

NONCONFORMING STATUS DETERMINATION

File Number: _____

Application Date: _____ Rec'd by: _____

FOR OFFICE USE ONLY

6015 Glenwood Street • Garden City, Idaho 83714 • Phone 208/472-2921 • Fax 208/472-2926
building@gardencityidaho.org Inspection Hotline 208/472-2920

This application is to establish that a pre-existing legal nonconforming use has continuously existed where currently located.

STRUCTURE INFORMATION (CIRCLE ONE):

Is there an existing Certificate issued for the space/address: Y / N *If yes, a copy must be submitted

APPLICANT INFORMATION:

Contact Name: BOB RAMSEY

E-mail: BOBRAMSEY@CABLEONE.NET

Address: 9648 CANYON RIDGE LANE City: BOISE

State: ID Zip: 83704 Phone: 208-559-3940

SITE INFORMATION:

Street #: 200 Suite/Unit: - Street Name: E. 45th St

Building or Shopping Center Name: -

Are there other businesses at this site? Y / N

List all other businesses that occupy this site:

SEE APRIL 3, 2021 LETTER FROM LCI

Property Owner Name: SAME AS APPLICANT

E-mail: _____

Address: _____ City: _____

State: _____ Zip: _____ Phone: _____

USE INFORMATION:

Current Business Name: SEE APRIL 3, 2021 LETTER FROM LCI

Current Business Owner Name: _____

Website: NA Business Phone: _____

Description of Current Business: SEE APRIL 3, 2021 LETTER FROM LCI

Type of Use (See GCC Title 8): (1)

Date Current Business was established at this site: _____ Date Use Commenced on Site: SEE APRIL 3, 2021 LETTER FROM LCI

Has the use ever been discontinued at the site? (N)

Has there ever been a building or structure deemed dangerous on site? (N)

Has the building or structure ever been damaged to an extent of 50% or more of the tax assessed value at the time? (N)

Previous Business Name (if known): SEE APRIL 3, 2021 LETTER FROM LCI

Previous Business Type (if known): (1)

Previous Business dates located at site (if known): _____

- *The burden of proof is incumbent on the applicant.*
- *In instances that the zoning use can be verified as a legal use at the time established and that the use has been continuous, but the building occupancy type cannot be verified a life safety inspection will be required prior to a certificate of compliance being issued.*
- *Garden City coordinates applications with the North Ada County Fire and Rescue District (NACFR). Garden City and NACFR are separate entities. Questions or complaints specific to fire requirements, review, approval or administration should be directed to NACFR: (208) 375-0906.*
- *A Certificate of Occupancy or a Certificate of Compliance is required to be posted in a conspicuous place in conjunction with tenancy.*

REQUIRED! – APPLICATION CHECKLIST
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

- ✓ Complete Nonconforming Status Determination Application
- ✓ Application Fees Paid (see fee schedule)
- ✓ Records showing proof of existence of the use
- ✓ List of records provided and what each record is intended to demonstrate
- ✓ Copy of previous Certificate of Occupancy or Compliance (if available)
- ✓ Electronic submittal of all plans and application materials in .pdf format

Signature: _____ **Date:** _____

I am or have the owner's permission to submit this application. I agree to be responsible for all application materials, fees and application correspondence with the city. I attest that all information is complete and accurate to the best of my knowledge.

Land Consultants Inc.

P.O. Box 314 --- Eagle, Idaho 83616 --- Phone 208-939-7444 --- email: markleebutler@gmail.com

April 2, 2021

Garden City Hall
Attention: Mr. Mark Jones, Development Services Code Enforcement
6015 N. Glenwood St.
Garden City, ID 83714

RE: Bob Ramsey property located at 200 E. 45th Street

Mark,

First, Mr. Ramsey wants to stay on good terms with Garden City and thanks you for working with us regarding the above referenced property.

I understand Garden City's goal of working toward obtaining compliance with codes adopted subsequent to the 2006 Comprehensive Plan. Mr. Ramsey's building at this location was constructed prior to code revisions adopted by the Garden City Council as a result of the 2006 Comprehensive Plan. My research indicates the first was Ordinance 898-08 adopted by the City on September 8, 2008. In part it states,

"WHEREAS, the City of Garden City adopted a new Comprehensive Plan in August 2006 that sets a new land use direction for the City; and

WHEREAS, the City of Garden City has determined that it is necessary and in the best interests of the residents of the citizens of Garden City to completely rewrite Titles 8 and 9 of the Garden City Code in order to implement the goals and objectives of its Comprehensive Plan."

The goals and objectives of the Plan, in my opinion, are highly commendable working toward seeing Garden City change from years of permissive and somewhat unbridled development, mostly due to the previous Comprehensive Plan and Zoning codes. I feel that those years of development resulted in incompatible uses, an extraordinary amount of negative impact industrial uses and sign polluted highways. Mr. Ramsey's property has none of those attributes.

We further believe that the fundamental use of this specific property has not changed since it was permitted under the applicable codes at the time and no expansion or enlargement of a non-conforming use has occurred, and further, that any claimed "change of use" still satisfies the fact of the fundamental use not having been changed, that of light industrial use under the code that was applicable in 1979 when approved.

