



**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

|                             |                                     |                        |                                 |                                    |                |
|-----------------------------|-------------------------------------|------------------------|---------------------------------|------------------------------------|----------------|
| <b>File Number</b>          | PL 21-053                           |                        | <b>Contact</b>                  | Chris Lee, clee@duluthmn.gov       |                |
| <b>Type</b>                 | Variance – rear yard setbacks       |                        | <b>Planning Commission Date</b> |                                    | May 11, 2021   |
| <b>Deadline for Action</b>  | <b>Application Date</b>             |                        | April 12, 2021                  | <b>60 Days</b>                     | June 10, 2021  |
|                             | <b>Date Extension Letter Mailed</b> |                        | April 20, 2021                  | <b>120 Days</b>                    | August 9, 2021 |
| <b>Location of Subject</b>  |                                     | 3034 Bald Eagle Circle |                                 |                                    |                |
| <b>Applicant</b>            | Nick Patterson, owner               |                        | <b>Contact</b>                  | 3034 Bald Eagle Circle, Duluth, MN |                |
| <b>Agent</b>                | NA                                  |                        | <b>Contact</b>                  | NA                                 |                |
| <b>Legal Description</b>    |                                     | See attached exhibits  |                                 |                                    |                |
| <b>Site Visit Date</b>      |                                     | April 29, 2021         | <b>Sign Notice Date</b>         |                                    | April 27, 2021 |
| <b>Neighbor Letter Date</b> |                                     | April 27, 2021         | <b>Number of Letters Sent</b>   |                                    | 16             |

**Proposal**

Applicant is requesting a variance to add a deck to the rear of the home. The deck will encroach no more than 15 feet into the rear yard reducing the rear yard setback from 25 feet to 10 feet.

**Recommended Action:** Approval with conditions.

|                | <b>Current Zoning</b> | <b>Existing Land Use</b> | <b>Future Land Use Map Designation</b> |
|----------------|-----------------------|--------------------------|----------------------------------------|
| <b>Subject</b> | R-1                   | Residential              | Traditional Neighborhood               |
| <b>North</b>   | R-1                   | Residential              | Traditional Neighborhood               |
| <b>South</b>   | R-1                   | Residential              | Traditional Neighborhood               |
| <b>East</b>    | P-1                   | Amity Park               | Open Space                             |
| <b>West</b>    | R-1                   | Residential              | Traditional Neighborhood               |

**Summary of Code Requirements**

Sec. 50-37.9. B – Variance Procedures. “The Planning Commission shall...make a decision on the application based on the criteria in subsections 50-37.9. C – M...”

Sec. 50-37.9.C – General Variance Criteria (paraphrased): Granting of variances of any kind is limited to situations where, due to characteristics of the applicant’s property, enforcement of the ordinance would cause the landowner exceptional practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That the landowner is proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

**Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):**

Governing Principle #5 – Promote reinvestment in neighborhoods. This variance would allow for the construction of a deck and egress to the rear of the home.

Housing Policy #4 – Improve the quality of the city's housing stock and neighborhoods. The variance would allow the home owner to make improvements to increase the value of their home.

Future Land Use – Traditional Neighborhood - Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys..... Includes many of Duluth's older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

History: The current parcel contains a 1,624 square foot single-family residence built in 2019.

**Review and Discussion Items**

1. Applicant is requesting a variance to construct a deck off the rear second floor of the home. The deck will be 22' by 15' and include stairs to reach the ground.
2. The home currently has a ledger board that was built into the second floor at the time of construction but the deck remained unbuilt after the home was built to meet the front and rear yard setbacks. The proposal would not negatively impact any adjacent properties, nor negatively impact or modify in any way the essential character of the neighborhood. Neighboring properties all have decks in the rear yard.
3. The applicant states that the current house, when built, was situated on the parcel in a manner so it could meet all the setbacks and still match the rest of the houses on the block face. The applicant also expresses a need for 2<sup>nd</sup> floor egress, which the deck would provide.
4. The applicant is proposing to use the property in a reasonable manner by adding a deck and egress from the upper floor.
5. The applicant's practical difficulty was not created by the landowner but rather is due to the size of the lot and the setback requirements of the UDC. The variance will not alter the essential character of the neighborhood as the proposed addition will resemble similar remodels and alterations to other homes in the area.
6. No public, agency, or other City comments were received.
7. Per UDC Section 50-37.1.N., approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

**Staff Recommendation**

Based on the above findings, Staff recommends that Planning Commission approve the variance with the following conditions:

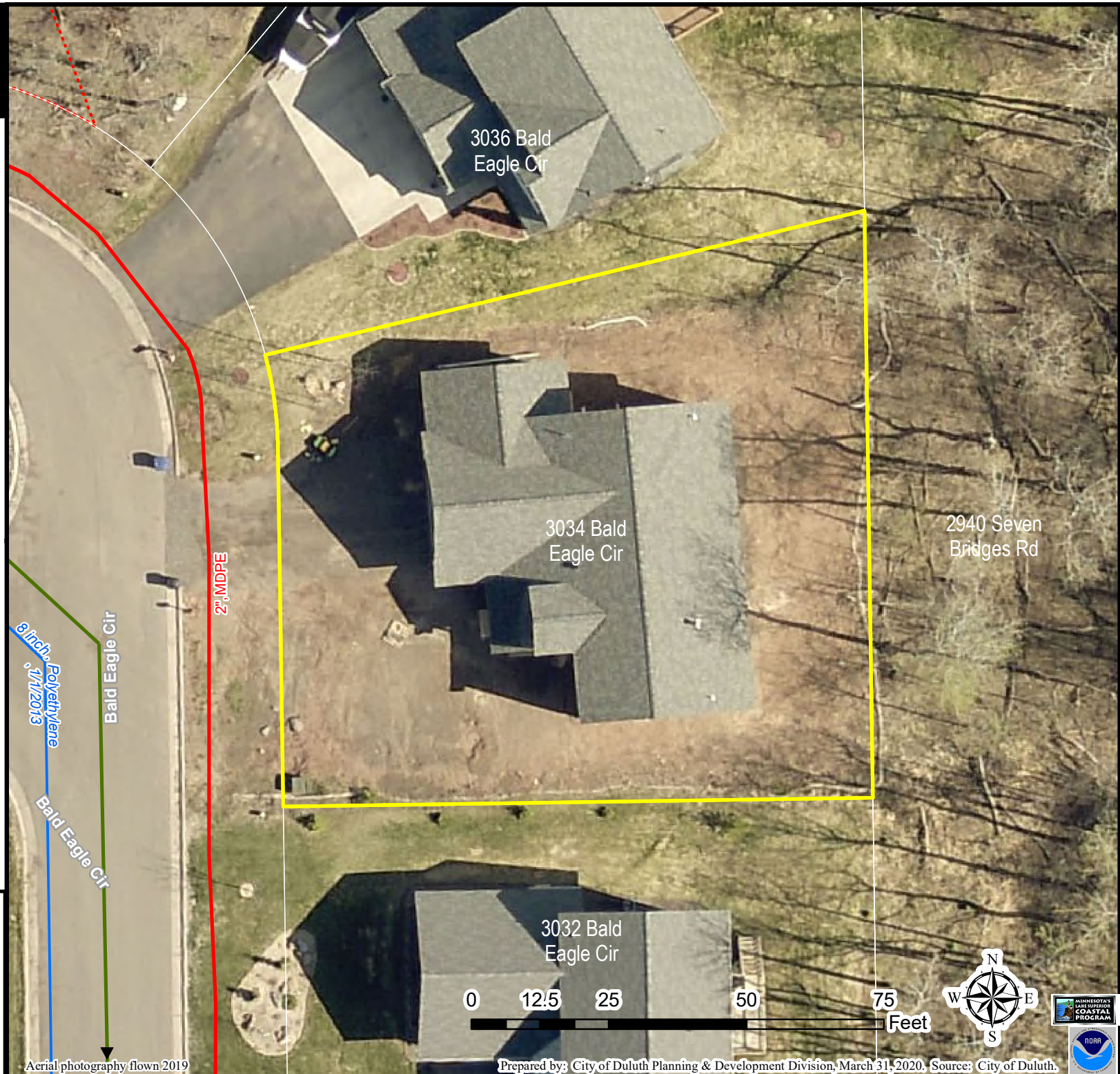
- 1) The second-floor addition, be limited to, constructed, and maintained according to the site plan submitted on April 12, 2021; and
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL 21-053  
Variance  
3034 Bald Eagle Cir.

