Danbury	Township, Ohio		<u>F REPORT</u> Zoning Appeals November 20, 2024
Case #:	BZA-2024-281	Address:	525 Hillcrest
Appellant: Agent:	David & Wendy Stahanczyk, Owner Evan Jones, Architect	Zoning:	"R-2" Suburban Residential
Request:	Request: Request for Area Variances from Section 5.1.7 to allow for an addition to encroach into the west, front-yard setback (16.4' proposed/ 20' required) and to Section 7.12.3.A to allow more square footage onto a nonconforming structure than permitted (20%; 599.2s.f allowed/ 78.6%; 2,198s.f. proposed).		

# **SUMMARY:**

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The property is part of the Townsend Beach, Blk E Subdivision which was platted in 1925. The existing home is nonconforming because it is 19.4' from the west, front property line, less to the existing roof overhang. The applicant is proposing to remove an existing sunroom on the rear of the home along with some of the rear family room area and replace that same square footage, which becomes a wash. The applicant is proposing to then construct multiple additions onto the home that results in 2,198s.f. of all new, never previously existing space onto the home.

One of the additions includes a new, 12' x 25' 3<sup>rd</sup> garage bay, but then adding a 3' decorative eyebrow awning over the existing 2-car garage. The decorative eyebrow will result in being 16.4' from the west, front property line, where a 20' setback is required. The original structure consists of 2,796s.f. 20% would allow for 599.2s.f. of new space to be added. The applicant is proposing to construct a total of 2,198s.f. of all new space, which results in a 78.6% increase where 20% is permitted.

## **ANALYSIS:**

Staff provides the following analysis of the decision standards the Board utilizes in their deliberations for deciding whether the request should be approved or denied. The Board is not obligated to agree in whole or in part with any of Staff's review:

The property in question will yield a reasonable return and can be beneficially used without the variance because the property can continue to be used for a single-family residence and the restrictions are not so restrictive that they prohibit the property owner from making any improvements to the property.

Whether the request is substantial or not can be debated. On the one hand the front setback will be encroached upon more, due to a decorative feature above the garage that isn't necessarily necessary, and the house is noticeably increasing in size. On the other hand, the house the encroachment into the front-yard setback is due to a decorative feature, not the physical structure, and the additions themselves meet all the setbacks. Also, the reason the house is limited to a 20% addition is because it was set too close to the front property line by 7-inches, according to the Auditor's records in 1951 (73yrs. ago). Furthermore, this property is made up of 6 lots. Even if the 3 eastern lots were sold off, this structure will meet the rear-yard setback requirement and lot coverage on just the 3 lots it sits on.

The essential character of the neighborhood would not be substantially altered or suffer a substantial detriment as a result of the variances because the addition matches the style of the existing house and a lot of the work to take place will be predominately at the rear of the property.

There is no indication that there would be a detrimental effect on the delivery of government services since utilities are existing and available to the property.

The applicant's narrative statement says they were not aware of the zoning requirements at the time they purchased the property in 2023.

The property owner's predicament cannot feasibly be obviated through some method other than a variance because any improvement to the structure would likely result in a variance needed to exceed the 20% additional limitation because the lot is of such a size, it can accommodate a large expansion, without impacting other zoning requirements.

The spirit and intent of the zoning resolution would be met because there are no known negative impacts to adjoining properties.

# **STAFF RECOMMENDATION:**

None.

SUBMITTED BY: 11

Kathryn A. Dale, AICP Danbury Township Zoning Inspector

Date Prepared: October 25, 2024

# List of Exhibits Enclosed:

Exhibit 1: BZA Application Appellants Narrative Statement Adjacent property owners' notification list Property Deed

