

## NOTICE OF MEETING

NOTICE IS HEREBY GIVEN THAT THE BOARD OF ADJUSTMENT WILL MEET IN A REGULAR SESSION IN THE SENATOR FLORENCE SHAPIRO COUNCIL CHAMBERS LOCATED AT, 1520 AVENUE K, PLANO, TEXAS AT 3:00 P.M. TUESDAY, MAY 10, 2016.

The Board of Adjustment may convene into Executive Session pursuant to Section 551.071 of the Texas Government Code to consult with its attorney regarding posted items in the regular meeting.

### PUBLIC COMMENTS:

1. The Board of Adjustment will hear comments of public interest. Time restraints may be directed by the Chair of the Board of Adjustment. Specific factual information, explanation of current policy, or clarification of Board of Adjustment authority may be made in response to an inquiry. Any other discussion or decision must be limited to a proposal to place the item on a future agenda.

### APPROVAL OF MINUTES:

2. April 12, 2016 meeting

### ZONING APPEAL REQUEST:

3. **APPEAL #16-07Z 3120 Golden Springs Drive:** A request to vary from Subsection 9.700 (.3) of Division 2, Article 9, Zoning Ordinance No. 2015-5-2 as amended, to allow encroachment of an attached, screened, covered patio into the required 15 feet sideyard buildline by 6.5 feet. This appeal is requested by property owner Nikhil Kapadia, to be represented by Rob Baldwin with Baldwin Associates. **Tabled at the April 12, 2016 meeting.**

### OTHER:

4. Items for future Agenda.

I certify that the above notice of meeting was posted on the bulletin board in the Municipal Building, 1520 Avenue K, Plano, Texas on the 27<sup>th</sup> day of April 20 16, at 5:00 o'clock pm.

Micah Spivey  
Asst. City Secretary



### **Council Liaisons: Deputy Mayor Pro Tem Ben Harris and Council Member Rick Grady**

Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal/L Ave., with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. The Senator Florence Shapiro Council Chambers are located on the first floor. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the Building Inspection Department at 972-941-7140

**Board of Adjustment  
April 12, 2016**

Board Members Present

Robert Miller, Vice Chairman  
Jim Norton  
Ban Alali  
William Gibson  
Englab Eftekhari  
Joyce Beach  
Phil Head, Alternate

Absent

Carolyn Kalchthaler, Chairperson  
Peter Krause  
Phillip Pierceall, Alternate

Staff

Victoria Huynh, Deputy City Attorney  
Selso Mata, Building Official  
Laura Wigglesworth, Code Compliance Rep  
Diana Casady, Sr. Administrative Assistant

Vice Chair Robert Miller called the meeting to order at 3:04 p.m., Tuesday, April 12, 2016 in the Senator Florence Shapiro Council Chambers of the Municipal Center. A quorum was present and notice of the meeting had been posted for the time and manner required by law. The following matters were discussed.

Vice Chair Miller announced that there were only seven members present and gave the applicant the opportunity to table their request until there were eight members present. The Applicant for 16-07Z 3120 Golden Springs Drive wished to table until all eight members were present.

Vice Chair Miller admitted all documents and testimony given into the official Board of Adjustment record.

**1. Public comments: There was no public comment.**

**2. Approval of Minutes from March 8, 2016**

Board Member Phil Head made the motion to approve the minutes from March 8, 2016, Bill Gibson seconded the motion. The Board voted 7/0 in favor of approving the minutes from March 8, 2016.

**3. APPEAL #16-07Z 3120 Golden Springs Drive: A request to vary from Subsection 9.700 (.3) of Division 2, Article 9, Zoning Ordinance No. 2015-5-2 as amended, to allow encroachment of an attached, screened, covered patio into the required 15 feet sideyard buildline by 6.5 feet.**

The applicant requested this item be tabled until the May 10, 2016 meeting when eight members will be present. Jim Norton made the motion to table Appeal 16-07Z, Ban Alali seconded the motion. The Board voted 7/0 to table this request

- 4. APPEAL #16-08Z 5880 State 121 Highway:** A request to vary from Subsection 23.300 (.2) of Division 4, Article 23, Zoning Ordinance No. 2015-5-2 as amended, to allow:
- a) South exterior wall to be 39% metal over the allowed 25% (over by 14%) and;
  - b) West exterior wall to be 84% metal over the allowed 25% (over by 59%) and;
  - c) North exterior wall to be 35% metal over the allowed 25% (over by 10%) and;
  - d) East exterior wall to be 26% metal over the allowed 25% (over by 1%).

Vice Chairman Miller read into record the Request to Withdraw letter from the applicant Granite Properties.

- 5. APPEAL #16-09Z 5872 State 121 Highway:** A request to vary from Subsection 22.300 (.2) of Division 4, Article 23, Zoning Ordinance No. 2015-5-2 as amended, to allow the south exterior wall to be 41% metal over the allowed 25% (over by 16%).

Vice Chairman Miller read into record the Request to Withdraw letter from the applicant Granite Properties.

- 6. APPEAL #16-10Z 5864 State 121 Highway:** A request to vary from Subsection 22.300 (.2) of Division 4, Article 23, Zoning Ordinance No. 2015-5-2 as amended, to allow:
- a) South exterior wall to be 40% metal over the allowed 25% (over by 15%) and;
  - b) West exterior wall to be 84% metal over the allowed 25% (over by 59%) and;
  - c) North exterior wall to be 98% metal over the allowed 25% (over by 73%) and;
  - d) East exterior wall to be 82% metal over the allowed 25% (over by 57%).

Vice Chairman Miller read into record the Request to Withdraw letter from the applicant Granite Properties

- 7. APPEAL # 16-11S 7250 Dallas Parkway Suite #110:** A request to vary from Subsection 22.300 (.1) (K)(iii) of Division 4, Article 22, Zoning Ordinance No. 2015-5-2 as amended, to allow a canopy sign to exceed the allowed 12" by 1.94' for an overall height of 2.94'. This request applies to identical signs at the north and east elevations of the same canopy.