**Legend**

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
  - CITY OF DULUTH
  - WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- PS Pump Station
- Storm Sewer Mains
  - Storm Sewer Pipe
  - Storm Sewer Catch Basin
- Vacated ROW
- Easement Type
  - Utility Easement
  - Other Easement



The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.









INDEX OF DRAWINGS

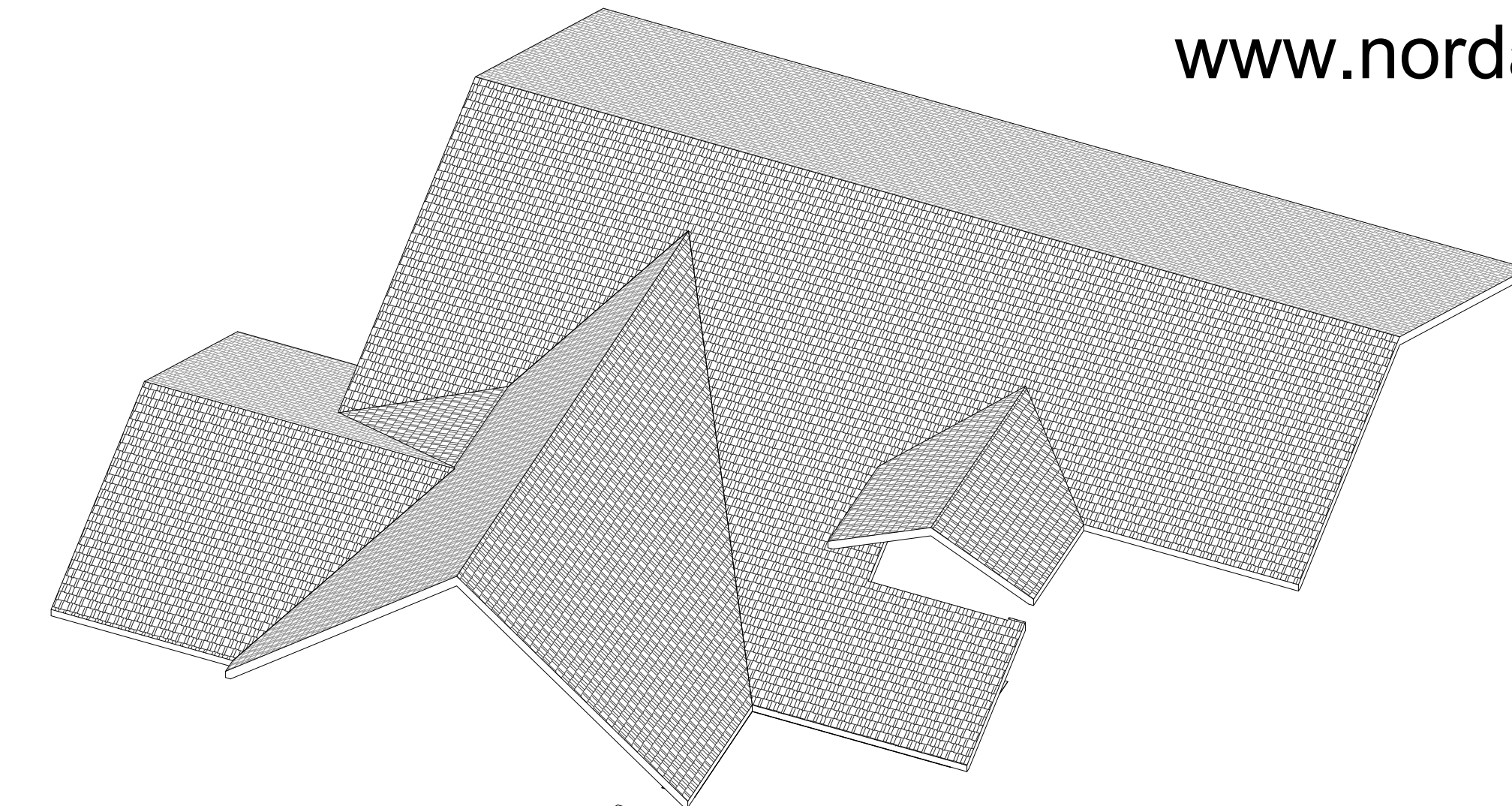
- A1 - FRONT AND REAR ELEVATIONS
- A2 - LEFT AND RIGHT ELEVATIONS
- A3 - FOUNDATION PLAN
- A4 - FLOORPLAN
- A5 - ROOF AND SECTIONS