Exhibit 2: Refused Permit Site plan Addition Plans

59 M 19	Ature verification: ddp.us/AU17-tLfv-ZM3u Danbury Township, Ohio 972 E. Port Clinton Rd. Aarblehead, Ohio 43440 E: (419) 734-6120 F: (419) 734-3137 Rejected Permit: 2024-277 Approved Permit:
	D: www.danburytownship.com         Property Location:       525 Hillcrest         Parcel ID#       014126111683900         Zoning District :       "R-2" Suburban Residential         Attach Deed For Complete Property Legal Description         Existing Use       SF Home         Proposed Use       Multiple Additions
2.	CityColumbus/ Marblehead       StateOhio       Zip43215       Phone(614)915-6793/(567)267-         Email:evan@studioj1s.com / dearthcontracting3@gmail.com/ tomdearth@hotmail.com       7170 Federa Deed
4.	Specific Request:         Area Variance       Use Variance       Special Exception       Conditional Use       Appeal         Chapter / Section       Request for Area Variances from Section 5.1.7 to allow for an addition to encroach into the west, front-         yard setback (16.4' proposed/ 20' required) and to Section 7.12.3.A to allow more cumulative square footage to be added         onto a nonconforming structure than permitted [599.2s.f. (20%) allowed/ 2,198s.f. (78.6%) proposed].         Practical Difficulty       SEE ATTACHED NARRATIVE STATEMENT         Attach Separate Narrative Statement Describing The Request If Additional Space Is Needed.

- 5. Attach a Narrative Statement with a response to each Decision Standard listed in <u>Attachment "A"</u> hereto, as is relates to the specific request.
- 6. Maximum 11" x 17" sized drawings. Attach a scaled site plan/ plot plan showing the dimensions of the property, location of roads, size and location of existing and proposed structures, including but not limited to driveways, patios, sidewalks and decks, as well as the setback distances from the property lines to each of these aforementioned items on

the property. Elevations shall also be submitted when applicable. Applications for signs shall include all drawings depicting the size, height and location of the proposed sign.

- 7. A typewritten list of the names & addresses of the property owners contiguous to and directly across the street from the property involved.
- 8. Photographs or any other information and documentation as it relates to the request being made.

An application is hereby made for an appeal before the Danbury Township Board of Zoning Appeals (BZA). It is understood and agreed to by the appellant(s) and agent(s) that the Board of Zoning Appeals is a quasi-judicial Board. The BZA's primary function is to hear testimony and issue a decision. The BZA only hears relevant, sworn testimony from the Appellant, his/her duly appointed agent or attorney, and any other person with standing to testify in a particular matter. The Appellant has the right to cross-examine any testimony given. Hearings are open to public attendance. Unless appealed to the judicial system, the subject property shall comply with the decision rendered and the laws of the State of Ohio, and; should an application be granted, a permit shall be applied for and issued 30 days after such decision is rendered. The Appellant and Agent hereby certify that the information and statements given on this application, drawings and specification are to the best of their knowledge, true and correct.

	(Agent's Sign	ature)		<u> </u>	(Date)
-	Wendy Stah	-	dotloop verified 10/23/24 3:05 PM EDT FD1D-0TMQ-RP5L-QIUA		
	(Appenant s	Signature)			(10/23/2024
Filing Fee = \$200.00	Legal Ad Fee \$	P	ostage Fee \$	Total Fees Paid \$ _	Amount Invoiced \$
	Cash/ Check #	481959	List of neighbori	ng property owners provide	d? Ses No
	Address of the Addres	the second s		LENDAR FOR SUBMIS	
			Do not write belov	this line	
			ZONING SUM	MARY	
BZA Hearing Da	ite: 11/201	24		BZ	A Application #: 2024-281
Notice Sent to Ne	wspaper: <u>\\</u>	4/24 P	ublished: 11/c	7/24	
Notice Sent to N	Neighboring P	roperty Ow	ners: 11/4/	24	
<b>BZA Action:</b>	Approved	Denied	Approved w/ C	Conditions Vot	e:
Decision Sheet si	aned:		Expiration of Ar	proval:	
	_				
Date Letter Sent	to Appellant:_				
Permit# Issued:			Date:		

### Applicant's Narrative Statement & Response to Decision Standard's

# 525 Hillcrest Stahanczyk

### Scope of Work:

Construct 6' x 16' covered front porch with 6' x 10' pergola, 12' x 25' 3rd garage bay,

5' x 34' rear addition onto back of house & 41 '8" x 43'4" kitchen, master, screened porch addition.

