



City of Portland
Bureau of Development Services
Land Use Services Division

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Portland, Oregon 97201
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www.portlandonline.com/bds

Date: Wednesday, May 21, 2008
To: Interested Person
From: Kate Marcello, Land Use Services
503-823-9162 / kate.marcello@ci.portland.or.us

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-118759 HDZ NEW DOOR AND DECK AT REAR OF HISTORIC THOMAS VIGARS HOUSE #2

GENERAL INFORMATION

Applicants/Owners: Philip Mascher and April Streeter
S-411 08 Gothenburg, Sweden

Representative: Johnathon Zilka, Zilka Design (Architect)
2421 SE Ash St / Portland, OR 97214
(503) 380-4556

Site Address: 2129-2131 SE LADD AVE

Legal Description: BLOCK 32 LOT 5 HISTORIC PROPERTY 2003 POTENTIAL
ADDITIONAL TAX, LADDS ADD

Tax Account No.: R463307200

State ID No.: 1S1E02DC 06100

Quarter Section: 3232

Neighborhood: Hosford-Abernethy, contact Frank Dufay at 503-232-0204.

Business District: Division-Clinton Business Association, contact Nancy Chapin at 503-774-2832.

District Coalition: Southeast Uplift, contact Gary Berger at 503-232-0010.

Plan District: None

Other Designations: Primary Contributing Structure in Ladd's Addition Historic District

Zoning: Single-dwelling Residential (R5)

Case Type: Historic Design Review (HDZ)

Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal: The applicant requests Historic Design Review approval to replace an existing deck with a similarly sized deck with a shed roof at the rear of Thomas Vigars House #2. The property is listed as a Contributing Structure in the Ladd's Addition Historic District, which is on the National Register of Historic Places. The deck will be at floor level with the house. It will be approximately 11'-0" deep. It will be 28'-6" wide, running along the entire rear façade of the

house. “Trex” 1x4 decking will comprise the floor of the deck. The shed roof will be a combination of solid roof and pergola. Wooden stairs with handrails will run the length of the deck and provide access to the back yard. A hole will be cut in the stairs to accommodate an existing tree that is located at the center of the stairs about midway down. The shed roof of the deck will be supported by columns placed at regular intervals. All of the railings and trim will match the existing railings and trim on the house. The pitch of the roof and the materials will match the pitch and materials of the existing roof on the house. The rafter tails will be cut to match those on the house. Wood latticework will conceal the underside of the deck. The latticework will be square 2x2 to match existing latticework found elsewhere on the house.

Additionally, the existing garden window on the rear façade will be replaced with a new door. It will match the existing single door on the rear façade in terms of form, profile, materials, type, and color.

Because the proposal is for alterations to a structure within a historic district, Historic Design Review is required.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant criteria are:

- Chapter 33.846 Historic Review
- Ladd’s Addition Conservation [sic] District Guidelines

ANALYSIS

Site and Vicinity: The site is located on the block bounded by SE Ladd Avenue, Lavender Street, Tamarack Avenue, and Ladd Circle in the Ladd’s Addition Historic District. The existing Craftsman-style house is 3,398 square feet in size. It fronts Ladd Avenue. An alley running parallel to Ladd Avenue is located at the rear. The proposed work will be done at the rear façade, facing the alley.

The two-story house is known as Thomas Vigars House #2, a Primary Contributing Structure in the Historic District. (Thomas Vigars House #1 is located at 2114 SE Ladd Avenue.) Real estate dealer Thomas Vigars constructed the house on speculation in 1912. He built over two dozen early Ladd’s Addition properties.

The building is rectangular and has two stories. It has a moderately pitched front-facing gabled roof with projecting eaves, exposed jigsaw rafters, and ornamental jigsaw brackets. There are projecting shed-roofed dormers with projecting eaves and exposed jigsaw rafters on the side elevations. The front gable end is pedimented with a frieze board and modillion-like blocks. The full-length front porch has a shed roof with exposed jigsaw rafters, truncated battered columns on sided piers, an enclosed balustrade, and concrete steps. The windows are primarily one-over-one double-hung wood sashes, in banks and in pairs. There is a bank of transom windows on the front elevation, and a cantilevered square bay window with a hipped roof on the south elevation. The building has true-lap siding, with the exception of the gable end on the front façade, which features square-butt-cut wood shingles. The foundation and basement are made of concrete. The house has a typical mid-block setback with low-growing shrubbery along the front building edge.

Ladd’s Addition is Portland’s oldest planned community (1891) and one of the oldest in the western United States. Ladd’s radial street plan marked a dramatic break in Portland’s typical grid street pattern. With a formal symmetry echoing Renaissance cities and gardens, the radial streets converge at five formal gardens. The street plan is arranged in a hierarchy of street types that range from two broad central boulevards (SE Ladd Avenue and SE Elliott Street) to narrower minor streets and service alleys, all with a central focus on SE Ladd Circle. Historic development in the District occurred between approximately 1891 and 1930.

