

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 234 Doverwood Rd – Malcolm Trigg, applicant; Request for a 1) rear yard setback variance from 10 feet to 3 feet, and a 2) side yard setback variance from 7.5 feet to 3 feet for a 12-foot by 16-foot shed in R-1A (Single Family Dwelling District).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Kathy Fall **CONTACT:** Joy Williams **EXT.** 7399

Agenda Date 02/25/08 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **Deny** the request for a 1) rear yard setback variance from 10 feet to 3 feet, and a 2) side yard setback variance from 7.5 feet to 3 feet for a 12-foot by 16-foot shed in R-1A (Single Family Dwelling District); or
2. **Approve** the request for a 1) rear yard setback variance from 10 feet to 3 feet, and a 2) side yard setback variance from 7.5 feet to 3 feet for a 12-foot by 16-foot shed in R-1A (Single Family Dwelling District); or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Malcom Trigg Location: 234 Doverwood Rd Zoning: R-1A (Single Family Dwelling District) Subdivision: English Woods 1 st Add
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a 12-foot by 16-foot shed that would encroach 7 feet into the required 10-foot rear yard setback, and 4.5 feet into the required 7.5-foot side yard setback. • In October of 2005, the property was granted a rear yard setback variance from 30 feet to 20 feet for a room addition. • There are currently no code enforcement or building violations for this property.

STAFF FINDINGS	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.• Special conditions and circumstances result from the actions of the applicant.• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate a hardship. If the Board should decide to grant a variance, staff recommends the following conditions of approval:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the 12-foot by 16-foot shed as depicted on the attached site plan; and• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.

INDEX OF ATTACHMENTS

Items that are checked are included in the packet

- Staff Report
- Application
- Applicant statement of request
- Proposed Site Plan
- Location map
- Property Appraiser data sheet
- PUD Commitment Card, *if applicable*

Support information:

- Proposed elevation drawings, renderings, floor plans, etc
- Aerials, *if warranted*
- Plat, *if warranted*
- Code Enforcement information
- Building Permit information
- Correspondence
- Authorization letter
- Applicant Authorization Form
- Supporting documentation
- Letters of support
- HOA approval letter
- Pictures provided by applicant
- Other miscellaneous documents

- Proposed Development Order

Fee: \$150.00 plus \$50.00 for each additional variance

Application # BV2008-06
Meeting Date Feb 25, 08

COPY



VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

RECEIVED JAN 11 2008

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: Malcolm E. Trigg
Address: 234 Doverwood Rd. City: Fern Park Zip code: 32730
Project Address: SAME City: _____ Zip code: _____
Contact number(s): 407-665-5122 or 321-377-8343
Email address: mtrigg@aol.com

Is the property available for inspection without an appointment? Yes No

What type of structure is this request for?	
<input checked="" type="checkbox"/> Shed	Please describe: <u>12'x16' less than 12' height</u>
<input type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

What type of variance is this request?				
<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:	
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:	
<input type="checkbox"/> Front yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>10'</u>	Proposed setback:	<u>3'</u>
<input checked="" type="checkbox"/> Side yard setback	Required setback:	<u>7.5'</u>	Proposed setback:	<u>3'</u>
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Fence height	Required height:		Proposed height:	
<input type="checkbox"/> Building height	Required height:		Proposed height:	
Use below for additional yard setback variance requests:				
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Total number of variances requested <u>2</u>				

APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist are provided to the planning division.

Signed: Malcolm E. Trigg

FOR OFFICE USE ONLY

Date Submitted: 1/11/08 Reviewed By: DHG
 Tax parcel number: 20-21-30-520-0000-060 Zoning/FLU RIA
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)
 Platted Lot (check easements as shown on lots, in notes or in dedication)
 Lot size _____ Meets minimum size and width
 Application and checklist complete
 Notes: _____

