

REZONING GUIDE

Rezoning Application Page 1 of 3

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER	INFORMATION*			PROPERTY OWNE	R(S) REPRESENTATIVE**
☐ CHECK IF POINT OF	CONTACT FOR APPLICATION			☐ CHECK IF POINT O	DF CONTACT FOR APPLICATION
Property Owner Name				Representative Name	
Address				Address	
City, State, Zip				City, State, Zip	
Telephone				Telephone	
Email				Email	
*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.				**Property owner shall sentative to act on his/I	provide a written letter authorizing the reprener behalf.
Please attach Proof of Own Warranty deed or deed of	nership acceptable to the Mana trust, or (c) Title policy or comm	ger for each itment date	pr ed r	operty owner signing the	e application, such as (a) Assessor's Record, (b) rior to application date.
If the owner is a corporate board resolutions authoriz	entity, proof of authorization fo zing the signer, bylaws, a Statem	or an individ nent of Auth	ua ori	l to sign on behalf of the ity, or other legal docume	organization is required. This can include ents as approved by the City Attorney's Office.
SUBJECT PROPERTY	/ INFORMATION				
Location (address and/or b	ooundary description):				
Assessor's Parcel Numbers:					
Area in Acres or Square Fe	et:				
Current Zone District(s):					
PROPOSAL					
Proposed Zone District:					

Return completed form to rezoning@denvergov.org

Last updated: May 24, 2018

201 W. Colfax Ave., Dept. 205

Denver, CO 80202
720-865-2974 • rezoning@denvergov.org



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REVIEW CRITERIA	
General Review Criteria: The proposal must	Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan. Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.
comply with all of the general review criteria DZC Sec. 12.4.10.7	Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.
	Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.
Additional Review Criteria for Non-Legislative Rezonings: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8	Justifying Circumstances - One of the following circumstances exists: ☐ The existing zoning of the land was the result of an error. ☐ The existing zoning of the land was based on a mistake of fact. ☐ The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage. ☐ Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: a. Changed or changing conditions in a particular area, or in the city generally; or, b. A City adopted plan; or c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning. ☐ It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code. Please provide an attachment describing the justifying circumstance. ☐ The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District. Please provide an attachment describing how the above criterion is met.
REQUIRED ATTACHI	MENTS
Please ensure the followin	g required attachments are submitted with this application:
☐ Legal Description (rec☐ Proof of Ownership D☐ Review Criteria, as ide	
ADDITIONAL ATTAC	HMENTS
Please identify any additio	nal attachments provided with this application:
	to Represent Property Owner(s) on to Sign on Behalf of a Corporate Entity
Please list any additional a	ttachments:

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PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION

We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner In- terest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification state- ment	Date	Indicate the type of owner- ship documen- tation provided: (A) Assessor's record, (B) war- ranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Has the owner au- thorized a represen- tative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	John Alan Smith Gesie O. Smith	01/01/12	(A)	YES
Matthew Fadel and Jessica Kunevicius	4750 Zuni St. Denver, co 80211 Mattfadel ægna		J. Kurevicius	11/5/19	A	Yes

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281 W. Collan Ave., Dept. 20:

November 7, 2019

We would like to rezone our property from U-SU-C to U-SU-C1 to allow for an ADU on our site. We would like Desibl Studio to act on our behalf through the zone lot amendment process.

Matt Fadel

4750 N ZUNI ST

Owner FADEL,MATTHEW W

KUNEVICIUS, JESSICA M

4750 ZUNI ST

DENVER, CO 80211-1268

Schedule Number 02212-06-006-000

Legal Description N HIGHLANDS B6 S 61.73FT OF W 125FT OF L3

Property Type RESIDENTIAL

Tax District DENV

Print Summary

Style:	ONE-STORY	Building Sqr. Foot:	985
Bedrooms:	3	Baths Full/Half:	2/0
Effective Year Built:	1948	Basement/Finish:	0/0
ot Size:	7,720	Zoned As:	U-SU-C

valuation zoning may be different from only 3 new zoning code.

