



COMMUNITY DEVELOPMENT DEPARTMENT

45175 Ten Mile Road
Novi, MI 48375
(248) 347-0415 Phone
(248) 735-5600 Facsimile
www.cityofnovi.org

ZONING BOARD OF APPEALS STAFF REPORT

FOR: City of Novi Zoning Board of Appeals

ZONING BOARD APPEALS DATE: January 12, 2016

REGARDING: CITYGATE MARKETPLACE (CASE NO. PZ15-0032)

BY: Charles Boulard, Building Director

I. GENERAL INFORMATION:

Applicant

Doraid Markus on the behalf of Citygate Marketplace

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:

OST, Planned Office Service Technology District

Site Location:

27200 Beck Road, north of Grand River Ave. and east of Beck Road

Parcel #:

50-22-16-176-033

Request

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, to allow construction of a 5,908 sq. ft. building with a retail space and two fast food restaurant spaces: 1) a variance from Section 3.1.23.D to reduce the required north yard building setback by 34 feet (50 feet required, 16 feet proposed); and 2) a variance from Section 5.3.11.A,B to reduce the required north yard parking setback (20.0 feet required, 0.0 feet proposed) to allow construction of a drive-through lane.



II. ZONING AND LAND USE:

The table below lists the zoning district, existing land use and future land use for the subject site and surrounding parcels.

Parcel	Zoning District	Existing Land Use	Future Land Use
Subject Property	OST, Planned Office Service Technology District	Vacant	Office research development and technology w/Retail Overlay
North	OSC, Office Service Commercial District	2 Go gas station and Tim Horton's Restaurant	Office research development and technology w/Retail Overlay
South	OST, Planned Office Service Technology District	Chase Bank	Office research development and technology w/Retail Overlay
East	OST, Planned Office Service Technology District	Vacant	Office research development and technology w/Retail Overlay
West	B-2 Community Business District	Westmarket Square Shopping Center	Local Commercial

III. STAFF COMMENTS:

Existing Condition

The subject property consists of one (1) lot located on the east side of Beck Road and north of Grand River. The parcel has approximately 142.76 feet of frontage on Beck Road and approximately 420.26 feet deep as measured along north side yard lot line.

Proposed Changes

The applicant is proposing to construct a 5,908 sq. ft. building with a retail space and two fast food restaurant spaces.

1. Building setbacks (3.1.23.D) The new building would result in a setback of 117 feet from the front (west side/Beck Road) yard lot line, 202 feet from the rear (east side) yard lot line, 16 feet from the north side yard lot line, and 55 feet from the south side yard lot line. The proposed parking would result in a setback of 20.0 feet from the north, east and south side yard lot line. ***This requires a variance of 34.0 feet in the required north side yard setback.***
2. Drive-through setbacks (Sec. 5.3.11.A, B) drive through shall follow parking setback requirements and applicable parking lot landscaping requirements. The drive-through lane on the north is encroaching into the minimum required parking setback. ***This requires a variance of 20.0 feet in the required north yard parking setback.***

IV. RECOMMENDATION:

The Zoning Board of Appeals may take one of the following actions:

1. Grant I move that we **grant** the variance(s) in Case No. PZ15-0032, sought by _____, for _____ because the Petitioner has established that _____ causes a practical difficulty relating to the property, including some or all of the following criteria:

(a) Petitioner has established that the property is unique because _____, or that the physical condition of the property creates the need for a variance because _____.

And, the condition is not a personal or economic hardship.

(b) The need for the variance is not self-created, **because** _____.

(c) Strict compliance with dimensional regulations of the Zoning Ordinance, including _____, will (either):

1. unreasonably prevent Petitioner from using the property for the permitted purpose as a _____, because _____, and/or,
2. will make it unnecessarily burdensome to comply with the regulation because _____.

(d) Petitioner has established that variance is the minimum variance necessary because a lesser variance would not _____.

(e) The requested variance will not cause adverse impact on surrounding property, property values, or the enjoyment of property in the neighborhood or zoning district, because _____.

(f) The variance granted is subject to the conditions that:

1. _____,
2. _____,
3. _____,
4. _____.

2. Deny I move that we **deny** the variance in Case No. PZ15-0032, sought by _____, for _____ because the Petitioner has **not** established a practical difficulty because:

(a) Petitioner has shown no unique circumstance or physical condition of the property because petitioner can reasonably comply with the ordinance by_____.

(b) The difficulty described by the Petitioner is a personal or economic difficulty only in that Petitioner stated _____.

(c) The need for the variance is self-created because Petitioner _____.

(d) Conforming to the ordinance would not (either):

1. be unnecessarily burdensome because _____, or,

2. unreasonably prevent petitioner from using the property for _____, because_____.

(e) A lesser variance consisting of _____would do substantial justice to Petitioner and surrounding property owner's because_____.

(f) The proposed variance would have adverse impact on surrounding property because _____.

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0423.