The Idaho court cases I have been exposed to regarding legal grandfathered rights are very protective of those rights. Court decisions have used the following reasons for protection of those rights:

- *The nonconforming use does not result in any basic change in the fundamental or primary use under the codes that were applicable.*
- *When conducting analysis, the Court has focused on the particular character of the nonconforming use and whether the use was fundamentally the same before and after the passage of the zoning ordinance.*
- *The nonconforming use had not been changed in a manner that resulted in expansion or enlargement.*
- *The Courts' position has consistently been that the goal of eliminating a use does not trump the due process protection afforded to a property owners' nonconforming use.*

My research indicates the following:

200 (Garden City confusion on this address) E. 45th Street

- Current zone - C-2
- Built in 1982 as multi-tenant light industrial use;
- 1979 Garden City Code 17-08-30 C specified allowed light industrial uses as, *“commercial operations as a primarily nonretail nature, having and emphasis on the production, processing or storage of material goods.”*
- History of uses and estimation of timelines if known:
 - Built and occupied by Action Steel Builders Light Industrial/Office/Warehouse use until 2007
 - 40 X 60 addition added 1986 and rented to Gardner Maintenance. Building was used as a light industrial use for repair and maintenance of his equipment until 1994.
 - Rented to Allied Safe & Bank Vaults as a light industrial use for repairing safe and vaults January 1998 to July 2001
 - Rented to Marlon for Light Industrial/Office/Warehouse August 2001 to 2004
 - Rented to Ionic Water Treatment. They used it as a light industrial use for manufacturing machines for mining water purification July 2004 to July 2010.
 - Rented to Brilliant Service and Maintenance and cleaning company who used it for light industrial use Sept 2010 to June 2019.
 - 2012 Rented to Wilson's RV for light industrial use for repairing RVs. This is not a motor or engine repair use and no RV sales. (Current tenant)


Based upon the above analysis, it is our opinion that a new conditional use permit is not required because:

1. These nonconforming uses have not resulted in any basic change in the fundamental or primary use under the codes that were applicable when approved; and
2. The particular character of the nonconforming use has not changed and no additional impact has been created; and
3. The uses are fundamentally the same before and after the passage of zoning ordinances after approvals; and
4. The nonconforming uses have not been changed in a manner that resulted in expansion or enlargement.

Mr. Ramsey has no intention of submitting a new conditional use application because he believes his use is grandfathered and further that a conditional use application will trigger new site improvements and entitlement costs likely costing close to \$100,000. He would rather evict the tenant, if it came to that, but believes that repairing recreational vehicles is a light industrial use. This is not an automotive repair use and is not an RV sales use.

On behalf of Mr. Ramsey, we look forward to a determination by Garden City on this matter.

Sincerely,


Mark L. Butler, LCI

List of 200 E. 45th docs

General listing of Garden City Files provided.

Each record is intended to demonstrate that the property was approved by Garden City as it is being used.

Built in 1982 as multi-tenant light industrial use;

- Building permit
- Business compliance
- Email
- Elevations and floor plans
- Permit application

CITY OF GARDEN CITY

Sept. 7, 1982

BUILDING PERMIT

No. 820

THE BUILDING INSPECTOR OF GARDEN CITY hereby grants a permit to build, construct, remodel or install according to the following statement:

OWNER Bob Ramsey

LOCATION 200 E 45th LOT _____ BLOCK _____ ADDITION _____

CONTRACTOR Bob Ramsey ADDRESS _____

PERMIT FOR New Commercial Building Attached to Warehouse

This permit is issued subject to the requirements of the Garden City Building Code and Zoning and Setback Ordinances. Before starting operations permittee should read the reverse side of this permit and printed matter on the "Inspection Card." No work shall be done beyond the point indicated in each successive inspection without obtaining the written approval of the Inspector.

Cost \$ 33,000. NAME Bob Ramsey

Fees Paid .. \$ 206.50 ADDRESS _____

(Over)

RECEIPT
CITY OF GARDEN CITY

Phone 377-1831
Name Bob Ramsey Date 9-7-82 19__

Address 200 E 45th
CASH CHECK POLICE WATER LICENSE SEWER MISC.

DESCRIPTION	AMOUNT
Building Permit # 820	206.50

S 9736 RECD BY M
Floppin' @ Moore Business Forms, Inc. ®



City of Garden City
6015 Glenwood Street
Garden City, ID 83714
(208) 472-2900 Fax (208) 472-2996

Business Compliance BUS2011-00020 Summary Report

Print Date: 6/9/2016

Page 1 of 1

Site Address:	Company:	Name:
200 E 45TH ST	ACTION STEEL BUILDER	

Mailing Address:
200 E 45TH ST

Status	Recieved	Terminated Bus	Approved	Denied/Expired	Valuation:
Out of Business	04/26/2008				\$0.00

BLD Occupancy	Use Conforming	Use (Title 8)	Optional
	UNVERIFIED	PERSONAL & PROFESSIONAL SERVICE	

Contacts Related

Business Name

Files Linked to Tracking No.

File Name/Sub Path: BUS2011-00020\BUS2011-00020_Summary Report.pdf

From: building
To: sgunter@wilsonsvrepair.com
Subject: RE: Wilsons RV Repair CofO
Date: Tuesday, November 24, 2020 12:20:00 PM
Attachments: image002.png
image003.png
image004.png
image005.png

Hi Shawn,

Please complete the application form [Business Compliance](#), please let me know, if you have any questions. The fee for the Business owner name change is \$15.00.



Elizabeth Schenstrom

Data Management Specialist

Development Services, **City of Garden City**

p: 208-472-2921

f: 208-472-2926

a: 6015 Glenwood Street, Garden City, ID 83714

w: www.gardencityidaho.org e: building@gardencityidaho.org

Window Hours: 9a.m. - 12p.m. and 1p.m. - 3:30p.m.



From: sgunter@wilsonsvrepair.com <sgunter@wilsonsvrepair.com>

Sent: Tuesday, November 24, 2020 10:38 AM

To: building <building@GARDENCITYIDAHO.ORG>

Subject: Wilsons RV Repair CofO

Hi Elizabeth, my name is Shawn Gunter and I am the owner of Wilson's RV Repair at 200 E. 45th St., Garden City. I purchased this existing business on Oct. 1st 2019 and I wanted to make sure that we have updated the Certificate of Occupancy with the new legal entity. The new entity for the business is Wilsons RV, LLC. Please let me know if this update was made and if not how I need to proceed. My number is 208-336-9122 or my cell is 208-559-2089.

