: 62,854 SF
MAIN BUILDING: 5,886 SF
AS FACILITY: 1,760 SF
TOTAL BUILT AREA: 7,646 SF

$7,646 \text{ SF} / 62,854 \text{ SF} = 0.1216$
= 12% TOTAL COVERAGE
(12% < 30%)

PARKING CALCULATION
KNOX, TN - CODE OF ORDINANCES
APPENDIX B - ZONING REGULATIONS
ARTICLE V - SUPPLEMENTARY REG.
SECTION 7 - OFF-STREET PARKING

20 TEACHERS
99 STUDENTS @ DAYCARE
40 STUDENTS @ ASF

SEC.7 TABLE 1 #14 - DAY CARE HOME
0.67 PER EMPLOYEE ON SHIFT
+ 0.125 OFF-STREET FOR CLIENT

$20 \times 0.67 = 13.4 = 14 \text{ SPACES}$
 $139 \times 0.125 = 17.374 = 18 \text{ SPACES}$
TOTAL: 32 SPACES REQ
SHOWN: 32 SPACES

ACCESSIBLE PARKING SPACES
KNOX, TN - CODE OF ORDINANCES
APPENDIX B - ZONING REGULATIONS
ARTICLE V - SUPPLEMENTARY REG.
SECTION 7 - OFF-STREET PARKING

SEC.7 TABLE 2 (26-50)
2 TOTAL, 1 VAN & 1 CAR

REVISED

A Renovation for
Westside Learning Center
531 Vanosdale Rd, Knoxville, TN

Project Number: 19018
Issue Date: 08-26-2019

Drawn By: TNG
Approved By: GRS
Project Manager: GRS
Principal: GRS

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SITE PLAN

AS101

9-4-19-VA



Project Number: 19018
Issue Date: 08-26-2019

Drawn By: MJP
Approved By: GRS
Project Manager: GRS
Principal: GRS

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LANDSCAPE PLAN

AS102

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PLANT SPECIFICATIONS									
CANOPY TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	SPREAD	REMARKS	
AA4	1	Acer x freemanii 'Jeffsred'	Autumn Blaze Maple	B & B	2"Cal	10-12'	3-4'		
QP	4	Quercus phellos	Willow Oak	B & B	2"Cal	12-14'			
UNDERSTORY TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	SPREAD	REMARKS	
CA	2	Cornus x 'Rutban'	Aurora Flowering Dogwood	B & B	2"Cal	6-8'			
CCF	2	Cercis canadensis 'Forest Pansy' TM	Forest Pansy Redbud	B & B	2"Cal	8-9'			
IF	3	Ilex x attenuata 'Fosteri'	Foster's Holly	B & B	2"Cal	7-8'		Full to base	
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONT	CALIPER	HEIGHT	SPREAD	SPACING	REMARKS
IB3	48	Ilex cornuta 'Burfordii Nana'	Dwarf Burford Holly	#7 Cont.		24-30"		42" o.c.	
GROUND COVERS	QTY	BOTANICAL NAME	COMMON NAME	CONT	CALIPER	HEIGHT	SPREAD	SPACING	REMARKS
A2	40	ANNUAL COLOR	ANNUAL COLOR	flat				12" o.c.	

ACREAGE: 1.44 ACRES

TREES REQUIRED:
(8 TREES/ACRE x 1.44 ACRES) 11.5

EXISTING TREE CREDITS:	UNKNOWN
PROPOSED TREES: (SEE CHART BELOW)	12

TOTAL TREES PROVIDED: 12
PROPOSED TREES:

LANDSCAPE KEYNOTES		
CODE	DESCRIPTION	DET #/SHT #
L1	PLANTING BED LIMITS	
L3	AREA TO BE SEEDED*	

* ALL DISTURBED AREAS TO BE ESTABLISHED LAWN

A Renovation for
Westside Learning Center
 531 Vanosdale Rd, Knoxville, TN

Project Number: 19018
 Issue Date: 08-26-2019
 Drawn By: TNG
 Approved By: GRS
 Project Manager: GRS
 Principal: GRS