Nordaas

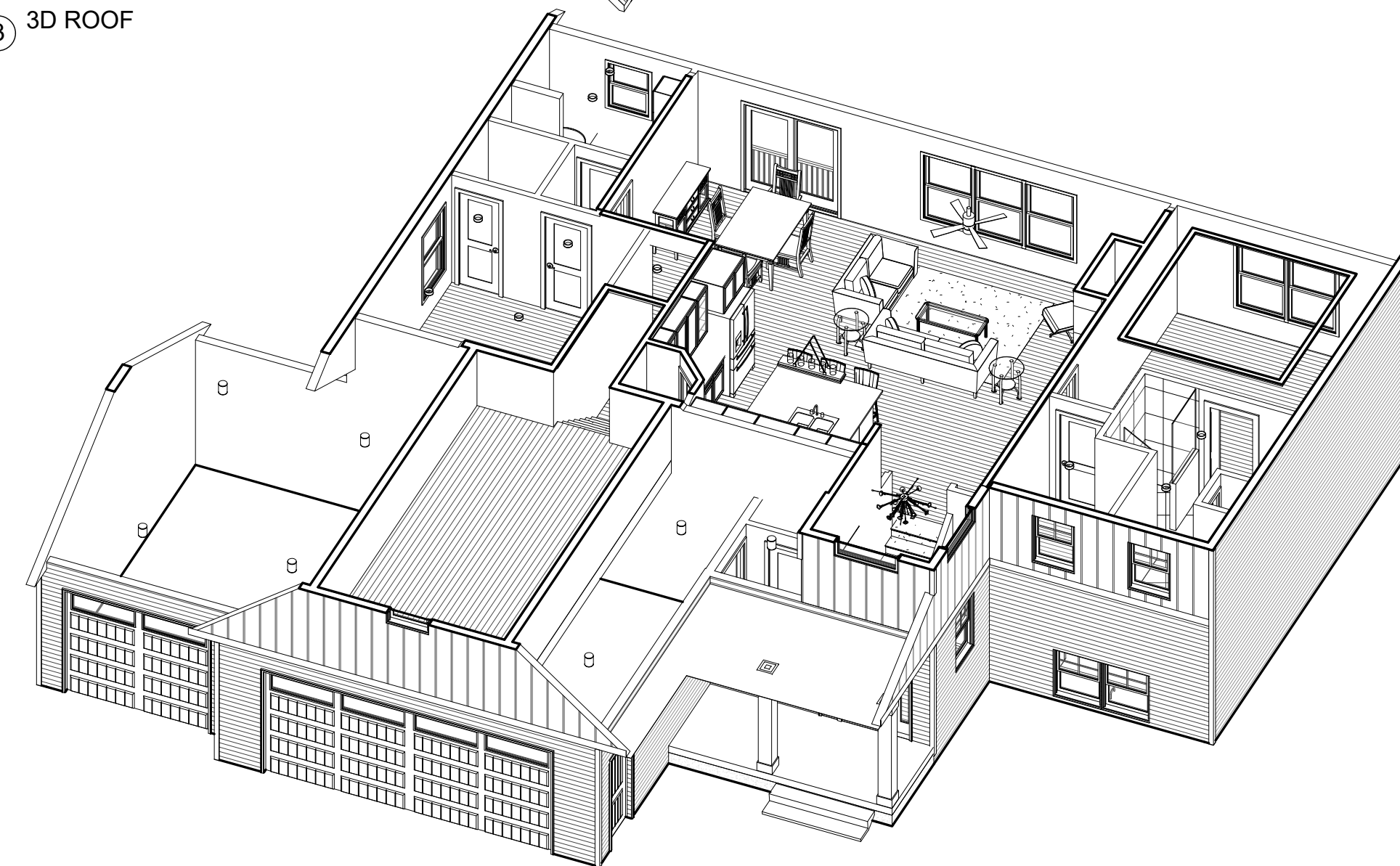
American NAH Homes

www.nordaashomes.com

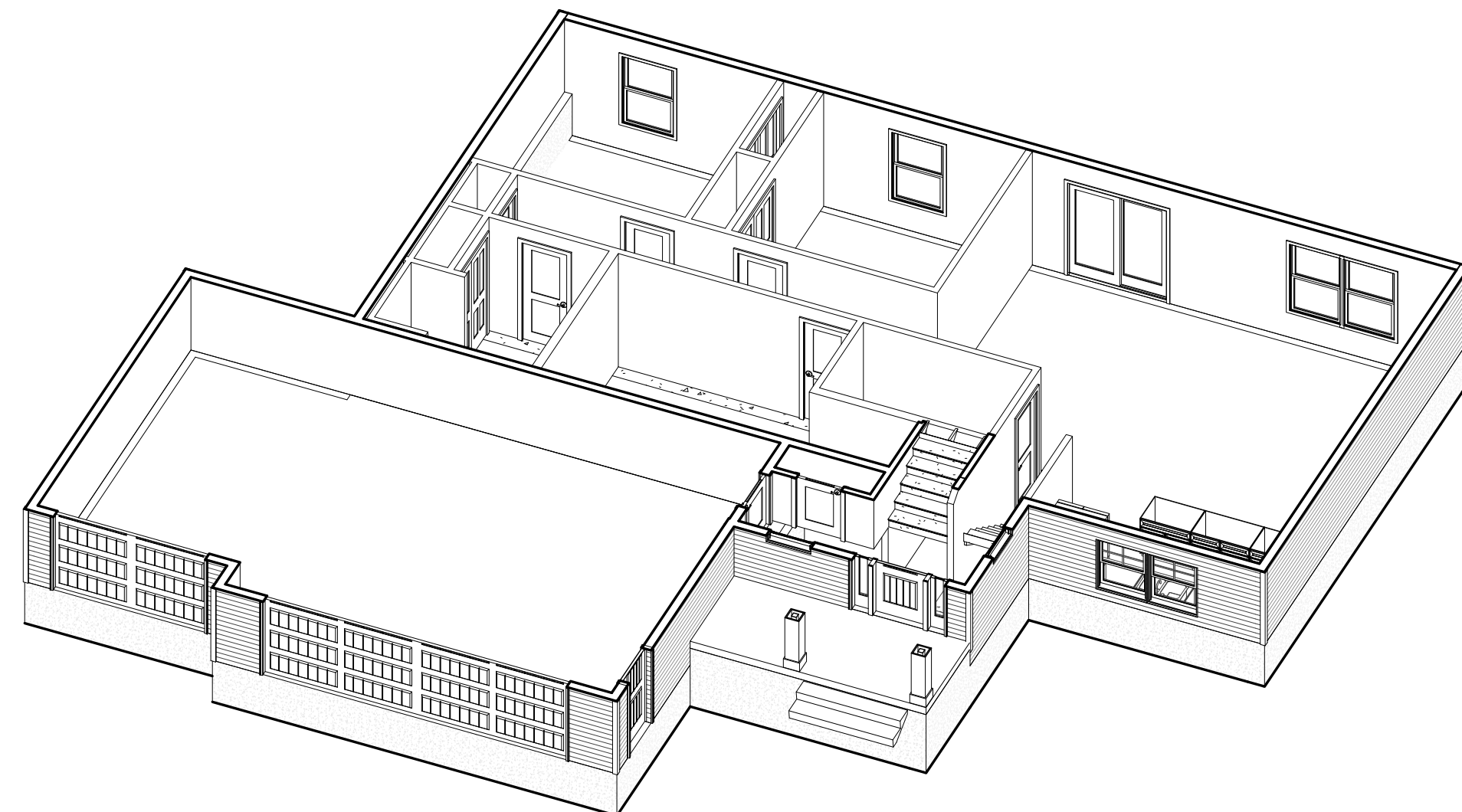
NICK & JEN  
PATTERSON  
DULUTH, MN



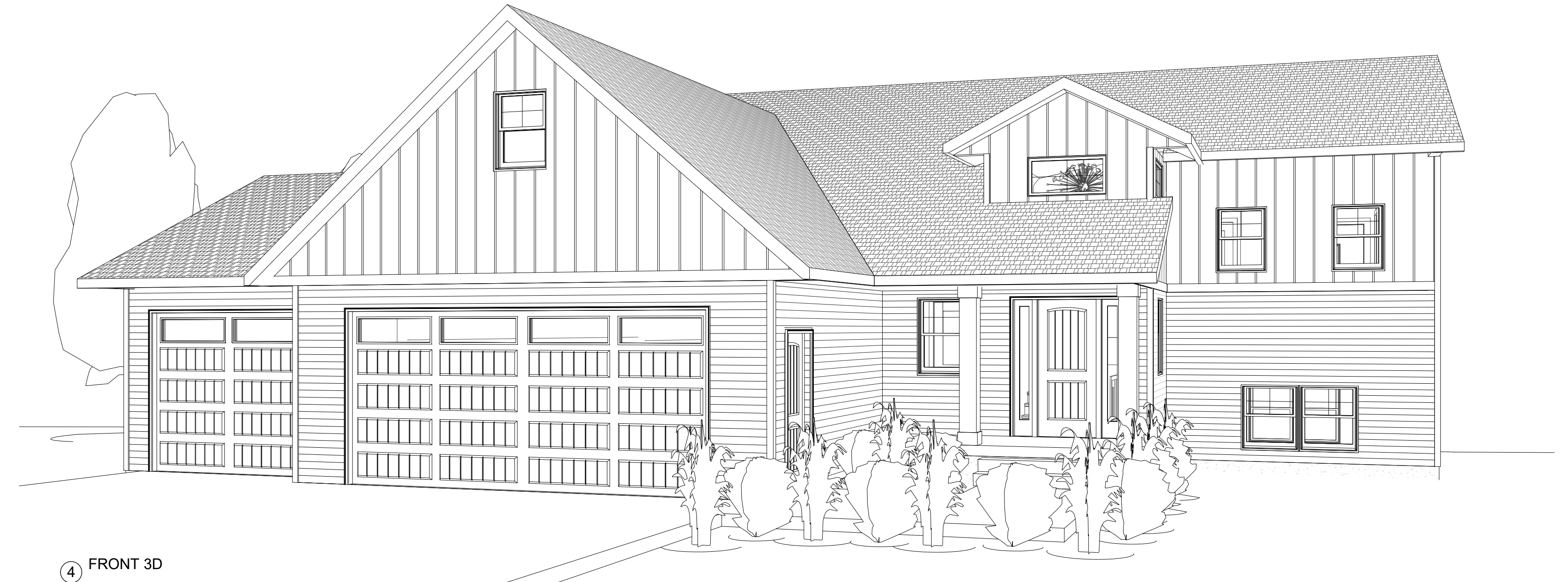
③ 3D ROOF



② 3D UPPER LEVEL



① 3D LOWER LEVEL



④ FRONT 3D



⑤ BACK 3D

NOTE:  
ALL ILLUSTRATIONS ARE FOR  
GRAPHICAL REPRESENTATION  
ONLY.