### **Decision Standards:**

- A. The property in question (will/will not) yield a reasonable return or (can/cannot) be used beneficially without the variance because:
  - a. We will not be able to use the property beneficially without a variance because we need the extra space for our daily lives and responsibilities. Firstly, as we are getting older we have an increased awareness of growing mobility limitations and would like to prepare for the continuation of such realities by having a larger master suite / bed / and bath that is in a private wing and is wheel chair accessible. Secondly, we are moving from our long-time life and home in New Albany and would like a more welcoming, spacious home to stay in contact with family and friends. As the property appraised at purchase at \$280K from the estate, it is significantly lower than many of the homes in Townsend beach, and it features a functionally obsolescent floorplan for todays open style of living.

### B. \_\_\_\_ The variance (is / is not) substantial because:

- a. The variance is not substantial for two reasons. Firstly, the home is quite small to begin with. The variance very specifically limits the increase of a home to the percentage (20%) of the existing home. Because of such, a small house is allowed a smaller addition than a larger house would be allowed. As our house is a smaller house, the addition allowed is also quite a small square footage. Secondly, we have taken great care in the design of our addition to add space without making it feel like we are adding space. We still meet every setback requirement (except for a small garage eyebrow which is merely for aesthetics), and we also meet the building to lot percentage ratio. I.e. If this was new-build, we wouldn't even need to request a variance. Therefore I think it is safe to say that the variance is not a substantial request. The proportion that we are requesting would be proportional to the community homes and not stand out, but rather enhance the community.
- C. The essential character of the neighborhood (would / would not) be substantially altered by the variance and adjoining properties (would / would not) suffer a substantial detriment as a result of the variance because If there is any effect on adjoining properties, it is a positive one. Both in terms of curb appeal and property valuation. I have lived in this home since I was born, and it is gives me great joy to entice my husband to want to move back to the area to retire and to enhancing the neighborhood aesthetics. I am also now ont he Townsend Beach HOA so I will have an extra obligation to maintaining the integrity of the neighborhood,
- D. The variance (would / would not) adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because

a. Not applicable. Zero affect to gov delivery services.

- <u>E.</u> The property owner (did / did not) purchase the property with knowledge of the zoning restriction because
  - a. Inherited property at parents passing (i.e. purchased from estate. Was not aware of the 20% increase limit.
- F. The property owner's predicament (can / cannot) feasibly be obviated through some method other than a variance because
  - <u>a.</u> Based on our needs and desires there is no other solution. We are limited by the size of the existing house, not a property line, not a lot coverage percent. The only solution to our issue is a variance.
- G. The spirit and intent behind the zoning requirement (would / would not) be observed and substantial justice done by granting the variance because.
  - a. This is a great question and the one worth highlighting the most. The entire reason we create these rules and regulations is to protect our towns and communities. To keep a happy, cute, residential, environment. But it is difficult for a law or rule to account for each and every scenario. That's the very reason that variances exist in the first place. Because of our understanding that although rules and regulations are supposed to improve our community, occasionally they do the very opposite. In my mind a variance is not a request to break the rule or regulation, it is a suggestion that the rule and regulation, in this instance, is a hindrance, rather than an aid, to the improvement of the community. I think our plans speak for themselves that this addition, this variance, would improve the neighborhood and community.
- H. Other relevant factors, if any, considered include This has been my families home since I was born, with many Peninsula residents having fish hooks dug out of their eyes in our living room when my father was still practicing. The use of our living room may serve a different purpose now, but still we look forward to continued great park like setting of the home and to contributing to the Penninsula upon moving back in a few years. Most importantly to me is making my mom and dad proud by moving back to our family home and having them love and welcome the improvements.

# **Kathy Dale**

From:	Wendy Stahanczyk <wendyfromtheclub@gmail.com></wendyfromtheclub@gmail.com>
Sent:	Wednesday, October 23, 2024 4:03 PM
То:	Kathy Dale
Subject:	Listing of surrounding property owners 525 N Hillcrest Dr

Subject property 525 North Hillcrest Dr. Lakeside Marblehead, Ohio

Our neighbors surrounding the subject of property are in Lakeside Marblehead, OH 43440

Michael Heniken and Debra L Hawthorne 561 N Hillcrest Dr

Carl and Cynthia K Eyman 9370 Northern Ave

Daniel and Judith A Kiger 547 n Westwood Dr

Dean and Ellen A Stelzer 531 Westwood Dr

Thomas and Gail Kowalczk 507 N Westwood Dr

Amy Monica Page 504 n Westwood Dr

Todd and Corinna Efkmam 507 N Hillcrest Dr

John (deceased) and Debra Mizla 512 N Hillcrest Dr.

