Community & Economic Development Department adcogov.org



4430 South Adams County Parkway 1st Floor, Suite W2000B Brighton, CO 80601-8218

PHONE 720.523.6800

EMAIL epermitcenter@adcogov.org

Request for Comments

Case Name: Domenico Elizabeth Accessory Structure Variances

Project Number: PRA2024-00002

March 11, 2024

The Adams County Board of Adjustment is requesting comments on the following application: 1) Variance from the maximum allowed lot coverage of 12.5% to allow 21% lot coverage; 2) Variance from the right-of-way setback requirement to allow an accessory structure to be 5 feet where 50 feet is required; 3) Variance from the side setback requirement to allow an accessory structure to be 5 feet from the side property line. This request is located at 7040 ELIZABETH ST. The Assessor's Parcel Number is 0182501207003.

Owner Information: DOMENICO VICTOR A AND MONICA A

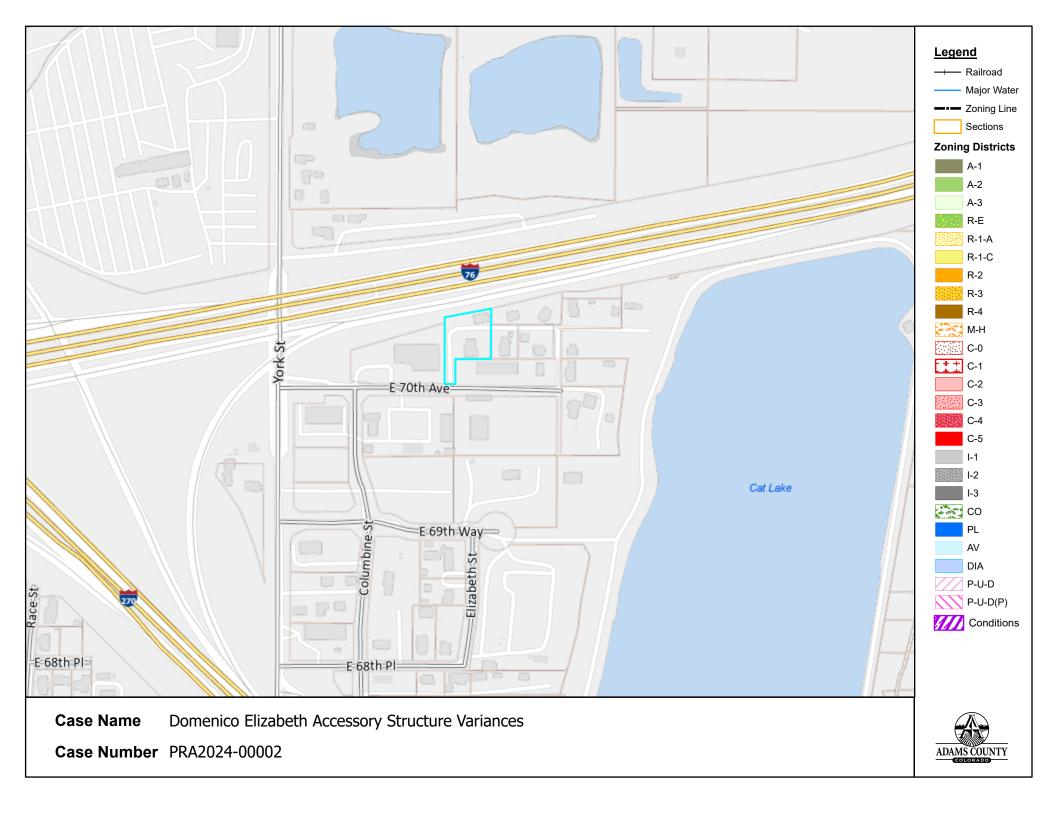
7040 ELIZABETH ST DENVER, CO 802297515

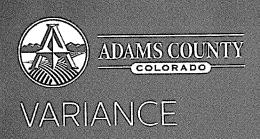
Please forward any written comments on this application to the Community and Economic Development Department at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 or call (720) 523-6800 by April 4, 2024 so that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to LCampbell@adcogov.org.