Thank you for your help, ...Shawn

Total Control Panel

[Login](#)

To: building@gardencityidaho.org

Message Score: 15

High (60): Pass

From:

My Spam Blocking Level: High

Medium (75): Pass

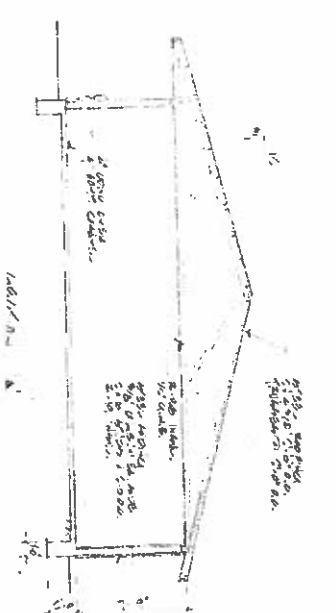
sgunter@wilsonsvrepair.com

Low (90): Pass

[Block](#) this sender

[Block](#) wilsonsvrepair.com

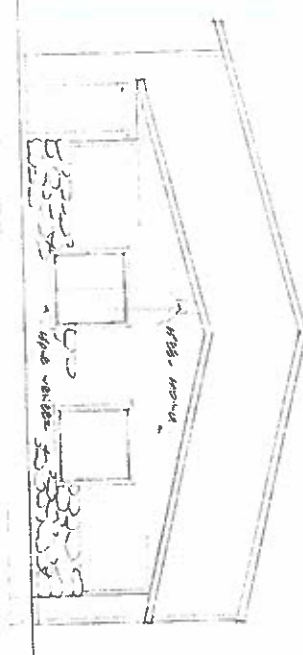
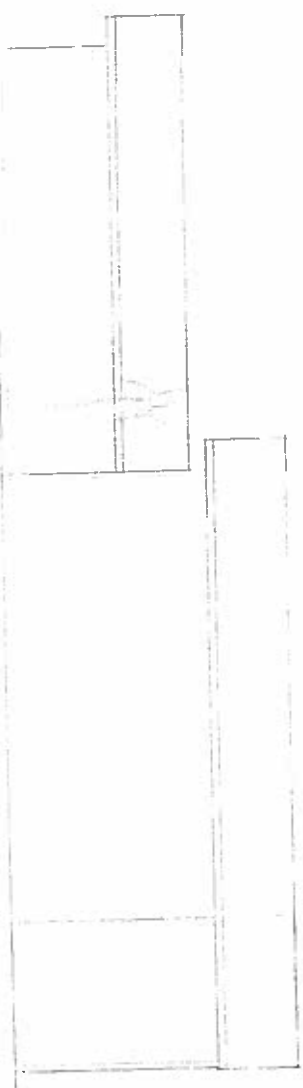
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SECTION
WALLS