Charles Boulard
Building Director
City of Novi



45175 Ten Mile Road
 Novi, MI 48375
 (248) 347-0415 Phone
 (248) 735-5600 Facsimile
 www.cityofnovi.org

ZONING BOARD OF APPEALS APPLICATION

RECEIVED

OCT 26 2015

CITY OF NOVI

COMMUNITY DEVELOPMENT

Revised APP

APPLICATION MUST BE FILLED OUT COMPLETELY

PROJECT NAME / SUBDIVISION Citygate Marketplace				Application Fee: _____	
ADDRESS 27200 Beck Road		LOT/SIUTE/SPACE # N/A		Meeting Date: _____	
SIDWELL # 50-22-16 - 176 - 033		May be obtain from Assessing Department (248) 347-0485		ZBA Case #: PZ 15-0032	
CROSS ROADS OF PROPERTY Citygate Drive and Beck Roads					
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			REQUEST IS FOR: <input type="checkbox"/> RESIDENTIAL <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> VACANT PROPERTY <input type="checkbox"/> SIGNAGE		
DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
A. APPLICANT		EMAIL ADDRESS dsmarkus@yahoo.com		CELL PHONE NO. 248-892-2222	
NAME Doraid Markus		TELEPHONE NO. 248-892-2222			
ORGANIZATION/COMPANY Grand Beck Partners, LLC		FAX NO. N/A			
ADDRESS 4036 Telegraph Road, Suite 205		CITY Bloomfield Hills		STATE MI	ZIP CODE 48303
B. PROPERTY OWNER <input checked="" type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER					
Identify the person or organization that owns the subject property:		EMAIL ADDRESS		CELL PHONE NO.	
NAME		TELEPHONE NO.			
ORGANIZATION/COMPANY		FAX NO.			
ADDRESS		CITY		STATE	ZIP CODE
A. ZONING DISTRICT					
<input type="checkbox"/> R-A <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input type="checkbox"/> R-4 <input type="checkbox"/> RM-1 <input type="checkbox"/> RM-2 <input type="checkbox"/> MH <input type="checkbox"/> I-1 <input type="checkbox"/> I-2 <input type="checkbox"/> RC <input type="checkbox"/> TC <input type="checkbox"/> TC-1 <input checked="" type="checkbox"/> OTHER <u>OST</u>					
B. VARIANCE REQUESTED					
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:					
1. Section <u>3.1.23.D</u>		Variance requested		<u>28.5' north yard building setback</u>	
2. Section <u>5.3.11.A, B</u>		Variance requested		<u>20' north yard parking setback for drive-thru lane</u>	
3. Section _____		Variance requested		_____	
4. Section _____		Variance requested		_____	
A. FEES					
<input type="checkbox"/> Single Family Residential (Existing) \$200 <input type="checkbox"/> (With Violation) \$250 <input type="checkbox"/> Single Family Residential (New) \$250 <input checked="" type="checkbox"/> Multiple/Commercial/Industrial \$300 <input type="checkbox"/> (With Violation) \$400 <input type="checkbox"/> Signs \$300 <input type="checkbox"/> (With Violation) \$400 <input type="checkbox"/> House Moves \$300 <input type="checkbox"/> Special Meetings (At discretion of Board) \$600					
B. DRAWINGS 1-COPY & 1 DIGITAL COPY SUBMITTED AS A PDF					
<ul style="list-style-type: none"> Dimensioned Drawings and Plans Site/Plot Plan Existing or proposed buildings or addition on the property Number & location of all on-site parking, if applicable Existing & proposed distance to adjacent property lines Location of existing & proposed signs, if applicable Floor plans & elevations Any other information relevant to the Variance application 					



ZONING BOARD OF APPEALS APPLICATION

A. VARIANCE (S) REQUESTED.

DIMENSIONAL USE SIGN

There is a five-(5) hold period before work/action can be taken on variance approvals.

B. SIGN CASES (ONLY)

Your signature on this application indicates that you agree to install a **Mock-Up Sign ten-(10) days** before the schedule ZBA meeting. Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next schedule ZBA meeting, or cancelled. A mock-up sign is **NOT** to be actual sign. Upon approval, the mock-up sign must be removed within five-(5) days of the meeting. If the case is denied, the applicant is responsible for all costs involved in the removal of the mock-up or actual sign (if erected under violation) within five-(5) days of the meeting.

C. ORDINANCE

City of Novi Ordinance, Section 3107 – Miscellaneous

No order of the Board permitting the erection of a building shall be valid for a period longer than one-(1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board permitting a use of a building or premises shall be valid for a period longer than one-hundred and eighty-(180) days unless such use is establish within such a period; provided, however, where such use permitted is dependent upon the erection or alteration or a building such order shall continue in force and effect if a building permit for such erection or alteration is obtained within one-(1) year and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

D. APPEAL THE DETERMINATION OF THE BUILDING OFFICIAL

PLEASE TAKE NOTICE:

The undersigned hereby appeals the determination of the Building Official / Inspector or Ordinance made

CONSTRUCT NEW HOME/BUILDING ADDITION TO EXISTING HOME/BUILDING SIGNAGE

ACCESSORY BUILDING USE OTHER _____

A. APPLICANT

Amie Alank

Applicant Signature

10/20/15

Date

B. PROPERTY OWNER

If the applicant is not the owner, the property owner must read and sign below:

The undersigned affirms and acknowledges that he, she or they are the owner(s) of the property described in this application, and is/are aware of the contents of this application and related enclosures.