Once comments have been received and the staff report written, the staff report and notice of public hearing dates may be forwarded to you upon request. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/current-land-use-cases.

Thank you for your review of this case.

Lia Campbell Planner II





Community & Economic Development Department Planning & Development

4430 S. Adams County Pkwy., 1st Floor, Suite W2000B Brighton, CO 80601-8218 Phone: 720.523.6800 Website: adcogov.org

A variance is a means whereby the literal terms of these standards and regulations need not be applied if there are practical difficulties or unnecessary hardships associated with the subject site. In granting a variance, the spirit of these standards and regulations shall be observed, public safety and welfare secured, and substantial justice done.

Please include this page with your submittal. Submittal instructions and more information about checklist items can be found on page 2.

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1	Development Application Form (pg. 3)
•	Written Narrative
V	Site Plan
4	Proof of Ownership (warranty deed or title policy)
4	Proof of Water and Sewer Services
9/	Legal Description
V	Statement of Taxes Paid

Number of Variance Requests:

A variance may only be approved from the dimensional requirements, performance standards, and other special physical requirements contained in the Adams County development standards and regulations.

Type of Variance Request:	# of Requests:		
Setback:	(2) Front and Side		
Height:	n/a		
Lot Coverage:	(1)		
Other:	n/a		

Application Fees:	Amount:		
Variance	\$500-residential \$700-non-residential		
	*\$100 per each additional request		

Community & Economic Development Department www.adcogov.org



4430 South Adams County Parkway 1st Floor, Suite W2000 Brighton, CO 80601-8204 PHONE 720.523.6800 FAX 720.523.6998

DEVELOPMENT APPLICATION FORM

APPLICANT 303-906-1166 Phone #: Victor Domenico Name(s): 7040 Elizabeth Street Address: Denver, CO City, State, Zip: Victor Domenico <victor.domenico@dtrucks.com> Email: 2nd Phone #: OWNER 303-906-1166 Phone #: Victor Domenico Name(s): 7040 Elizabeth Street Address: City, State, Zip: Denver, CO Victor Domenico <victor.domenico@dtrucks.com> Email: 2nd Phone #: TECHNICAL REPRESENTATIVE (Consultant, Engineer, Surveyor, Architect, etc.) 970-370-4455 Phone #: Daniel Marler Name: 14272 US-Highway 34 Address: Fort Morgan, CO 80701 City, State, Zip: daniel.marler@mortonbuildings.com Email: 2nd Phone #:

DESCRIPTION OF SITE

Address:	7040 Elizabeth Street
City, State, Zip:	Denver, CO
Area (acres or square feet):	.773 Acres
Tax Assessor Parcel Number	0182501207003
Existing Zoning:	A-1
Existing Land Use:	Residential, Agriculture
Proposed Land Use:	Residential, Agriculture
Have you attende	ed a Conceptual Review? YES NO X
If Yes, please list	PRE#:
acting under the pertinent require Fee is non-refu	that I am making this application as owner of the above-described property or authority of the owner (attached authorization, if not owner). I am familiar with all ments, procedures, and fees of the County. I understand that the Application Review ndable. All statements made on this form and additional application materials are of my knowledge and belief.
Name:	Victor Domenico Date: 2/26/2024
	Owner's Printed Name
Name:	Victor A. Domenico
	Owner's Signature

Written Narrative for Variance Request

•	Which dimensional standard(s), performance standard(s), or physical requirement(s) cannot be met? (Include code section reference from <u>Adams County Standards and Regulations</u>) Reach out to the Planner of the Day (cedd-plan@adcogov.org) if you have any questions.
	See Attached.
•	Why are you unable to meet this standard?
	See Attached.