Scott and Mary Ocke 548 N Hillcrest Dr.

Wendy Witker Stahanczyk Dedicated, Loyal, Discreet Cutler Real Estate Direct 614-203-3292

On Oct 23, 2024, at 11:50 AM, Kathy Dale <zoning@danburytownship.com> wrote:

# 

 202300002047
 04/04/2023 02:28 PM

 Filed for Record in OTTAWA County, Ohio

 Nathan J. Daniels
 Rec Fees: \$34.00

 OR Vol 1941 Pgs 507 - 508

PANS.	anici, county Additor
EXEMPT	dmer, County Auditor
revised code.	as been examined and th with section 319-202 of

# <sup><sup>'</sup>Ωφ.</sup> **FIDUCIARY DEED**

WENDY STAHANCZYK, Successor Trustee of the HELEN S. WITKER TRUST dated September 28, 1995,

by the power conferred by said Trust, for good and valuable consideration, receipt of which is hereby acknowledged,

GRANTS, with FIDUCIARY COVENANTS, To

WENDY W. STAHANCZYK and DAVID J. STAHANCZYK, wife and husband, for their joint lives, remainder to the survivor of them,

tax mailing address: 7179 Fodor Rd., New Albany, OH 43054-9470

The following real estate:

Situated in the Township of DANBURY, County of OTTAWA, and State of OHIO:

Lots Numbered Six (6), Seven (7), Eight (8), Fifteen (15), Sixteen (16) and Seventeen (17) in Section "E" in TOWNSEND BEACH, a subdivision in said Township.

Permanent Parcel No.: 014-12611-16839-000

Property	Address:	525 N. Hillcrest Dr.,	
		Lakeside-Marblehead, OH	43440

Prior Deed Reference: Deed Book 402, page 407

1

Said property is subject to all legal highways, taxes, assessments, easements in use and of record, conditions and restrictions of record, zoning and other governmental regulations. Witness her hand this day of April, 2023.

WENDY STAHANCZYK, Successor Trustee THE HELEN S. WITKER TRUST dated Sept. 28, 1995

STATE OF OHIO COUNTY OF OTTAWA, ss:

On this 4220 day of April, 2023, before me, a Notary Public in and for said County and State, personally WENDY STAHANCZYK, Successor Trustee of THE HELEN S. WITKER TRUST dated Sept. 28, 1995, and acknowledged that she did sign the foregoing instrument and that it is her free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

Instrument prepared by Linda Kroeger-Baum Kroeger & Peters Co., LPA 132 Madison Street Port Clinton, OH 43452 (419) 734-4142

LINDA L. KROEGER Attorney At Law NOTARY PUBLIC STATE OF OHIO My Commission Has No Expiration Date Section 147.03 O.R.C.

**KROEGER & PETERS** 



Kathryn A. Dale, AICP Zoning & Planning Administrator

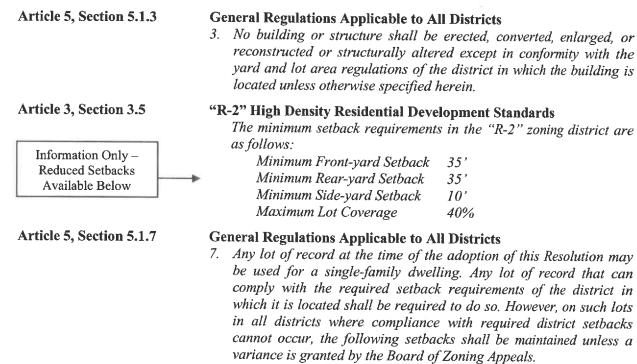
# **NOTICE OF REFUSAL**

October 23, 2024

To Applicant/: Owner	David & Wendy Stahanczyk 7179 Fodor Road New Albany, Ohio 43054	Application No.:	24-277 525 Hillcrest
To Agent:	Eric Jones, Architect 492 City Park Avenue Columbus, Ohio 43215	BZA Case No.:	