Zoning: The “R5” zone is a high-density single-dwelling residential zone. It is intended to foster the development of single-dwelling residences on lots having a minimum area of 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Newly created lots must have a minimum density of 1 lot per 5,000 square feet of site area.

Land Use History: City records indicate no prior land-use reviews for the site.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed April 11, 2008. The following Bureaus have responded with no issues or concerns:

- Portland Fire & Rescue;
- Portland Water Bureau;
- Bureau of Environmental Services;
- Bureau of Transportation Engineering & Development;
- Urban Forestry Division of Portland Parks & Recreation; and
- Life Safety (Building Code) Section of the Bureau of Development Services.

The Site Development Section of the Bureau of Development Services responded with the following comment. Please see Exhibit E-1 for additional details.

Site Development has no objection to the proposed replacement of the existing deck with a similarly-sized deck with a shed roof. At the time of building permit review, plans must include an acceptable method of stormwater disposal; discharge of stormwater to the existing rain drain system would be acceptable.

Please direct questions regarding this matter to James Hyatt, (503) 823-7979.

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on April 11, 2008. No written comments in response to the proposal have been received from the neighborhood association (Hosford-Abernethy Neighborhood Development) or notified property owners.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846, Historic Reviews

Purpose of Historic Design Review

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Design Review Approval Criteria

Requests for historic design review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is located within the Ladd’s Addition Historic District. Therefore the proposal requires historic design review approval. The relevant approval criteria are the Ladd’s Addition Conservation [sic] District Design Guidelines.

Ladd’s Addition Conservation [sic] District Guidelines

The revised Ladd’s Addition guidelines were adopted in 1988, with both the Ladd’s Addition Conservation District Advisory Council and the Landmarks Commission and staff participating in their formulation. The basic intent of the guidelines is to ensure that new development in the district is compatible with the character and the architecture, which distinguish Ladd’s Addition. The guidelines document is organized around three general topic areas: Community Design, New Construction, and Exterior Rehabilitation.

The general topic area considered applicable to this project is Exterior Rehabilitation. Staff has considered all Exterior Rehabilitation guidelines and has addressed only those considered applicable to this project.

Exterior Rehabilitation Guidelines

3. Exterior Siding Material.

Restoration and maintenance of original siding materials is encouraged. Materials used on additions should match or be compatible with the predominant materials used on the original structure. Most single family residences and duplexes in Ladd's Addition feature stucco, horizontal wood siding, wood shingles, brick or a combination of these materials. Most commercial and multi-family structures feature stucco or brick. The following materials are discouraged: plywood, used brick, shakes, exposed concrete block and metal.

Findings for 3: With the exception of the "Trex" 1x4 decking, which is a composite material made of wood and plastic, the materials for the proposed deck are made of wood. The new door will also be made of wood. This is in keeping with the existing house, which features wood siding, windows, doors, posts, and trim.

Wood siding in the vicinity of the existing garden window will need to be removed in order to accommodate installation of the new door. The existing siding around the new opening for the door will be repaired as necessary. If necessary, new siding that exactly matches the existing siding will be installed around the opening for the door. *Therefore this guideline is met.*

4. Roof Form.

Repair and alteration of roofs should retain:

- a. The original roof shape and pitch;
- b. Original structural and decorative features such as gables, dormers, chimneys, cornices, parapets, pediments, frieze boards, exposed rafters and other ornamental details; and,
- c. Whenever possible the original type, size, color, and pattern of roofing materials. New roof features including roof additions and new dormers should be compatible in size, scale, materials, and color with the original building. Skylights, solar, mechanical and service equipment, and new roof features should be inconspicuous from the street.

Findings for 4: The proposed roof for the deck will be a shed roof with a combination of solid area and pergola. The pergola portions of the roof introduce a new, compatible element that respects the integrity of the house. The ends of the beams on the two pergola portions will be 4" x 8" and be cut to match the design that is cut at the ends of existing beams and banding work on the house. The pitch of the entire roof will match the pitch of the existing front porch roof and that of the existing house. The roofing materials will also match the existing roofing materials on the house. The columns that will support the roof will be scaled-down versions of the tapered square columns found on the existing front porch. Additionally, the rafter tails of the roof will be cut to match those on the house. All of these elements will be painted to match existing elements on the house. *Therefore this guideline is met.*

6. Windows and Doors.

Original windows and doors, including trim, should be retained or restored. If repair is not feasible, new windows or windows on additions should match or be compatible with original windows in form, materials, type, pattern and placement of openings. On residences, the removal of original wood sash windows and replacement with aluminum sash is especially discouraged. Restoration of commercial storefront windows with large fixed glass panes below and smaller glass panes above is especially encouraged.