SECTION
WALLS

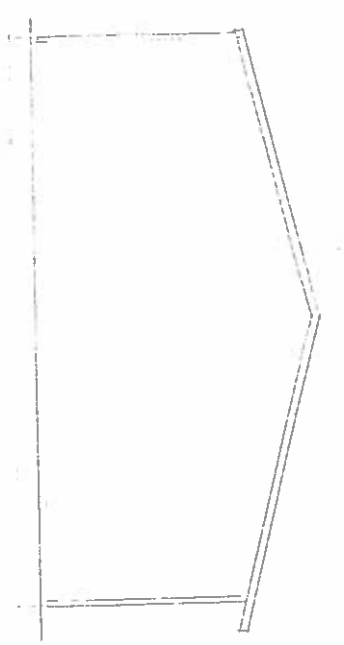
SECTION
WALLS



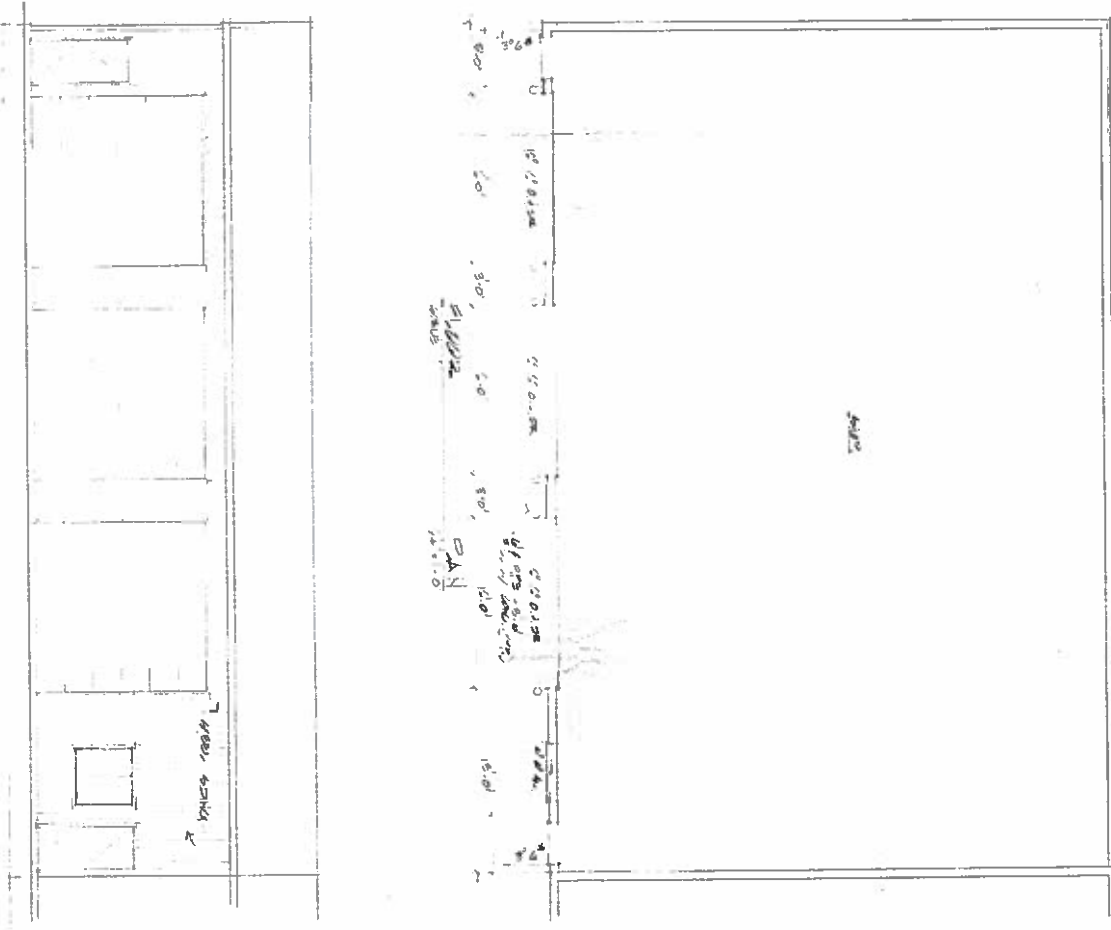
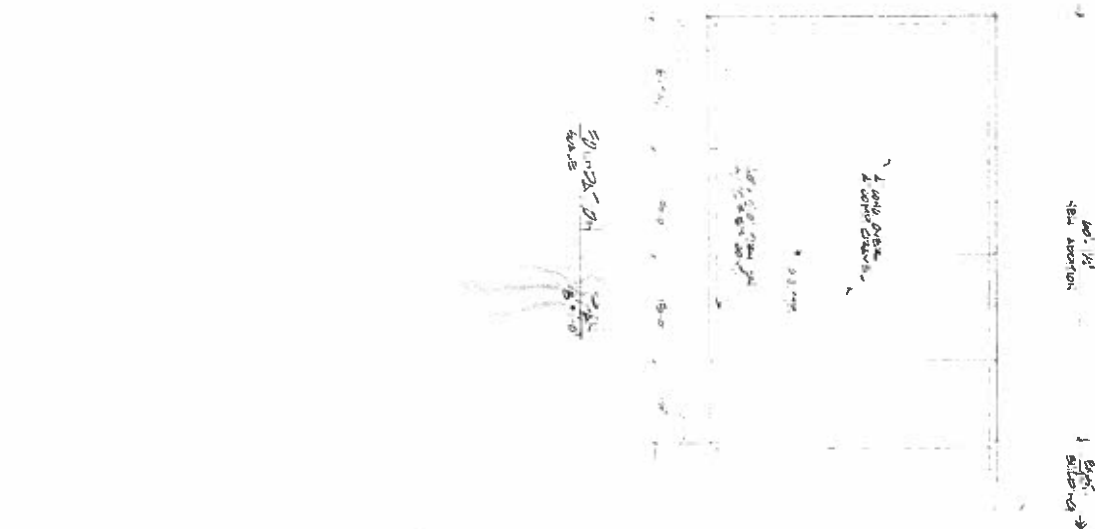
SECTION
WALLS

SECTION
WALLS

SECTION
WALLS



<p> J. WOLF & ASSOCIATES ARCHITECTS 1000 N. 10th Street, Suite 200 Phoenix, Arizona 85004 Phone: (602) 955-1111 </p>	<p> J. WOLF & ASSOCIATES ARCHITECTS 1000 N. 10th Street, Suite 200 Phoenix, Arizona 85004 Phone: (602) 955-1111 </p>
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50'-0"
51'-0"

101'-0"
101'-0"