Your application dated OCTOBER 23, 2024, for a zoning certificate for MULTIPLE ADDITIONS located at 525 HILLCREST, MARBLEHEAD, OHIO 43440 is hereby refused on this 23<sup>rd</sup> DAY OF OCTOBER, 2024 under Article 3, Article 5 and Article 7 of the Danbury Township Zoning Resolution in that;

Article 3 of the Danbury Township Zoning Resolution and Map designates the location of this property as "R-2" Suburban Residential.



Front-Yard Setback: 20' Side-Yard Setbacks: 5' Rear-Yard Setback: 5'

- The property is part of the Townsend Beach, Blk E Subdivision which was platted in 1925.
- The existing home is nonconforming because it is 19.4' from the west, front property line, less to the existing roof overhang.

Variance #1

- The applicant is proposing to remove an existing sunroom on the rear of the home along with some of the rear family room area and replace that same square footage, which becomes a wash.
- The applicant is proposing to then construct multiple additions onto the home that results in 2,198s.f. of all new, never previously existing space onto the home.
- One of the additions includes a new, 12' x 25' 3<sup>rd</sup> garage bay, but then adding a 3' decorative eyebrow awning over the existing 2-car garage.
- The decorative eyebrow will result in being 16.4' from the west, front property line, where a 20' setback is required.

# 2.3.A. Nonconforming Uses

- A. The addition to or enlargement of a nonconforming building or structure shall be permitted provided it contains a permitted use and such addition or enlargement does not exceed twenty (20%) percent of the floor area contained in <u>the original building or structure</u> at the time of the adoption of this Resolution. All other requirements of the District (lot area, yards, etc.) shall be met unless a variance is obtained.
  - The existing structure is nonconforming because the house encroaches into the west, front-yard setback is 19.4' (less if an overhang is present) where 20' is required.
  - The original structure consists of 2,796s.f.
  - 20% would allow for 599.2s.f. of new space to be added.
  - The applicant is proposing to construct a total of 2,198s.f. of all new space onto the existing home, which results in a 78.6% increase where 20% is permitted.

Article 7, Section 7.5.1.A states; It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, converted or enlarged, wholly or partly, until a zoning certificate/permit shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate/permit, provided the Zoning Inspector is satisfied that the structure, building or premises, and the proposed use thereof conform with all the requirements of this Resolution. No certificate/permit for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Resolution.

Article 7: An appeal from this decision to the Danbury Township Board of Zoning Appeals is governed under Section 7.9.2 of the Danbury Township Zoning Resolution. A request for an Area Variance is necessary prior to proceeding with the proposed construction.

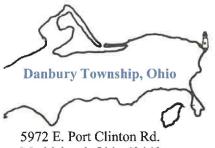
Please contact the Zoning Department at (419) 734-6120 to obtain the appropriate application and to review the adjudication hearing process if you wish to proceed with the appeal.

Kathryn A. Dale, AICP Danbury Township Zoning & Planning Administrator

Note: The applicant has <u>20 days</u> (per Section 7.8.2.A.i.) to submit revisions or to appeal this decision to the Board of Zoning Appeals. A new application will be required, including payment of a new fee, if the applicant fails to submit adequate revisions within this time period. Revisions that address these deficiencies may result in further comments relative to these or other Zoning Code provisions. This review is only for compliance with the zoning regulations. The Ottawa County building departments may also have comments that will need to be addressed before releasing permits.

Variance #2

Article 7, Section 7.12.3.A.