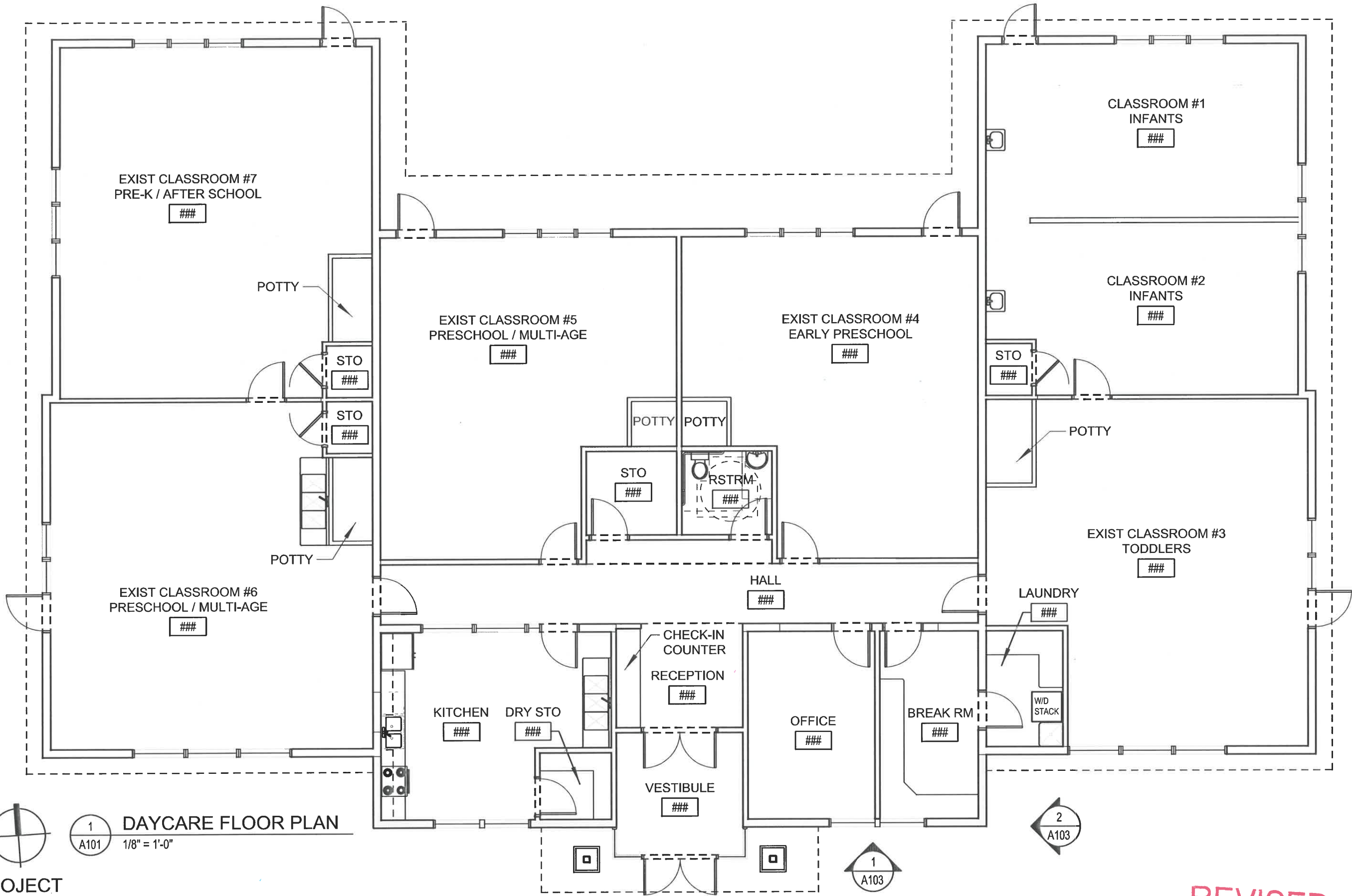
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DAYCARE FLOOR PLAN