Amie Alank

Property Owner Signature

10/20/15

Date

DECISION ON APPEAL:

GRANTED

DENIED

The Building Inspector is hereby directed to issue a permit to the Applicant upon the following and conditions:

Chairperson, Zoning Board of Appeals

Date



45175 Ten Mile Road
 Novi, MI 48375
 (248) 347-0415 Phone
 (248) 735-5600 Facsimile
 www.cityofnovi.org

ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

Application Fee: \$ 300.00
 Meeting Date: 10-13-15
 ZBA Case #: PZ 15-0032

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION Citygate Marketplace			
ADDRESS 27200 Beck Road		LOT/SIUTE/SPACE # N/A	
SIDWELL # 50-22-16 - 176 - 033		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY			
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		REQUEST IS FOR: <input type="checkbox"/> RESIDENTIAL <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> VACANT PROPERTY <input type="checkbox"/> SIGNAGE	
DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			

II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS dsmarkus@yahoo.com	CELL PHONE NO. 248-892-2222
NAME Doraid Markus		TELEPHONE NO. N/A	
ORGANIZATION/COMPANY Grand Back Partners, LLC		FAX NO. N/A	
ADDRESS 4036 Telegraph Road, Suite: 205	CITY Bloomfield Hills	STATE MI	ZIP CODE 48303
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Identify the person or organization that owns the subject property:		EMAIL ADDRESS	CELL PHONE NO.
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ADDRESS	CITY	STATE	ZIP CODE

III. ZONING INFORMATION	
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B. VARIANCE REQUESTED	
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:	
1. Section <u>3.1.23.D</u>	Variance requested <u>34'</u>
2. Section _____	Variance requested _____
3. Section _____	Variance requested _____
4. Section _____	Variance requested _____

IV. FEES AND DRAWINGS	
A. FEES	
<input type="checkbox"/> Single Family Residential (Existing) \$200 <input type="checkbox"/> (With Violation) \$250 <input type="checkbox"/> Single Family Residential (New) \$250 <input checked="" type="checkbox"/> Multiple/Commercial/Industrial \$300 <input type="checkbox"/> (With Violation) \$400 <input type="checkbox"/> Signs \$300 <input type="checkbox"/> (With Violation) \$400 <input type="checkbox"/> House Moves \$300 <input type="checkbox"/> Special Meetings (At discretion of Board) \$600	
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<ul style="list-style-type: none"> Dimensioned Drawings and Plans Site/Plot Plan Existing or proposed buildings or addition on the property Number & location of all on-site parking, if applicable 	<ul style="list-style-type: none"> Existing & proposed distance to adjacent property lines Location of existing & proposed signs, if applicable Floor plans & elevations Any other information relevant to the Variance application



ZONING BOARD OF APPEALS APPLICATION

V. VARIANCE

A. VARIANCE (S) REQUESTED

DIMENSIONAL USE SIGN

There is a five-(5) hold period before work/action can be taken on variance approvals.

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CONSTRUCT NEW HOME/BUILDING ADDITION TO EXISTING HOME/BUILDING SIGNAGE

ACCESSORY BUILDING USE OTHER _____

VI. APPLICANT & PROPERTY SIGNATURES

A. APPLICANT

Applicant Signature

8/12/15
Date

B. PROPERTY OWNER

If the applicant is not the owner, the property owner must read and sign below:

The undersigned affirms and acknowledges that he, she or they are the owner(s) of the property described in this application, and is/are aware of the contents of this application and related enclosures.

Property Owner Signature

8/12/15
Date

VII. FOR OFFICIAL USE ONLY

DECISION ON APPEAL:

GRANTED

DENIED

The Building Inspector is hereby directed to issue a permit to the Applicant upon the following and conditions:

Chairperson, Zoning Board of Appeals

Date

Citygate Marketplace ZBA Application for Dimensional Variance

This project is proposing the development of a new 6,242 square foot retail development on a parcel of land approximately 1.98 acres in size located at 27200 Beck Road (southeast corner of Beck Road and Citygate Drive). The subject parcel is zoned OST (Office Service Technology) which requires pursuant to Section 3.1.23D a 50 foot setback from all property lines. The requested variance is to allow for a 34' foot variance from the required 50 foot setback along the north property line. The reason for this request is due to the fact that subject parcel has a limited north/south dimension to allow for the construction of an appropriately size retail development if the 50 foot setback is utilized. The parcel is also subject to an existing ingress/egress easement with the development to the south (Chase Bank) which forces the location of the building to placed west of where is would typically be sited. Finally the subject site contains a regulated wetland area at the southeast corner of the site which further reduces the amount of area available for this development.