Findings for 6: The new door proposed to replace the existing non-historic garden window will exactly match the existing door on the rear façade in terms of form, profile materials, type, and color. The trim around the door will also match that of the existing door. *Therefore this guideline is met.*

12. Parking.

Required on-site parking should be located in the rear yard and within original garages, if possible. Original garages should be maintained for vehicle storage and parking and not converted to other uses. Parking areas, providing space for three or more cars, should be screened from adjacent properties; hedges and canopy trees are recommended for screening. Parking areas and driveways should not be placed in the front yard.

Findings for 12: The house does not have a garage. Parking is accommodated in the existing driveway, located in the rear yard. The proposed deck does not affect the driveway; it will remain as is and continue to provide parking area. *Therefore this guideline is met.*

13. Crime Prevention.

Crime prevention elements should be included in the design with specific attention to landscaping, parking areas, walkways, lighting, entries, and visibility. Windows and entries should not be obscured. Parking areas, walkways, and entries should be adequately illuminated for visibility.

Findings for 13: The proposed deck will increase “eyes on the street,” or “eyes on the alley,” to be more accurate. The deck will face the rear yard and the alley beyond. The deck will have an open layout and stairs that run the entire length of the deck, also facing the yard and alley. The deck and stairs provide ample opportunity for residents and their visitors to survey the yard and the alley. Additionally, the proposal includes a new door with glazing on the rear façade, to replace an existing non-historic garden window. The new door will exactly match the existing single door on the rear façade. The two doors will indicate to passersby the presence of “eyes on the alley,” thus helping to prevent crime. *Therefore this guideline is met.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The purpose of the historic design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposed new deck and rear door employ high-quality materials and respect the architectural integrity of the existing house. The deck and the door will match the existing conditions of the house in terms of scale, proportions, materials, design, and style. The new deck and door will enhance the appearance of the rear façade, bringing it closer in quality and appearance to the other three façades of Thomas Vigars House #2. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a new deck with a shed roof, and a new door, located at the rear façade of Thomas Vigers House #2. Approval per the approved site plans, Exhibits C-1 through C-6, signed and dated 05/19/08, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-118759 HDZ. No field changes allowed."

Decision rendered by: _____ **on May 19, 2008**

By authority of the Director of the Bureau of Development Services

Decision mailed: May 21, 2008

Staff Planner: Kate Marcello

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on March 28, 2008, and was determined to be complete on April 9, 2008.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on March 28, 2008.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on Monday, June 4, 2008**

at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. Recognized neighborhood associations are not subject to the appeal fee. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **Tuesday, June 5, 2008 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