VARIANCE SUBMITTAL CHECKLIST

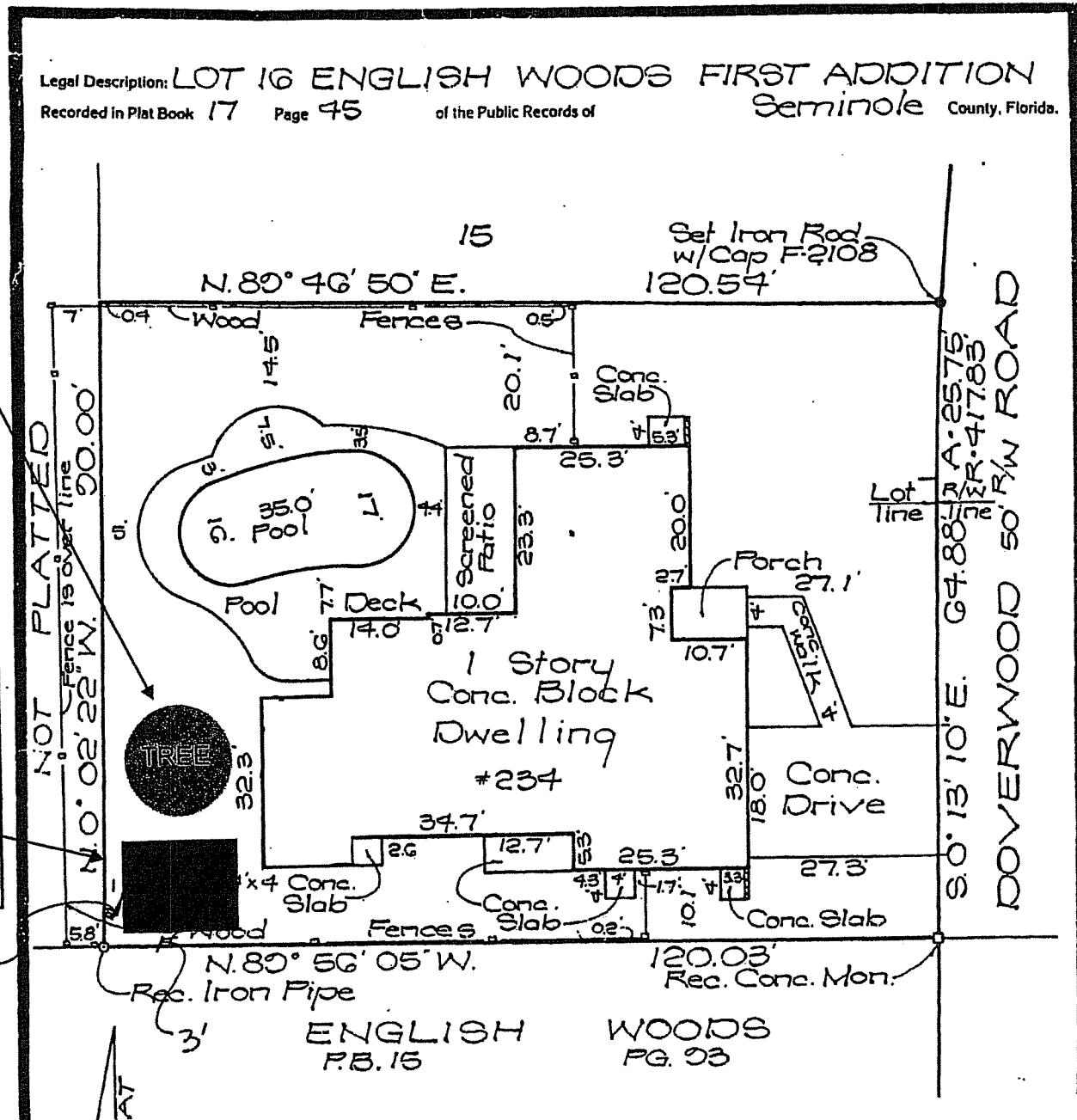
Please return this checklist with your application!

<p>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</p>	
	1. Completed application.
	2. Owner's authorization letter (if needed). <i>This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
	3. Provide a legible 8 ½ x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
	o Please start with a clean survey (ex: white out old approval stamps)
	o Size and dimension of the parcel
	o Location and name of all abutting streets
	o Location of driveways
	o Location, size and type of any septic systems, drainfield and wells
	o Location of all easements
	o Existing or proposed house or addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	o Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	o Building height
	o Setbacks from each building to the property lines
	o Location of proposed fence(s)
	o Identification of available utilities <i>(ex: water, sewer, well or septic)</i>
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

Legal Description: LOT 16 ENGLISH WOODS FIRST ADDITION
 Recorded in Plat Book 17 Page 45 of the Public Records of Seminole County, Florida.