PATTERSON NICK & JEN  
DULUTH, MN

|                   |                      |
|-------------------|----------------------|
| PROJECT NUMBER    | 19708A               |
| DATE OF LAST EDIT | 6/6/2018 10:58:08 AM |
| DRAWN BY          | JOSHUA MILLER        |

[illegible]

CARPENTERS TO ADJUST ALL EXTERIOR DOORS  
BEFORE SIDING IS INSTALLED

ELEVATIONS AND OR DRAWINGS MAY VARY PER TRUSS  
ENGINEERING AND OR SITE CONDITIONS

HEADER HEIGHTS AT SECOND FLOOR WINDOWS MAY VARY DUE TO PORCH LOCATION

PLEASE NOTE THAT WITH THE USE OF THE FLOOR TRUSS, NORDAAS DOES NOT GUARANTEE ALL HEATING, PLBG, AND ELECTRICAL TO FIT WITH IN THE FLOOR TRUSS SYSTEM. PLEASE CONSULT THESE SUBCONTRACTORS FOR CONSULATION

ALL PLAN CHANGES ARE SUBJECT TO WRITTEN  
AUTHORITY FOR CHANGE IN CONTRACT

UNLESS OTHERWISE NOTED ALL EXTERIOR WALLS  
ARE SHOWN 6 1/2" THICK AND ALL INTERIOR WALLS 4  
1/2"

DIMENSIONS SHOWN TAKE PREFERENCE OVER SCALE

PLANS NOT TO BE REPLICATED OR DUPLICATED  
WITHOUT DIRECT PERMISSION FROM NAH

Page Number 1 OF 5



① Front  
1/4" = 1'-0"



② Back  
1/4" = 1'-0"

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DULUTH, MN

|                   |                      |
|-------------------|----------------------|
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Scale 1/4" = 1'-0"

Page Number 2 OF 5



① Left  
1/4" = 1'-0"



② Right  
1/4" = 1'-0"



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|                   |                      |
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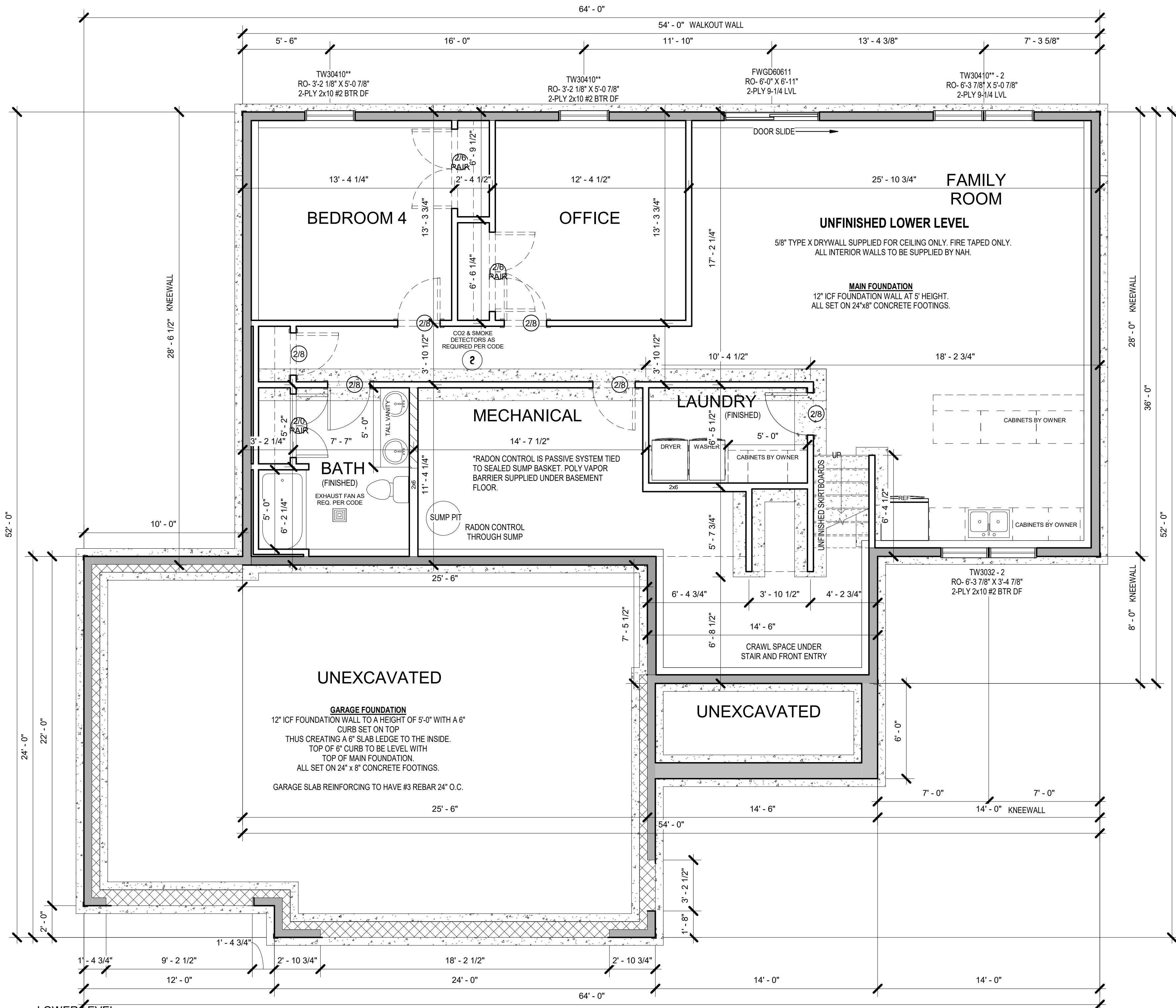
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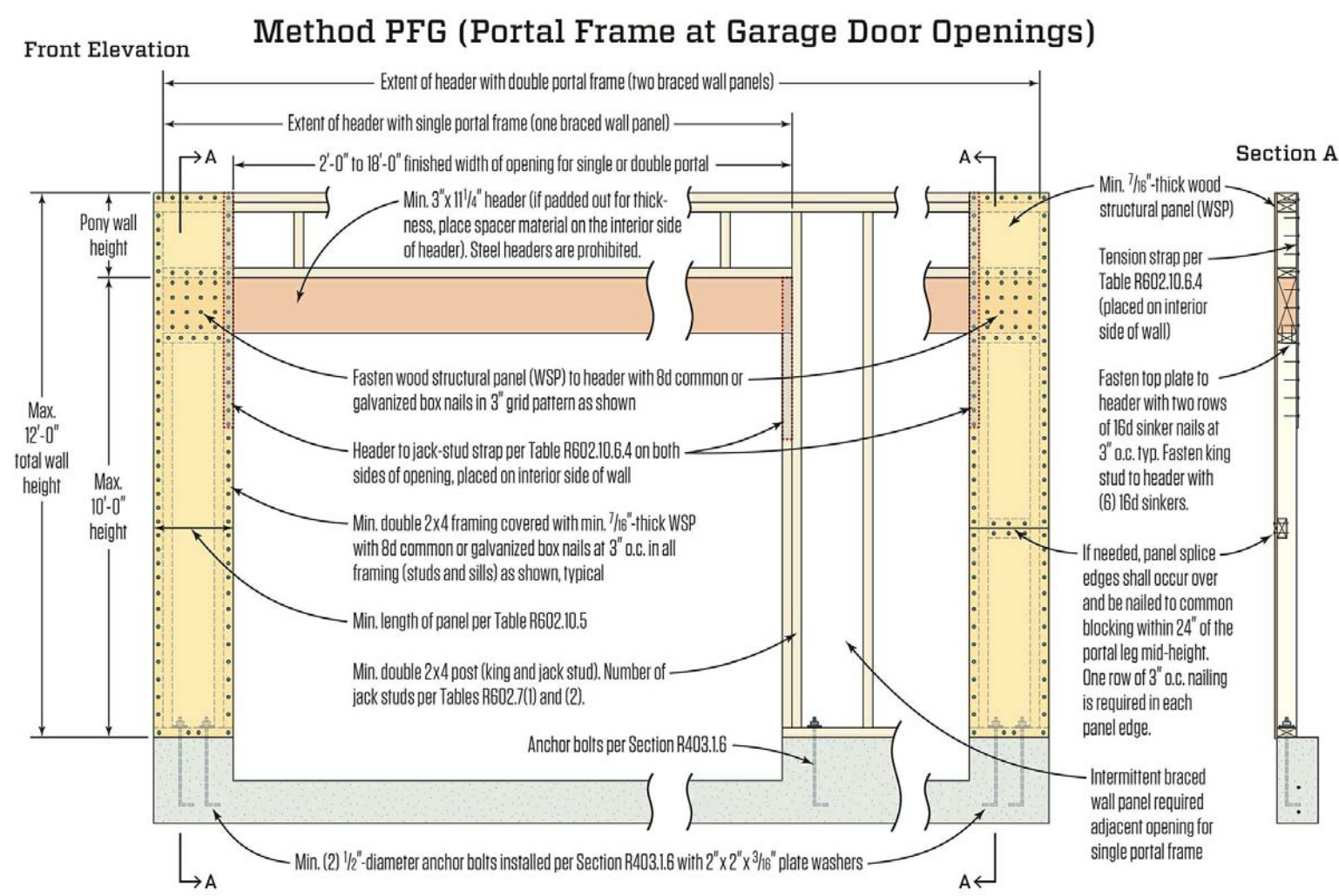
Scale 1/4" = 1'-0"

Page Number 3 OF 5

A3  
FOUNDATION



① LOWER LEVEL  
1/4" = 1'-0"



## "NARROW WALL BRACING" @ PORTAL FRAME

② ENTRY LEVEL  
1/4" = 1'-0"

## SPECIFICATIONS FOR FOUNDATION

- 24" X 8" FOOTINGS W/#4 REBARS CONTINUOUS
- FORM-A-DRAIN TILE SYSTEM INSIDE AND OUT
- 12" ICF FOUNDATION WALL
- ANCHOR BOLT IMBEDDED MIN. 7"
- GLAZIT WATERPROOFING APPLIED INSIDE AND OUT
- VAPOR BARRIER PLACED UNDER BASEMENT AND GARAGE FLOOR-FOAM OPTIONAL
- NO REINFORCEMENT IN BASEMENT FLOOR
- #3 RE-BAR PLACED IN GARAGE FLOOR

Draftstopping to be supplied in accordance of R302.12 - stated below.

