



DeKalb County Zoning Board of Appeals
Department of Planning & Sustainability
178 Sams Street
Decatur, GA 30030



Michael L. Thurmond
Chief Executive Officer

Wednesday, June 12th, 2024

Cedric Hudson
Interim Director

Planning Department Staff Analysis

D1. Case No: A-24-1246808

Parcel ID(s): 18 146 05 025

Commission District 02 Super District 07

Applicant: **Ray Walker**
2026 Detroit Avenue
Atlanta, GA 30314

Owner: **Chu Phuong**
2604 Lawrenceville Highway
Decatur, GA 30033

Project Name: 2604 Lawrenceville Highway

Location: 2604 Lawrenceville Highway, Decatur, GA 30033

Request: Variance from Section 27-2.2.1 and 27-5.1.10 of the DeKalb County Zoning Ordinance to reduce rear yard and side yard setbacks and increase lot coverage to construct new building within the C-1 (Local Commercial) Zoning District.

Staff Determination: Denial.

STAFF FINDINGS:

Section 5.1.4 *Lots, Corner* state the lot frontage with the shortest distance to a public right-of-way shall be designated as the front yard. The site plan dated 4/19/24 shows Lawrenceville Highway as the front. However, based on Section 5.1.4, Frazier Road would be considered the legal front. This slightly alters the request to a rear setback reduction of 30 feet to 12 feet and a side setback reduction from 20 feet to 10 feet based on C-1 (Local Commercial) Non-Residential *Dimensional Requirements (Section 2.24.1)*. The accessory structure would be pre-engineered and set on an existing 6-inch concrete slab. The purpose of the accessory structure is to provide more car storage and workspace.

1. There is an extraordinary or exceptional physical condition(s) pertaining to the particular piece of property (such as, but not limited to, lot size, lot shape, specimen tree(s), steep slope(s), or preservation of historic characteristics of the property), which was not created by the current owner, previous owner, or applicant; by reason of a clearly demonstrable condition(s), the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district, as distinguished from a special privilege or convenience sought by the property owner.

The subject property may possess an extraordinary and/or exceptional physical condition that would limit where the applicant could construct the proposed building (2,625 square feet). The subject site is significantly below the minimum lot size required for C-1 zoning districts. The subject site is 13,266 square feet whereas C-1 zoning districts require a minimum of 20,000 square feet. While the proposed structure would organize and create a better appearance by way of storage and assembling vehicles, the site already surpasses the lot coverage permitted within C-1 zoning districts.

The subject site currently has 100% lot coverage whereas C-1 zoning districts require a maximum of 80% lot coverage. There may be an opportunity to incorporate greenery or remove and replace portions of concrete/ concrete islands with permeable materials to reduce the lot coverage. The strict application of the requirements of the relevant zoning regulations may deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district in order to develop a commercial lot. However, approving the setback reductions and lot coverage increase would further the nonconformity of the subject site, which may no longer be suitable for the desired expansion of the use.

2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located:

The proposed accessory structure will significantly increase the degree of non-conformity of the site and offer no relief as it pertains to the lot coverage. Based on the degree of the requests (10 plus feet of setback reduction and 20% of lot coverage relief) the proposed requests may go beyond the minimum necessary to afford relief. Additionally, it may be applicable for the applicant and owner to first attempt to remedy on site non-conformities. Otherwise, granting this variance may also constitute a grant of special privilege inconsistent with the limitations upon other properties in the same zoning district.

3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located:

Because the site is currently at 100% lot coverage, there may be adverse impacts as it applies to water runoff. Additionally, there is a residential property adjacent to the subject site (1433 Frazier Road) along the side yard where the applicant has requested a setback reduction. Therefore, the development of the site may be materially detrimental to the public welfare or injurious to the property or the zoning district.

4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship:

It does appear that the literal interpretation and strict application of the applicable provisions or requirements of the zoning regulations may cause an undue and unnecessary hardship as it pertains to the setbacks. Given the constraints of the size and shape of the site, the applicant has little ability to develop the site (as it exists) given the required setbacks. The subject site is approximately 7,000 square feet smaller (approximately 3,000 square feet) than the minimum C-1 zoning district lot size (20,000 sqft.) which leaves an even smaller buildable envelope. Without demolishing the existing structure and building anew, as well as reducing the lot coverage, it appears the applicant may not be able to further develop the site.

5. The requested variance would be consistent with the spirit and purpose of this Chapter and the DeKalb County Comprehensive Plan Text:

The requested variance may align with the spirit and purpose of the *2050 Unified Plan*. The proposal may be consistent with the Comprehensive Plan's goal for CRC Character Area's (Commercial Redevelopment Corridors) to service and store vehicles in an enclosed building and improve the aesthetic appeal along Lawrenceville Highway. The applicant has specified the existing lot appears crowded with little room for vehicles to move around site. This proposal may not only address the property owner's needs but also aligns with broader community development goals.

FINAL STAFF ANALYSIS:

Under the strict application of the zoning requirements, the owner may be limited in their ability to make modifications to the existing structure and/or propose any development. There appear to be opportunities to reduce the proposed lot coverage from 100%. Additionally, the requested variances may go beyond the minimum necessary for relief, as the requests for setback reductions and lot coverage increase are significant. Furthermore, the request would further the nonconformity of the site. Therefore, Staff recommends denial.

Staff Determination: Denial.



404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGA.gov

Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

ADMINISTRATIVE VARIANCES AND SPECIAL EXCEPTIONS APPLICATION

AV/SE NO.: _____

APPLICANT: Ray WALKER
ADDRESS (MAILING): 2026 Detroit Ave Atlanta EMAIL: walray@mail.com
CITY: Atlanta STATE: Georgia ZIP: 30314
TELEPHONE: HOME: 678-668-0076 BUSINESS: 678-668-0076 FAX: _____

OWNER OF RECORD FOR WHICH APPLICATION IS MADE (Print name)

Name (Print): Chu phuong
Name (Signature): Chu phuong E-Mail: _____
Address (Mailing): 2604 Lawrenceille Highway City: Decatur State: Georgia Zip: _____
Telephone Home: 770-908-8223 Business: _____ Fax: _____

Authorized Agent: Ray walker E-Mail: walray@mail.com
Address (Mailing): 2026 Detroit Ave Atlanta City: Atlanta State: GA. Zip: 30314
Telephone Home: 770-908-8223 Business: 770-908-8223

ADDRESS/LOCATION OF PROPERTY FOR WHICH APPLICATION IS MADE

Address: 2604 Lawrenceille Highway City: Decatur State: GA. Zip: _____
District(s): _____ Land Lot(s): _____ Block: _____ Parcel: _____
Zoning: _____ Commission District(s): _____

To Be Completed By Planning and Development Department

Date Received: _____ Fee Paid: _____ Receipt No.: _____

ZBOA APPLICATION AUTHORIZATION

Completion of this form is required if the individual making the request is not the owner of the property.

DATE: 11 / 10 / 2023

CHECK TYPE OF APPLICATION:

() ADMINISTRATIVE APPEAL

VARIANCE

() SPECIAL EXCEPTION

TO WHOM IT MAY CONCERN:

(I) / (WE), Chu phuong

[Name of owner(s)]

being (owner) / (owners) of the property described below or attached hereby delegate authority to

Ray Walker

[Name of Applicant or Representative]

to file an application on (my) / (our) behalf.

Notary Public


Owner

Notary Public

Owner

Notary Public

Owner

Acknowledgment by Individual

State of Georgia County of Newton

On this 10th day of November, 20 23. Before me, Nicola Kipp
Name of Notary Public

the undersigned Notary Public, personally appeared

Chu Phuong

Name of Signer(s)

- Proved to me on the oath of _____
- Personally known to me
- Proved to me on the basis of satisfactory evidence GA Drivers License
(Description of ID)

to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged that he/she/they executed it.