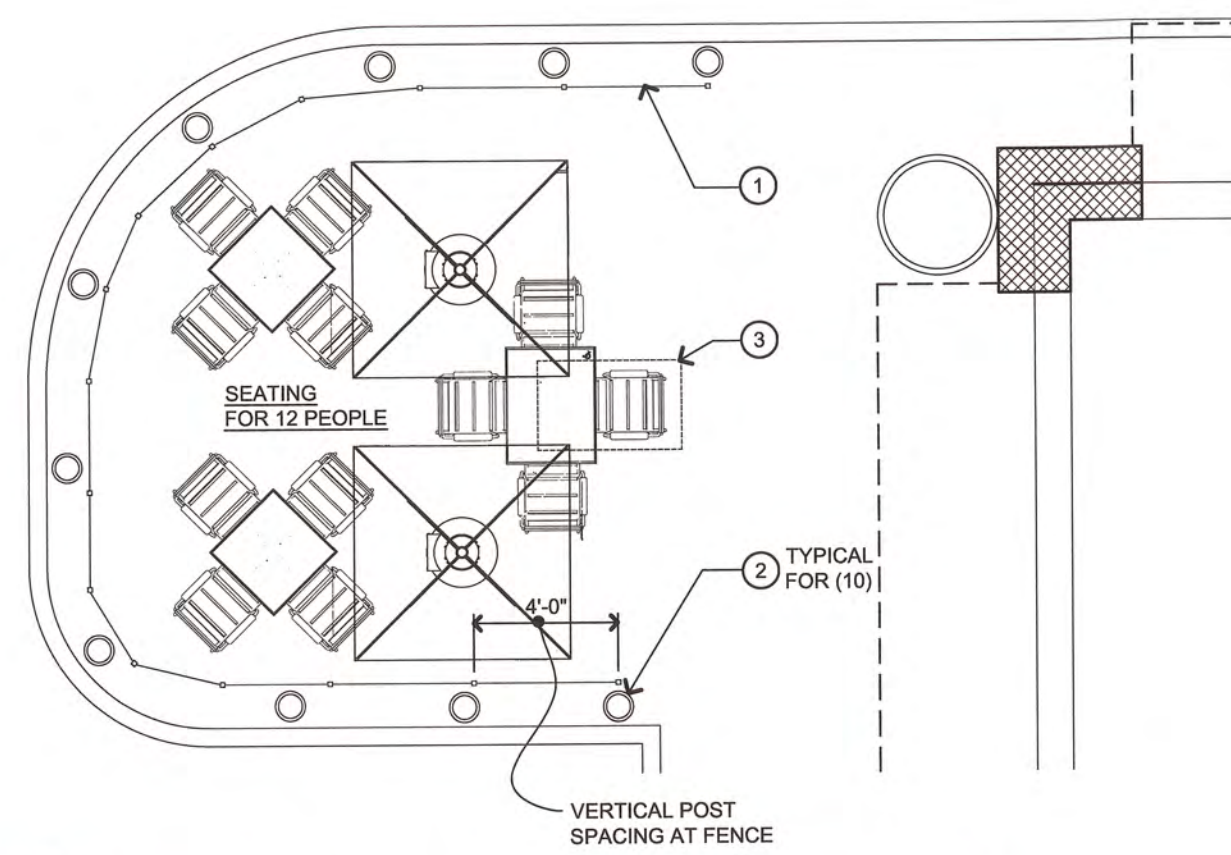
It should be noted that a variance was previously approved for the subject development on September 10, 2013 for a project known as Tom's Bar and Grill (ZBA Case PZ13-042)

OUTDOOR SEATING AREA NOTES:

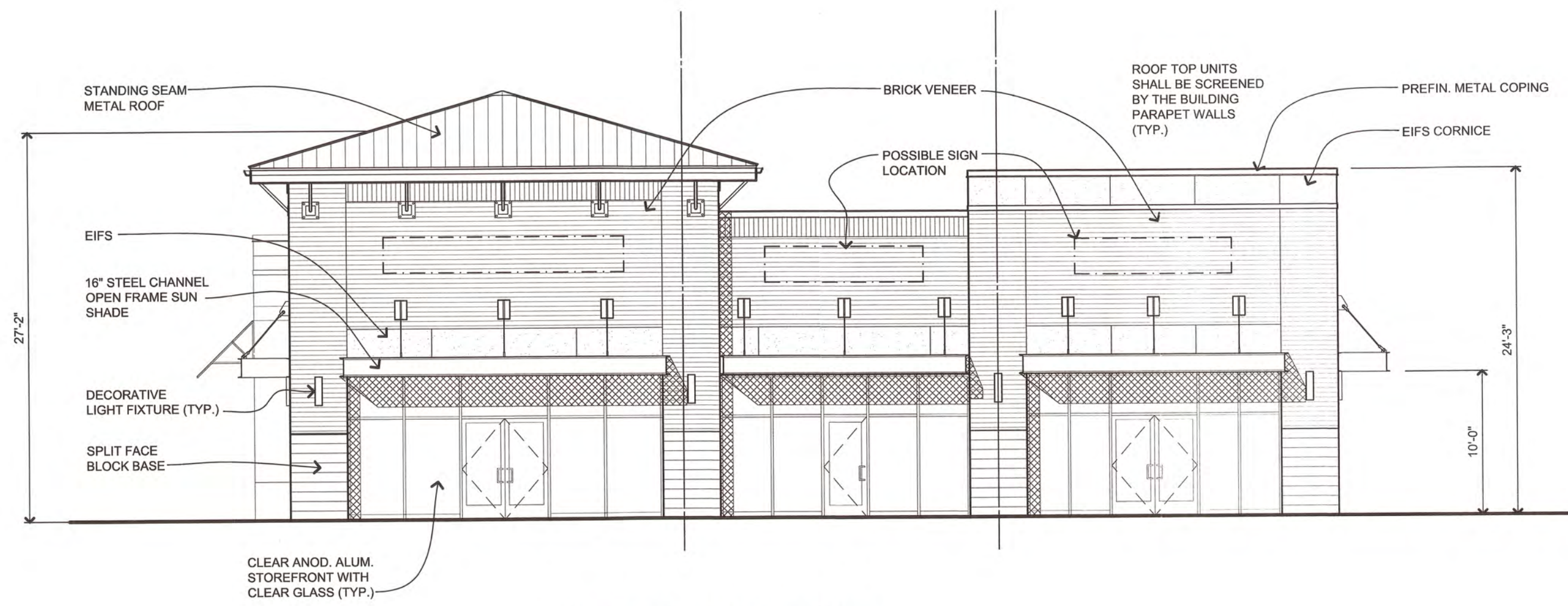
1. 42" HIGH GALVANIZED DECORATIVE METAL FENCE, AMERISTAR FENCE PRODUCTS, AEGIS PLUS - MAJESTIC STYLE, 3-RAIL WITH FLUSH TOP RAIL AND BLACK POWDER COAT FINISH OR APPROVED EQUAL. SEE DECORATIVE FENCE DETAIL SHEET SP-1A.
2. DECORATIVE PRECAST CONCRETE BOLLARD
3. 30"x48" CLEAR FOR WHEEL CHAIR ACCESS.

HOURS OF OPERATION:

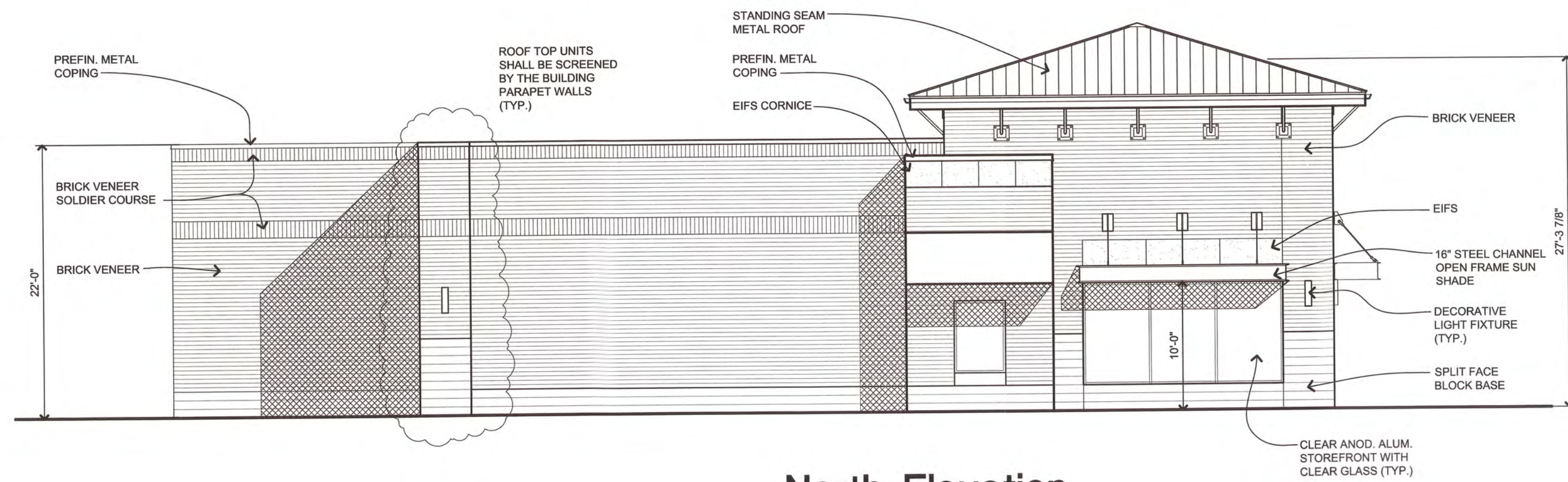
1. THE HOURS OF OPERATION FOR THE OUTSIDE RESTAURANT SHALL BE CONSISTENT WITH THE HOURS OF OPERATION OF THE INSIDE RESTAURANT.
2. OUTDOOR SEATING SHALL BE PERMITTED BETWEEN MARCH 1ST AND NOVEMBER 30TH WITH ALL FURNITURE AND FIXTURES INCLUDING, BUT NOT LIMITED TO TABLES, CHAIRS AND WASTE RECEPTACLES REMOVED FROM THE EXTERIOR PREMISES AFTER NOVEMBER 30TH. OUTDOOR SEATING SHALL NOT BE THE PRIMARY SEATING OF THE RESTAURANT.