A101

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9-H-19-VA



1 A101 DAYCARE FLOOR PLAN
 1/8" = 1'-0"

A Renovation for
Westside Learning Center
531 Vanosdale Rd, Knoxville, TN

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Project Manager: GRS
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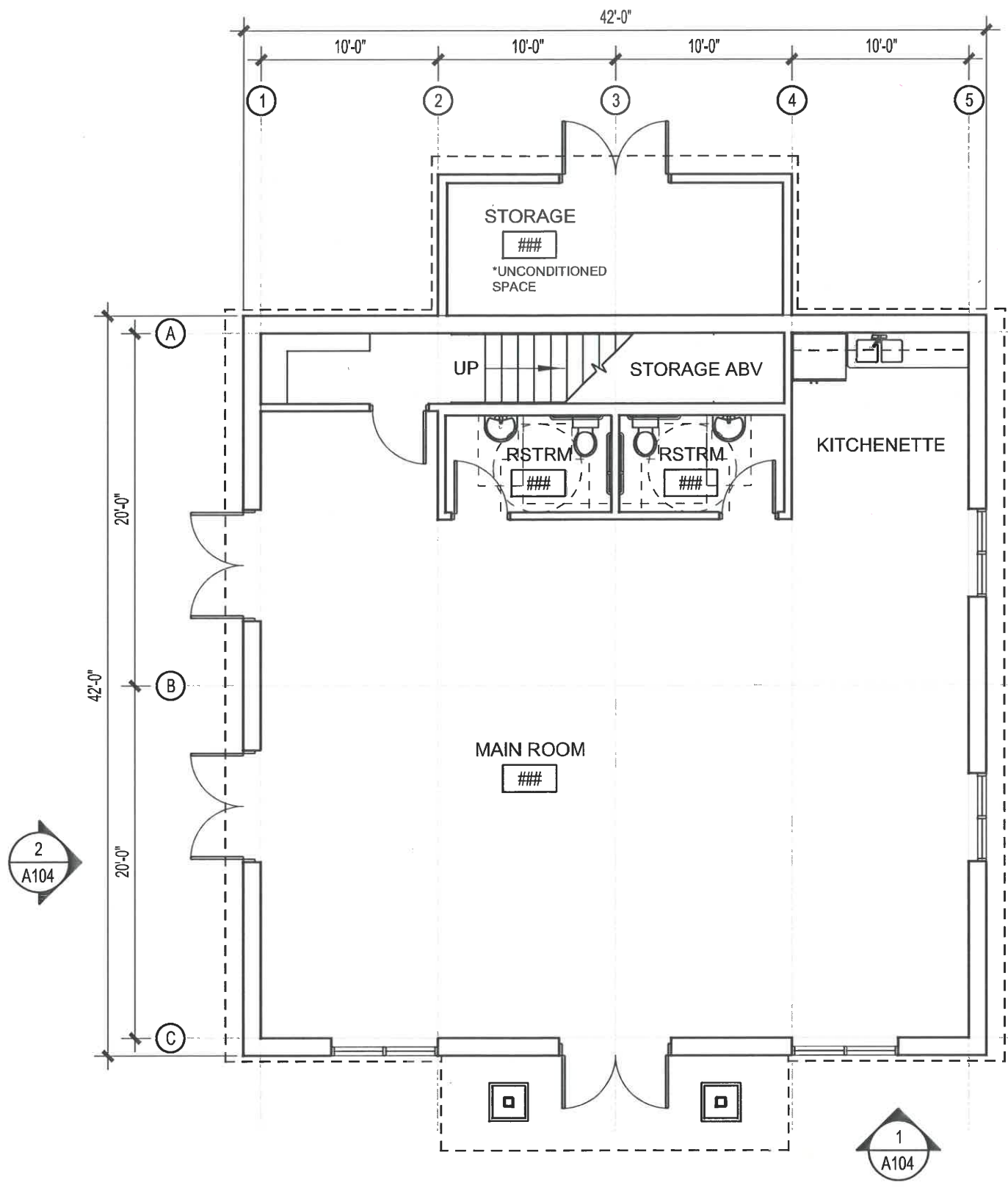
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AFTER SCHOOL
FACILITY FLOOR PLAN