Laura Wigglesworth, Code Compliance Representative, gave a presentation on the variance request and answered questions from the Board.

Shawn Smith testified they are allowed to place multiple signs on a large multi-story tower. However, they would like to place only one sign to identify the new restaurant. The way the awning is constructed, it doesn't allow for the sign to attach to the building. The sign must be attached to the awning similar to how other awnings are constructed in the surrounding area. The purpose of the sign is only to identify the restaurant for street and walking traffic within the area. Mr. Smith answered questions from the Board.

Jim Sackett, representative from Trammel Crow, testified there are other signs on the building, but this is the only sign for Flemings Steakhouse.

Stacy Miller, Development Manager with Lew and Bran, Parent Company of Flemings Steakhouse, testified that they are excited about opening the restaurant in Plano in July, and is available to answer any questions the Board may have.

Vice Chair Miller closed the floor to public comment, and discussion was confined to the Board.

After discussion, Board Member Jim Norton made the motion to approve Appeal #16-11S for both the North and East elevations. Bill Gibson seconded the motion. The Board voted 7/0 in favor of the motion, the variance request was approved.

**8. Items for future Agenda.**

No cases for April 26, 2016

Meeting adjourned at 3:25 p.m.

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Robert Miller, Vice Chairman



**ZONING APPEAL TO THE BOARD OF ADJUSTMENT**

APPEAL #: 16-072

\$ 75-RESIDENTIAL (HOMESTEAD ENCROACHMENTS ON HOMES BUILT PRIOR TO MAY 1987)  
\$150-RESIDENTIAL (HOMESTEAD)  
\$265-RESIDENTIAL/COMMERCIAL

PLEASE TYPE OR PRINT USING BLACK INK

**APPEAL LOCATION:**

Street Address: 3120 Golden Springs Drive Zoning District: SF-6 Single Family

Lot Number: 1 Block: D Addition: Spring Ridge Phase II

**TO THE HONORABLE BOARD OF ADJUSTMENT:**

|                              |       |                            |
|------------------------------|-------|----------------------------|
| Mr. Nikhil Kapadia           |       | 214-597-7440               |
| (Applicant)                  |       | (Applicant's Phone Number) |
| 3120 Golden Springs Drive    | Plano | TX 75025                   |
| (Applicant's Street Address) | City  | State Zip)                 |

In accordance with the provisions of Section 6-204, et seq. of the City of Plano Zoning Ordinance, appeal is now made to the Honorable Board of Adjustment to grant the following variance request. (Please be specific in request):  
A variance of 6.5' along the west building line to allow for a screened patio in the 15-foot side yard setback.

In order to make a finding of hardship and to grant a variance, the Board of Adjustment must determine that all of the following conditions are met. State how your request meets these conditions. Please note that the stated hardship shall not be financial nor self-induced.

a. The requested variance does not violate the intent of the ordinance or its amendments:  
The placement of the screened porch was chosen to allow my family to maintain a back yard. The back yard is limited due to the driveway which accesses the alley where it curves east.

The screened porch is accessed through the back yard, not from inside the house. The screened porch functions like an accessory structure, but abuts the single family structure.  
The screened porch is located behind the existing solid wood fence and only the peaked roofs are visible from the street.

b. Special conditions of restricted area, shape, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district:  
The property is bounded by streets on three sides and an alley on the fourth. If this property was an interior lot, the screened porch would only be subject to a 7-foot side yard setback (10% of lot width).

c. The hardship is in no way the result of the applicant's own actions:  
I hired a contractor who ensured me that he would obtain all necessary approvals from the City and Homeowner's Association. I travel globally for my work and I am frequently out of the country for weeks at a time. When I returned from a trip, the construction was completed, but I had received letters from the Homeowner's Association about a permit. I was told by the contractor that I did not need a permit. They completed the job and were paid in full. The contractor will not return my calls.

d. The interpretation of the provisions of this ordinance or its amendments would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions:  
The screened patio is screened from view of the street and does not negatively impact surrounding properties.

e. How is the property going to be used?  
Single family residential



**ZONING APPEAL TO THE BOARD OF ADJUSTMENT**

- f. Is the denial of the variance going to cause a substantial burden on religious activities of the property owner/user?  
Circle one: Yes  No  (If Yes, see question (g) below)
- g. If yes, please explain how the denial of the variance will cause a burden on religious activities of the property owner/user?

\_\_\_\_\_

\_\_\_\_\_

\*\*\*\*\*

The undersigned officer(s) and/or agent(s) of the property owner(s) are the properly authorized officials and by signing below, have the necessary authority to execute this application on behalf of applicant hereto.

Nikhil K. Kapadia 3120 Golden Springs Dr. Plano TX 75025 2/29/16  
 Name Address City State Zip Date

**PLEASE CHECK ONE:**

- I will represent this variance request at the Board meeting
- I will not be able to represent this variance at the Board meeting. My authorized representative who will represent this variance before the Board of Adjustment is:

Rob Baldwin, Baldwin Associates 3904 Elm Street, Suite B Dallas TX 75226  
 Name Street Address City State Zip

\*\*\*\*\*

**NOTE TO APPLICANT:**

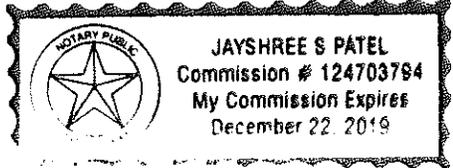
A notice of meeting will be sent only to the applicant, or to the authorized representative, if one is designated. If the variance is denied, it may be two years before the variance can be reheard. The decision of the Board of Adjustment shall be final on all sign cases. Refer to The City of Plano Zoning Ordinance: Article 6, Section 6-209(3) to appeal the decision of the Board regarding a zoning case. JK (initial)

I hereby certify that the above statements are true and correct to the best of my knowledge. I acknowledge that I may withdraw my application prior to it being presented to the Board. To resubmit the application I understand I will need to submit another application fee. JK (initial)

[Signature]  
 Applicant's Signature  
Nikhil K. Kapadia  
 Please Print Name

STATE OF TEXAS  
 COUNTY OF COLLIN

Subscribed and sworn to before me this 29th day of February, 2016



[Signature]  
 Notary Public

(Seal)

My commission expires: 12/22/2019

December 14, 2015

To whom it may concern,

We are residents of the community and have, therefore, viewed the modifications made by Mr. Kapadia, the homeowner of said property located at 3120 Golden Springs Drive, Plano, TX 75025. Please note that we do not have any objections or complaints regarding the mentioned alterations. In fact, the covered patio constructed on his property is very pleasing and quite impressive. We feel that the amendments actually increase the value of the homes in Spring Ride Community and are very satisfied with them.