WITNESS my hand and official seal.

Nicola N Kipp
NOTARY PUBLIC
Newton County, GEORGIA
My Commission Expires
05/08/2026

Notary Seal

Nicola Kipp
(Signature of Notary Public)

My commission expires 05/08/2026

Optional: A thumbprint is only needed if state statutes require a thumbprint.

Right Thumbprint of Signer

Top of thumb here

For Bank Purposes Only

Description of Attached Document

Type or Title of Document

ZBOA Application

Document Date

11/10/2023

Number of Pages

3

Signer(s) Other Than Named Above

None

Account Number (if applicable)



F001-00000DSG5350-01

Letter of Intent

Dear Members of the Zoning Board of Appeals,

My name is George Booker, and I am writing to formally request a variance from Section 27-2.2.1 and 27-5.1.10 of the DeKalb County Zoning Ordinance to reduce rear yard and side yard setbacks and increase lot coverage to construct new building within the C-1 (Local Commercial) zoning district. My request pertains to reducing the rear-yard setback requirement from 30 feet to 10 feet and the right side from 20 feet to 12 feet for the property at 2604 Lawrenceville Hwy, Decatur Ga. 30033. The purpose of this variance is to facilitate the construction of an accessory structure, which will be a Pre-Engineered building set on an existing 6-inch concrete slab. This structure is crucial for the improvement and effective use of #1 Decatur Pro Auto Repair in Decatur GA.

1. Physical Conditions of the Site

The unique physical condition of the property constitutes a special case necessitating this variance. Compliance with the right 20 feet and rear 30 feet yard setback is challenging because the property sits at the corner of Lawrenceville Hwy and Frazier Rd, making the parcel an irregular and inconvenient shape. Usage of the pre-existing 6-inch concrete slab in the back is needed for more car storage and workspace. The requested change to the rear yard setback requirement will allow for more feasible use of the full property.

2. Minimum Variance Necessary

I can assure you that the requested variance is not excessive and is solely intended to provide necessary relief. Furthermore, it does not entail any special privileges that would be incompatible with the zoning regulations applicable to other properties within the same district as the subject property.

3. Public Welfare

Mr. Chou's company, #1 Decatur Pro Auto Repair, stands as a longstanding landmark in Decatur, GA, having dutifully served the community for many years. The proposed modification to the right and rear setback is anticipated to yield profoundly positive outcomes for both Mr. Chou's business and its patrons. The planned extension to the rear will offer increased space, facilitating safer and more comfortable access to and from the property's front. This extension will alleviate the congestion of vehicles currently occupying the front yard, which hampers the property's full utilization. Moreover, it will provide protection from outdoor elements for customers' vehicles and increase overall security of the property. Importantly, the adjustment to the right by 10 feet and the rear by 30 feet setback will not encroach on neighboring properties in anyway.

4. Ordinance Hardship

A strict adherence to the zoning laws would impose considerable hardship upon the property owner, Chu Phong, as it restricts the available space for the safe and practical utilization of their property. The variance sought is fundamentally necessary to alleviate this undue hardship and enable a reasonable and productive use of the land. Without this variance, Mr. Phong would face significant limitations in optimizing the property's potential for safe and practical purposes, impeding its full functionality and utility.

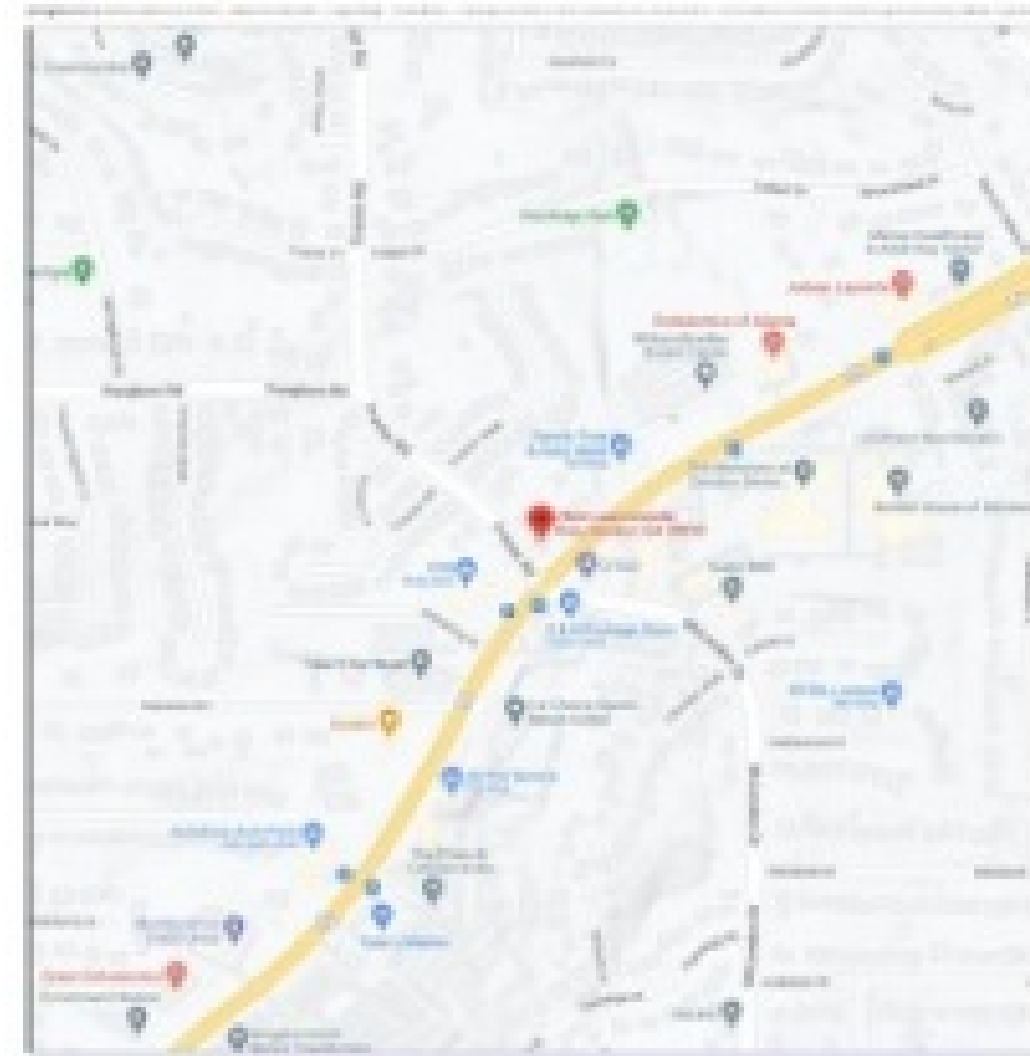
5. Alignment with the Spirit of the Law

I firmly believe that my variance request aligns with the intent of the Commercial Redevelopment Corridor, as outlined in the Dekalb County Comprehensive Plan. All minor automotive repairs and established operations including the servicing of vehicles, storage of materials and similar activities connected with the use shall be conducted entirely within an enclosed building. Cars awaiting service shall be stored inside an enclosed building or in the side or rear yard for the security of the vehicles.

In summary, I am grateful for the time and attention you have dedicated to reviewing my variance request. I am fully committed to collaborating with you to ensure that the proposed modifications harmonize with Dekalb County's overarching objectives and policies. Your consideration of this matter is greatly appreciated.