A102

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9-11-19-VA

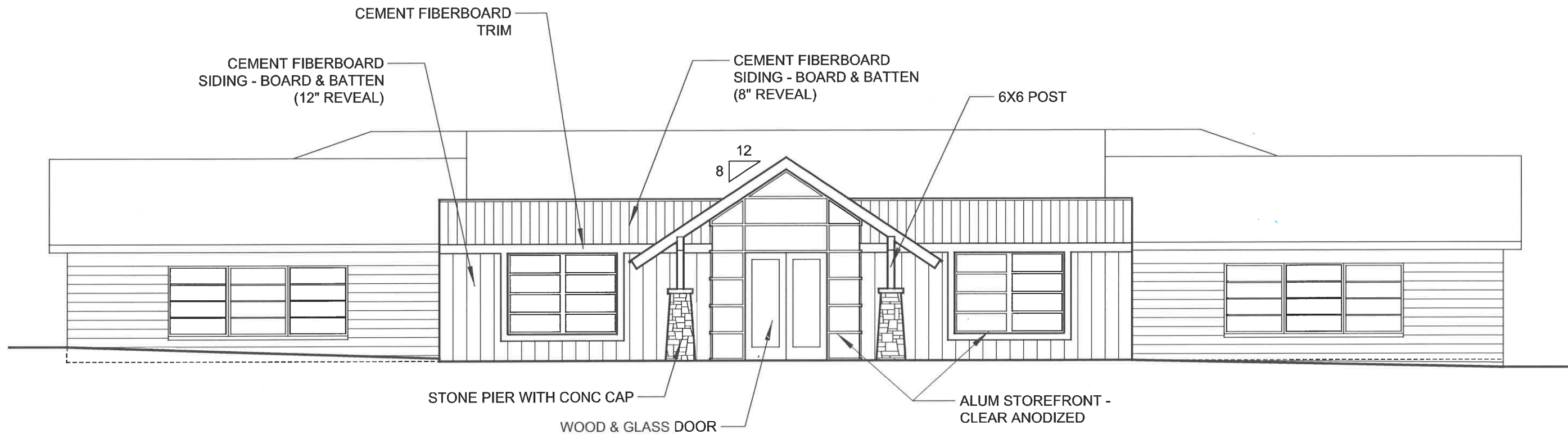


PROJECT
NORTH

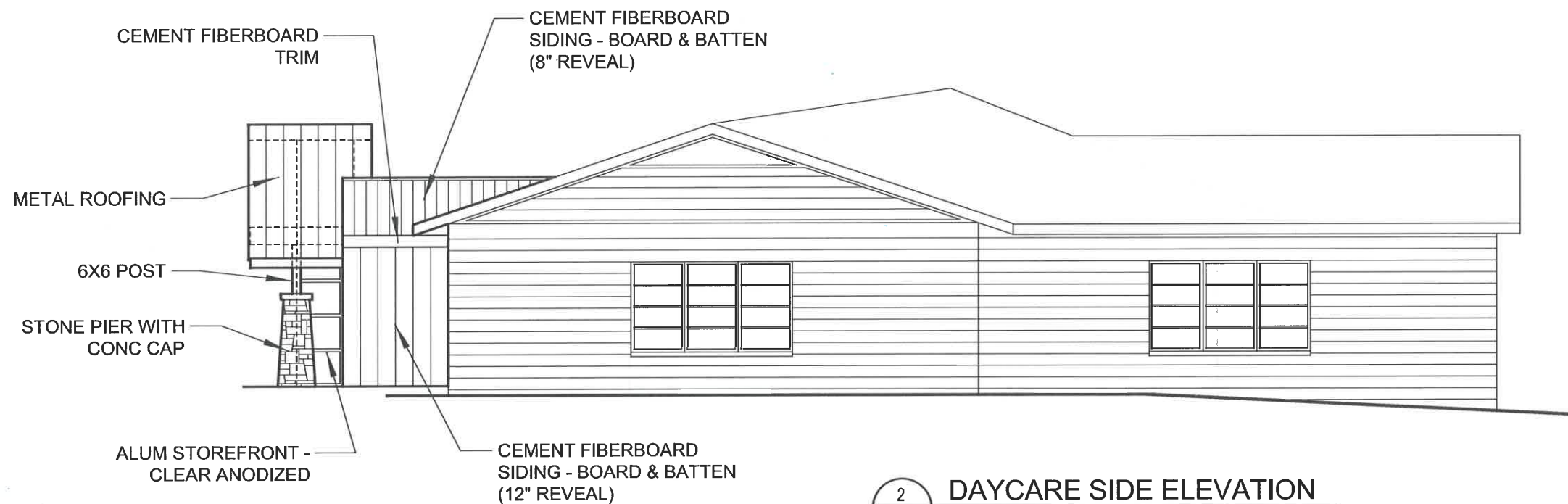
1
A102

AFTER SCHOOL FACILITY FLOOR PLAN

1/8" = 1'-0"



1 DAYCARE FRONT ELEVATION