Existing Oak Tree

PROPOSED SHED
 • 12' x 16'
 • Total 192 sq ft
 • Less than 12' height
 • 3' setback from rear
 • 3' setback from side



<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL.</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-663-7508</p>																														
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 20-21-30-520-0000-0160 Owner: TRIGG MALCOLM & Own/Addr: WALLER MARGARET Mailing Address: 234 DOVERWOOD RD City,State,ZipCode: FERN PARK FL 32730 Property Address: 234 DOVERWOOD RD FERN PARK 32730 Subdivision Name: ENGLISH WOODS 1ST ADD Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (1994) Dor: 01-SINGLE FAMILY</p>		<p>2008 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$242,491 Depreciated EXFT Value: \$6,574 Land Value (Market): \$40,000 Land Value Ag: \$0 Just/Market Value: \$289,065 Assessed Value (SOH): \$173,110 Exempt Value: \$25,000 Taxable Value: \$148,110</p> <p style="text-align: center;"><u>Tax Estimator</u> <u>Tax Reform Calculator</u></p>																												
<p style="text-align: center;">SALES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>08/1992</td> <td><u>02467</u></td> <td><u>1321</u></td> <td>\$115,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1982</td> <td><u>01399</u></td> <td><u>0407</u></td> <td>\$96,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1980</td> <td><u>01292</u></td> <td><u>0987</u></td> <td>\$84,000</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> <p style="text-align: center;"><u>Find Comparable Sales within this Subdivision</u></p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	08/1992	<u>02467</u>	<u>1321</u>	\$115,000	Improved	Yes	WARRANTY DEED	06/1982	<u>01399</u>	<u>0407</u>	\$96,500	Improved	Yes	WARRANTY DEED	08/1980	<u>01292</u>	<u>0987</u>	\$84,000	Improved	Yes	<p>2007 VALUE SUMMARY</p> <p>Tax Amount(without SOH): \$3,933 2007 Tax Bill Amount: \$2,125 Save Our Homes (SOH) Savings: \$1,808 2007 Taxable Value: \$143,888</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																								
WARRANTY DEED	08/1992	<u>02467</u>	<u>1321</u>	\$115,000	Improved	Yes																								
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Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																									
LOT	0	0	1.000	40,000.00	\$40,000																									
BUILDING INFORMATION																														
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New																					
1	SINGLE FAMILY	1973	9	2,116	2,988	2,476	CONC BLOCK	\$242,491	\$289,541																					
			Appendage / Sqft	BASE / 360																										
			Appendage / Sqft	GARAGE FINISHED / 440																										
			Appendage / Sqft	OPEN PORCH FINISHED / 72																										
<p>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</p> <p>Permits</p>																														
EXTRA FEATURE																														
			Description	Year Blt	Units	EXFT Value	Est. Cost New																							
			POOL GUNITE	1975	450	\$3,600	\$9,000																							
			COOL DECK PATIO	1975	457	\$640	\$1,600																							
			ALUM SCREEN PORCH W/CONC FL	1975	230	\$782	\$1,955																							
			WOOD DECK	1992	192	\$384	\$960																							

SPA	1992	1	\$1,168	\$2,500
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NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.
******* If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07- _____:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: Malcolm E. Trigg
Address: 234 Doverwood Rd.
Phone #: 407 830 7438

Name: Margaret Trigg
Address: 234 Doverwood Rd.
Phone #: 407 830 7438

Name: _____
Address: _____
Phone #: _____

Name: _____
Address: _____
Phone #: _____

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: _____
Officers: _____
Address: _____
Directors: _____
Address: _____
Shareholders: _____
Address: _____

Name of Corporation: _____
Officers: _____
Address: _____
Directors: _____
Address: _____
Shareholders: _____
Address: _____

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: _____
Trustees: _____
Address: _____