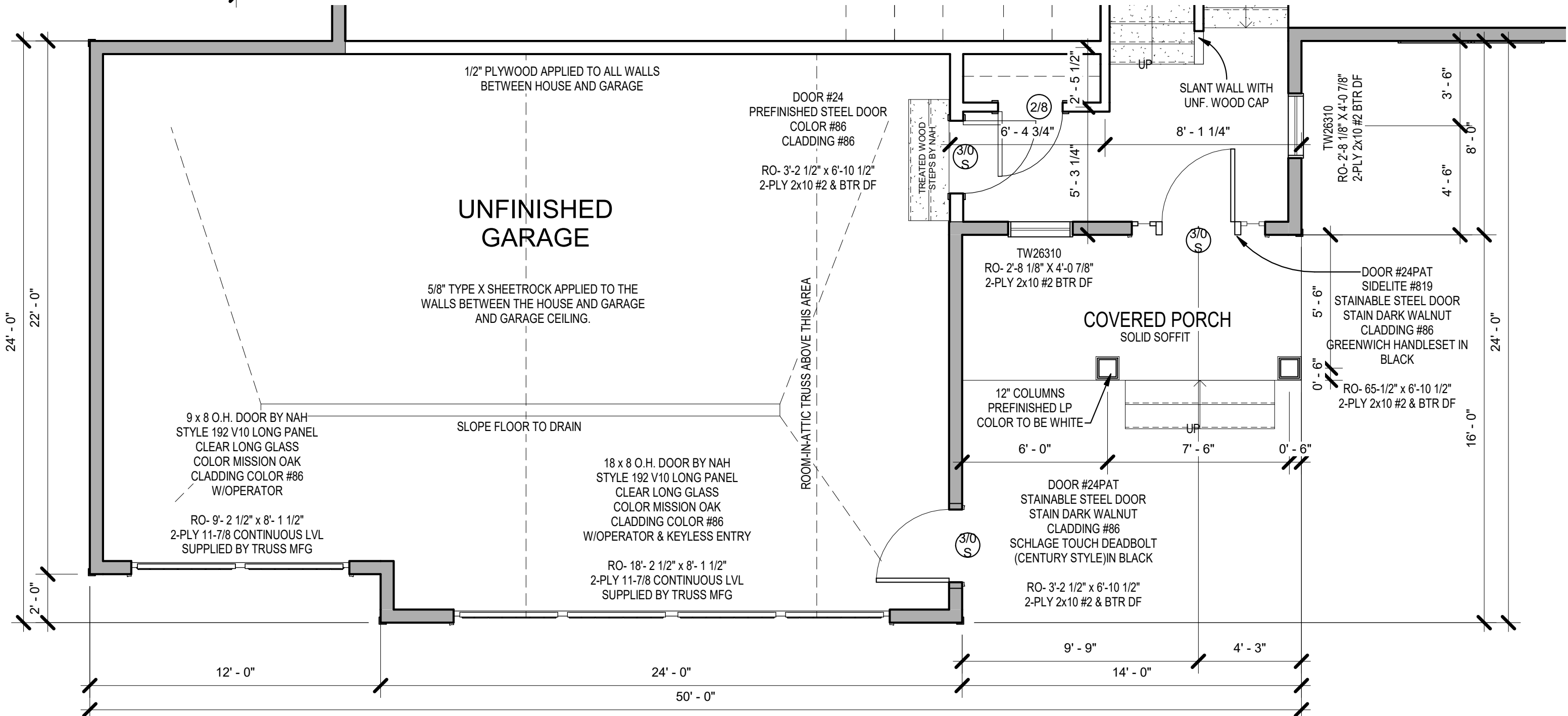
In combustible construction where there is usable space both above and below the concealed space of a floor/ceiling assembly, draftstops shall be installed so that the area of the concealed space does not exceed 1,000 square feet (92.9 m<sup>2</sup>). Draftstopping shall divide the concealed space into approximately equal areas. Where the assembly is enclosed by a floor membrane above and a ceiling membrane below, draftstopping shall be provided in floor/ceiling assemblies under the following circumstances:

1.Ceiling is suspended under the floor framing.

2. Floor framing is constructed of truss-type open-web or perforated members.

### R302.12.1Materials.

Draftstopping materials shall not be less than 1/2-inch (12.7 mm) gypsum board, 3/8-inch (9.5 mm) wood structural panels or other approved materials adequately supported. Draftstopping shall be installed parallel to the floor framing members unless otherwise approved by the building official. The integrity of the draftstops shall be maintained.





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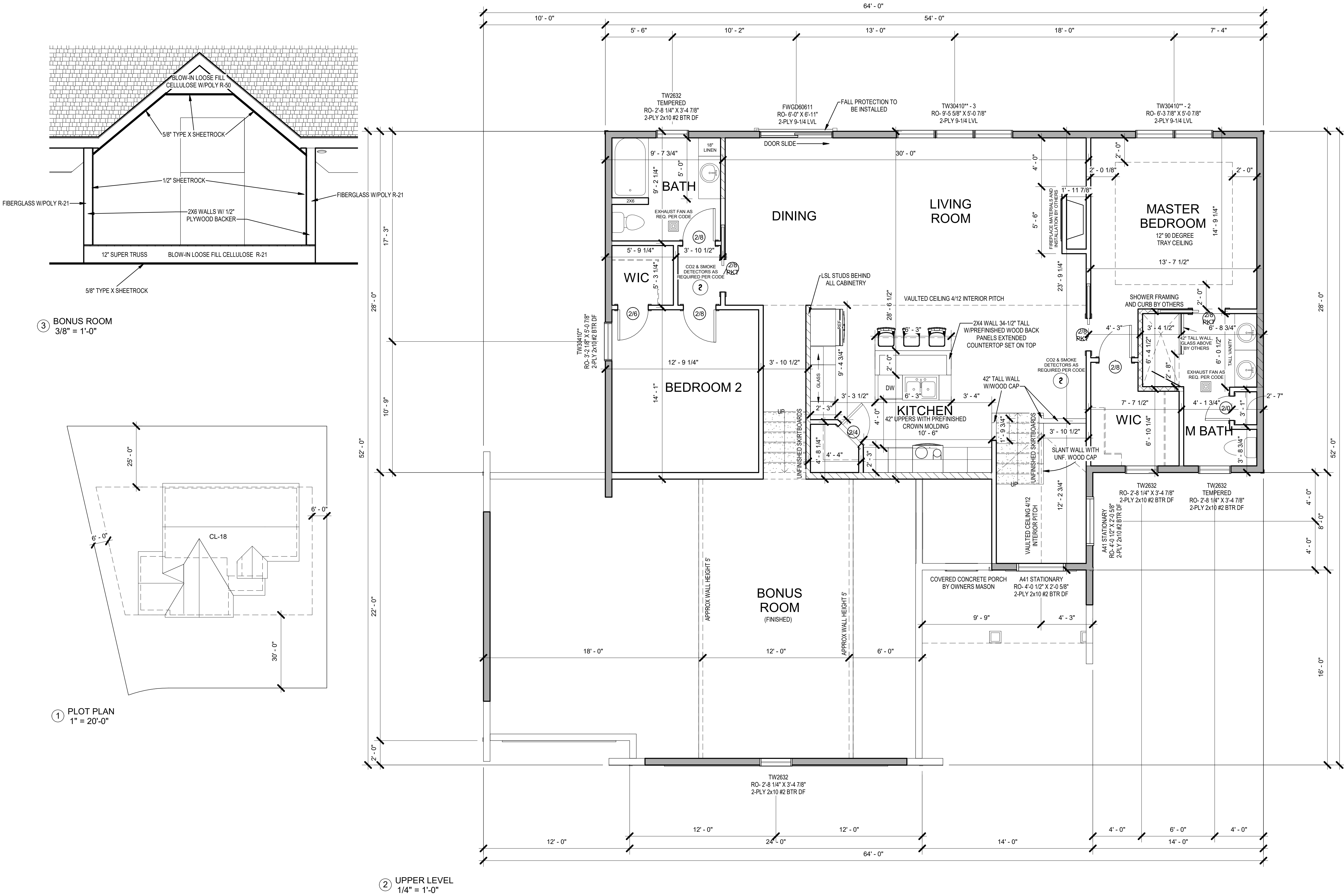
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Page Number 4 OF 5