LEGAL DESCRIPTION NW ¼ of Section 1, T3S-R68W, Adams County

WRITTEN NARRATIVE FOR VARIANCE REQUEST

Which dimensional standards, performance standards, or physical requirements cannot be met?

Introduction:

In 2013, four variances and rezoning of some of the involved land was applied for and granted by the county. (See PRA2013-00002 and PRC2013-00013.) After the variances and rezoning were granted, Victor A. and Monica A. Domenico opted, at that time, not to build the anticipated accessory structure. There was some difficulty with the building provider. Rather than build, they rented space in Commerce City, which is no longer tenable. They are now revisiting building on their lot; however the variances have expired for the conditions that remain the same. *Much of the language in this application was taken directly from the previous application and review by staff.*

Variance #1, Lot Coverage:

In 2013, a variance for lot size was applied for and granted. (See PRA2013-00002 and PRC2013-00013.) This allowed three parcels of land to be united into what is now one parcel. The variance allowed for a variance of 1.73 acres, unifying all the parcels in one .773-acre lot. If the lot was a normal 2.5-acre A-1 lot, a variance would not be required as .3125 of an acre (13,612.5 square feet) of coverage would be allowed. This lot is capped at .097 of an acre (4,209 square feet) of coverage per code (section 3-08-06-06-03). The existing house and garage are over this limit by 139 square feet. With the addition of the 2,520 square foot hay barn that the Domenico's would like to build, there would be a total of 6,868 square feet of coverage. This is well under the normal lot allowance. Unless there is a variance granted, the Dominico's are not able to build an agricultural building of any kind.

Variance #2, 100 Foot Front Setback Requirement:

The property abuts I-76, and even though there is no access to I-76, this is considered a front setback. (See Section 3-08-06-04-01.) A 5-foot setback from the R-O-W line is requested and this would place the north wall of the proposed hay shed 20 feet from the sound wall within the I-76 R-O-W. If the variance is not granted, there is no other location on the property that this building could be constructed. Quite literally, this is the only location where the building will fit.

Variance #3, Side Setback:

The minimum side setback in A-1 zoning is 10 feet, and a variance allowing a 5-foot setback from the west property line is requested. (See Section 3-08-06-04-02.)

Why are you unable to meet this standard?

Variance #1, Lot Coverage:

This lot is a unique parcel. In 2013, it was pieced together from three separate parcels into the one lot, smaller than what would be considered an A-1 sized lot. Normally, A-1 lots are designed to have an open feel as they are found in rural settings. At this location, the surrounding area is either zoned A-1 and developed similar to this site or zoned industrial and used for that purpose. The surrounding industrial lots are not similarly capped with any lot coverage requirements. As a result, reserving the open

agricultural feel and nature in this area, intended for A-1 zoning, is not possible; increasing the amount of property coverage, on this lot, would not be different from the surrounding area. It is also noteworthy that the Comprehensive Plan designates this site and surrounding area as industrial. To have lot coverage similar to an industrially zoned area would not be abnormal or out of place. As noted previously, the variance is necessary in order to construct any type of accessory structure, something that had been approved though the 2013 variance application. As with that variance, a variance of 7.5% is requested for up to 20% lot coverage to allow for a little flexibility in the hay shed size.

Variance #2, Front Setback:

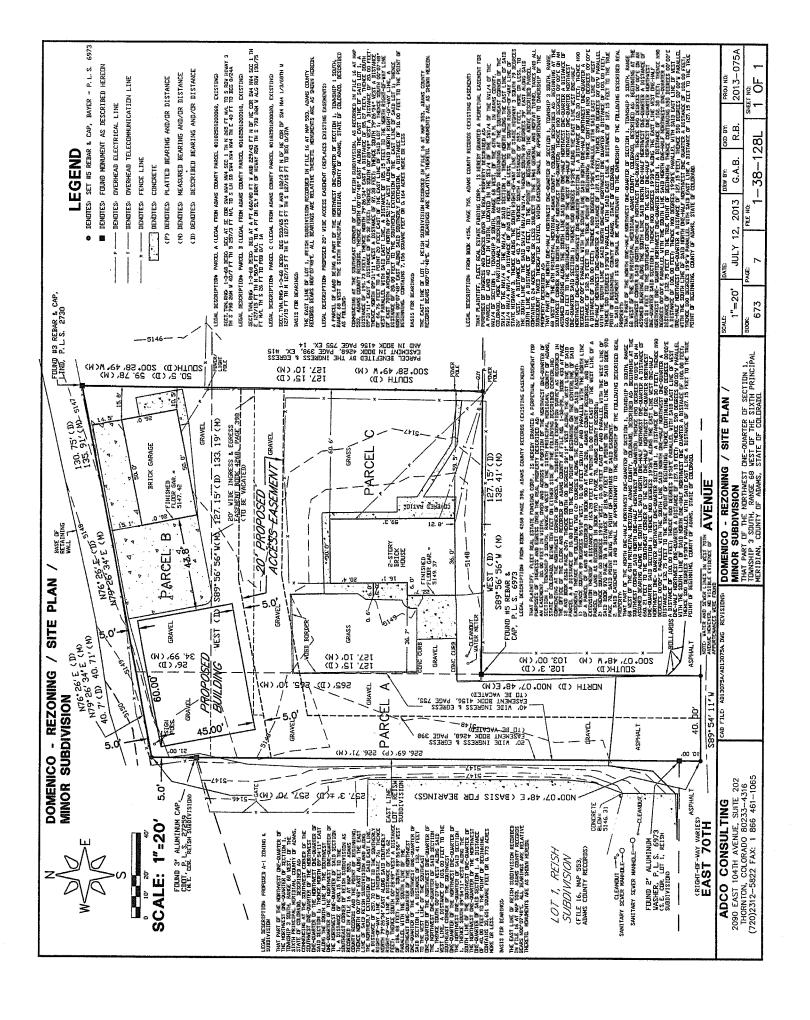
In the A-1 zone district code, it states that an accessory structure must be at least 10 feet to the rear structure line of the principal dwelling, or 100 feet, whichever is less. The house is setback 102 feet from the front property line. This requirement cannot be met because of how the site is already developed and the fact that there is an access easement running through the site. This has created a physical hardship specific to this lot. The existing house is located in the southeast portion of the site, and the existing garage is located in the northeast portion of the site. In-between the house and the garage is the access easement. The only feasible place to put a new structure on the site would be in the northwest corner. There is already precedence for this request in that the existing garage is about 15 feet from the north property line along I-76. This site does not have, nor will it ever have, direct access to the interstate. There is a sound wall located about halfway between the north property line and the interstate which would block views looking into the site.

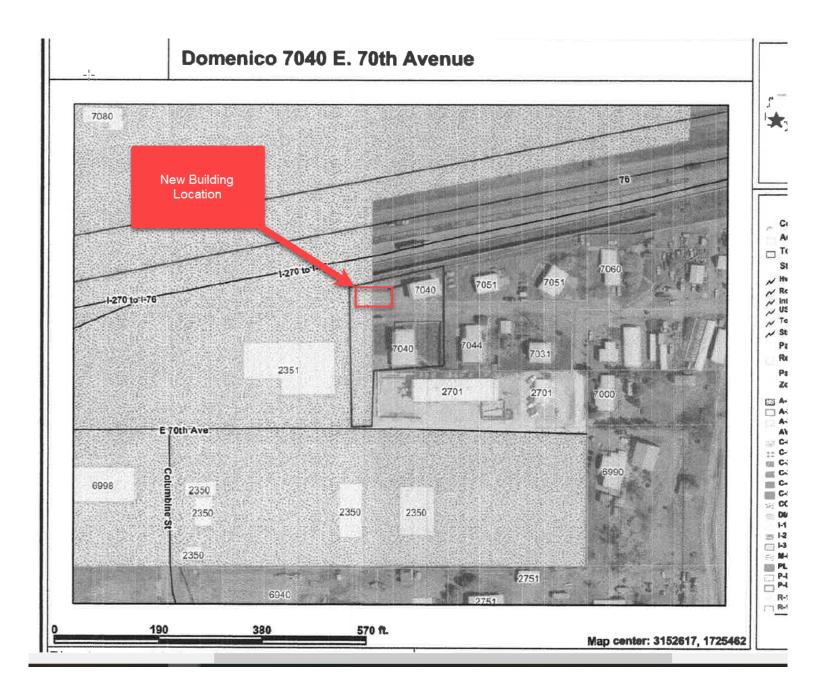
Variance #3, Side Setback:

The neighboring property is zoned I-1 and would be allowed to build within five feet of the property line. In addition, 5 feet is the required side setback for accessory structures in all of the residential zoned districts except for A-1 and RE. Due to the fact that an easement runs through the site, and because of how the site is already developed, this requirement cannot be met. There is no other location on the lot where this building of this size would be able to be built. If the variance is not granted, the building would have to be significantly shortened in size, limiting its usefulness, and therefore defeating its purpose. If this were a traditional A-1 zoned lot, there would be no problem constructing an even larger building. If it were an industrially zoned lot, like much of the surrounding area, a variance would not be necessary.

Conclusion:

The Domenico family would like to utilize their property in accordance to what allowed on A-1 zoned property. The building will serve their farming operations, keeping their hay dry and out of inclement weather, which is extremely damaging to their product. Due to the small size of the lot and locations of other developments, they are limited in where they can build, a situation that was not self-imposed. The variances being requested are compatible, and not detrimental, with the surrounding zoned properties in the area, the Comprehensive Plan, or to the health, safety, or welfare of those inhabitants of the area, and are consistent with the regulations given the existing conditions in the area and property. Given the mix of uses in the area, the applicant's proposal would be consistent with the area and neighborhood. The site would continue to be used as it has been for the past fifty years, just with the addition of an outbuilding. Approval of these requests is a logical and reasonable approach for this property. The Domenico family requests a favorable recommendation from the County Staff and variances' approval by the Board of Adjustment.





XX 7 A	DD	A	NTV	DEED

THIS DEED, Made this 4th

of the County of Adams

day of August

, 2000,

Raymond N. Domenico and Agnes L. Domenico

and State of Colorado Victor A. Domenico and Monica A. Domenico Manimantani Ean

AUG 1 6 2000

20.80

whose legal address is 7040 Elizabeth Street, 7040 Elizabeth Street, CO

of the County of Adams

Q

and State of Colorado

, grantees:

WITNESS, That the grantor, for and in consideration of the sum of TWO HUNDRED EIGHT THOUSAND AND

_____DOLLARS, (\$208,000.00 sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantees, their heirs and assigns forever, not in tenancy in common but in joint tenancy, all the real property together with improvements, if any, situate, lying and being in the County of Adams and State of Colorado, described as follows:

See Description attached hereto and made a part hereof.

also known by street and number as 7040 Elizabeth Street, 7040 Elizabeth Street, CO

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantees, their heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantees, their heirs and assigns, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except for taxes for the current year, a lien but not yet due and payable, easements, restrictions, reservations, covenants and rights-of-way of record, if any.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders. IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

STATE OF COLORADO

COUNTY OF

CINDY R. MITCHELL NOTARY PUBLIC STATE OF CO ORADO

The foregoing instrument was acknowledged before me this $4 \, \text{th}$ Raymond N. Domenico and Agnes L. Domenico

6-10-04 My Commission expires:

August day of

, 2000, by

s my hand and official seal.