Yours Sincerely,

Penny Trivedi  
Name

3108 Golden Springs Drive  
Address

Vaikunda Moorthy  
Name

3116 Golden Springs Dr.  
Address

Joseph Y. Wang  
Name

3200 Golden Springs Dr.  
Address

Sharon Garcia  
Name

3201 Golden Springs  
Address

Subhash  
Name

8000 SPRINGFIELD ST  
Address

**Subject:** FW: Photos of broken wall. Spring Ridge HOA  
**Date:** Tuesday, January 19, 2016 8:43:34 AM Central Standard Time  
**From:** Minal Kapadia

**From:** "Nikhil Kapadia (EcoFusion)" <[nikhil@ecofusion.net](mailto:nikhil@ecofusion.net)>  
**Date:** Wednesday, December 16, 2015 9:01 AM  
**To:** "Sharon Roubinek (Interior Designer, S.R. & Asso.)" <[sroubinek@att.net](mailto:sroubinek@att.net)>  
**Subject:** Re: Photos of broken wall. Spring Ridge HOA

When Deck Masters (DM) who built it didn't apply for permit at all. Now for me this is first time having improvements outside my home so I didn't also know about application on permits as I thought I'm building within my property and fence.

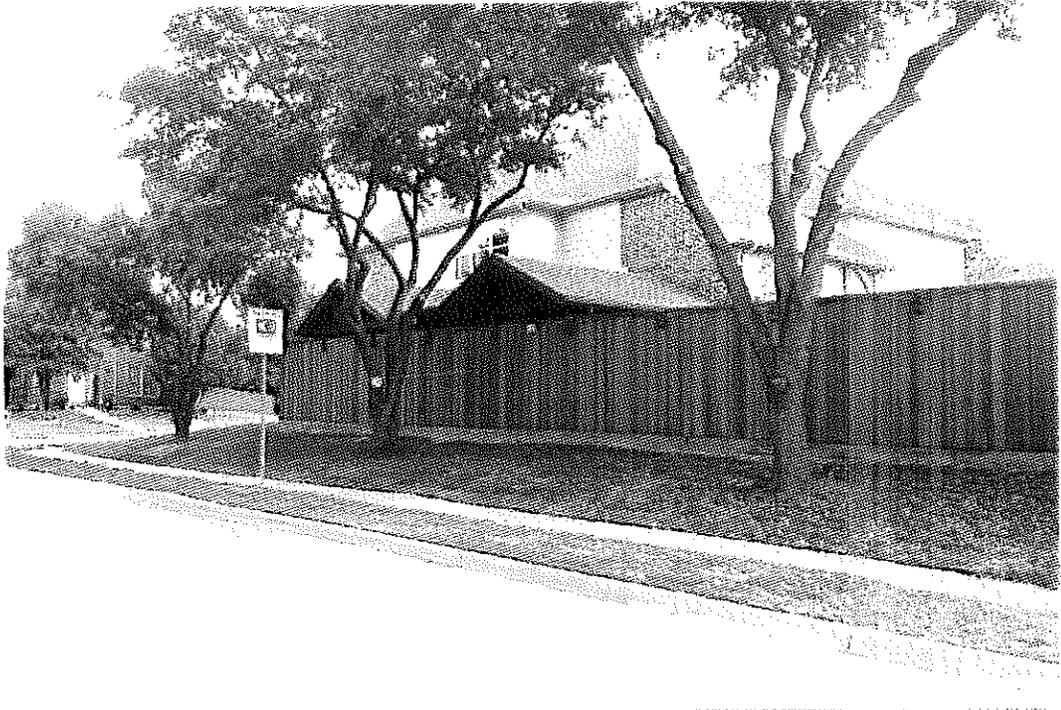
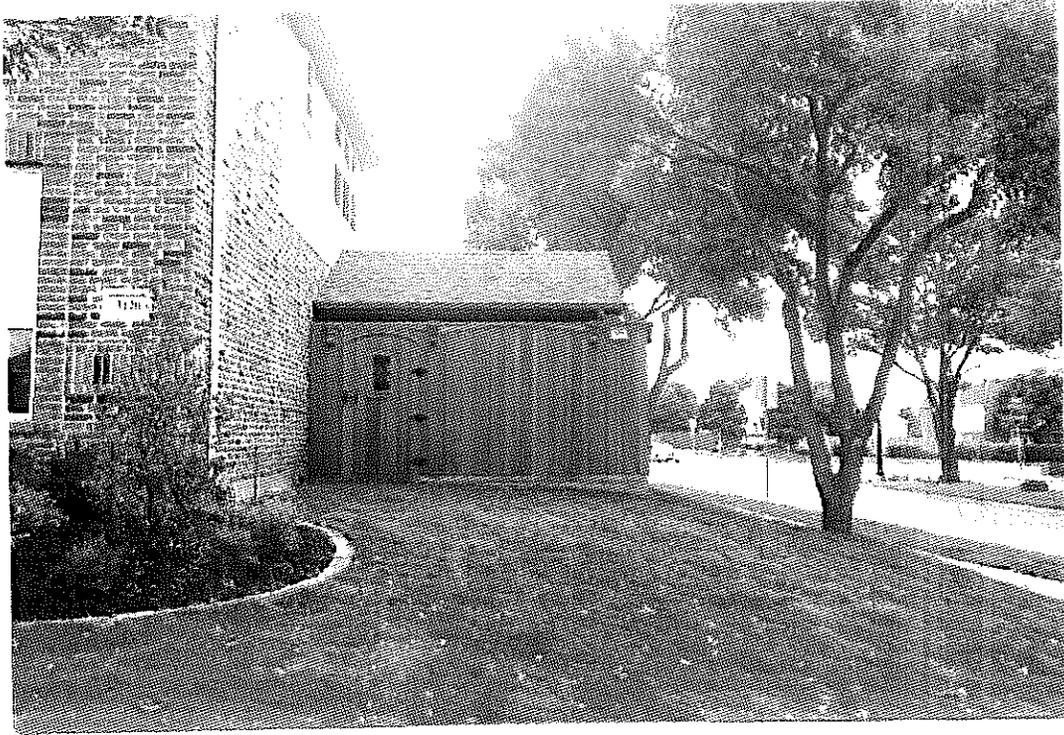
When they constructed most of the patio, I got notice from HOA asking for the permit. So, I contacted DM and said we need permits. First they said I don't need as its within my property and no one bothers to get permits. But when I started getting notices from HOA, I asked him to apply for one and get it sorted.