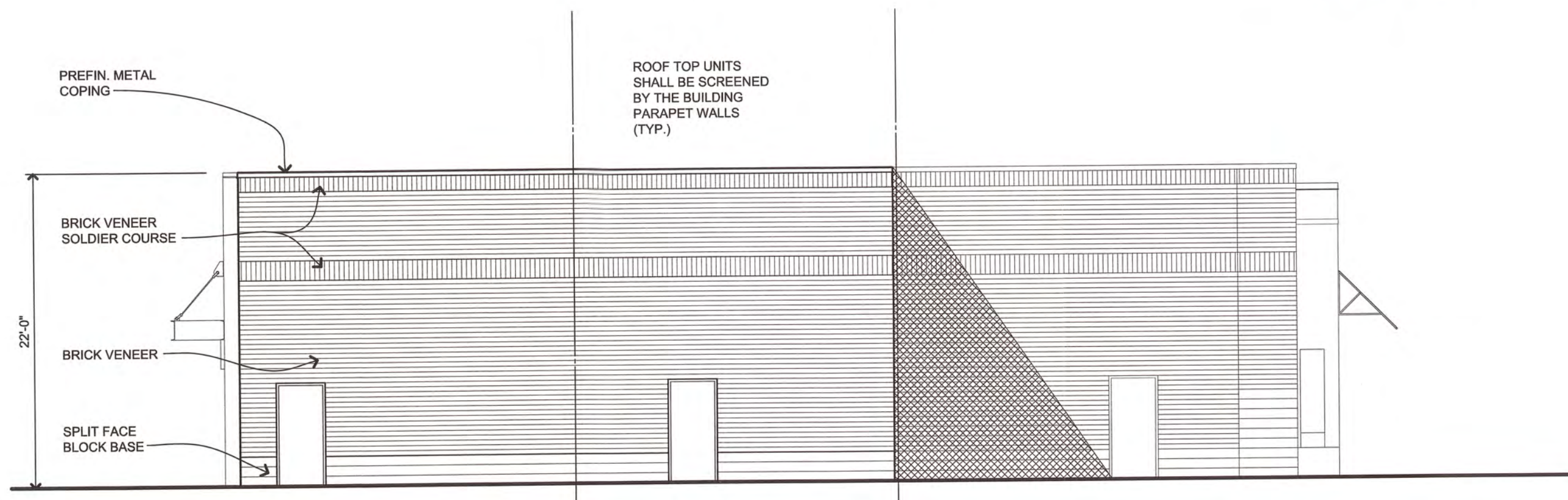
Outdoor Seating Area Plan
Scale: 3/16"=1'-0"



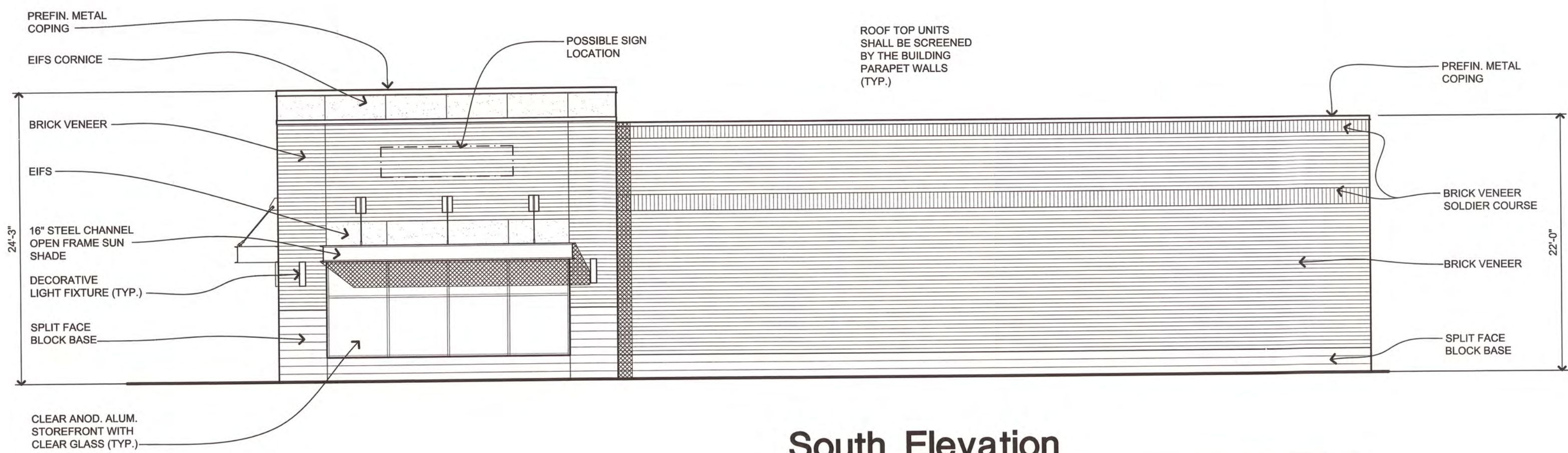
West Elevation
Scale: 1/8"=1'-0"