5972 E. Port Clinton Rd. Marblehead, Ohio 43440 (2): (419) 734-6120 F: (419) 734-3137 (2): www.danburytownship.com

# ZONING PERMIT APPLICATION

Date Filed: 10/23/24 Application #: 2024-277 Refused Approval Date: 10/23/24 BZA Case #: \_\_\_\_\_

1.	Property Location: 525 Hillcrest - 0141261116839000
	Subdivision Townsend Beach, Blk E Lot # 6-8 Zoning District "R-2" Suburban Residential
	Existing Use SF Home Proposed Use Multiple Additions
2.	Applicant Evan Jones - Studio J1S Address 492 City Park Ave.
	City Columbus State OH Zip 43215 Phone (614) 915-6793
	Email: evan@studioj1s.com
3.	Owner David & Wendy Stahanczyk Address 7179 Fodor Road
	City_New Albany State_Ohio Zip_43054 Phone
	Email: wendyfromtheclub@gmail.com/ dave.stahanczyk@sgws.com
4.	Contractor/ Architect Tom Dearth Construction Address 518 N. Erie Beach Road
	City_Marblehead State_Ohio Zip_43440 Phone (567) 267-0253
	Email: todearthcontracting3@gmail.com

5. Site Plan: Attach site plan for subject property. See Instructions & Sample.

6.	2 L L	N. D. Martin I.I.
	Residential Use	Non-Residential Use
	New Single Family (w/Deck)	New Building(s)
	New Two-Family	Dimensions of each Bldg.
	New Multi-Family, No. of Units	
	✓ Addition	Addition
	Accessory Structure	Accessory Structure
	Decks or Patios	Temporary Uses - Dates From: To:
	Swimming Pools (above or inground)	Signs – Permanent Temporary
	Walls or Fences	Walls or Fences
	Temporary Uses - Dates From: To:	Remodel/ Tenant Finish
	Signs – Permanent Temporary	Docks, Finger, Main or Walkway - sf.
	Docks - sf.	Other (specify)
	Other (specify)	

- 7. Project Description: Construct 6' x 16' covered front porch w/ 6' x 10' pergola, 12' x 25' 3rd garage bay,
- 5' x 34' rear addition onto back of house & 41'8" x 43'4" kitchen, master, screened porch addition.
- 8. Are the property line pins located or have you had a recent survey of the lot? Yes. (yes/no)
- 9. If application is for a non-residential use, list total square footage of building per floor. If application is for a residential use list total area of living space per floor as well as total area of all applicable attachments to the structure. Attach sketch of lot, showing existing buildings and proposed construction or use for which application is made. Give dimensions, indicate *north* and provide the following information:

	Existing	Proposed		Existing	<b>Proposed</b>
1,788 Basement: + 784 Einst floorn	sf. 	sf. 2,422 sf <sup>2,198s.f.</sup>	Front Yard Setback:	ft.	16.9' ft. Eyebrow ** Variance
+ $784$ First floor: + 224 2,796s.f. Second floor:	sf.		Side Yard Setback: <u>N</u> side:	19.6' <sub>ft.</sub>	Same ft.
x 20% Third floor:	sf.	sf.	S_side:	8.33' ft.	Same ft.
599.2s.f. Garage/carport		sf.	Rear Yard Setback:	ft.	<u>6'</u> <u>ft</u> . To Roof OH
2,198s.f. Decks/porches	224TBR <sub>sf.</sub>	sf.	(Setbacks are from the prop	perty lines, not the ea	ge of the road pavement)
proposed Breezeway:	sf.	sf.	Lot Coverage:		
(78.6%) ** Variance	sf.	sf.	A. Principal Building	Footprint:	4,994 sf.
Needed Parking:	sf.	sf.	B. Total of Accessory	buildings:	0sf.
Other:	sf.	sf.	C. Lot Width x Lot De $135' \times 190'$	epth = Lot Area:	25,650 sf. 12,825
Highest point c established gra	of building abov de: ft.	e the 18' ft.	$[(A +B) \div C] x 100$	= <u>19.4%</u> %	38.9%

NOTE: Private deed restrictions may need to be met in some areas of the township.

Application is hereby made for a zoning certificate. It is understood and agreed by the applicant that any error, misstatement or misrepresentation of fact or expression of fact in the application, either with or without intention on the part of the applicant, such as might, or would, operate to cause the issuance of a permit in accordance with this application, shall constitute sufficient ground for the revocation of the permit at any time. The owner of this building or premises and the undersigned, do hereby agree to comply with all the laws of the State of Ohio and the Zoning Resolution of Danbury Township, and to construct the proposed building or structure or make the proposed change or alteration in accordance with the plans and specifications submitted herewith, and certify that the information and statements given on this application, drawings and specification are to the best of their knowledge, true and correct.