Beneficiaries: _____
Address: _____

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT**

For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: _____ Name of Partnership: _____
Principal: _____ Principal: _____
Address: _____ Address: _____

(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: _____ Contract Vendee: _____
Name: _____ Name: _____
Address: _____ Address: _____

(Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

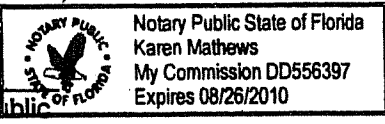
1/11/2008
Date

MALCOLM E
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF SEMINOLE

Sworn to (or affirmed) and subscribed before me this 11 day of January, 2008 by _____

Karen Mathews
Signature of Notary Public

Print, Type or Stamp Name of Notary Public 

Personally Known _____ OR Produced Identification YES
Type of Identification Produced Florida Drivers License

For Use by Planning & Development Staff	
Date: _____	Application Number: _____

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On February 25, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 16 ENGLISH WOODS 1ST ADD PB 17 PG 45

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Malcolm Trigg & Margaret Waller
234 Doverwood Rd
Fern Park, FL 32730

Project Name: Doverwood Rd (234)

Requested Development Approval:

Request for a 1) rear yard setback variance from 10 feet to 3 feet, and a 2) side yard setback variance from 7.5 feet to 3 feet for a 12-foot by 16-foot shed in R-1A (Single Family Dwelling District).

The Development Approval was sought to permit the construction of a shed that would encroach into the required rear and side yard setbacks. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: Joy Williams, Planner
1101 East First Street
Sanford, Florida 32771

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning Manager

**STATE OF FLORIDA)
COUNTY OF SEMINOLE)**

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On February 25, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 16 ENGLISH WOODS 1ST ADD PB 17 PG 45

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Malcolm Trigg & Margaret Waller
234 Doverwood Rd
Fern Park, FL 32730

Project Name: Doverwood Rd (234)

Requested Development Approval:

Request for a 1) rear yard setback variance from 10 feet to 3 feet, and a 2) side yard setback variance from 7.5 feet to 3 feet for a 12-foot by 16-foot shed in R-1A (Single Family Dwelling District).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Joy Williams, Planner
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - a. The variance granted will apply only to the 12-foot by 16-foot shed as depicted on the attached site plan.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning Manager

**STATE OF FLORIDA)
COUNTY OF SEMINOLE)**

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

Seminole County Board of Adjustment
Seminole County Government
1101 East First Street
Sanford, FL 32771

February 25, 2008

Re: Variance Application # BV2008-06

Dear Chairperson and Board Members,

In accordance with the requirements for Board of Adjustment consideration of the above referenced Variance Request, we are submitting this letter to address the elements of Special Conditions which result in an undue hardship on us, the property owners and occupants of 234 Doverwood Rd., Fern Park, FL 32730.

- a. This single story residence is located in subdivision of almost exclusively single story residences. The house is centered on a parcel that is approximately 0.25 acre in size. The request is to reduce the rear setback for a detached accessory building (shed) from 10' to 3' and to reduce the side setback from 7.5' to 3' for the same purpose. These variances will permit the construction of a lawn & garden shed of less than 200 sq. ft. size in a location that is best suited for the residence and without the removal of mature shade trees.

The purpose of this accessory building (shed) is to accommodate lawn and garden maintenance equipment. The planned shed will be consistent with the design, color, and roof finish of the residence and will be in keeping with the character of the neighborhood. The location and placement of the shed is consistent with the placement of sheds throughout the neighborhood. This variance is necessary prior to engaging A&E services and obtaining the required permits.

- b. This special condition and circumstances resulted from the naturally maturing growth of hardwood shade trees coupled with atypically shallow lot size. This residential lot is approximately 20' shallower than adjoining lots due to the road alignment at the front of the property.
- c. The granting of this variance would not confer any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.
- d. The requested variance would permit a shed of less than 200 sq. ft. and less than 12' height. A 3' setback buffer will provide adequate clearance for maintenance of the structure.
- e. The granting of this variance would be in harmony with the general intent of Chapter 30, would not be injurious to the neighborhood, or otherwise detrimental to the public welfare. The proposed shed would not be visible

from the street in front of our home. The rear and sides of the home are surrounded by a 6' privacy fence. The abutting property owners on both sides have endorsed this variance by providing written consent on an attached document. The abutting property to the rear is owned by the Seminole County School Board and is currently occupied by English Estates Elementary School.