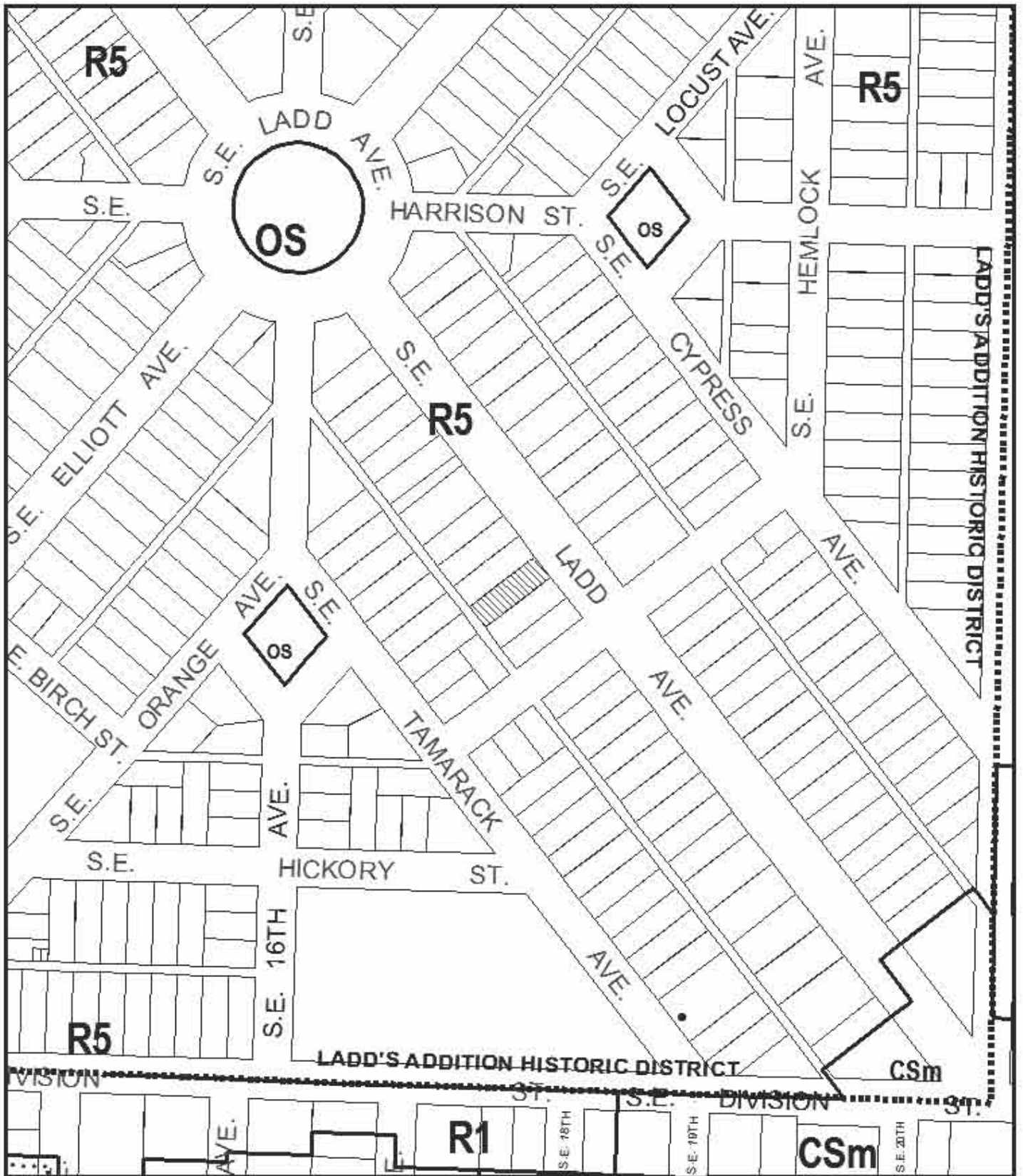
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Site Plan & Proposed Site Plan (*attached*)
 - 2. Front (Northeast) Elevation & Rear (Southwest) Elevation Drawings (*attached*)
 - 3. Northwest & Southeast Elevation Drawings (*attached*)
 - 4. Floor Structure, Handrail, Square Tapered Column, Rafter & Beam, Square Newel Post Detail Drawings (*attached*)
 - 5. Floor Structure Plan, Rafter Ledger Detail Drawing, 4 x 4 Column Connection at Deck Edge Detail Drawing
 - 6. Door Section Drawing
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Site Development Review Section of BDS
- F. Correspondence: None received.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