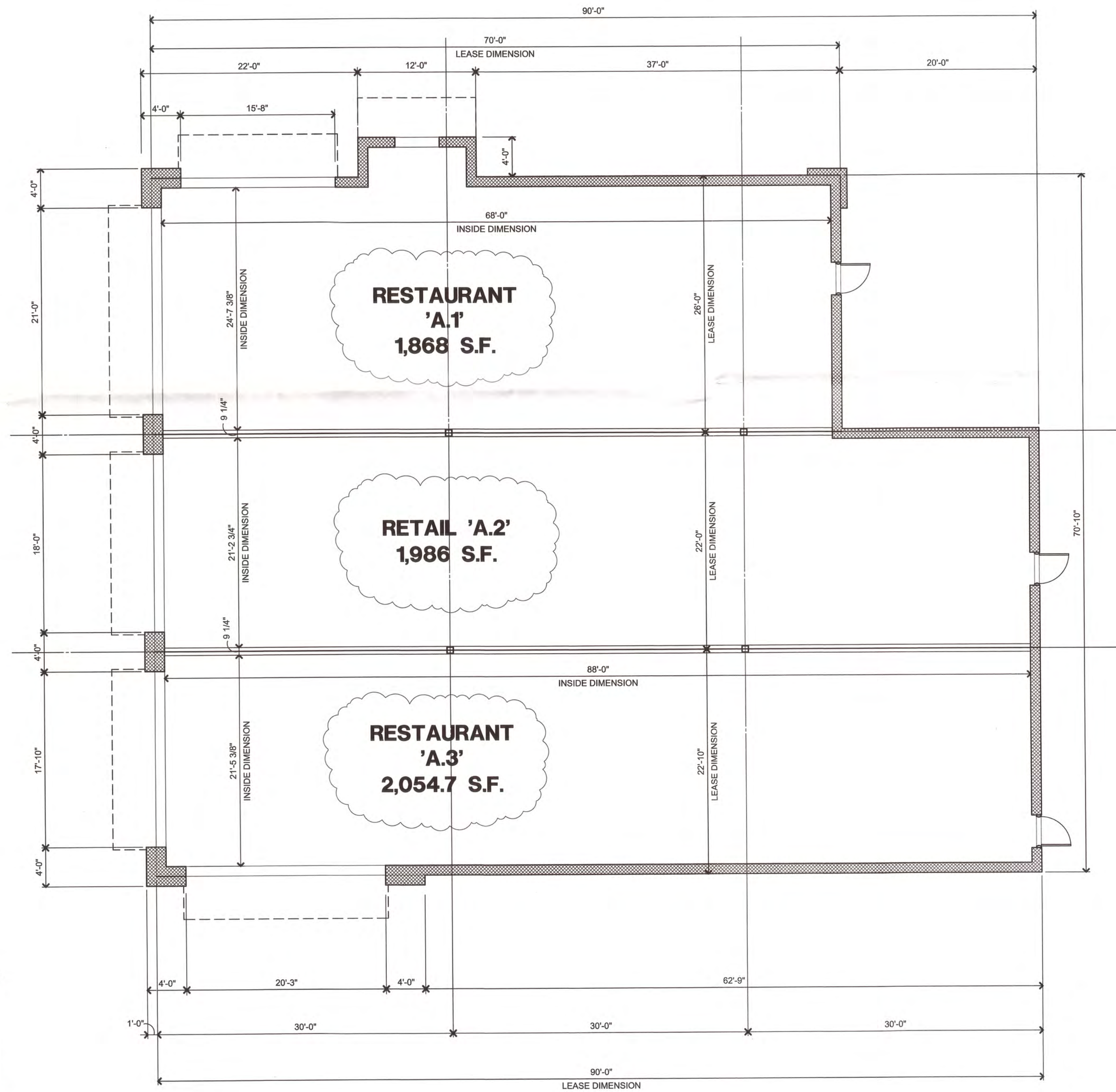
North Elevation
Scale: 1/8"=1'-0"