Current Year			
Actual Assessed Exempt			
Land	\$291,800	\$20,860	\$0
Improvements	\$42,500	\$3,040	
Total	\$334,300	\$23,900	

Prior Year			
Actual Assessed Exempt			
Land	\$255,300	\$18,380	\$0
Improvements	\$19,200	\$1,380	
Total	\$274,500	\$19,760	

Real Estates Property Taxes for current tax year

Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

	Installment 1 (Feb 28 Feb 29 in Leap Years)	Installment 2 (Jun 15)	Full Payment (Due Apr 30)
Date Paid	2/27/2019	6/13/2019	
Original Tax Levy	\$764.37	\$764.36	\$1,528.73
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Paid	\$764.37	\$764.36	\$1,528.73
Due	\$0.00	\$0.00	\$0.00

Additional Information

Note: If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

Additional Assessment •	N Prior Year Delinquency 1	N
Additional Owner(s)	Y Scheduled to be Paid by Mortgage Company	0 N
Adjustments 6	N Sewer/Storm Drainage Liens •	N
Local Improvement Assessment 	N Tax Lien Sale 🚯	N
Maintenance District •	N Treasurer's Deed 🚯	N
Pending Local Improvement •	N	

Real estate property taxes paid for prior tax year: \$1,524.16

Assessed Value for the current tax year

\$1,380.00
\$19,760.00

Property Address: 4750 Zuni Street Denver, CO

A portion of the northwest quarter of Section 21, Township 3 south, Range 68 west of the 6th Prime Meridian, City and County of Denver, State of Colorado

South 61.73 feet of the West 125.00 feet of Lot 3, Block 6, North Highlands, City and County of Denver, State of Colorado

To

Senior City Planner: Scott Robinson scott.robinson@denvergov.org

Case # 2019I-00115 4750 N Zuni Street, Sunnyside Neighborhood

Scott:

Thank you for your comments and thorough analysis.

Please see responses to recommended changes/additional analysis below in red:

Please also see previous analysis in green:

Community Planning and Development:

Rezoning review criteria analysis:

- a. Consistency with adopted plans: please provide analysis of how the proposed rezoning is consistent with the cited policies and recommendations from the plans. For Blueprint Denver, please also include analysis of the future street types and growth strategy recommendations.
- Comprehensive Plan 2040...Vision Elements... Equitable, Affordable and Inclusive...page 18
 https://www.denvergov.org/content/dam/denvergov/Portals/Denveright/documents/comp-plan/Denver Comprehensive Plan 2040.pdf

In 2040...Denver is an equitable, inclusive community with a high quality of life for all residents, regardless of income level, race, ethnicity, gender, ability or age.

Goals...

- 1.1: Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities.
- 1.2: Support housing as a continuum to serve residents across a range of incomes, ages and needs.
- 1.3: Develop housing that is affordable to residents of all income levels.
- 1.4: Preserve existing affordable housing
- 1.5: Reduce the involuntary displacement of residents and businesses.
- 1.6: Integrate equity considerations into city policies, processes and plans.
- 1.7: Make neighborhoods accessible to people of all ages and abilities.
- 1.8: Increase housing options for Denver's most vulnerable populations.
- 1.9: Improve equitable access to quality education and lifelong learning opportunities.
- Blueprint Denver: A Land Use and Transportation Plan
 https://www.denvergov.org/media/denvergov/cpd/blueprintdenver/Blueprint_Denver.pdf



- 4750 N Zuni Street has an Urban Future Neighborhood Context (page 139). The Urban Land Use & Built Form is described as: Small multi-unit residential and mixed-use areas are typically embedded in 1-unit and 2-unit residential areas. Block patterns are generally regular with a mix of alley access. Buildings are lower scale and closer to the street (page 137).
- 4750 N Zuni Street has a Low Residential Area Future Places Concept (page 143) which is described as: Predominantly one-and two-unit, though many areas are mostly one-unit. Includes Accessory Dwelling Units. In some contexts, some higher-intensity residential uses may be mixed throughout. Neighborhood-serving retail may be found in some key locations. Buildings are predominantly low-scale houses and duplexes. Setbacks and lot coverage vary across neighborhood contexts. (page 149).
- Land Use and Built Form: Housing (page 85)
 - Recommendation Policy 4: Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. GOALS: Accessory dwelling units (ADUs) can add variety to the housing stock in low density residential neighborhoods without significantly changing the existing character. As Denver allows ADUs throughout the city, it is important to understand impacts in areas vulnerable to displacement
 - A. Study and implement allowances for ADUs—including those attached and detached from the primary home— in all neighborhood contexts and residential zone districts. Use an inclusive community input process to respond to unique considerations in different parts of the city.
 - B. Identify strategies to prevent involuntary displacement —especially in areas that score high for Vulnerability to Displacement —in conjunction with expanding the allowance for ADUs.
 - *C. Study and implement a citywide program to expand access to ADUs as a wealth-building tool for low- and moderate-income homeowners.*
 - D. Study and implement incentives or requirements for income-restricted ADUs, so they are more likely to provide affordable housing options, and tools to encourage the use of ADUs for long-term housing options, rather than short term rentals.
 - E. Study and implement incentives or requirements for income-restricted ADUs, so they are more likely to provide affordable housing options, and tools to encourage the use of ADUs for long-term housing options, rather than short term rentals.
 - Recommendation Policy 5: Remove barriers to constructing accessory dwelling units and create context-sensitive form standards, GOALS: The zoning code already allows ADUs in some areas of the city. ADUs can be attached to the main home, such as a basement unit, or detached. ADUs offer a housing option for residents looking for something smaller than a home, such as seniors who want to age in place. There are opportunities to remove barriers—especially since the cost of constructing a detached ADU is high—and to better calibrate form standards for detached ADUs by neighborhood context.
 - A. Evaluate existing barriers to ADU permitting and construction and revise codes and/or fees to remove or lessen barriers for homeowners. Consider programs and