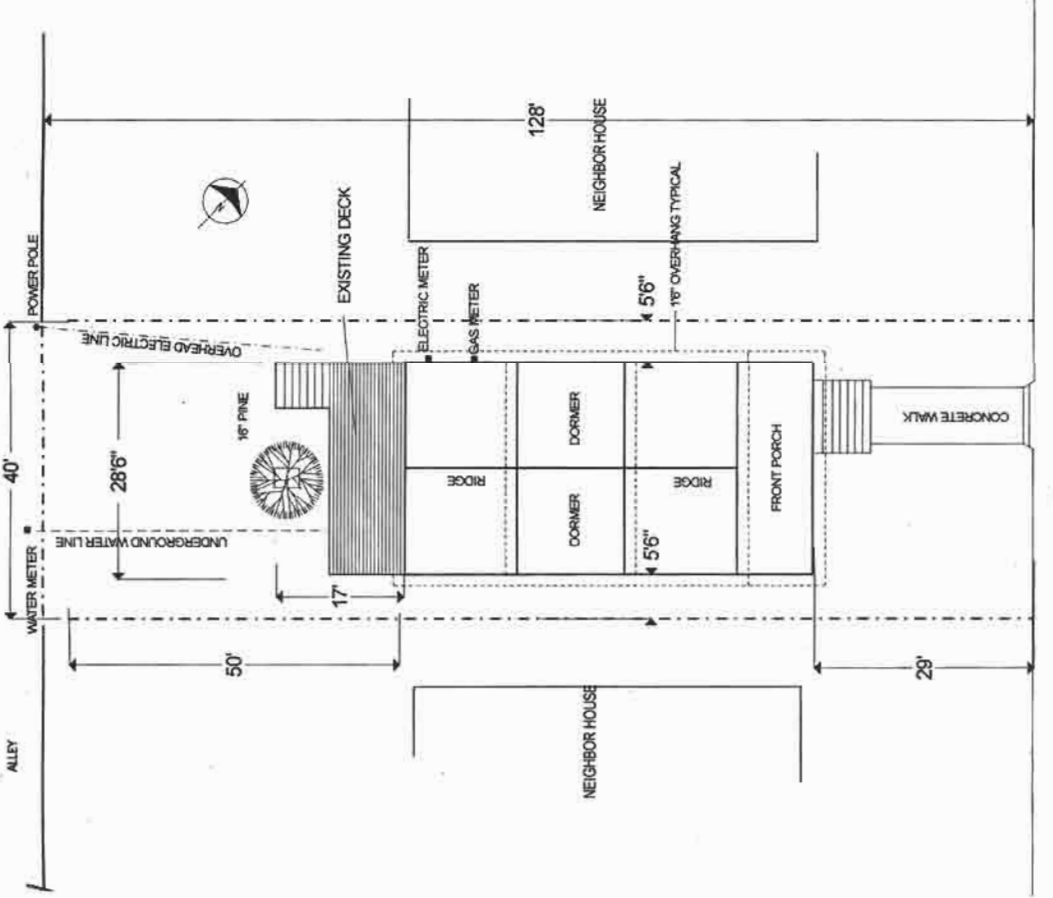
ZONING

 Site



This site lies within the:
LADD'S ADDITION HISTORIC DISTRICT

File No.	LU 08-118759 HDZ
1/4 Section	3232
Scale	1 inch = 200 feet
State Id	1S1E02DC 6100
Exhibit	B (Apr 01,2008)



ALLEY 40' WATER METER UNDERGROUND WATER LINE OVERHEAD ELECTRIC LINE POWER POLE

NEIGHBOR HOUSE 128'

EXISTING DECK

18" PINE

17'

50'

28'6"

28' ELM

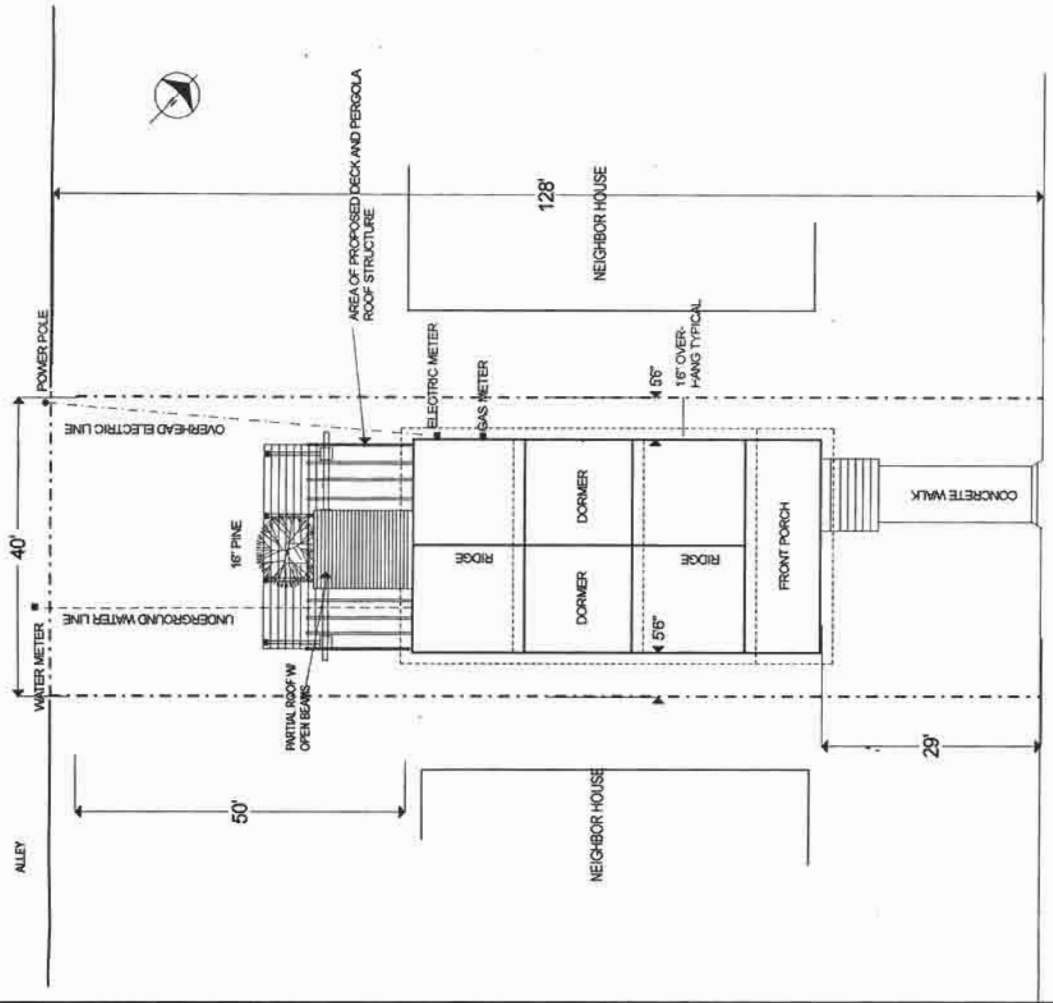
6' SIDEWALK

11'6" PLANTING STRIP

THOMAS VIGARS HOUSE tax lot: R 200736

S.E. LADD AVE

EXISTING SITE PLAN FOR 2129 SE LADD PHILIP MASCHER RESIDENCE SCALE 1/16"=1'0" 1/8/08



ALLEY 40' WATER METER UNDERGROUND WATER LINE OVERHEAD ELECTRIC LINE POWER POLE

NEIGHBOR HOUSE 128'