Sincerely,

George Booker



2604 LAWRENCEVILLE hwy. DECATUR GEORGIA

Current Codes

- 1IBC 2018 International Building codes with Georgia Amendments
- 2IRC 2018 International Residential Code Georgia amendments
- 3IPC 2018 International Plumbing code with Georgia amendments
- 4IIMC 2018 international Mechanical code edition with Georgia amendments
- 5IIFGC 2 018 international Fuel gas codes with Georgia amendments
- 6IECC 2015 International Energy Conservation Code with Georgia Supplements
- 7IFC 2018 Edition with GA Amendments
- 8ISPC 2018 Edition with GA Amendments
- 9 NFPA 101-Life Safety Codes 2018 Edition

International Fire Code 2012 edition with Georgia amendments

Scope of work information

NEW metal garage on the rear of existing building with roll up door

-

24 Hour information
Mr. Booker 678-613-8902

Index of Drawings

- 1 C-0 Cover
- S-1 existing site
- S-2 Propose Site
- 2 A-1 elev. pics
- 3 A-2 elev. pics
- 4 A-3 propose floor plan/ details

REVISION TABLE
NUMBER DATE REVISION BY DESCRIPTION

Project Overview

DRAWINGS PROVIDED BY:

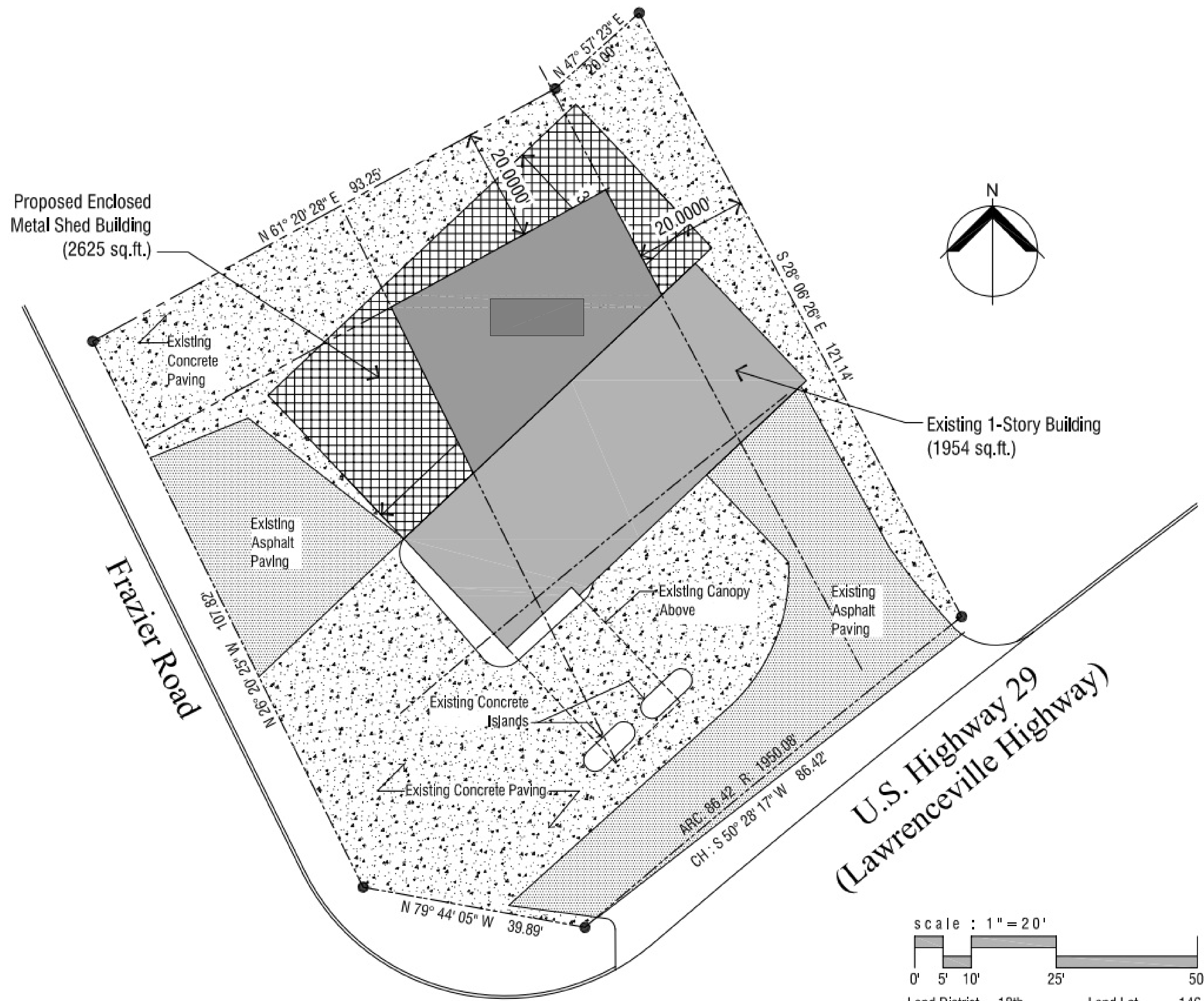
DATE:

4/19/2024

SCALE:

SHEET:

P-1



OWNER / DEVELOPER
 Chu Phoung
 2604 Lawrenceville Highway
 Decatur, GA 30033
 770.908.8223

GENERAL CONTRACTOR
 GB General Contracting
 1681 Wellborn Road
 Lithonia, GA 30058
 mobile :678.613.8902

EXISTING CONDITIONS

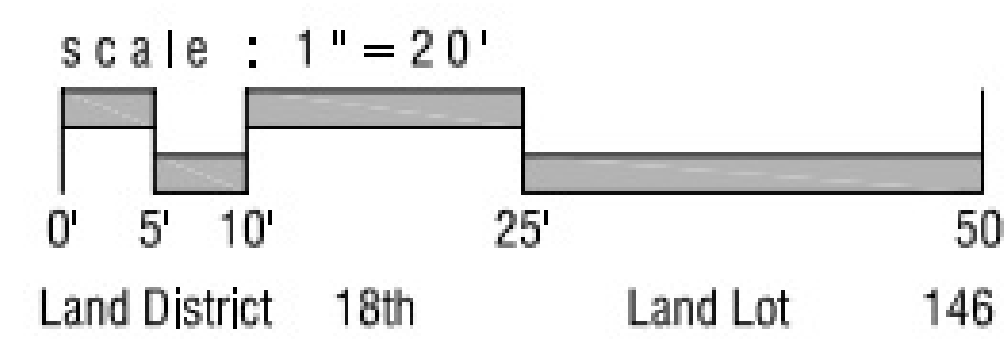
1-Story Building	1,954 sq.ft.
Concrete Paving	9,000 sq.ft.
Asphalt Paving	2,312 sq.ft.