A103 1/8" = 1'-0"



2 DAYCARE SIDE ELEVATION
A103 1/8" = 1'-0"

A Renovation for
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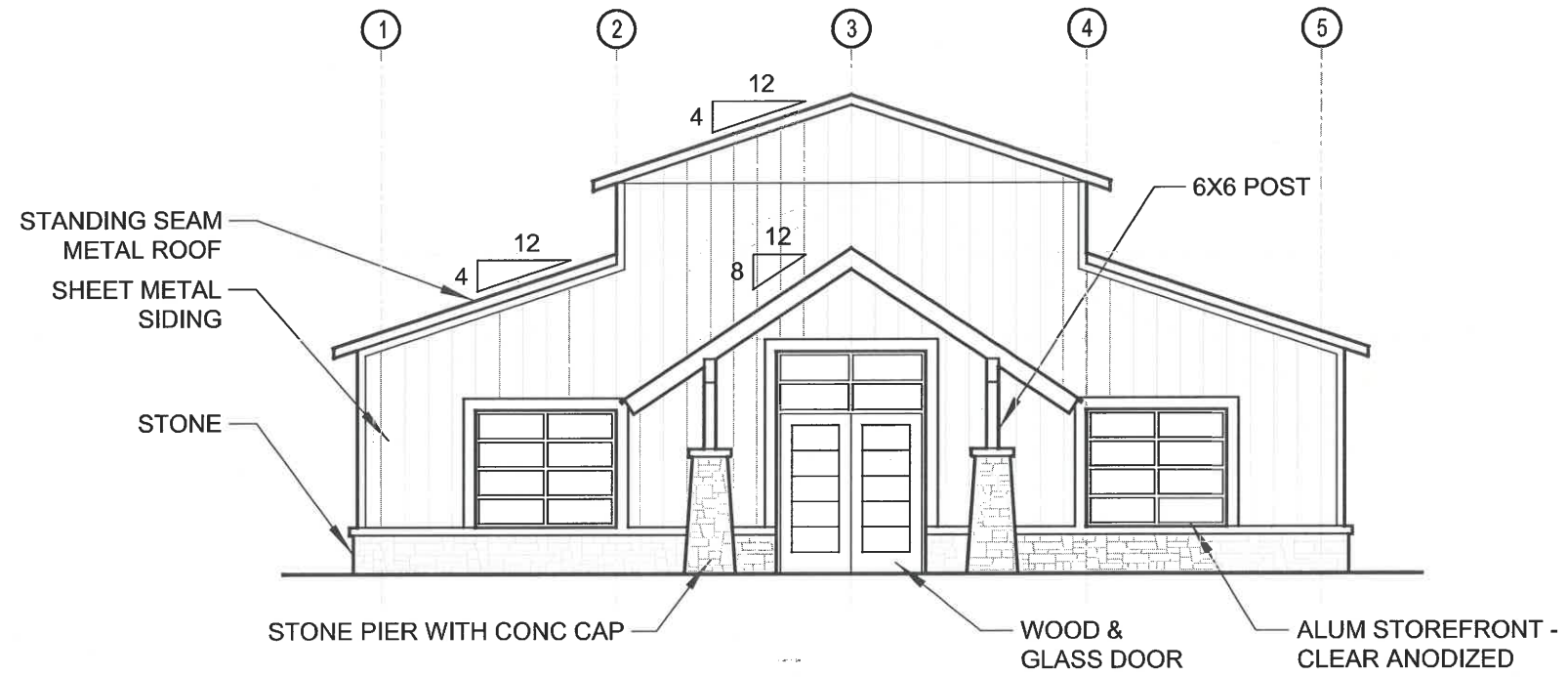
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DAYCARE
ELEVATIONS