AREA OF PROPOSED DECK AND PERGOLA ROOF STRUCTURE

18" PINE

PARTIAL ROOF W/ OPEN BEAMS

16' OVERHANG TYPICAL

45'6"

50'

29'

28' ELM

6' SIDEWALK

11'6" PLANTING STRIP

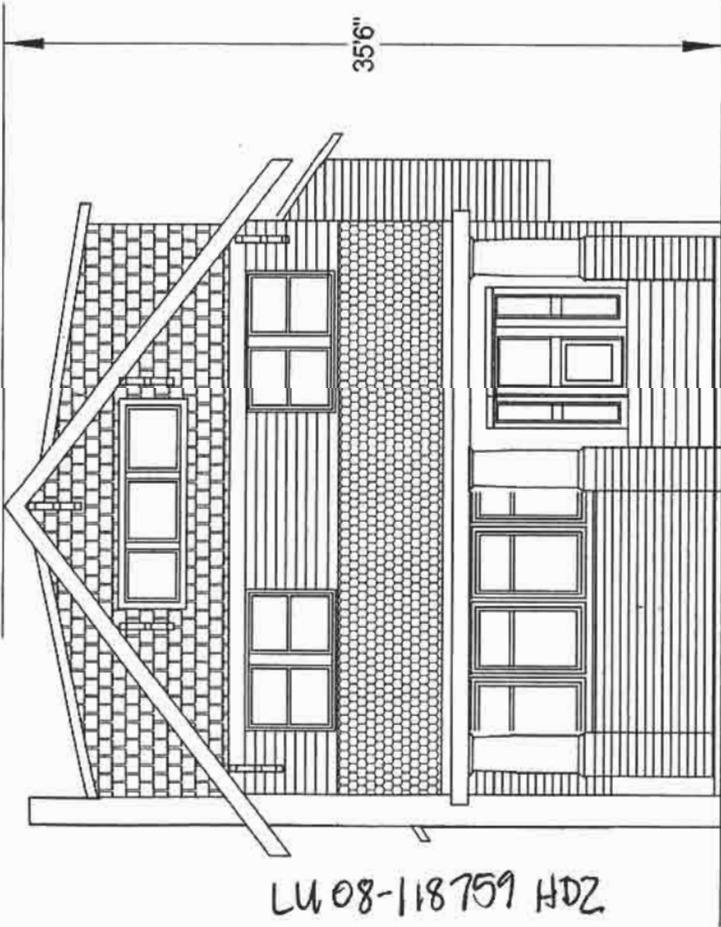
THOMAS VIGARS HOUSE tax lot: R 200736

S.E. LADD AVE

PROPOSED SITE PLAN FOR REPLACEMENT OF DECK 2129 SE LADD AVE PHILIP MASCHER RESIDENCE SCALE 1/16"=1'0" 1/8/08

Approved*
 City of Portland - Bureau of Development Services
 Planner *Katherine Mello* Date *5-19-08*
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 08-118759 HD2