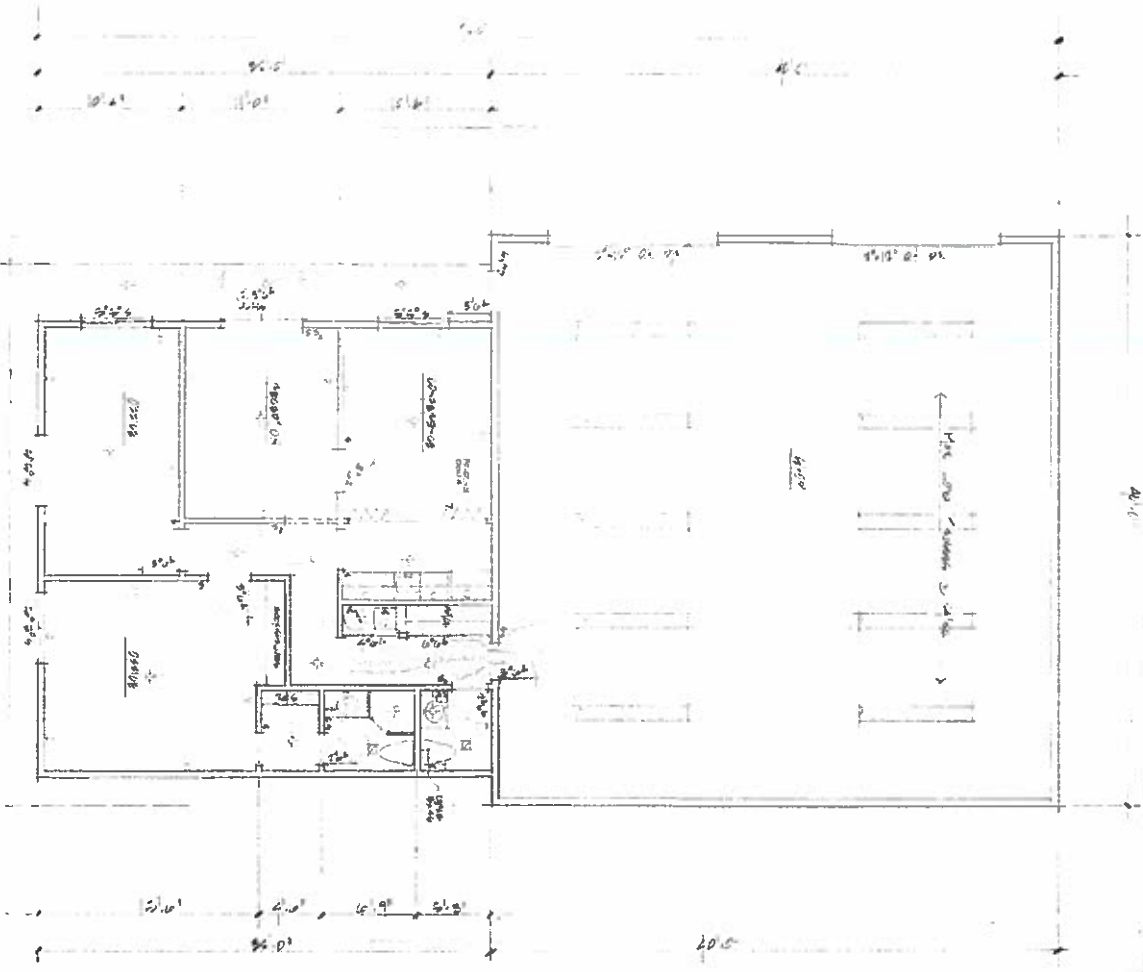
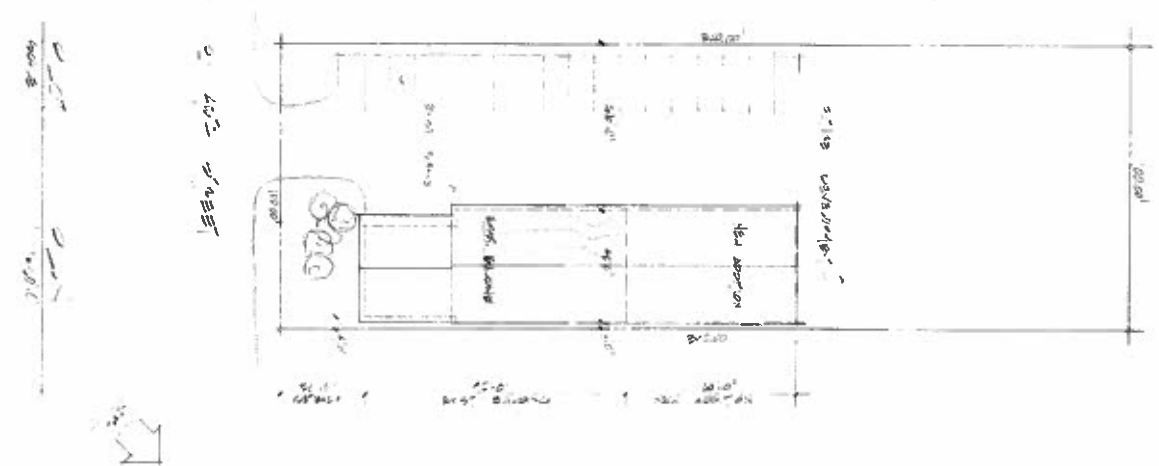
PROJECT NO.	
DATE	5/1/80
BY	JWB
CHECKED BY	
APPROVED BY	
SCALE	

ADDITION TO OFFICE-BUILDING
TO ST. STREET
CARROLL CITY, IOWA

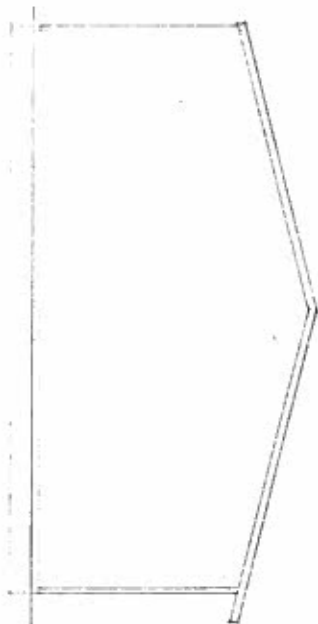


JERRIE WOLFE & Associates
Architects

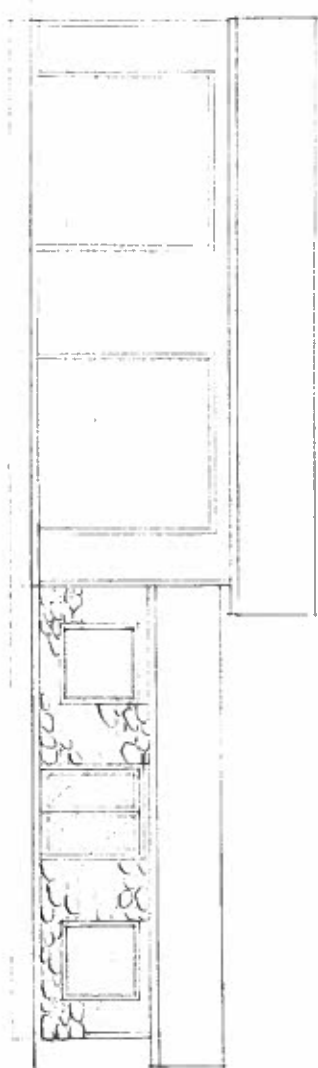
2445 N. Cole Road Suite 8
Des Moines, Iowa 50314
505-275-1111