English Estates/English Woods subdivision is a family neighborhood that we are proud to live in. In granting this variance request, members of the BOA would be providing relief in the storage of lawn and garden equipment while helping to preserve shade trees. Thank you for your consideration of this matter.

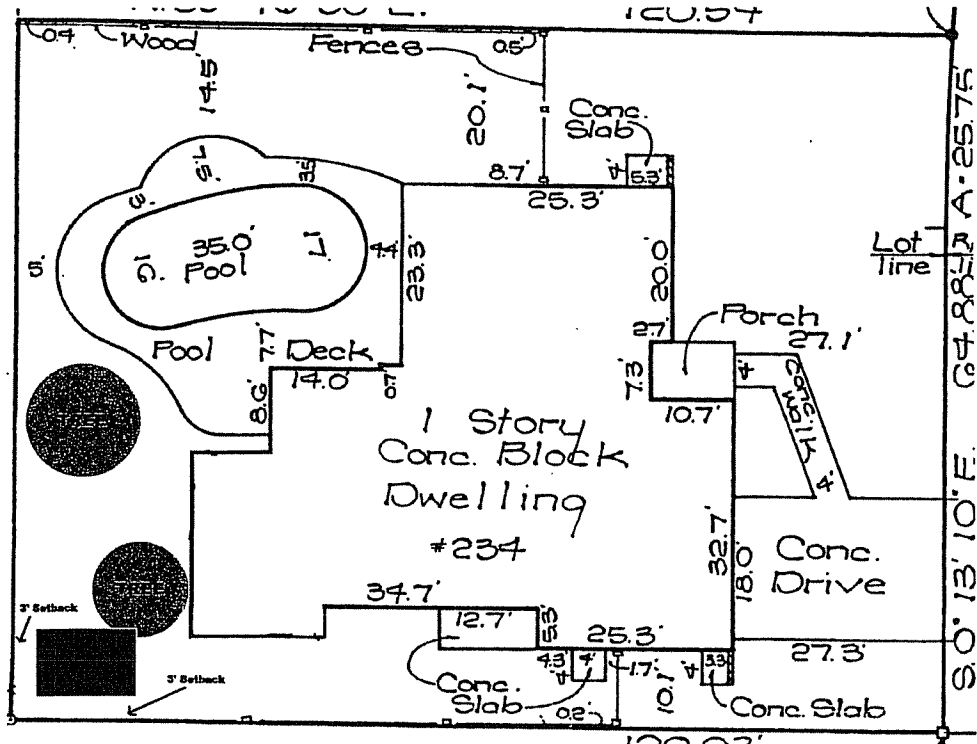
Regards,

A handwritten signature in black ink, appearing to read "Malcolm E. Trigg". The signature is stylized with a large, sweeping flourish that extends to the right and then loops back under the name.

Malcolm E. Trigg
Property Owner and Occupant

re: Variance(s) application of **MALCOLM and MARGARET TRIGG** of
234 Doverwood Road, Fern Park. Application #08-3000004 / BV2008-06

This variance is requested to change the rear yard detached accessory building setback from 10' to 3' in order to accommodate an accessory structure, shed as pictured below, at the rear of the house. An accompanying variance is requested to change the side yard setback from 7.5' to 3' in order to accommodate the same accessory structure. These variances will permit the construction of a lawn & garden shed of less than 200 sq. ft. size in a location that is best suited for the residence and without requiring the removal of mature shade trees. These changes and the proposed lawn & garden shed are in keeping with the character of the neighborhood. By signing below, we indicate that we, the immediate neighbors, **do not have any objection** to this request.



1. Amos & Emily Hirsch – 2327 Fieldingwood Rd.

Amos & Emily Hirsch

2. Patricia Melley – 2323 Fieldingwood Rd.

Patricia M. Melley

2. John & Lisa Oak – 232 Doverwood Rd.

John & Lisa Oak