LU 08-118759 HDZ



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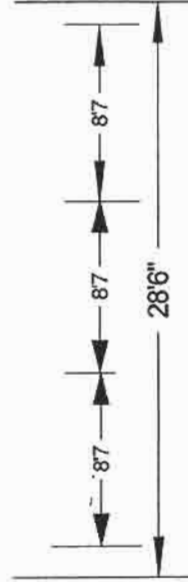
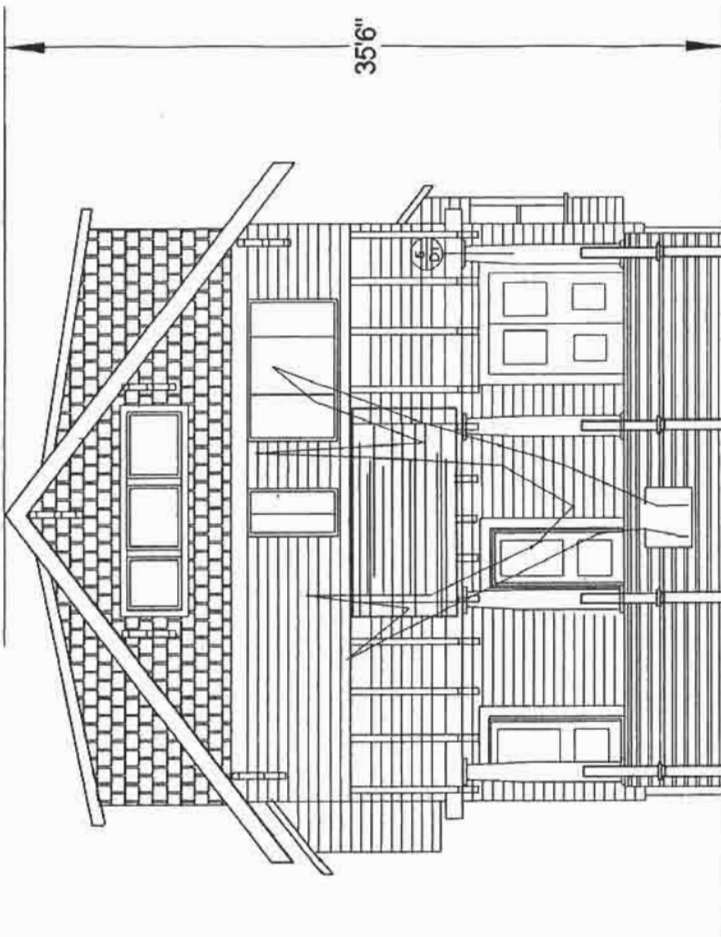
FRONT ELEVATION (NORTH EAST)

(NO CHANGES)

PORCH REMODEL FOR PHILIP MASCHER

2129-2131 SE LADD AVE

SCALE 1/8" = 1'0" 3/25/08



1.5
5

REAR ELEVATION (SOUTHWEST)

PORCH REMODEL FOR PHILIP MASCHER

2129-2131 SE LADD AVE

SCALE 1/8" = 1'0" 3/25/08

Approved
 City of Portland - Bureau of Development Services
 Planner *Katherine* Date *5-19-08*
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Reduced Sheet Size. Not to Scale.

Exhibit C-2

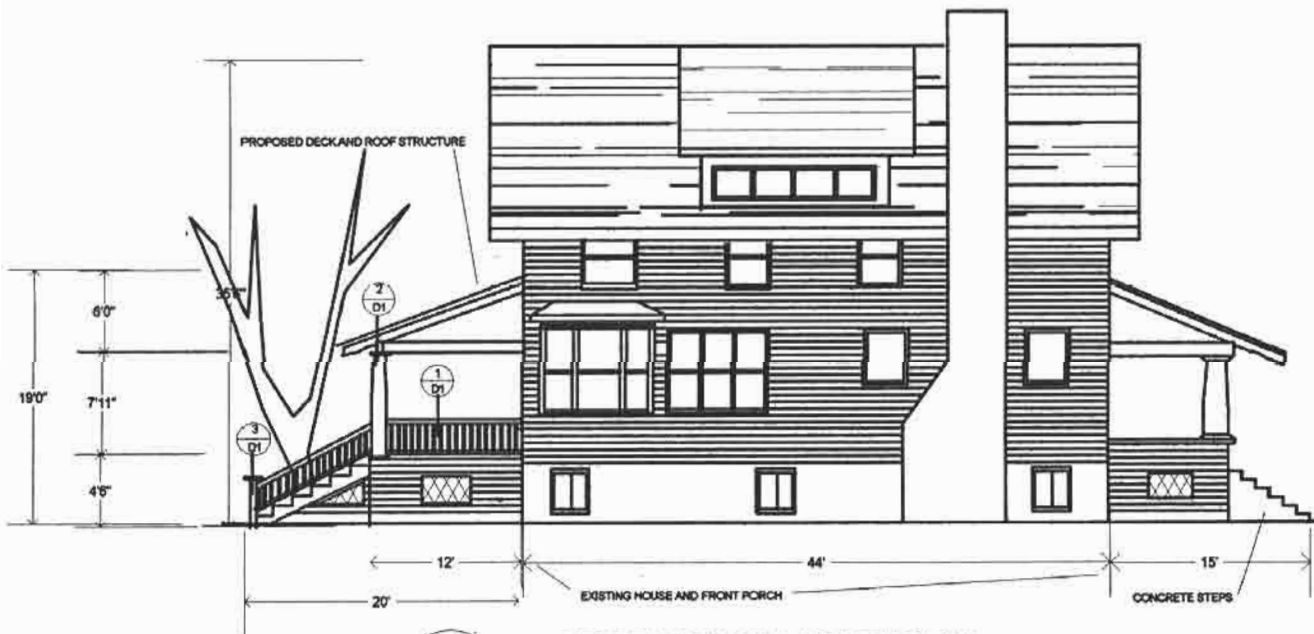


1.5
7

SIDE ELEVATION (NORTHWEST)