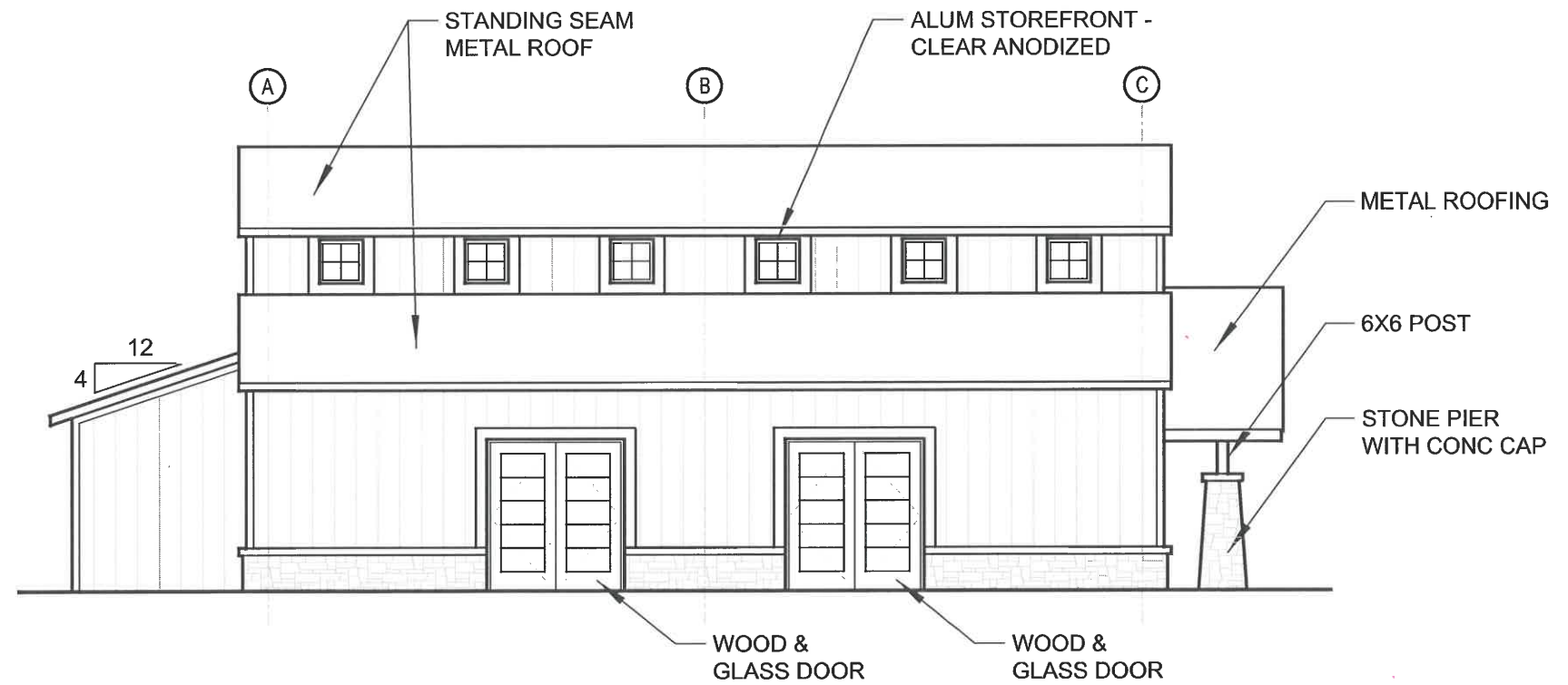
REVISED

A103

9-11-19-VA



1 AFTER SCHOOL FACIITY FRONT ELEVATION
A104 1/8" = 1'-0"



2 AFTER SCHOOL FACIITY SIDE ELEVATION
A104 1/8" = 1'-0"

A Renovation for
Westside Learning Center
531 Vanosdale Rd, Knoxville, TN

Project Number: 19018
Issue Date: 08-26-2019
Drawn By: TNG
Approved By: GRS
Project Manager: GRS
Principal: GRS

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AFTER SCHOOL
FACILITY
ELEVATIONS