- resources to help reduce barriers to ADUs for homeowners, especially in neighborhoods that score high in Reducing Vulnerability to Displacement.
- B. Revise the zoning code to allow ADUs as accessory to more uses than only singleunit homes.
- *C. Revise detached ADU form standards to be more context-sensitive, including standards for height, mass and setbacks.*
- D. Establish context-specific patterns or templates to facilitate the approval process of detached ADUs.
- Sunnyside Neighborhood Plan...Housing, page 46
 https://www.denvergov.org/content/dam/denvergov/Portals/646/documents/planning/Plans/Sunnyside Neighborhood Plan.p

The key to a safe and stable neighborhood will be in providing decent, affordable rental housing.

• Housing an Inclusive Denver: Setting Housing Policy, Strategy & Investment Priorities (2018-2023)...Section 4. Legislative and Regulatory Strategies...Recommendation 2: Expand and strengthen land use regulations for affordable and mixed-income housing...page 47...

https://www.denvergov.org/content/dam/denvergov/Portals/690/Housing/HousingInclusiveDenver_FINAL_020918.pdf
During the public engagement process for this plan, stakeholders shared their ideas about ways that the City could strengthen land-use regulations to both support affordable housing projects and more broadly increase diversity of housing types throughout Denver. These ideas focused around three key areas that could be supported in "Blueprint" Denver, the City's long-range land-use and transportation plan and part of Denveright: 1) streamlining and facilitating the development of accessory dwelling units as a tool for affordability and to stabilize residents at risk of displacement; 2) promoting a diversity of residential development types throughout Denver neighborhoods, including density as a tool to increase housing supply and introduce affordability; and 3) creating a package of development incentives that support affordable housing projects and promote the development of more mixed-income projects citywide.

3 goals of the *Comprehensive Plan 2040...Vision Elements... Equitable, Affordable and Inclusive...* page 18 specifically in line with the ADU proposal are as follows:

- Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities.
- Reduce the involuntary displacement of residents and businesses.
- Make neighborhoods accessible to people of all ages and abilities.

The proposed ADU will provide a safe, convenient and affordable residence to a resident, regardless of income level, race, ethnicity, gender, ability, or age. The income from the ADU will reduce the potential involuntary displacement of current residents.

The proposed single-unit, low-scale ADU is in line with the *Urban Future Neighborhood Conte*xt and the *Residential Area Future Places Concept* of *Blueprint Denver*. The ADU is directly in line with the *Land Use and Built Form: Housing goal* to diversify the housing options to allow for accessory dwelling units throughout residential neighborhoods because it adds variety to the housing stock in low density residential neighborhoods without changing the existing character. The proposed accessory dwelling unit is approximately the

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Denver CO 80216 info@desiblstudio.com

size of a garage (allowed), the roof material and exterior veneer will visually complement the existing Urban House on the lot using similar materials, colors, and roof form. The clients will support the goal for long-term housing options for a future care-giver of the current resident.

The streetscape along W Elk Place will be improved upon and maintained to be in line with the growth strategy recommendations of Blueprint Denver. The sidewalk to be used by pedestrians and bicyclists will be maintained. The site triangle will be provided at the alley to ensure the safety of motorists, bicyclists, and pedestrians. This location is also a minute walk to a bus stop located at Zuni and 47the Ave, which allows a resident of the proposed ADU increased transportation flexibility. This supports the adopted plans income level range as well as the general welfare of the City by promoting public transportation.