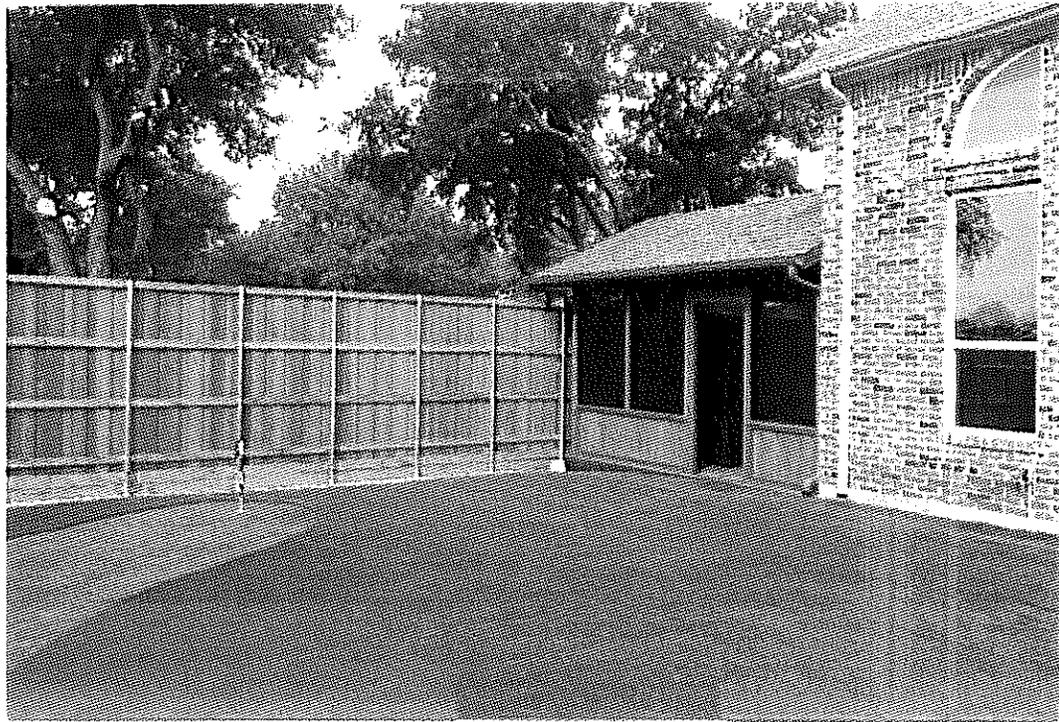
When he applied for city permits, he realized that he didn't see the 15' built line. Still he send the application hoping city might overlook that part. But, city did point out. That's when I got involved as we didn't get permit for almost 6 weeks and HOA was getting anxious and started posting legal notices.

Finally I went to city in November and asked them what is the problem and then they explained me. I have spoken with Ms. Patty in building permits dept. at City.

Let me know if you need any further information.

Thank you again and regards, Nikhil

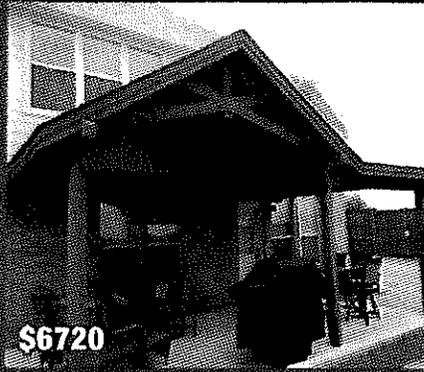




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**\$5880**



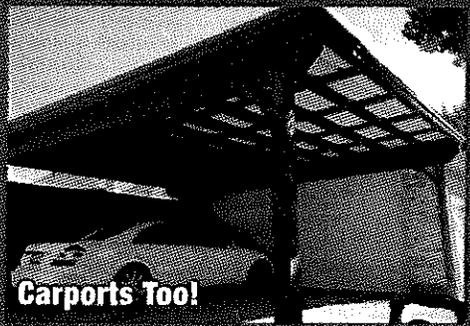
**Dry Balconies**

## DECK MASTERS

*since Nixon was in office*

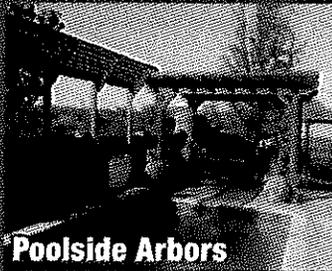
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Nikhil Kapadia 214-593-2440