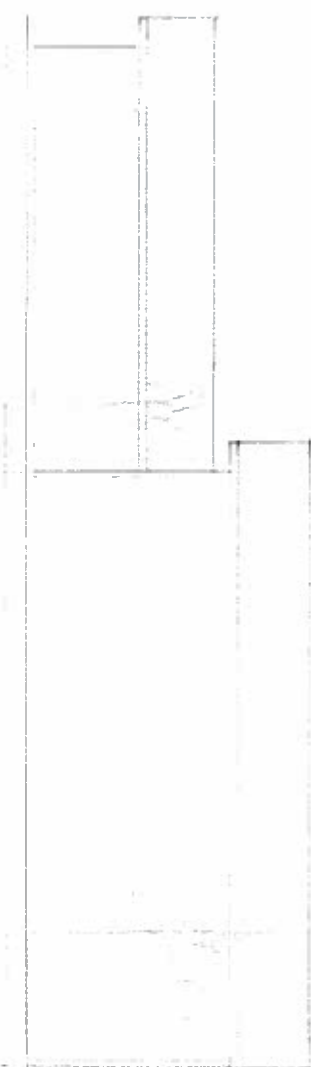
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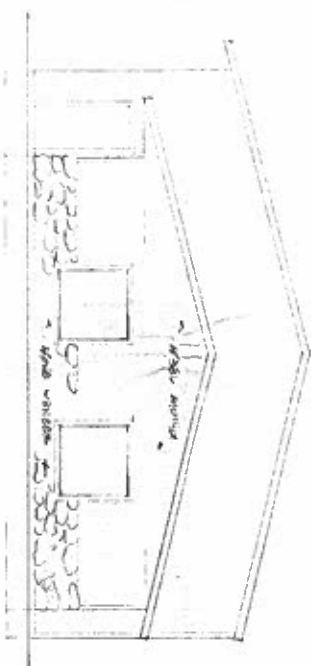
WEST SIDE ELEVATION



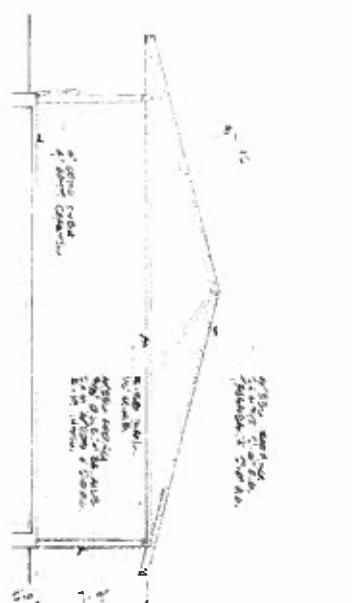
EAST SIDE ELEVATION



REAR SIDE ELEVATION



FRONT SIDE ELEVATION

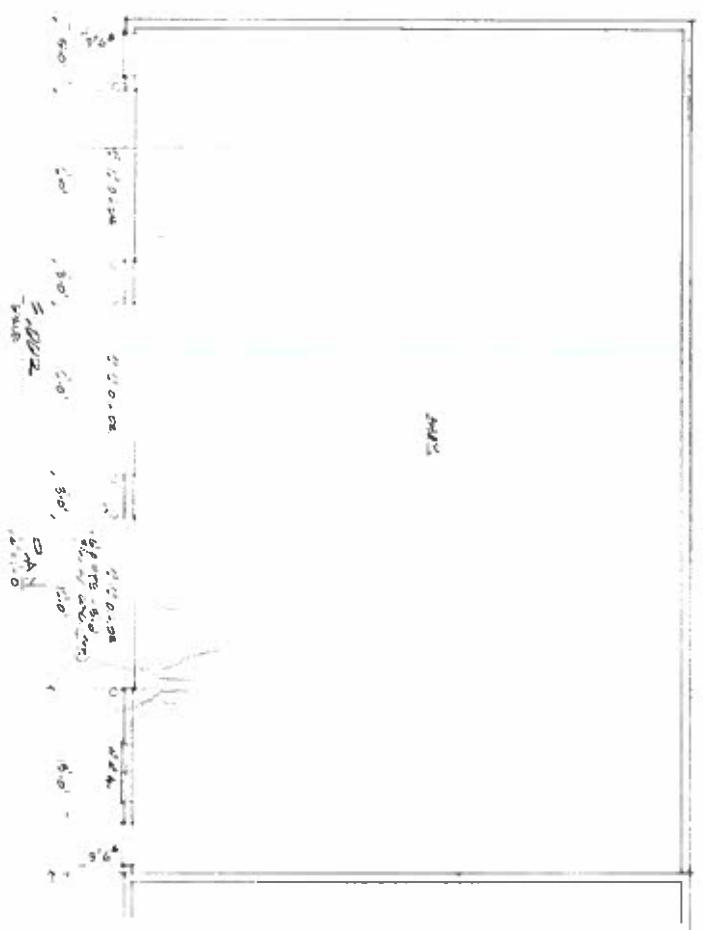


OFFICE: 1000 BILKINS DR. BOX 1000
 WYOMING, WY 82001
 PHONE: 337-333-1111
 FAX: 337-333-1112

JERRIE WOLFE & Associates, Architects
 1000 BILKINS DR. BOX 1000
 WYOMING, WY 82001
 337-333-1111



60'-0" WIDE
 21'-0" DEEP



RAV
 5'-0" SETBACK

5'-0" SETBACK

150'-0" SETBACK ON

5'-0" SETBACK

PROJECT NO. _____
 SHEET NO. _____

ADDITION TO OFFICE BUILDING
 45 TH STREET
 CAROL CITY, IND



JERRIE WOLFE & Associates, Architects
 2648 N. Cole Blvd. Suite 8
 Boise, Idaho 83704
 (208) 378-1101

GARDEN CITY, IDAHO

PERMIT APPLICATION

THE UNDERSIGNED HEREBY APPLIES FOR A PERMIT FOR THE WORK HEREIN INDICATED OR AS SHOWN AND APPROVED IN THE ACCOMPANYING PLANS AND SPECIFICATIONS.