- b. Uniformity of District Regulations and Restrictions: Please address this criterion.
 The proposed accessory dwelling unit is in conformance with the District Regulations and Restrictions of the Denver Zoning Code:
 - Urban house lot coverage for greater than 40' and less than 75' width: 37.5% (conforming)
 - o lot area: 7716.25' sf (61.73' x 125' per survey dated 5-15-19)
 - o existing urban house: 1292.98 sf (per survey dated 5-15-19)
 - proposed accessory dwelling unit: 495.0625 sf (22'-3" x 22'-3") (less than 10% of zone lot area requirement per detached accessory structure design element)
 - o total lot coverage: 1788.0425 sf (23.17% of lot)
 - detached accessory dwelling unit located in rear 35% of zone lot depth (conforming)
 - setbacks (conforming):
 - 5' side street
 - o 5' side interior
 - o 5' rear alley
 - 1 story max (conforming)
 - 15' maximum height (conforming)
 - 10' max height at side and street zone lot lines and 45-degree bulk plane slope from side and street zone lot lines (conforming)
 - vehicle access from alley (conforming)
 - o required parking space shall have a width of 8.5' and length of 17.5'
- c. Public Health, Safety, and General Welfare: Please address this criterion.

The proposed official map amendment furthers the public health, safety, and general welfare of the City by providing decent, affordable housing promoting a safe and stable neighborhood. The proposed ADU is a tool for affordability to stabilize the current residents' risk of displacement. The current resident had an injury robbing her of functioning skills required to run her business, please see letter from residents for elaboration on this topic. The ADU will help to provide additional income to help support her daily therapies and allow a place for family to stay to also help with daily activities. The ADU also promotes a diversity of residential development types, which is in line with the general welfare of the City. These items are backed up in *Housing an Inclusive Denver: Setting Housing Policy, Strategy & Investment Priorities (2018-2023)...Section 4. Legislative and Regulatory Strategies...Recommendation 2: Expand and strengthen land use regulations for affordable and mixed-income housing...page 47...and Sunnyside Neighborhood Plan...Housing,* page 46



- d. Justifying Circumstances: Please provide more analysis of how the new plans justify the proposed rezoning. Also, if there are changed conditions in the neighborhood, consider describing those to further justify the rezoning. Since the date of approval of the existing zone district, there has been a change with the current residents, which justifies that the rezoning is in the public interest to avoid involuntary resident displacement. Allowing the detached accessory structure to be a dwelling unit is in line with the goal of Recommendation Policy 4 of Blueprint Denver's Land Use and Built Form for Housing: to allow for accessory dwelling units through all residential areas throughout the city. Allowing the context-sensitive, code-conforming detached structure to be a dwelling unit is in line with Recommendation Policy 5 for removing barriers to constructing accessory dwelling units. This policy also suggests to evaluate existing barriers to ADU permitting and construction and to consider programs and resources to reduce barriers to ADUs for homeowners. These policies are directly in support of the proposed accessory dwelling unit (see attached site plan and elevations). Since the ADU is to be built to match the existing house on the lot, it would be a seamless fit into the integrity of the street.
- e. Consistency with Neighborhood Context and Zone District Purpose and Intent: Please describe how the proposed rezoning would be consistent with the Urban Neighborhood Context Description in Division 5.1 of the DZC and the purpose and intent of the U-SU-1 zone district in Section 5.2.2 of the DZC.

 DZC 5.1 Neighborhood Context Description

 5.1.1 Conord Character. The Urban Neighborhood Context is primarily characterized by
 - 5.1.1 General Character: The Urban Neighborhood Context is primarily characterized by single-unit and two-unit residential uses.
 - Proposed rezoning is consistent with the single-unit residential use per building form 5.1.4 Building Height: The Urban Neighborhood Context is characterized by low scale buildings...
 - Proposed rezoning is consistent with the building height of a low-scale building by having the 15' maximum height of the proposed single story with hipped roof below the allowed bulk plane.
 - 5.2.2.2 Specific Intent: H. Single Unit C1 (U-SU-C1): U-SU-C1 is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 5,500 sf. Blocks typically have a consistent pattern of 50' wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-C but allowing a detached accessory dwelling unit building form in the rear yard.
 - Proposed rezoning is consistent with the 5500 sf minimum lot with existing 7716 sf
 lot and minimum lot width of 50' with existing 61.73' lot width. It is also consistent
 with the existing urban house and proposed accessory dwelling unit. The proposed
 accessory dwelling unit is within the setbacks and in the rear yard.
- f. For examples of how to address the rezoning criteria, see other complete applications here: https://www.denvergov.org/content/denvergov/en/community-planning-and-development/zoning/proposed-rezonings.html

Note that this application is listed on the above site as a complete application.



The proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan. Please see letter from owner below describing how their need for an ADU arose after the purchase of their property.

Matthew Fadel and Jessica Kunevicius 4750 Zuni St. Denver, Colorado 80211

Sunnyside Neighborhood Association,

I write to you with a modern request. My wife Jessica and I hope to build a small dwelling in our backyard. Part of Sunnyside is zoned to accommodate accessory dwelling units but unfortunately, we live in the part that is not. Denver is strikingly short on affordable housing options in the metro area and we would eventually rent the carriage house to a long term tenant, but for the immediate future, we'd use it for a very particular reason.

In March of 2017, my wife suffered a sudden cardiac arrest resulting in anoxic brain injury. She nearly died, fell into a coma, miraculously woke-up, and spent three months at the amazing Craig Hospital in Englewood.

For ten years before her injury, Jessica was a successful immigration attorney specializing in deportation defense, marriage, and asylum cases. She worked tirelessly in this extremely stressful vocation for hundreds of now-grateful green card holders. The injury robbed her of the executive functioning skills necessary to keep her practice open so she therefore made the heartbreaking decision to close her business. She now receives disability benefits from the government and coupled with my public school teaching salary, we get by just fine and are able to afford her still-necessary daily therapies and monthly medical care expenses. She will continue to rehabilitate and improve for several years to come as most cases of recovery from anoxic brain injury last nearly a decade. It's like being born all over again and having to learn everything anew; tying shoelaces, walking a flight of steps, using a knife and fork. She has recovered many skills, but still requires almost constant caretaking as balance, perception, vision, cognition, and fatigue are all common symptoms not only of the injury itself, but also common side-effects of the anti-seizure medications she's been prescribed. We have an amazing group of friends who chip in days to spend with Jessica while I teach. My sister-in-law, Olivia, who is a real estate agent in Denver practically lives with us.

Our house is on the smaller side, two bedrooms and maybe 1100 square feet. We have more-frequent-thanever visits from friends and family who come to spend time with Jessica and to take some of the caretaking off mine and Olivia's plate while we try to juggle our own work schedules and advance in our careers. When people do come to town, our house shrinks incredibly. We hope to use the ADU as a place for our visitors own while they stay so that we all may be more comfortable with longer stays. We have not yet needed in-home nursing care as we have Jessica well covered, but as our friends eventually become less available, it is a responsible consideration for the future. We may not have the money to pay a nurse a full salary, but, hypothetically, once the ADU is built, we would be able to offer a more attractive package that includes room and board. If Jessica recovers to the point of near independence, we would rent out the ADU as a home

desibl

business for Jessica. I imagine a Regis professor or older student might leap from their still-moving car to score a newly built one-bedroom abode for rent well below the neighborhood norm. I must admit that we, like the city, have zero interest in Airbnb as that would require a daily cleaning and bookkeeping hustle which is impossible for Jessica in her current condition. But a year-long lease renter, paying just over a thousand bucks a month would not only pay for the construction costs in short order, but become a source of additional income for our family and a stay -at-home business for Jessica. We anticipate reinvesting any future income from the ADU into additional home and landscape improvements further increasing the attractiveness of our lot and greater-neighborhood. We want to live here for a long time.

Denver has been trying for years to create affordable housing opportunities and we feel like this request would be in line with the intentions of city planners who are grasping at ways to encourage modern microdevelopment. I hope that you might endorse our necessary zoning variance application with a letter of Sunny support to the city. I am happy to answer any additional questions you may have and would certainly be open to sharing our design for the ADU to quell any sore-thumb imagery. We have plans for an ADU that is perfectly matched to our faux-adobe, stucco bungalow, almost appearing from the street to be an addition, albeit detached. We do not have a garage and the amount of space the unit would occupy would be consistent with our neighbor's garage and be in a compatible portion of our lot to theirs. We enjoy a fantastic relationship with the Cordero family next door. Thank you for your considerate attention to this request and we'll look forward to seeing you at the Music Festival next month.

Your Neighbors,

Matthew Fadel and Jessica Kunevicius