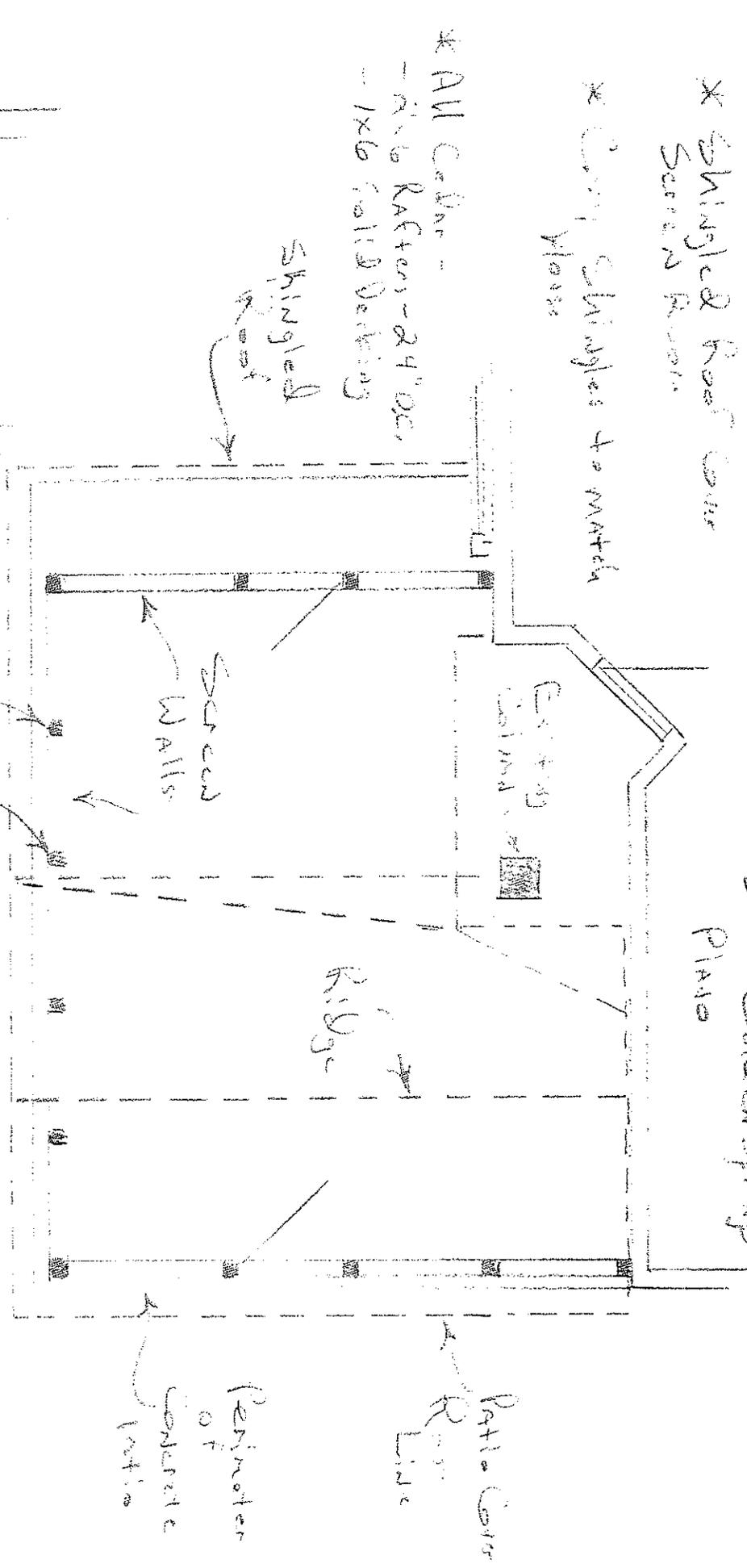
3120 Colden Springs  
Palo Alto

\* Shingled Roof over  
Screen Room

\* Screen Shingles to match  
Patio

\* All Cedar -  
- 2x6 Rafters - 24" OC,  
- 1x6 Solid Decking

Shingled  
Roof



Screen  
Walls

4x4 Cedar (Approx. 2x2)

2x4 Cedar (Exposed to Concrete)

4x4  
Cedar

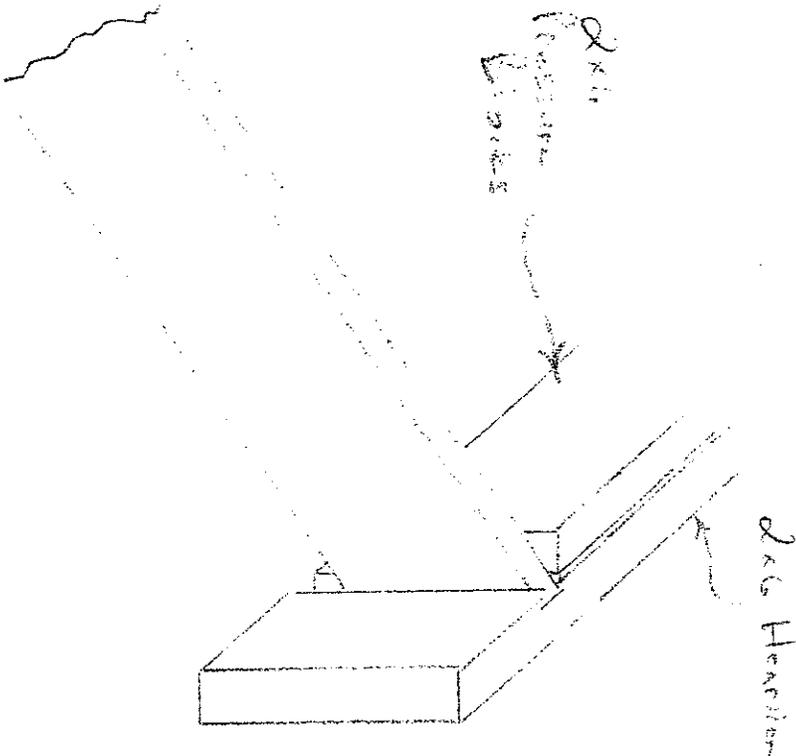
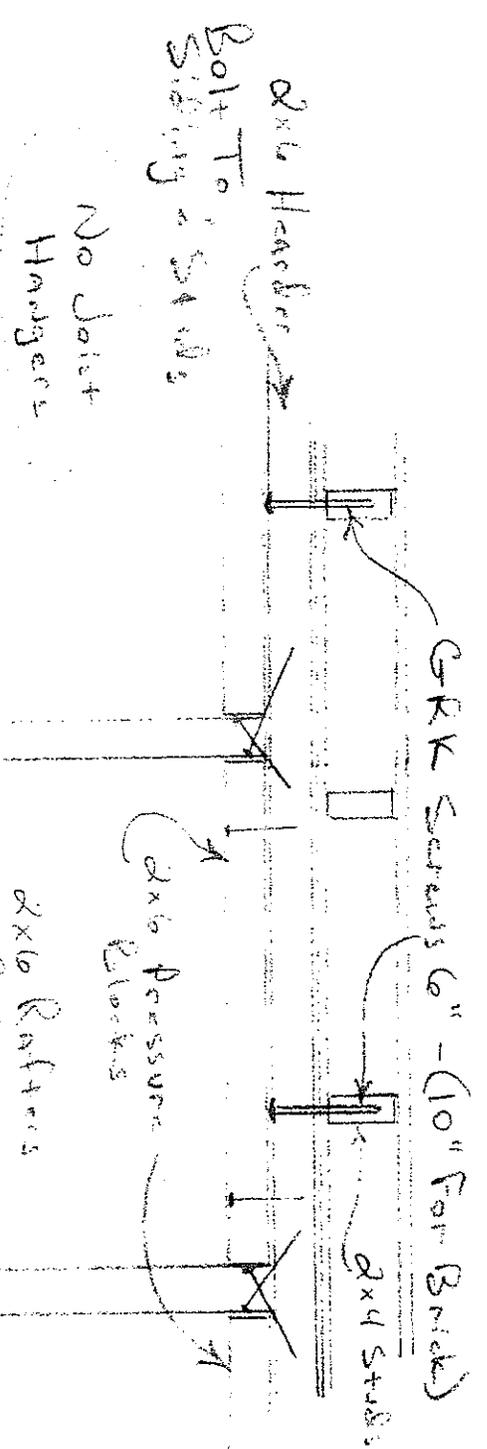
Screen  
Walls