- BUILDING PERMIT
- SIGN PERMIT
- OTHER _____

DATE 5-9 1986

OWNER Bob Ramsey ADDRESS 200 E 45th OWNER PHONE _____ BUILDER PHONE _____

BUILDER Acton Steel Bldg ENGINEER ARCHITECT _____ DESIGNER _____

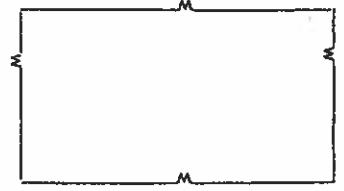
STRUCTURE NEW REMODEL ADDITION REPAIR RENEWAL FIRE DAMAGE DEMOLITION

RESIDENCE COMM EDUCATIONAL GOV'T RELIGIOUS PATIO CARPORT GARAGE STORAGE SLAB FENCE

BOND MOVING CONDITIONAL USE DESIGN REVIEW COUNCIL APPROVED SIGNS

OCCUPANCY _____ LAND USE ZONE _____ BLDG. TYPE _____ FIRE ZONE _____ PLAN CHECK BY _____ HEAT _____

LEGAL 40' by 60' Addition



OCC. LOAD _____ FLOOR LOAD _____

BUILDING DEPARTMENT	
VALUE	<u>24000</u> ^{ml}
FEE PAID	<u>164.50</u> <input type="checkbox"/> ck <input type="checkbox"/> cs
ECTOR	<u>pt 5-9-86</u>
BY	
APPROVED	<u>CS 5-8-86</u>

THIS PERMIT IS ISSUED SUBJECT TO THE REGULATIONS CONTAINED IN THE BUILDING CODE, ZONING REGULATIONS AND ALL APPLICABLE CODES AND ORDINANCES, AND IT IS HEREBY AGREED THAT THE WORK WILL BE DONE IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS AND IN COMPLIANCE WITH ALL APPLICABLE CODES AND ORDINANCES. THE ISSUANCE OF THIS PERMIT DOES NOT WAIVE RESTRICTIVE COVENANTS.

APPLICANT OR AGENT _____

ADDRESS _____ PHONE _____

9620

GARDEN CITY SFDE/EDU COMMERCIAL RATING FORM

SURVEY DATE

25 Jan 2010

BUS ADDRESS

4748 Fenton Street

STAFF NAME:

A. Grimme

BUS NAME

Window Covering Outlet

**Multi-Unit Complexes: Count each unit on separate form, noting the unit identification number or suite number separately.*

ENTER THE # OF FIXTURES FOR EACH OF THE FIXTURES LISTED BELOW UNDER THE COLUMN LABELED "COUNT"

	count	value	units		count	value	units
Hand Sink, Lavatory	11	1.00	0.00	Urinal - 1.0 gal/flush			4.00 0.00
Bar Sink (ESOF)	11	2.00	0.00	Water Closet/Tank (2.5gal)			4.00 0.00
Janitor (Floor) Sink		3.00	0.00	Water C/Flushmtr Trnk (>2.5 gal)	11		5.00 0.00
Kitchen Sink, domestic (ESOF)		2.00	0.00	Water Closet/Valve (no tank)			4.00 0.00
Laundry Tub (ESOF)		2.00	0.00	Drinking Ftr/per hd			0.50 0.00
Circular Spray Sink		3.00	0.00	Dishwasher, domestic			2.00 0.00
Flushing Rim Sink		6.00	0.00	Clothes Washer, dom.			3.00 0.00
Clinic Sink		6.00	0.00	Ice Machine			1.00 0.00
Shower (each head)		2.00	0.00	Hose Bibb	11		2.50 0.00
Bathtub/Shower Combo.		3.00	0.00	Dental Unit (Cusp.)			1.00 0.00
Other		0.00	0.00				
Sub TOTALS:			0.00				0.00
Est. Flow (# of Total units x 13.43 gpd)		0.00		Gallons per day		0.00	
SFDE's (fixture units/21)		0.00					

Acresage (enter here)

OBTAIN THE ACREAGE FROM GIS STAFF

MARK AN "X" FOR DESIGNATED WASTE STRENGTH CATEGORIES BELOW

	0-200	200-400	400-600	600-800	1,000-1,500	
Car Wash						Other - describe 200-400
Laundromat						
Office						
Service Station w/o Kitchen						
Garage or Warehouse						
Theaters						
Photo Finishing						
Department Store						
Car Dealer						
Medical Clinic						
Dental Clinic						
Barber/Spa/Beauty Shop						
Cold Storage						
Fruit & Produce Store						
Hotel & Motel						
Printer						
Animal Clinic						
Hospital/Clinic						
Church						
School						
Bars-Tavern w/o kitchen						
Commercial Laundry						
Beverage Company						
Mortuary						
Food Market						
Sit down Restaurant						
Bakeries						
Candy Companies						
Fish/Poultry/Meat Processors						
Drive-In Restaurants						

GARDEN CITY, IDAHO

PERMIT APPLICATION

THE UNDERSIGNED HEREBY APPLIES FOR A PERMIT FOR THE WORK HEREIN INDICATED OR AS SHOWN AND APPROVED IN THE ACCOMPANYING PLANS AND SPECIFICATIONS.