REVISED

A104

9-H-19-VA



PROJECT
NORTH



TRUE
NORTH

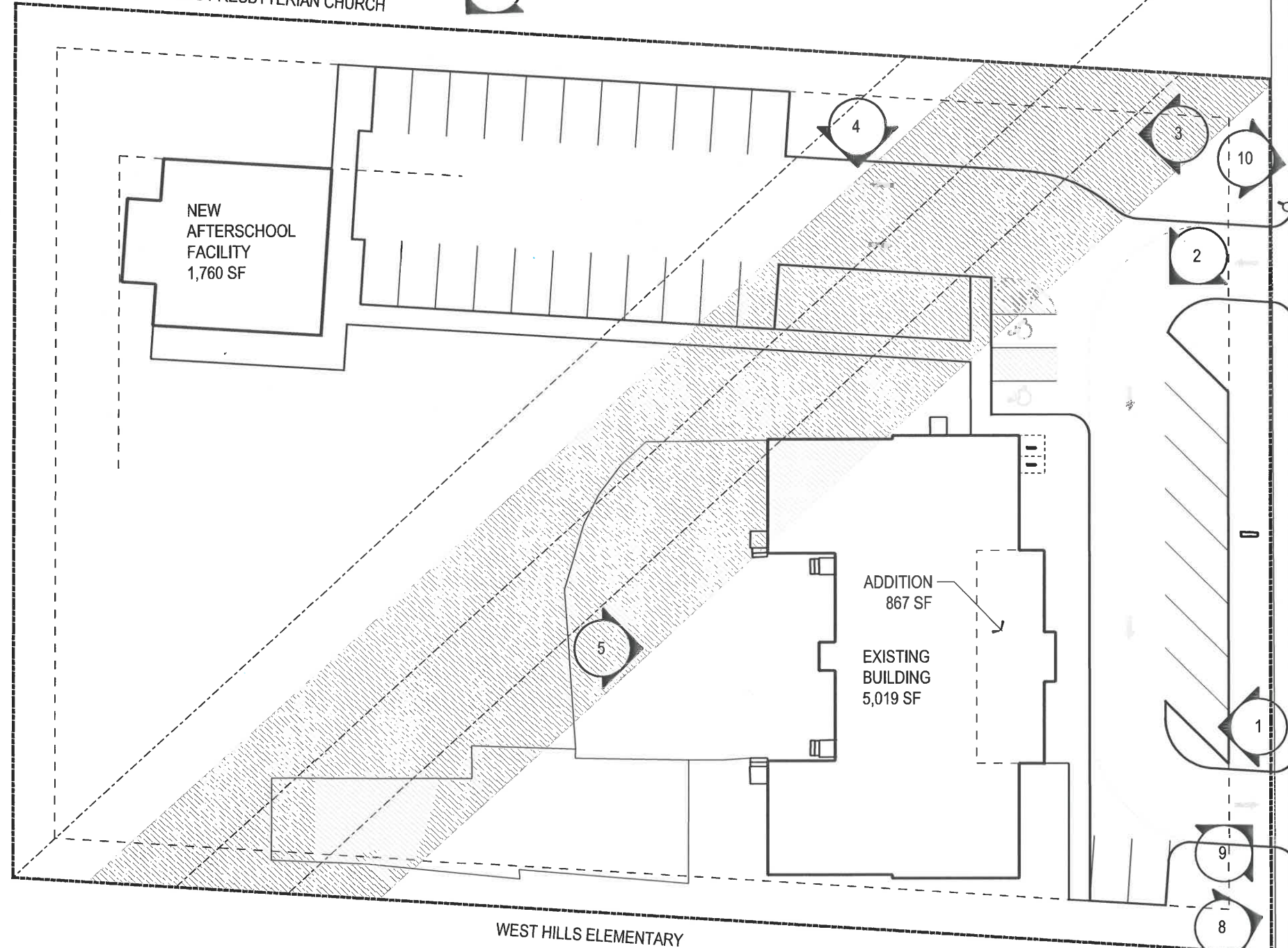
1
A201

PHOTO KEY PLAN

1/32" = 1'-0"

WEST HILLS PRESBYTERIAN CHURCH

WEST HILLS PRESBYTERIAN CHURCH



*proposed after school
facility style reference

*photo taken
outside site plan limits

VANOSDALE ROAD

REVISED

A201

A Renovation for
Westside Learning Center
531 Vanosdale Rd, Knoxville, TN

Project Number: 19018
Issue Date: 08-19-2019

Drawn By: TNG
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Project Manager: GRS
Principal: GRS

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PHOTO KEY PLAN
(1-14)

9-H-19-VA



1 EXIST DAYCARE - EAST ELEVATION



2 EXIST DAYCARE - NORTHEAST ELEVATION



3 WEST HILLS PRESBYTERIAN CHURCH - LOOKING WEST



4 EXIST DAYCARE - NORTH ELEVATION

A Renovation for
Westside Learning Center
 531 Vanosdale Rd, Knoxville, TN

Project Number: 19018
 Issue Date: 08-19-2019

Drawn By: TNG
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PHOTOS OF EXISTING
 ELEVATIONS (1-4)

A202

REVISED

9-11-19-VA



5 EXIST DAYCARE - WEST ELEVATION



6 EXIST DAYCARE - SOUTH ELEVATION



7 RESIDENCE - LOOKING DIAGONALLY SE



8 NAZARENE CHURCH - LOOKING EAST

A Renovation for
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PHOTOS OF EXISTING
 ELEVATIONS (5-8)

A203

REVISED

9-11-19-VA



9 NAZARENE CHURCH - LOOKING EAST



10 NAZARENE CHURCH - LOOKING EAST



11 WEST HILLS PRESBYTERIAN CHURCH - LOOKING WEST



12 WEST HILLS ELEMENTARY SCHOOL - LOOKING WEST

A Renovation for
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PHOTOS OF EXISTING
 ELEVATIONS (9-12)

A204

REVISED

9-H-19-VA



13 WEST HILLS PRESBYTERIAN CHURCH SIGN - LOOKING WEST



14 PROPOSED AFTER SCHOOL FACILITY - STYLE REFERENCE

A Renovation for
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PHOTOS OF EXISTING
ELEVATIONS (13-14)

REVISED

A205

08-19-VA