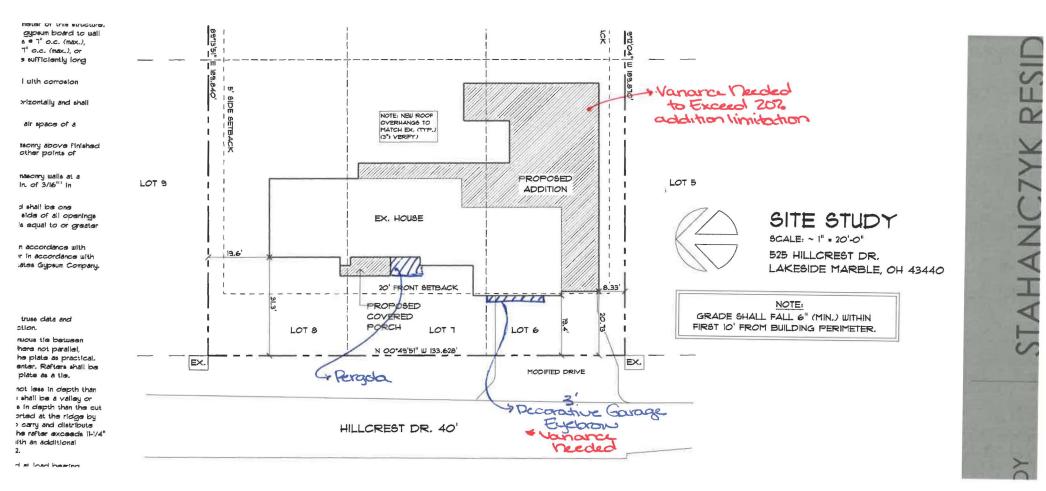
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## ZONING CERTIFICATE

Upon the basis of Application No. 24-27, the statements in which are made a part hereof, the proposed usage (is or isn't) isn't found to be in accordance with the Danbury Twp. Zoning Resolution and is hereby (approved or rejected) rejected for the 2-2 Zoning District.

	Jathrup Wale
	Danbury Township Zoning Inspector
	5972 E. Port Clinton Road, Marblehead, Ohio 43440
Date Application Received 10/23, 2024	Fee Paid \$         \$NO FEE         Cash/ Check #
Date Application Ruled On 1023, 2024	If certificate refused, reason for refusal : See Attached Letter

Permit valid for a period of one (1) year from date of issue.



#### GENERAL NOTES

Traces plans have suppr development processing and to an advance of the second second

PLANNING

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FOUNDATIONS 4 CONCRETE

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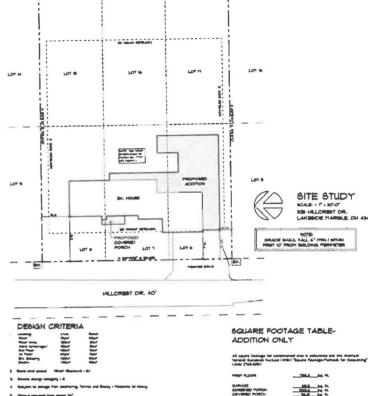
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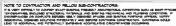
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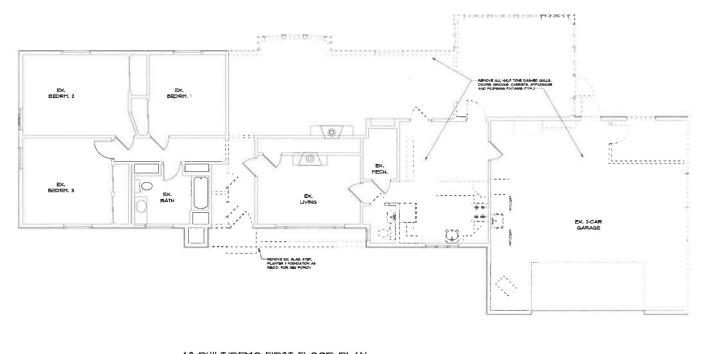
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