PORCH REMODEL FOR PHILIP MASCHER
2129-2131 SE LADD AVE
SCALE 1/8" = 1'0" 3/25/07

ZILKADESIGN
503 380 4556



1.5
4

SIDE ELEVATION (SOUTHEAST)

PORCH REMODEL FOR PHILIP MASCHER
2129-2131 SE LADD AVE
SCALE 1/4" = 1'0" 3/25/08

ZILKADESIGN
503 380 4556

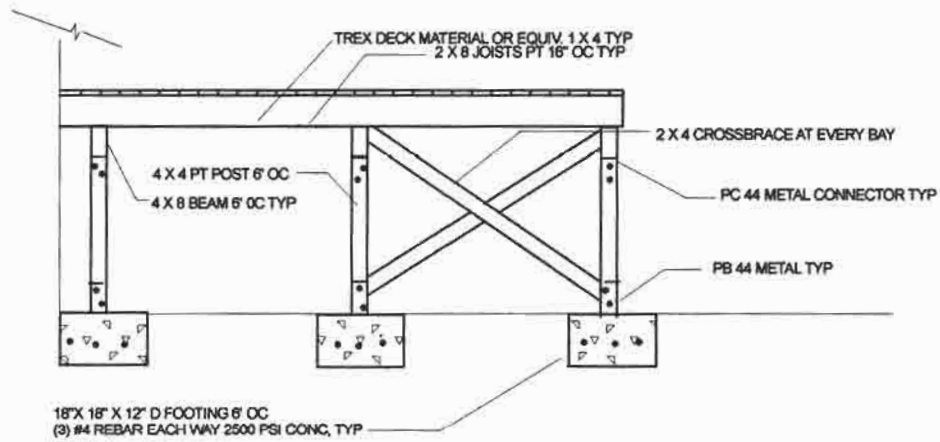
Approved
 City of Portland - Bureau of Development Services
 Planner *Katherine Reed* Date **5-19-08**
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Exhibit C-3

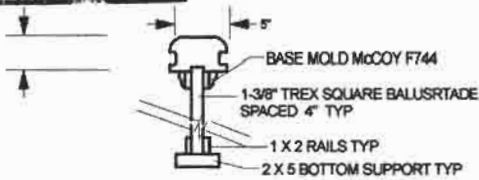
LU 08-118759 HDZ

Reduced sheet size. Not to scale.

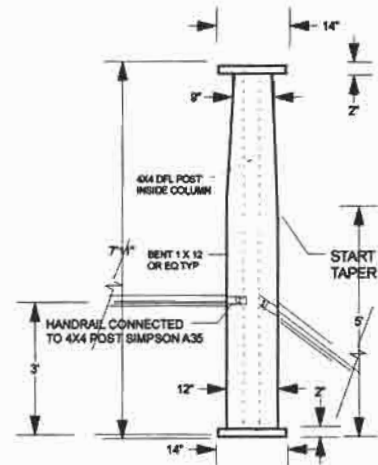
Approved
 City of Portland - Bureau of Development Services
 Planner *Katherine Malin* Date *5-19-08*
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



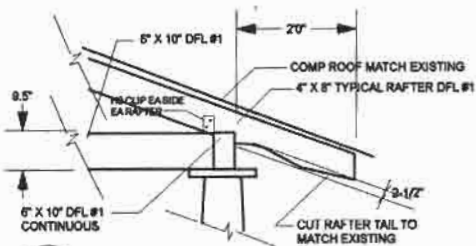
6 FLOOR STRUCTURE
 D1 SCALE 1/2" = 1'0"



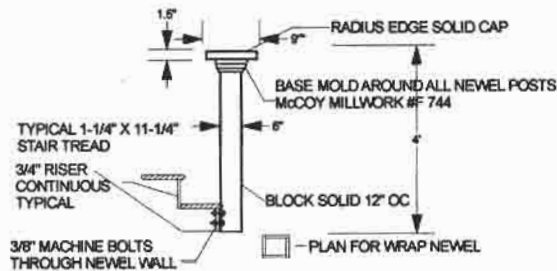
1 HANDRAIL CROSS SECTION
 D1 SCALE 1" = 1'0"



5 SQUARE TAPERED COLUMN
 D1 SCALE 1/2" = 1'0"



2 RAFTER AND BEAM
 D1 SCALE 1/2" = 1'0"



3 SQUARE NEWEL POST
 D1 SCALE 1/2" = 1'0"

Exhibit C-4

Reduced Sheet Size. Not to Scale.

LU 08-118759 HDZ