PROPOSED DEVELOPMENT

Add New Enclosed Metal Building	2625 sq.ft.
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NOTE:
 Plat information shown herein is based upon a Boundry Survey (# BS-82-26) dated February 23, 1982, generated by:
 BRUNER & ASSOCIATES
 445 Beaver Run Rd. Suite 25
 Lilburn, GA 30247



1st Floor

NUMBER	DATE	REVISED BY	DESCRIPTION

DRAWINGS PROVIDED BY:

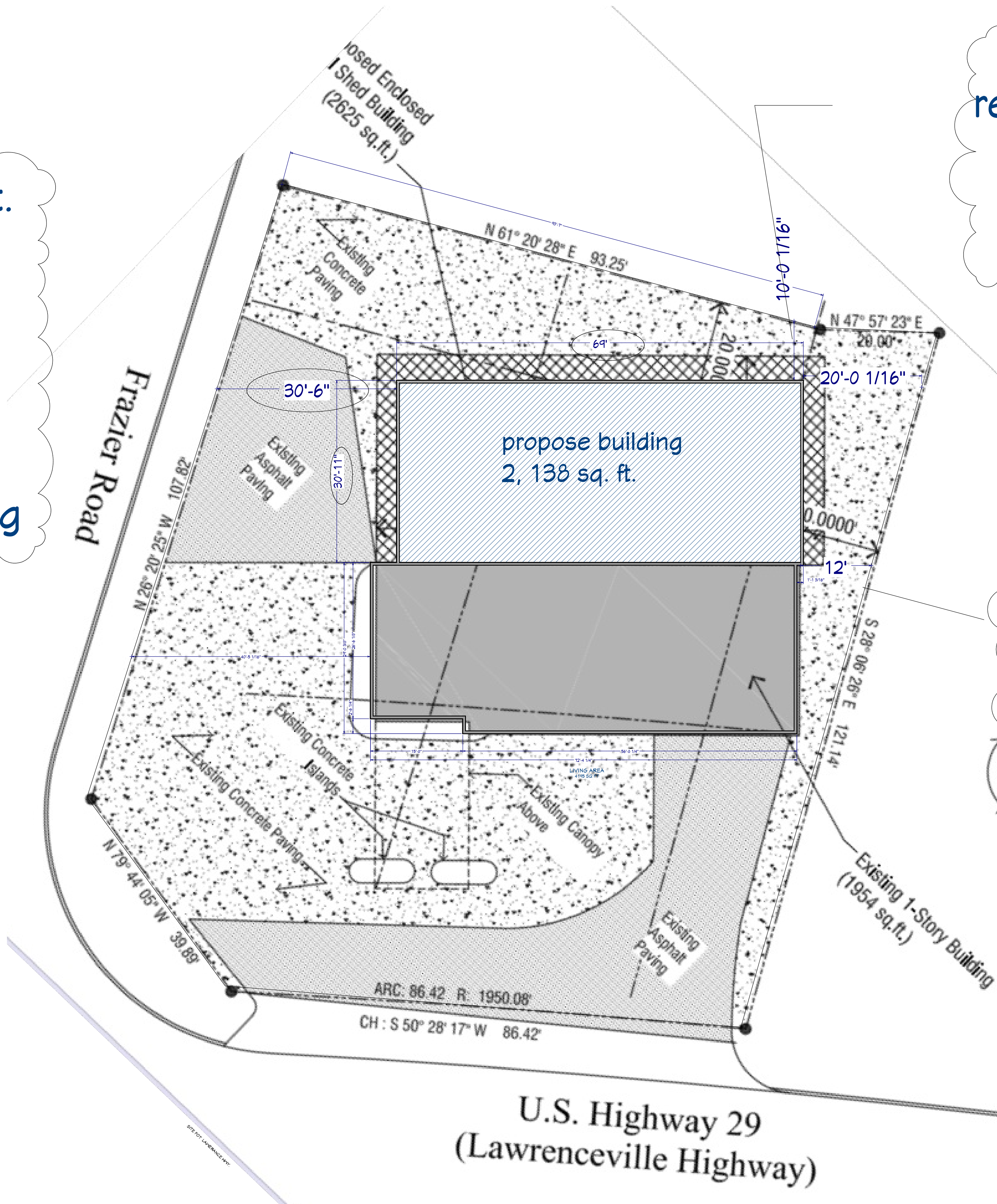
DATE:

4/19/2024

SCALE:

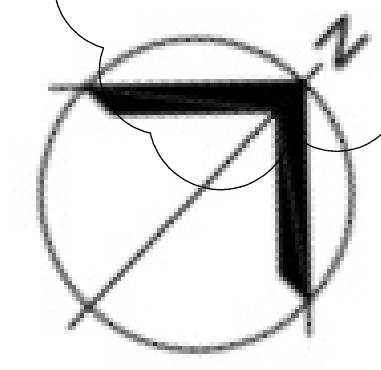
SHEET:

lot size is 13,266 sq. ft.
 Existing coverage is
 Building 1,954
 concrete 9,000
 Asphalt 2,312
 total 13,266 sq. ft.
 100% coverage existing



reduce rear set back
FROM 30'
 to 10'-0'.

reduce Rt. side yard
 from 20'
 to 12'-0'.



NUMBER	DATE	REVISED BY	DESCRIPTION

DRAWINGS PROVIDED BY:

DATE:

4/19/2024

SCALE:

SHEET:

S-

existing roof view



front elevation



Issued For Construction

REVISION TABLE			
NUMBER	DATE	REVISION BY	DESCRIPTION

DRAWINGS PROVIDED BY:

DATE:

4/19/2024

SCALE:

SHEET:

A-



Existing left elevation



Existing rear space

NUMBER	DATE	REVISED BY	DESCRIPTION

DRAWINGS PROVIDED BY:

DATE:

4/19/2024

SCALE:

SHEET:

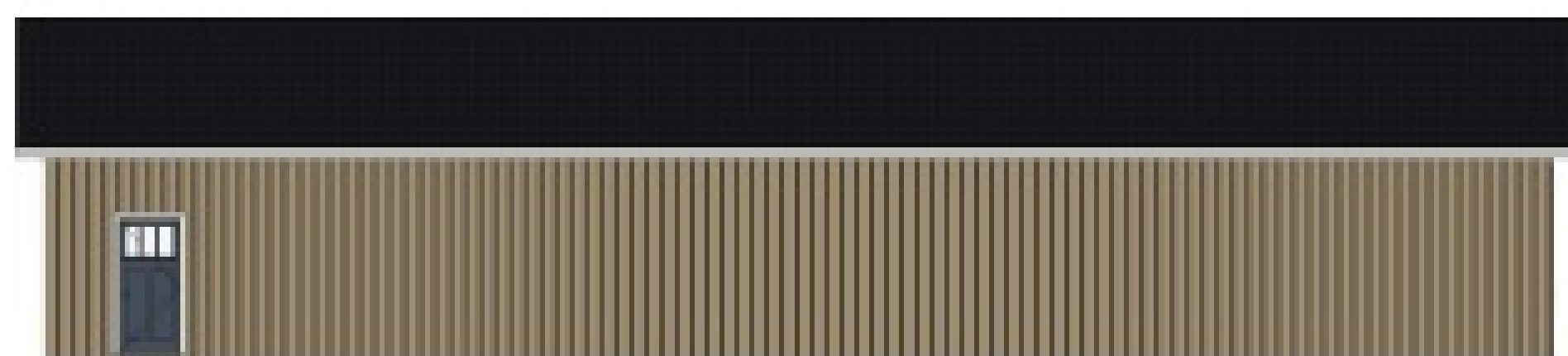
A-

Issued For Construction

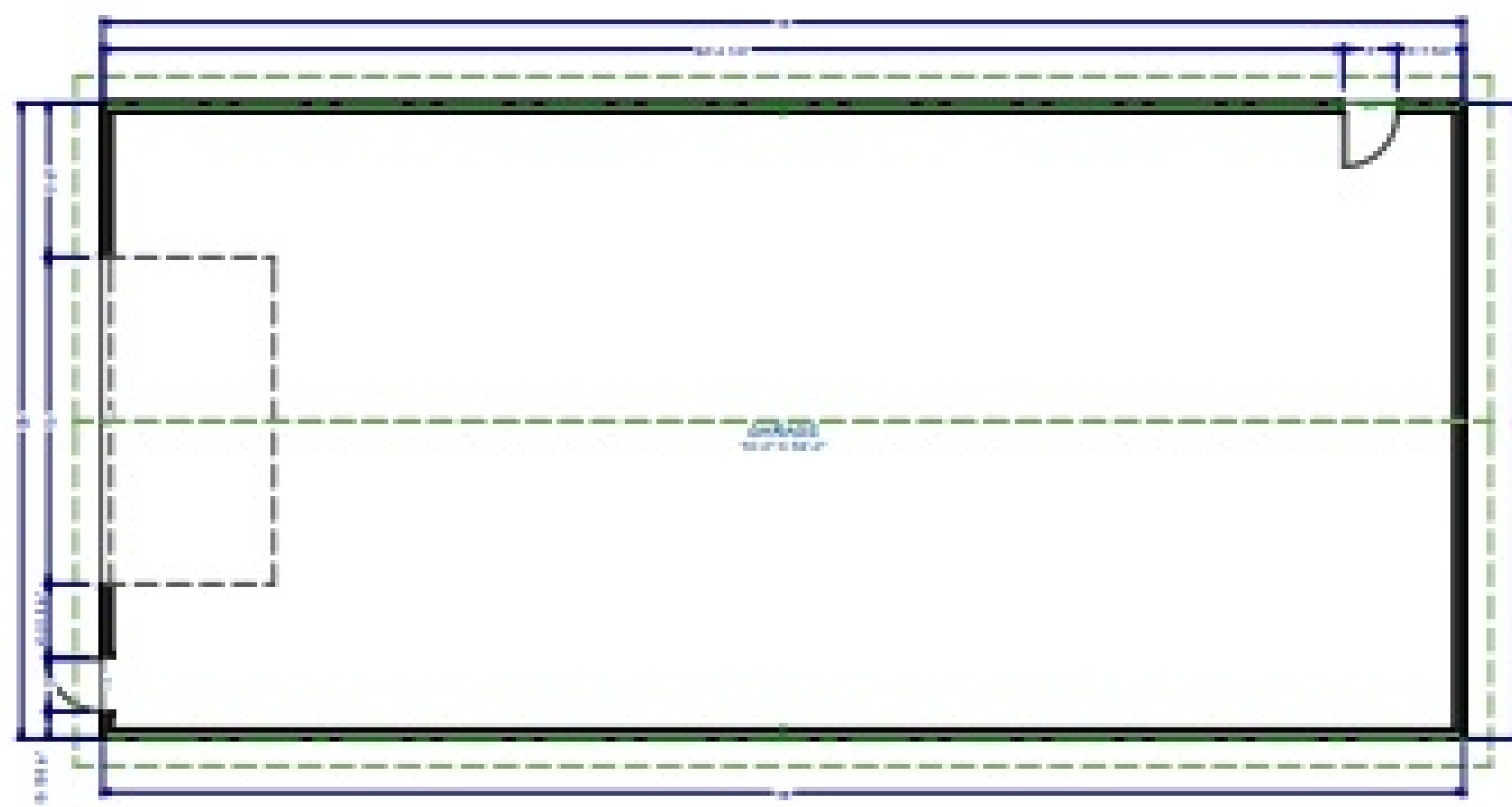


Elevation 1

new metal building
roll up door
exit door

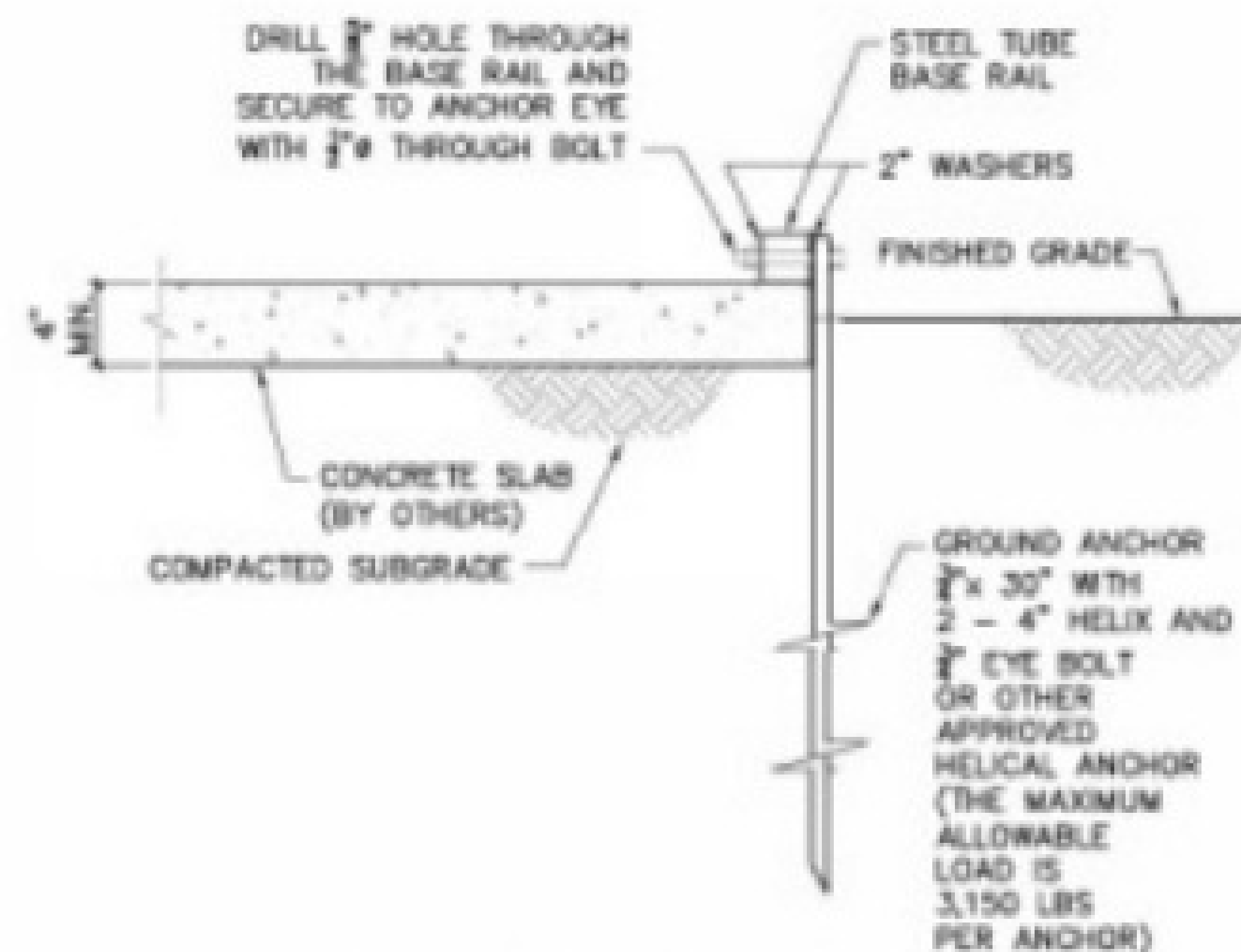


Elevation 2

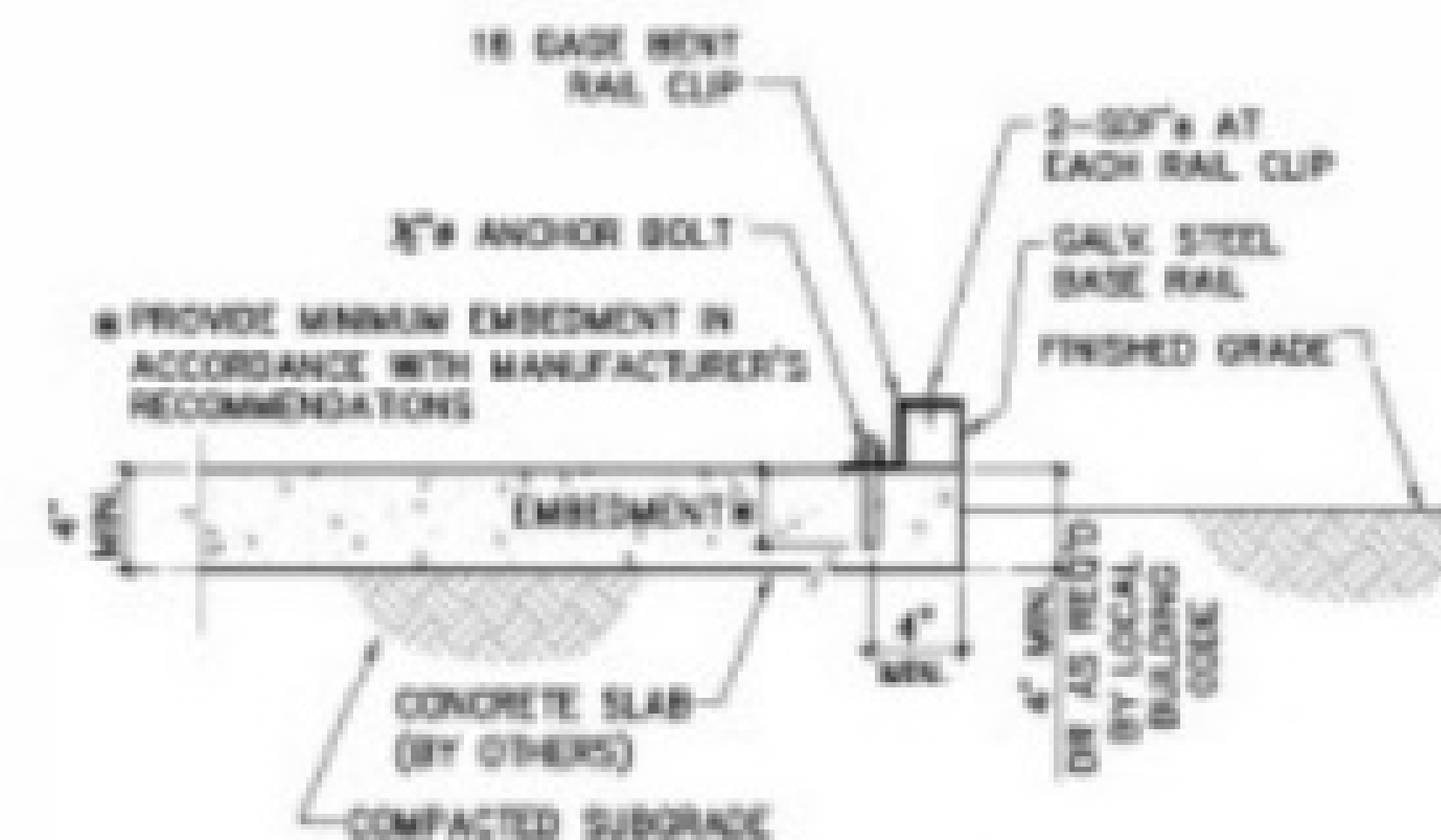


garage Floor plan

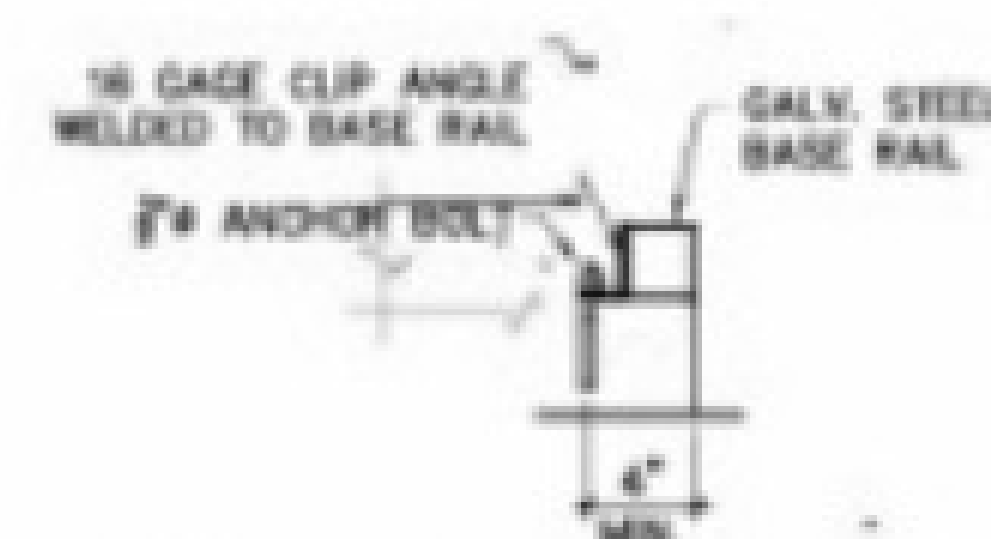
ALTERNATE ANCHORAGE OPTIONS



1 ALTERNATE BASE RAIL ANCHORAGE



2 ALTERNATE BASE RAIL ANCHORAGE



ALTERNATE BASE RAIL CLIP

REVISION TABLE	REVISION BY	DESCRIPTION
NUMBER	DATE	

DRAWINGS PROVIDED BY:

DATE:
4/19/2024

SCALE:

SHEET:

A-

Issued For Construction

The request is for.
a Variance asking for the rear set back line
to be reduce to 9-0" and the right side to 20-0"

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NUMBER	DATE	REVISION TABLE	REVISOR	DESCRIPTION

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DATE:

12/14/2023

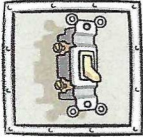
SCALE:

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SHEET:

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GB GENERAL CONTRACTING LLC.

Interior Design – Drywall Installation
Specializing in Electrical & Plumbing



George Booker
1681 Wellborn Road
Lithonia, GA 30058
Phone: (770) 484-4278
Fax: (770) 484-4225
Cell: (678) 613-8902

Dekalb County Zoning

Permit #: 3129754
2604 Lawrenceville Hwy
Decatur, Ga. 30033

Re: (18 146 05 025) Variance of Dekalb County Ordinance to reduce rear yard and side yard setbacks and increase lot coverage to construct new building within the C1 zoning district.

Intent:

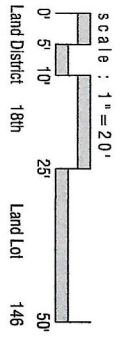
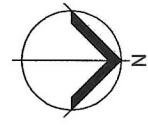
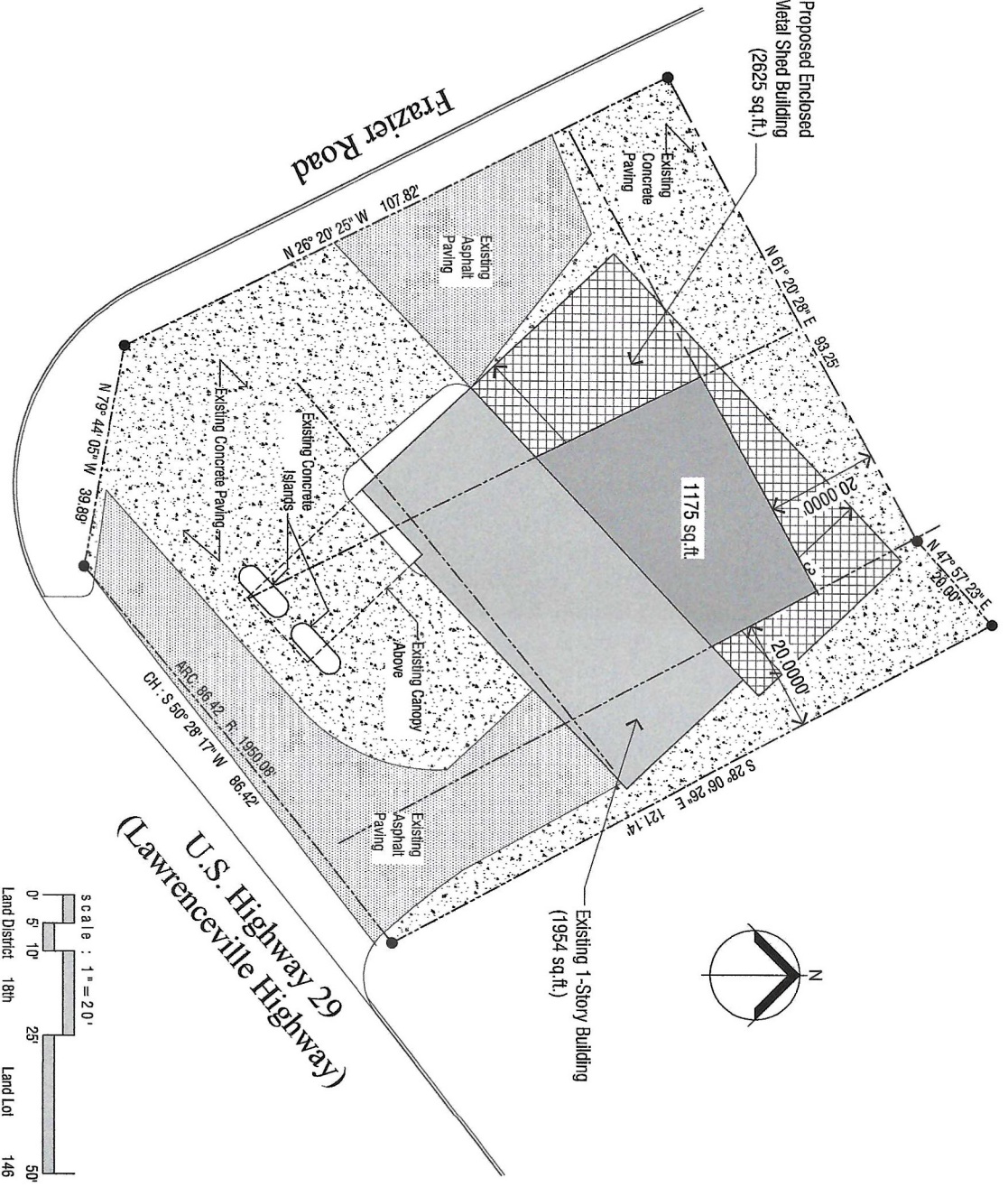
- 1. The proposed development will be to add a new 2625 sq. ft. Pre-Engineered building set on an existing 6 in concrete slab.**
- 2. The single gabled building will be 12' at the eave with a 12" overhang. The pitch of the metal roof will be 3/12.**
- 3. The building will be enclosed on all four sides; the Frazier Road elevation will be equipped with an 8'x8' roll up metal door.**
- 4. The finished height of the completed building will be +/- 13'-0".**
- 5. Decatur Pro Auto Repair (built in 1966 at 1,954 SF per tax digest) AP # 3129754 at 2604 Lawrenceville Hwy.**
- 6. All minor automotive repairs and established operations including the servicing of vehicles, storage of materials and similar activities connected with the use shall be conducted entirely within an enclosed building. Cars awaiting service shall be stored inside an enclosed building or on the side or rear yard for the security of the vehicles.**

Regards,
George H Booker
G B General Contracting LLC.

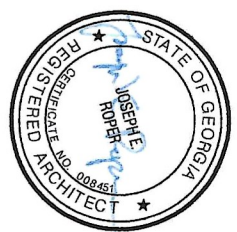


146 East Lake Drive SE
Atlanta, GA 30317
404.293.2550

2604 Lawrenceville Highway, Decatur, Georgia

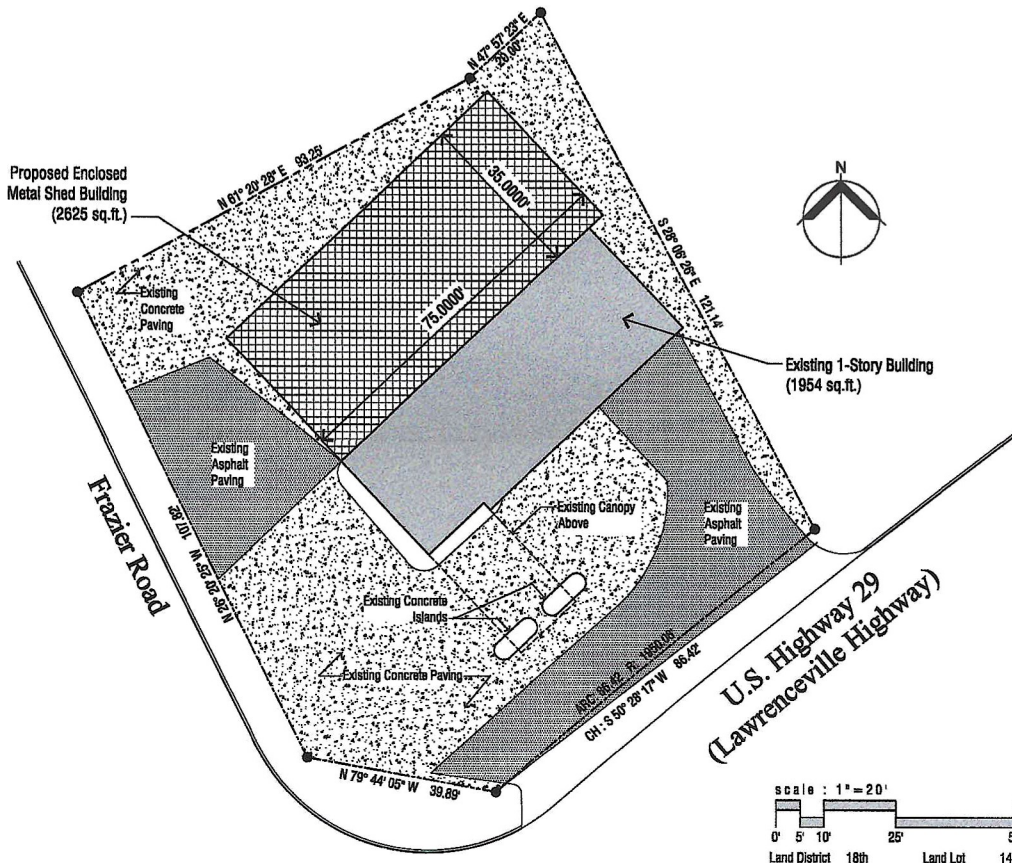


NOTE:
 Plat information shown herein is based upon a Boundary Survey
 (# BS-82-26) dated February 23, 1982, generated by:
 BRUNER & ASSOCIATES
 445 Beaver Run Rd, Suite 25
 Lilburn, GA 30247



- OWNER / DEVELOPER**
 Chu Phoung
 2604 Lawrenceville Highway
 Decatur, GA 30033
 770.908.8223
- GENERAL CONTRACTOR**
 GB General Contracting
 1681 Wellborn Road
 Lithonia, GA 30058
 mobile : 678.613.8902
- EXISTING CONDITIONS**
 1-Story Building 1,954 sq. ft.
 Concrete Paving 9,000 sq. ft.
 Asphalt Paving 3,000 sq. ft.
- PROPOSED DEVELOPMENT**
 Add New Enclosed Metal Building 2625 sq. ft.