- BUILDING PERMIT
- SIGN PERMIT
- OTHER _____

DATE 5-9 1986

OWNER Bob Remmer ADDRESS 200 E 45th OWNER PHONE _____

BUILDER Arthur S. Fell ENGINEER Bob Remmer ARCHITECT _____ DESIGNER _____

STRUCTURE NEW REMODEL ADDITION REPAIR RENEWAL FIRE DAMAGE DEMOLITION

RESIDENCE COMM EDUCATIONAL GOVT RELIGIOUS PATIO CARPORT GARAGE STORAGE SLAB FENCE

BOND MOVING CONDITIONAL USE DESIGN REVIEW COUNCIL APPROVED SIGNS

OCCUPANCY _____ LAND USE ZONE _____ BLDG. TYPE _____ FIRE ZONE _____ PLAN CHECK BY _____ HEAT _____

LEGAL 40' long 100' wide

OCC. LOAD _____ FLOOR LOAD _____

BUILDING DEPARTMENT

VALUE	<u>24000</u>	<u>ad</u>
FEE PAID	<u>164.50</u>	<input type="checkbox"/> CC <input type="checkbox"/> CS
RECTOR	<u>Pat</u>	<u>5-9-86</u>
BY		
APPROVED	<u>CS</u>	<u>5-8-86</u>

THIS PERMIT IS ISSUED SUBJECT TO THE REGULATIONS CONTAINED IN THE BUILDING CODE, ZONING REGULATIONS AND ALL APPLICABLE CODES AND ORDINANCES, AND IT IS HEREBY AGREED THAT THE WORK WILL BE DONE IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS AND IN COMPLIANCE WITH ALL APPLICABLE CODES AND ORDINANCES. THE ISSUANCE OF THIS PERMIT DOES NOT WAIVE RESTRICTIVE COVENANTS.

APPLICANT OR AGENT

ADDRESS

PHONE

9620-181

GARDEN CITY SFDE/EDU COMMERCIAL RATING FORM

SURVEY DATE: 25 Jan 2010
STAFF NAME: A. Gorme
BUS ADDRESS: 4794 Fenton Street
BUS NAME: KHD Mechanical

*Multi-Unit Complexes: Count each unit on separate form, noting the unit identification number or suite number separately.
 ENTER THE # OF FIXTURES FOR EACH OF THE FIXTURES LISTED BELOW UNDER THE COLUMN LABELED "COUNT"

Sub TOTALS:	count	value	units	count	value	units	Sub TOTALS:	
							Sub TOTALS:	Sub TOTALS:
Hand Sink Lavatory	1		1.00	0.00		0.00	0.00	
Bar Sink (ESOF)			2.00	0.00		0.00	0.00	
Vanitor (Floor) Sink			3.00	0.00		0.00	0.00	
Kitchen Sink, domestic (ESOF)			2.00	0.00		0.00	0.00	
Laundry Tub (ESOF)			2.00	0.00		0.00	0.00	
Circular Spray Sink			3.00	0.00		0.00	0.00	
Flushing Rim Sink			6.00	0.00		0.00	0.00	
Clinic Sink			6.00	0.00		0.00	0.00	
Shower (each head)			2.00	0.00		0.00	0.00	
Bathub/Shower Combo			3.00	0.00		0.00	0.00	
Other			0.00	0.00		0.00	0.00	
Sub TOTALS:			0.00	0.00		0.00	0.00	

MARK AN 'X' FOR DESIGNATED WEALTH STRENGTH CATEGORIES BELOW

Category	Count	Value	Units	Count	Value	Units
Hand Sink Lavatory	1		1.00	0.00		0.00
Bar Sink (ESOF)			2.00	0.00		0.00
Vanitor (Floor) Sink			3.00	0.00		0.00
Kitchen Sink, domestic (ESOF)			2.00	0.00		0.00
Laundry Tub (ESOF)			2.00	0.00		0.00
Circular Spray Sink			3.00	0.00		0.00
Flushing Rim Sink			6.00	0.00		0.00
Clinic Sink			6.00	0.00		0.00
Shower (each head)			2.00	0.00		0.00
Bathub/Shower Combo			3.00	0.00		0.00
Other			0.00	0.00		0.00
Sub TOTALS:			0.00	0.00		0.00

Category	Count	Value	Units
Car Wash	0-200		0-200
Laundromat	0-200		0-200
Office	200-400		200-400
Service Station w/o Kitchen	200-400		200-400
Garage or Warehouse	200-400		200-400
Theaters	200-400		200-400
Photo Finishing	200-400		200-400
Department Store	200-400		200-400
Car Dealer	200-400		200-400
Medical Clinic	200-400		200-400
Dental Clinic	200-400		200-400
Barber/Spa/Beauty Shop	200-400		200-400
Cold Storage	200-400		200-400
Fruit & Produce Store	200-400		200-400
Hotel & Motel	200-400		200-400

Other - describe

Printer	200-400		200-400
Animal Clinic	200-400		200-400
Hospital/Clinic	200-400		200-400
Church	200-400		200-400
School	200-400		200-400
Bars-Tavern w/o Kitchen	200-400		200-400
Commercial Laundry	400-600		400-600
Beverage Company	400-600		400-600
Mortuary	400-600		400-600
Food Market	600-800		600-800
Sit down Restaurant	600-800		600-800
Bakeries	1,000-1,500		1,000-1,500
Candy Companies	1,000-1,500		1,000-1,500
Fish/Poultry/Meat Processors	1,000-1,500		1,000-1,500
Drive-In Restaurants	1,000-1,500		1,000-1,500