# A4

## FLOORPLAN



SHINGLES TO BE LANDMARK  
COLOR TO BE GEORGETOWN GRAY

ALUMINUM SOFFIT AND FASCIA REQUIRED  
FASCIA COLOR TO BE BLACK  
SOFFIT COLOR TO BE SNOWMIST

SIDING TO BE STEEL  
BRAND NAME TO EMC  
STYLE DOUBLE 5"  
COLOR TO BE WHITE

BOARD AND BATTEN COLOR TO BE WHITE  
BRAND NAME TO BE EMCO  
STYLE TO BE 8" VERTICAL

TRIM BOARDS PER ELEVATION  
MATERIAL TO BE PREFINISHED LP  
COLOR TO BE BLACK

WINDOWS TO BE ANDERSEN 400 SERIES DOUBLE HUNG  
U VALUE: 0.34 SHGC: 0.31  
FINELITE GRIDS AS SHOWN  
INSIDE COLOR TO BE UNF. PINE  
OUTSIDE COLOR TO BE BLACK  
BLACK HARDWARE & SCREEN  
\*\* INDICATES WINDOW MEETS EGRESS REQUIREMENTS  
**WINDOW FALL PROTECTION DEVICES INCLUDED WHERE**

ANDERSEN A SERIES PATIO DOOR  
EXTERIOR COLOR TO BE BLACK  
INTERIOR TO BE UNF. PINE  
ALBANY BLACK HARDWARE  
NO GRIDS IN PATIO DOORS

INSULATION, PLUMBING, STONE, HEATING, ELECTRICAL,  
SHELVING, AND A.C. SHALL ALL BE BY OWNER

CABINETS TO BE DURA SUPREME - GROUP 1  
WOOD SPECIES TO BE KNOTTY ALDER  
STAIN TO BE CAPPUCCINO  
**MASTER BATHROOM TO BE PAINTED - LINEN WHITE**  
DOOR STYLE TO BE KENDALL  
HANDLE HARDWARE TO BE 9401-2BPN  
KNOB HARDWARE TO BE 9432-4BPN

INTERIOR TRIM TO BE PREFINISHED POPLAR  
COLOR TO BE: #102 - COTTAGE WHITE  
BASE TO BE: #219  
CASING TO BE: #133

INTERIOR DOORS TO BE PREFINISHED MOLDED SOLID CORE  
PREFINISHED COLOR TO BE 102 - COTTAGE WHITE  
H2 -PANEL IN DESIGN

LATITUDE DOOR LEVERS BY SCHLAGE  
BLACK IN COLOR

CEILING HEIGHT TO BE 8'

GENERAL NOTES:

STAIRWAYS - PRIVATE  
MINIMUM CLEAR WIDTH OF 36"  
MAXIMUM 7-3/4" RISE AND MINIMUM 10" TREAD  
CONTINUOUS HAND RAIL AT 34"-38" ABOVE TREAD  
NOSE AND RETURNED

EVERY SLEEPING ROOM SHALL HAVE AT LEAST ONE WINDOW WITH ALL OF THE FOLLOWING ITEMS:

- a. SILL HEIGHT NOT MORE THAN 44" ABOVE THE FLOOR
- b. NOT LESS THAN 5.7 SQ. FT. OF OPENABLE AREA
- c. NOT LESS THAN 24" OPENABLE HEIGHT
- d. NOT LESS THAN 20" OPENABLE WIDTH

SMOKE DETECTORS REQUIRED IN ALL SLEEPING AREAS AND  
IN HALLWAYS ADJACENT TO SLEEPING AREAS.  
DETECTORS SHALL BE HARDWIRED,  
INTERCONNECTED WITH BATTERY BACKUP



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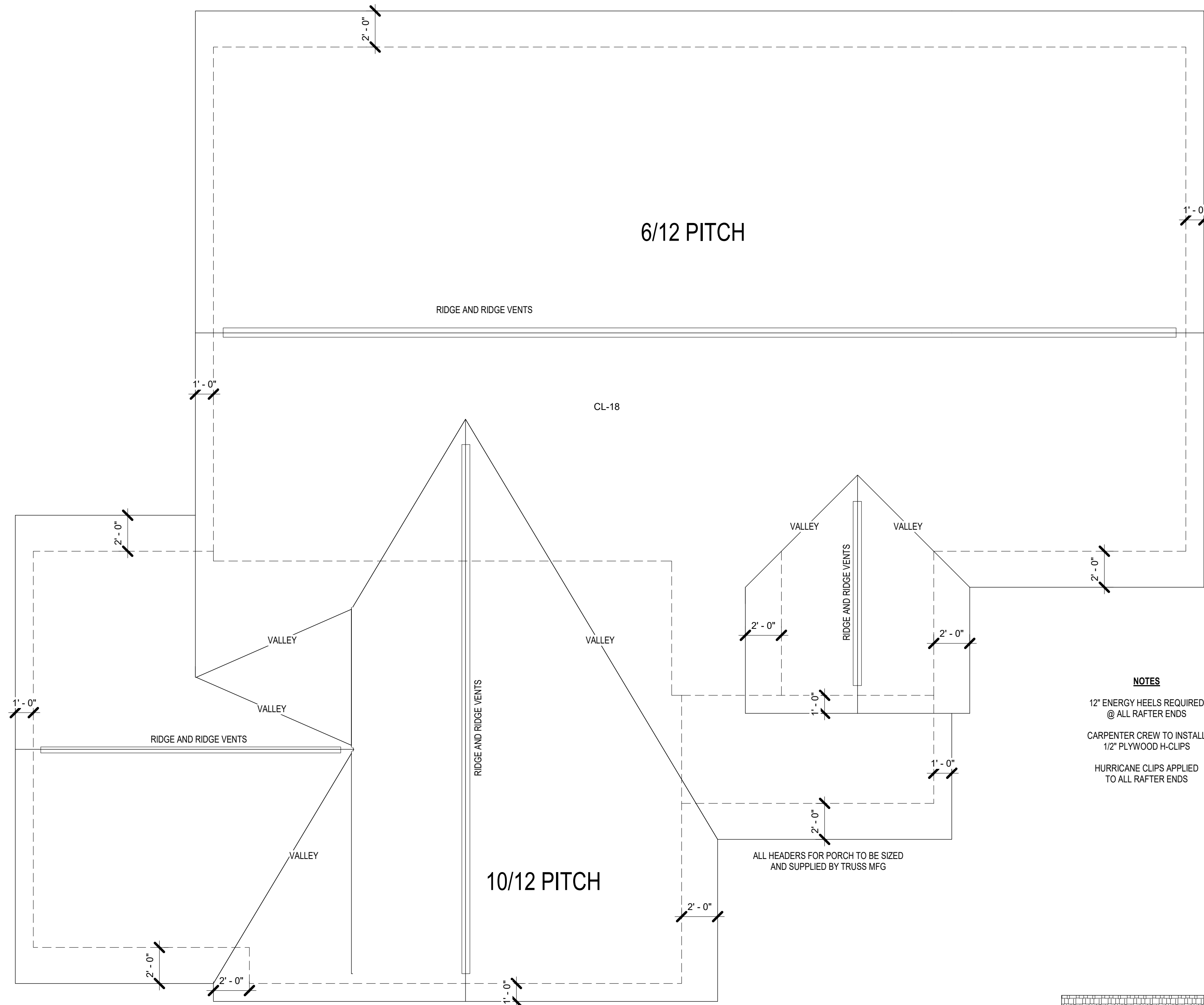
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# A5