PROJECT NO.	DATE
	7.17.2023



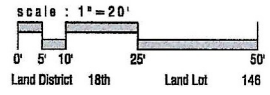
OWNER / DEVELOPER
 Name _____
 Address _____
 Phone _____

GENERAL CONTRACTOR
 GB General Contracting
 1681 Wellborn Road
 Lithonia, GA 30058
 mobile :678.613.8802

EXISTING CONDITIONS
 1-Story Building
 Concrete Paving
 Asphalt Paving

PROPOSED DEVELOPMENT
 Add New Enclosed Metal Building

NOTE:
 Plat information shown herein is based u
 (# BS-82-26) dated February 23, 1982, f
 BRUNER & ASSOCIATES
 445 Beaver Run Rd. Suite 2
 Lilburn, GA 30247



BR
 BRUNER & ASSOCIATES
 architecture

148 Butt Lake Drive SE
 Atlanta, GA 30317
 404.293.2866

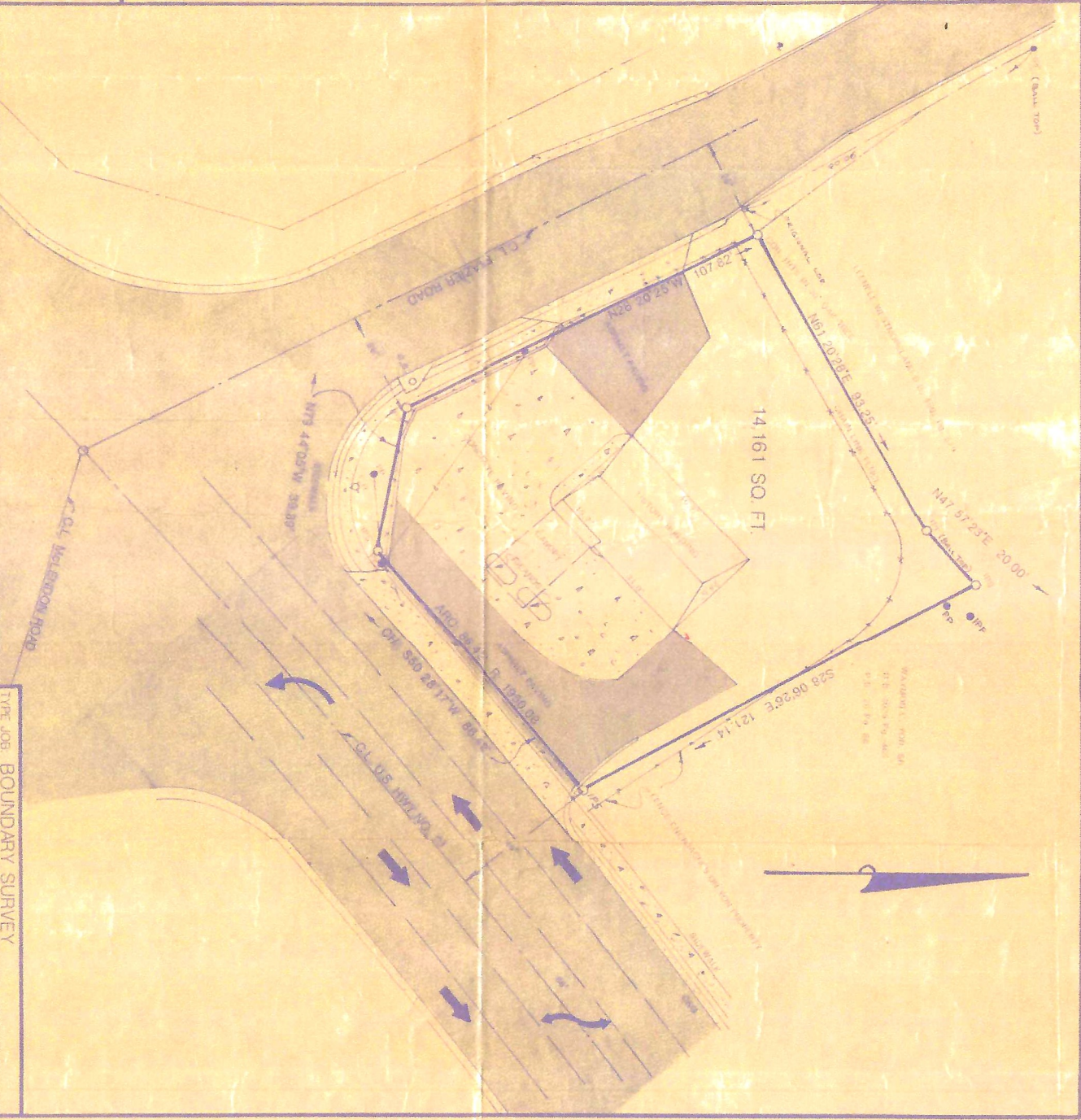
2604 Lawrenceville Highway, Decatur, Georgia

STATE OF GEORGIA

(1) THE FIELD DATA WAS TAKEN FROM THE SURVEYING INSTRUMENTS LISTED ON THE FACE OF THIS PLAN.
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RELATIVE POSITIONS
 THE POSITIONS OF THE POINTS SHOWN ON THIS PLAN ARE RELATIVE TO THE POINTS SHOWN ON THE PLAN OF THE ADJACENT PARCELS SHOWN ON THE RECORDS OF THE DEPARTMENT OF REVENUE, STATE OF GEORGIA.
 THE POSITIONS OF THE POINTS SHOWN ON THIS PLAN ARE RELATIVE TO THE POINTS SHOWN ON THE PLAN OF THE ADJACENT PARCELS SHOWN ON THE RECORDS OF THE DEPARTMENT OF REVENUE, STATE OF GEORGIA.
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ADJUSTMENTS
 THE ADJUSTMENTS MADE TO THE FIELD DATA TO BRING IT INTO ACCORDANCE WITH THE CONDITIONS OF THE SURVEYING INSTRUMENTS LISTED ON THE FACE OF THIS PLAN ARE AS FOLLOWS:
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 THE ADJUSTMENTS MADE TO THE FIELD DATA TO BRING IT INTO ACCORDANCE WITH THE CONDITIONS OF THE SURVEYING INSTRUMENTS LISTED ON THE FACE OF THIS PLAN ARE AS FOLLOWS:



BRUNER & ASSOCIATES

445 BEAVER RUIN RD SUITE 25
 LILBURN, GA 30247
 923-0522

LAND SURVEYORS

CIVIL ENGINEERING TECHNOLOGIST

DATE

REVISIONS (purpose)

TYPE JOB BOUNDARY SURVEY
 FOR HARRY GROUTAS

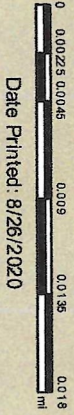
LAND LOTS# 146

DEKALB COUNTY GA DATE FEB. 23, 1982

RECORDED OF BS-82-26 FILE # 210/197



DeKalb County Parcel Map



Date Printed: 8/26/2020



DeKalb County GIS Disclaimer
 The maps and data contained on DeKalb County's Geographic Information System (GIS) are subject to constant change. While DeKalb County strives to provide accurate and up-to-date information, the information provided is not a warranty, representation or guarantee of any kind as to the content, accuracy or completeness of any of the database information provided herein. DeKalb County explicitly disclaims all representation, liability, or compensation for damages whatsoever resulting from use of its data, or profits, whether in an action of contract, negligence or other tort, arising in any way from the use of the maps and/or data herein provided. The maps and data are for illustration purposes only and are not intended for any legal purpose. The maps and data are not suitable for site-specific decision-making nor should it be construed or used as a legal description. The areas depicted by maps and data are approximate, and are not necessarily accurate to surveying or engineering standards.