5" Concrete Slab

Chapelle Services

\$5500

• N/A: 7/12



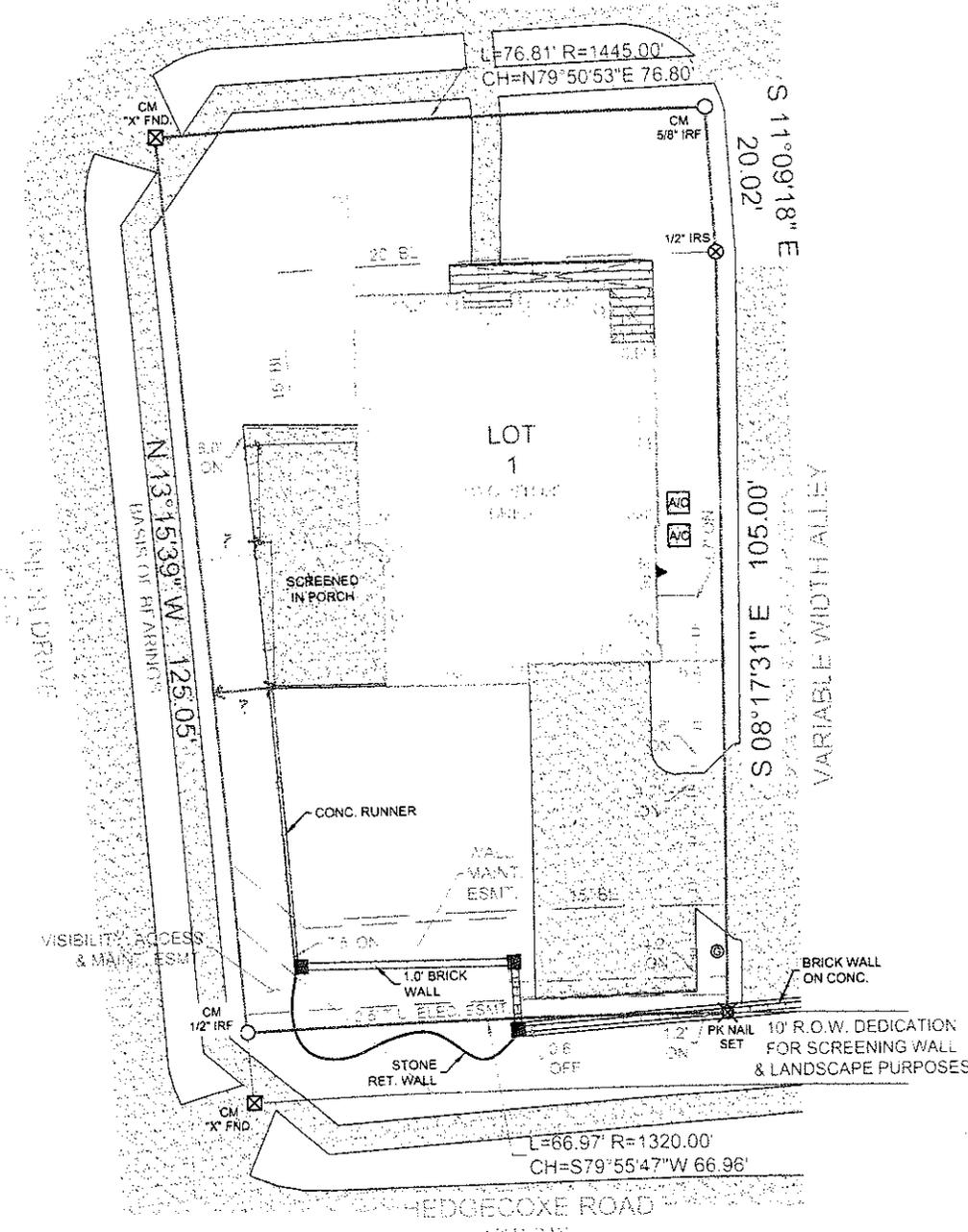
- \* 3" Galvanized Ring Shank Nails
- \* 2x6's Die / Will Distort / Rough Corner
- \* G-RK's Will Not Split 2x4 Studs
- \* Note! Joist Hangers Do NOT Work on 2x4 LUMBER AND Timbers. Pressure Blocks are superior to joist hangers.