## ROOF



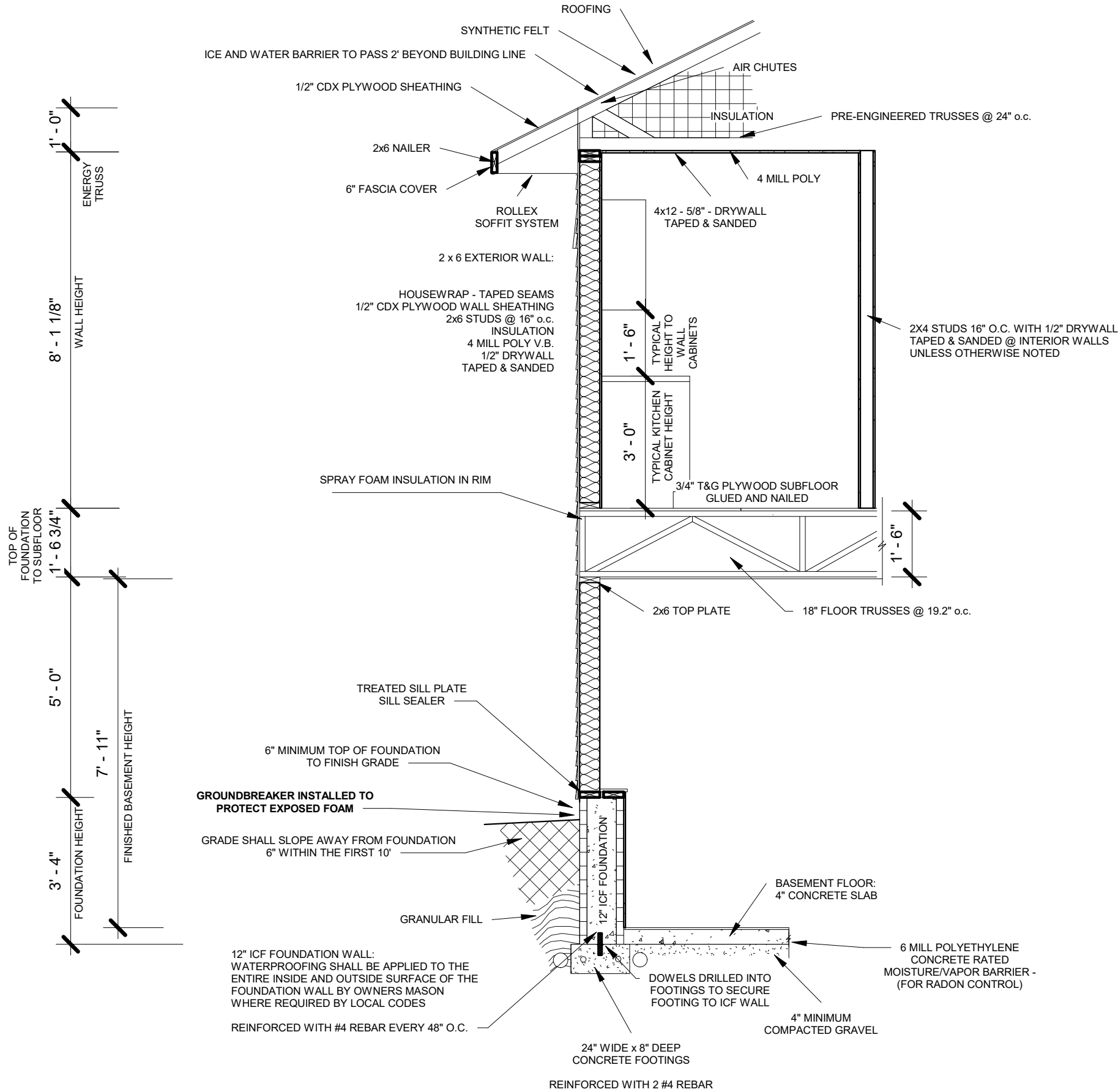
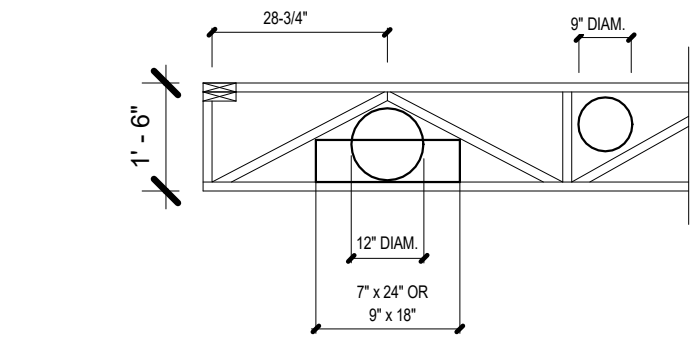
## NOTES

12" ENERGY HEELS REQUIRED  
@ ALL RAFTER ENDS

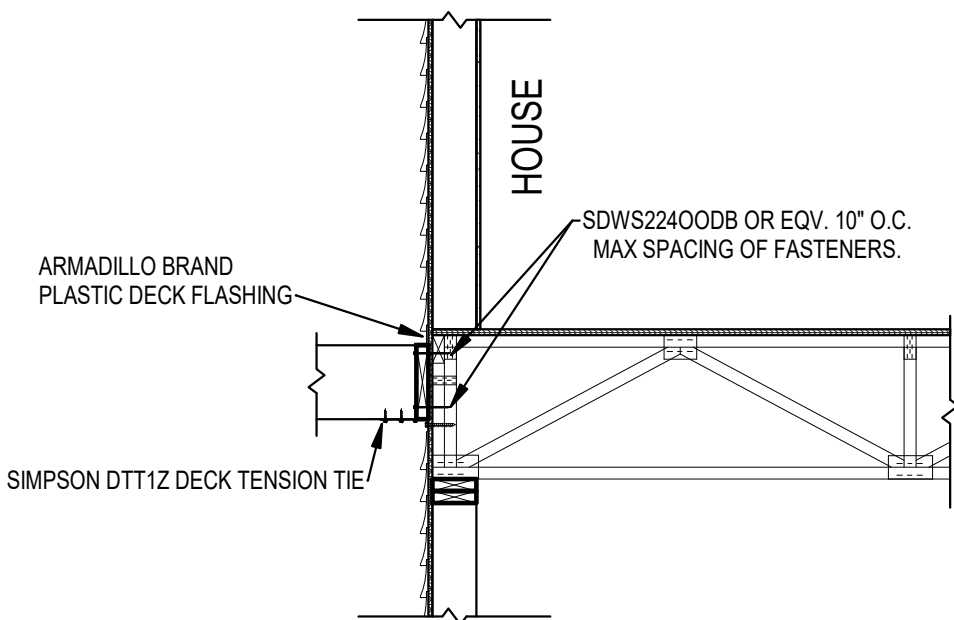
CARPENTER CREW TO INSTALL  
1/2" PLYWOOD H-CLIPS

HURRICANE CLIPS APPLIED  
TO ALL RAFTER ENDS

② 18" TRUSS  
3/8" = 1'-0"



① ROOF  
1/4" = 1'-0"