East Elevation
Scale: 1/8"=1'-0"



South Elevation
Scale: 1/8"=1'-0"



Floor Plan
Scale: 1/8"=1'-0"

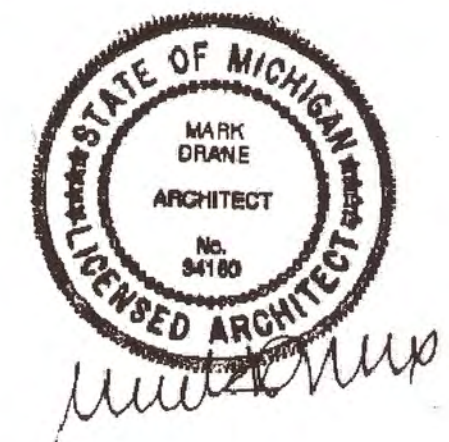
issued for:
 SUBMITTED FOR SITE
 PLAN REVIEW: 11 APR 15
 REVIEW: 21 MAY 15
 SUBMITTED FOR SITE
 PLAN REVIEW: 23 JUN 15
 REVIEW: 29 JUL 15
 REVISED: 09 OCT 15
 REVIEW: 19 OCT 15
 SUBMITTED FOR SITE PLAN
 REVIEW: 23 OCT 15

project:

Proposed
Commercial Development
 Beck Rd. & Citygate Dr.
 Novi, Michigan



32500 TELEGRAPH ROAD
 SUITE 250
 BINGHAM FARMS, MICHIGAN
 48025-2404
 PH 248.540.7700 FX 248.540.2710
 www.rogvoy.com



drawing:

**Conceptual
 Floor Plan
 & Elevations**

DO NOT SCALE DRAWING

issue date: 14 APR. 15
 drawn: KL
 checked: MD
 approved: MD

file number: 14028

sheet:

A-1

**City of Novi
Public Hearing Notice**

NOTICE IS HEREBY GIVEN THAT the Zoning Board of Appeals for the City of Novi will hold a public hearing on Tuesday, January 12, 2016 at 7:00 p.m. in the Council Chambers of the Novi Civic Center, 45175 Ten Mile Road, Novi, MI to consider:

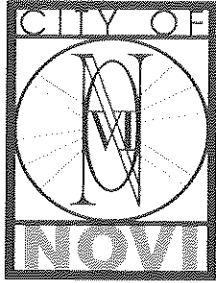
CITYGATE MARKETPLACE (CASE PZ15-0032), DORAID MARKUS ON BEHALF OF CITYGATE MARKETPLACE, 27200 BECK ROAD, NORTH OF GRAND RIVER AVENUE AND EAST OF BECK ROAD, PARCEL # 50-22-16-176-033. The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, to allow construction of a 5,908 sq. ft. building with a retail space and two fast food restaurant spaces: 1) a variance from Section 3.1.23.D to reduce the required north yard building setback by 34 feet (50 feet required, 16 feet proposed); and 2) a variance from Section 5.3.11.A, B to reduce the required north yard parking setback (20.0 feet required, 0.0 feet proposed) to allow construction of a drive-through lane.

VOJTIKOFESKY (CASE NO. PZ15-0045), RYAN VOJTIKOFESKY, PARCEL #: 50-22-21-179-011, 25687 CODY LANE, EAST OF BECK ROAD AND SOUTH OF 11 MILE ROAD. The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES; Section 5.11.A.ii to allow installation of a fence in the exterior side yard of an existing residence.

AIRTIME (CASE NO. PZ15-0046), NEW GENERATION SIGNS FOR AIRTIME, 44255 TWELVE MILE ROAD, UNIT A, WEST OF DONELSON DRIVE AND SOUTH OF 12 MILE ROAD, PARCEL#: 50-22-15-200-112. The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES; 28-5 (3)f and 28-5(2)b 1(a)(i)d to allow installation of (3) additional wall signs (1 sign allowed) with a total additional area of 281 square feet.

Published: December 24, 2015

LO-0000266975 3-3.5



cityofnovi.org

ZONING BOARD OF APPEALS MEETING NOTIFICATION

45175 West Ten Mile Road
Novi, Michigan 48375-3024
(248) 347-0415

December 23, 2015

Grand Beck Partners, LLC
Attn: Doraid Markus
4036 Telegraph Road, Ste 205
Bloomfield Hills, MI 48303

Zoning Board of Appeals Case No. PZ15-0032, 27200 Beck Road

Enclosed herewith please find the Notice of Public Hearing for your case. The City of Novi Zoning Board of Appeals will conduct a public hearing on **Tuesday, January 12, 2016 at 7:00 p.m.** to consider your variance request. **It is mandatory** that you or your representative be present at this meeting.

The agenda will be available on the website at www.cityofnovi.org one week before the meeting.

If you have any questions, please contact me at (248) 735-5638.

Respectfully,

Stephanie Ramsay
Customer Service Representative

PZ15-0032
27200 Beck Road