# AS-BUILT SURVEY

This is to certify that persons under my direction have, this date, made an on-the-ground survey of property located at 3120 GOLDEN SPRINGS DRIVE, in the City of PLANO, Texas, Lot 1 Block D of SPRING RIDGE, PHASE II, an addition to the City of PLANO, COLLIN COUNTY, Texas, according to the MAP THEREOF recorded in VOLUME K, PAGE 237 of the MAP Records of COLLIN County, Texas.

GOLDEN SPRINGS DRIVE

NOTE: THIS SURVEY PLAT HAS BEEN PREPARED WITHOUT BENEFIT OF ABSTRACT TITLE. TEXAS HERITAGE SURVEYING HAS NOT RESEARCHED THE LAND TITLE RECORDS FOR THE EXISTENCE OF EASEMENTS, RESTRICTIVE COVENANTS OR OTHER ENCUMBRANCES. ADDITIONAL MATTERS MAY BE DISCLOSED IN THE COURSE OF A THOROUGH EXAMINATION OF THE RECORD TITLE.



ALL BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48085C0360J. I, the undersigned Texas Registered Professional Land Surveyor, do hereby certify that the survey plat hereon is a true and correct representation of the above described property, and do further state that this survey accurately depicts the substantial improvements to said property as located on the ground and that there are no protrusions from or encroachments onto said property by any such improvements except as shown hereon.

ACCEPTED BY: \_\_\_\_\_

ACCEPTED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

TITLE CO.: \_\_\_\_\_  
 GF NO.: \_\_\_\_\_  
 BORROWER: \_\_\_\_\_  
 DRAWN BY: BRK  
 CHECKED BY: \_\_\_\_\_  
 DATE: 12/23/2015  
 SCALE: 1"=20'  
 TASK NO.: 1504995-1

**LEGEND**

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|--|--|
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|  |  |

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 Office 214-340-9700 Fax 214-340-9710  
 txheritage.com  
 Firm No. 10169300

STATE OF TEXAS  
 REGISTERED  
**J. R. JANUARY**  
 5382  
 PROFESSIONAL  
 LAND SURVEYOR

*J.R. January*

**APPEAL SUMMARY**  
**#16-07Z**

**(TABLED AT THE APRIL 12, 2016 MEETING)**

**APPLICANT:** Property owner Nikhil Kapadia, to be represented by Rob Baldwin with Baldwin Associates.

**ADDRESS:** 3120 Golden Springs Dr.  
Lot 1, Block D, Spring Ridge 2 Subdivision.

**ZONING:** Single Family 6 (SF-6)

**APPLICANT REQUEST:** The applicant is requesting to vary from Subsection 9.700 (.3) of Division 2, Article 9, Zoning Ordinance No. 2015-5-2 as amended, to allow encroachment of an attached, screened in, covered patio, 6.5 feet into the required 15 foot, side yard build-line.

**ORDINANCE REQUIREMENTS:**

Subsection 9.700 (.3) table states the minimum side yard setback of a corner lot shall be 15 feet on the street side.

**STAFF FINDINGS:**

This property is located east of Independence Parkway and north of Hedgcoxe Road, situated within a residential zoning district.

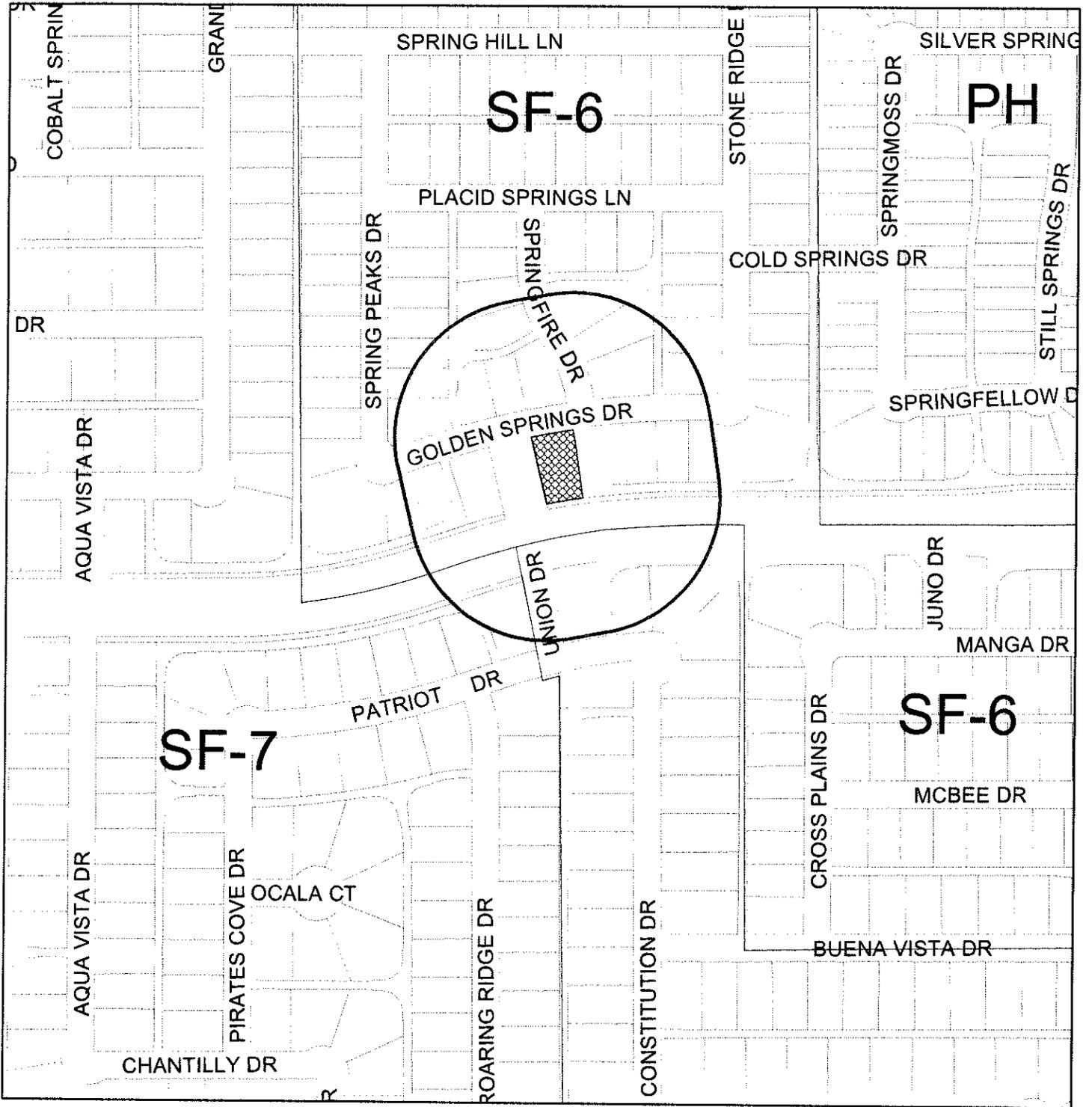
A permit was submitted on September 17, 2015 by Carpenter GC Services, by Stacy S. Carpenter. The permit was put into denied status on September 18, 2015 after plan review by Patti Hoffer. At that time she stated or requested the following:

- Need dimensions of the patio cover.
- The proposed addition was encroaching the platted 15' build line.
- Was this a screened room open to the air or an enclosed sunroom?
- Missing a scaled site plan.

Follow up correspondence occurred on September 30<sup>th</sup>, October 1<sup>st</sup> and October 7<sup>th</sup>, 2015 between the plan reviewer and the contractor. After that time, no further information from the contractor was received.

Per a copy of an email from the homeowner, Nikhil Kapadia had hired Deck Masters to build the addition. Deck Masters proceeded with construction, stating that the homeowner didn't require a permit because the addition was within his property lines, and no one bothers to get permits. At that point, the homeowner started receiving letters from the HOA asking for a permit.

The permit was submitted and denied for the reasons stated previously. The homeowner came to the building inspections office in November to enquire as to the status of the permit and was informed at that time of the issues with encroachment of the required 15' build line. By that time, the contractor had already completed construction and been paid in full. The contractor is not returning the phone calls of the homeowner.



Board of Adjustment

Appeal #: #16-07Z

Address: 3120 GOLDEN SPRINGS DRIVE

Zoning: Single Family Residence 6 - (SF6)

(TABLED AT THE 04-26-16 MEETING)



○ 250' Notification Buffer



TEJANI SALIM & NAZLIN  
PO BOX 250854  
PLANO, TX 75025-0854

KAPADIA NIKHIL K & MINAL  
3120 GOLDEN SPRINGS DR  
PLANO, TX 75025-3925

LU TSUN-LIANG  
3121 GOLDEN SPRINGS DR  
PLANO, TX 75025-3926

DEKA RANJIT & INDRANI  
8008 SPRINGFIRE DR  
PLANO, TX 75025-3922

WANG CHANGXIN  
GU LIN  
3204 GOLDEN SPRINGS DR  
PLANO, TX 75025-3924

SARAN VIVEK & RASHMI KUMARI 2014 REVOCABLE TRUST  
VIVEK SARAN & RASHMI KUMARI - COTRUSTEES  
3108 GOLDEN SPRINGS DR  
PLANO, TX 75025-3925

STAXEN LIVING TRUST THE  
3205 PATRIOT DR  
PLANO, TX 75025-3643

SIEGEL LEE S  
8005 STONE RIDGE DR  
PLANO, TX 75025-3921

FANG YAMING & HENG WANG  
8004 SPRING PEAKS DR  
PLANO, TX 75025-3928

CHOKSHI MANISH & RUPAL M  
8000 SPRINGFIRE DR  
PLANO, TX 75025-3922

SPRING RIDGE HOA INC  
C/O RTI/COMMUNITY MGMNT ASSOC INC  
1800 PRESTON PARK BLVD STE 101  
PLANO, TX 75093-5198

SINGH GURPAL & KAUR MANDEEP  
8013 SPRINGFIRE DR  
PLANO, TX 75025-3923

ZHOU QI NENG  
6704 MAGNUM DR  
PLANO, TX 75024-6330

RODRIGUEZ MARIE K  
3301 PATRIOT DR  
PLANO, TX 75025-3646

MOORE CHAD ERIC  
3208 GOLDEN SPRINGS DR  
PLANO, TX 75025-3924

FRAZIER T RICK & MONTSUKANCH  
3125 GOLDEN SPRINGS DR  
PLANO, TX 75025-3926

KAMEL NAGY &  
NELLY KAMEL  
3213 PATRIOT DR  
PLANO, TX 75025-3643

DURVASULA ANIL  
3104 GOLDEN SPRINGS DR  
PLANO, TX 75025-3925

HUDSON DEAN T & MONICA T  
3201 PATRIOT DR  
PLANO, TX 75025-3643

MCGEE RONALD K & CATHERINE M  
8001 STONE RIDGE DR  
PLANO, TX 75025-3921

VEMIREDDY SREENIVASA R & VIJAYA L VEMIREDDY  
8008 SPRING PEAKS DR  
PLANO, TX 75025-3928

PARUCHURI SREEKANTH &  
UMA DEVI CHIGURUPATI  
9690 WATERFORD PL APT 205  
LOVELAND, OH 45140-6277

LIU YUEAI & CHANGSHENG  
2704 FOXPOINT TRL  
ARLINGTON, TX 76017-7972

WANG YA-FU JOSEPH  
ZHAO XIN  
3200 GOLDEN SPRINGS DR  
PLANO, TX 75025-3924

AKKALA MOHANA R  
3112 GOLDEN SPRINGS DR  
PLANO, TX 75025-3925

NAZIRUDDIN BASHOO & SYEDAH D  
8000 SPRING PEAKS DR  
PLANO, TX 75025-3928

GODBOLDO DALE  
3209 PATRIOT DR  
PLANO, TX 75025-3643

GARCIA SHARON & EDDIE  
3201 GOLDEN SPRINGS DR  
PLANO, TX 75025-3927

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