④ LEDGER BOARD  
1/2" = 1'-0"

| Leading Condition          | Nominal Leading Size | Model No.  | Band Size          |           | Maximum Deck Joint Span                                     |       |       |       |       |   |
|----------------------------|----------------------|------------|--------------------|-----------|-------------------------------------------------------------|-------|-------|-------|-------|---|
|                            |                      |            | Max. and Min. Span |           | Up to 10 ft Up to 12 ft Up to 14 ft Up to 16 ft Up to 18 ft |       |       |       |       |   |
|                            |                      |            | Min. Span          | Max. Span | 10 ft                                                       | 12 ft | 14 ft | 16 ft | 18 ft |   |
| 40 psi<br>10 psi<br>10 psi | 2x                   | SOWS22400B | 1" OSB             | 14        | 10                                                          | 8     | 7     | 6     | 5     |   |
|                            |                      |            | 2x12 DF            | 16        | 12                                                          | 10    | 8     | 7     | 6     | 5 |
|                            |                      |            | 2x10 DF            | 22        | 16                                                          | 13    | 11    | 9     | 8     | 7 |
| 60 psi<br>10 psi<br>10 psi | 2x                   | SOWS22400B | 1" OSB             | 10        | 7                                                           | 6     | 5     | 4     | 4     |   |
|                            |                      |            | 2x12 DF            | 12        | 9                                                           | 7     | 6     | 5     | 4     | 4 |
|                            |                      |            | 2x10 DF            | 15        | 12                                                          | 9     | 8     | 7     | 6     | 5 |
| 40 psi<br>10 psi<br>10 psi | 2x2x                 | SOWS22500B | 1" OSB             | 15        | 12                                                          | 9     | 8     | 7     | 6     | 5 |
|                            |                      |            | 2x12 DF            | 16        | 12                                                          | 10    | 8     | 7     | 6     | 5 |
|                            |                      |            | 2x10 DF            | 18        | 12                                                          | 10    | 8     | 7     | 6     | 5 |
| 60 psi<br>10 psi<br>10 psi | 2x2x                 | SOWS22500B | 1" OSB             | 11        | 8                                                           | 7     | 6     | 5     | 4     | 4 |
|                            |                      |            | 2x12 DF            | 12        | 9                                                           | 7     | 6     | 5     | 4     | 4 |
|                            |                      |            | 2x10 DF            | 12        | 9                                                           | 7     | 6     | 5     | 4     | 4 |

1. SDWS screw spacing values are equivalent to the load requirements of 2012 IRC Table R507.2 and 2009 IRC Table R502.2.2.1. The table provides SDWS screw spacing for a wide range of materials commonly used for band joists, and an alternate loading condition as required by some jurisdictions.

2. Solid-sawn band joists shall be 2x nominal Spruce-Pine-Fir, Hem-Fir, Douglas Fir-Larch, or Southern Pine species. Ledger shall be Hem-Fir, Douglas Fir-Larch, or Southern Pine species.

3. Fastener spacings are based on the lesser of single-fastener ICC-ES AC233 testing of the Strong-Drive® SDWS screw with a safety factor of 5.0 or ledger assembly testing with a factor of safety of 5.0. Spacing includes NDS wet-service factor adjustment.
4. Multiple ledger plies shall be fastened together per code independent of the SDWS screws.

5. Rows of screws shall be vertically offset and evenly staggered. Screws shall be placed 1 2" to 2" from the top and bottom of the ledger or the band joist with 3" to 6" between rows and spaced per the table.

6. End screws shall be located 6" from the end and at 12" to 2" from the bottom of the ledger. For screws located at least 2" but less than 6" from the end, use 50% of the load per screw and 50% of the table spacing between the end screw and the adjacent screw, and for screws located between 2" and 4" from the end, predrill using a 5/32" drill bit.

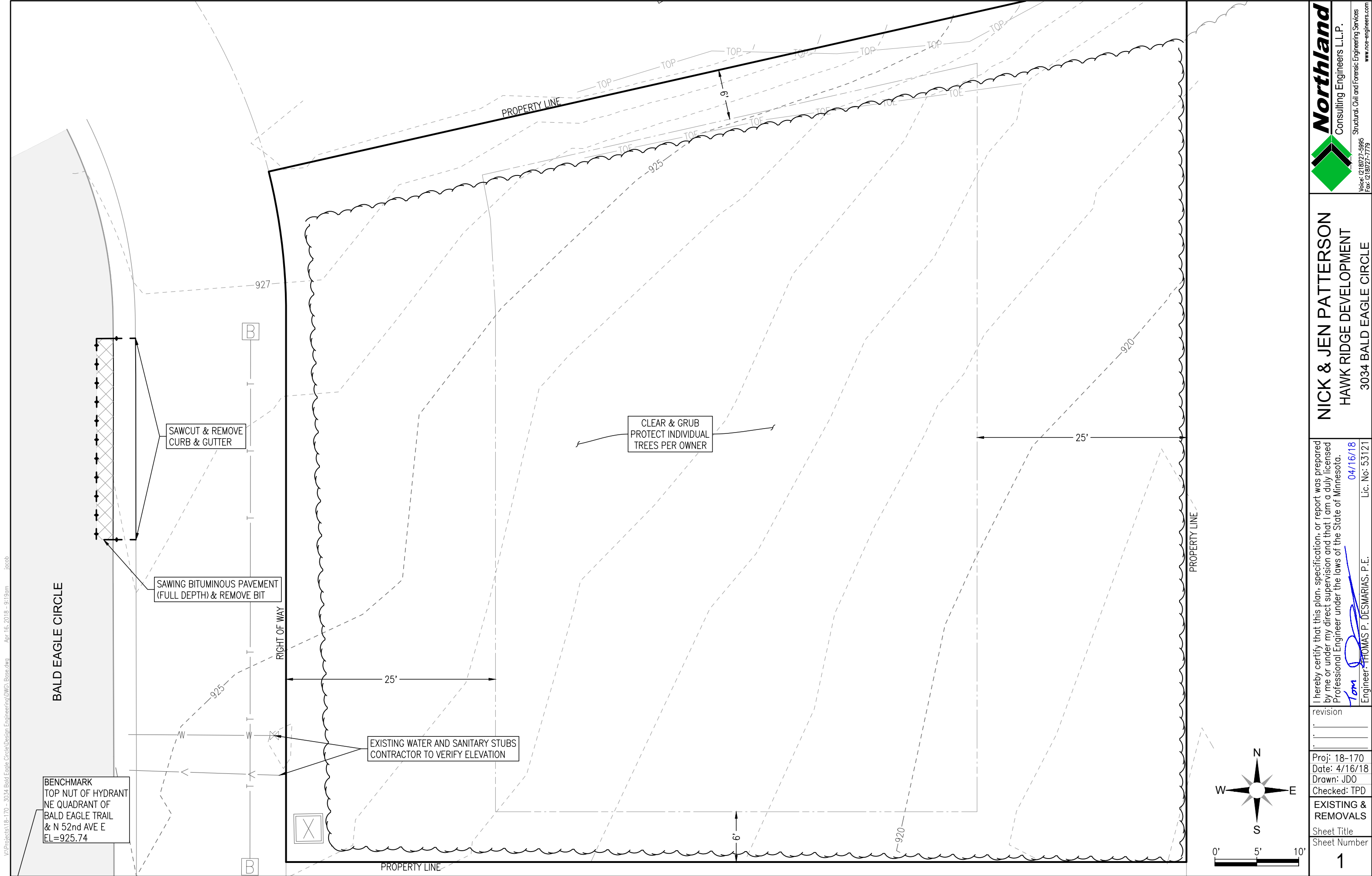
7. Structural sheathing between the ledger and band joist shall be a maximum of 1/2" thick and fastened per code.



③ Section 2  
1/4" = 1'-0"

A5  
ROOF





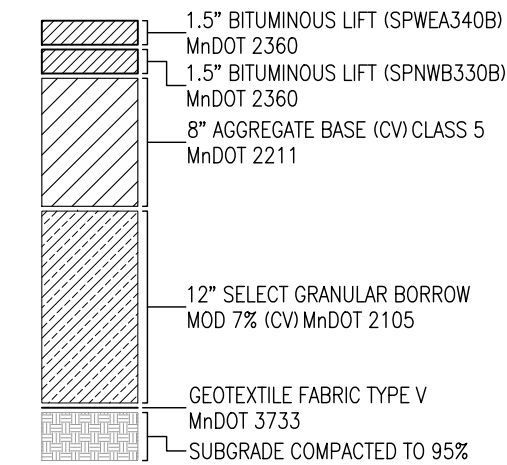
\\A\Projects\18-170 - 3034 Bald Eagle Circle\Design Engineering\DWG\ Base.dwg Apr 16, 2018 - 9:19am Jacob



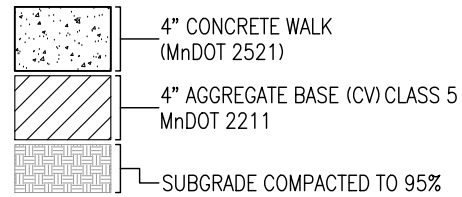




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1  
3 BITUMINOUS DRIVEWAY SCALE: 1" = 12"



2  
3 CONCRETE WALK SCALE: 1" = 12"