Notary Publ Prence

WARRANTY DEED (to Joint Tenants) (WOMITTEN)

File # BO44303A00

7040 Elizabeth Street

LEGAL DESCRIPTION OF DEED DATED August 4, 2000

Parcel A:

Beginning at a point 533.65 feet West and 102.3 feet North of the Northeast corner of the SW1/4 of the NW1/4 of Section 1, Township 3 South, Range 68 West of the 6th P.M., thence West 127.15 feet, thence North 127.15 feet, thence East 127.15 feet, thence South 127.15 feet to the Point of Beginning,

Parcel B:

A Parcel of land 40 feet in width, located in the Southeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 1, Township 3 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado, more particularly described as follows:

Beginning at the Southeast corner of the Southwest 1/4 of the Northwest 1/4 of the Northwest 1/4, of said Section 1, thence North along the East line of said Southwest 1/4 Northwest 1/4 Northwest 1/4 a distance of 265 feet, to the South Right of Way line of State Highway 3, South 79 degrees 26 minutes West, a distance of 40.7 feet; thence South a distance of 257.3 feet to the South line of said Southwest 1/4 Northwest 1/4 Northwest 1/4; thence South 89 degrees 39 minutes East along said South line a distance of 40 feet to the Point of Beginning,

County of Adams, State of Colorado

RECEPTION#: 2009000019830, 03/20/2009 at 11:39:24 AM, 1 OF 2, D \$15.80 TD Pgs: 2 Doc Type:WTY Karen Long, Adams County, CO Recorded As Received



Warranty Deed (Pursuant to 38-30-113 C.R.S.)

State Documentary Fee Date: March 18, 2009 \$ 15.80

THIS DEED, made on March 18, 2009 by HARRY M. BARKHAUSEN AND SANDRA L. BARKHAUSEN Grantor(s), of the County of ______ and State of COLORADO for the consideration of (\$158,000.00) *** One Hundred Fifty Eight Thousand and 00/100 *** dollars in hand paid, hereby sells and conveys to VICTOR A. DOMENICO AND MONICA A. DOMENICO Grantee(s), whose street address is 7040 ELIZABETH STREET DENVER, CO 80229, County of ADAMS, and State of COLORADO, the following real property in the County of Adams, and State of Colorado, to wit: \\Delta \text{ADAMS}, \tex

SEE ATTACHED "EXHIBIT A"

also known by street and number as: 7031 CLAYTON STREET DENVER CO 80229

with all its appurtenances and warrants the title to the same, subject to all taxes and assessments for the year 2009 and the matters stated in Section 13 (transfer of title) of the Contract to Buy and Sell Real Estate (a) those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Grantee(s) in accordance with Section 8.1 (Title Review); (b) distribution utility easements (including cable TV); (c) those specifically described rights of third parties not shown by the public records of which Grantee(s) has actual knowledge and which were accepted by Grantee(s) in accordance with Section 8.2 (Matters not Shown by the Public Records) and Section 8.3 (Survey Review); (d) inclusion of the Property within any special tax district; and, (e) the benefit and burdens of any declaration and party wall agreements, if any and (f) other NONE

IIARRY M. BARKHAUSEN

Landa L. Barkhausen

SANDRA L. BARKHAUSEN

State of COLORADO

State of COLORADO

SS.

County of BROOMFIELD

The foregoing instrument was acknowledged before me on this day of March 18, 2009 by HARRY M. BARKHAUSEN AND SANDRA L. BARKHAUSEN

Notary Public
My commission expires 3.21-10

When Recorded Return to: VICTOR A. DOMENICO AND MONICA A. DOMENICO 7040 ELIZABETH STREET DENVER, CO 80229



RECEPTION#: 2009000019830, 03/20/2009 at 11:39:24 AM, 2 OF 2, Doc Type:WTY TD

Pages: 2 Karen Long, Adams

EXHIBIT A

THAT PART OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, ADAMS COUNTY, COLORADO, DESCRIBED AS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTH 1/2 OF THE NORTHWEST 1/4;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ON AN ASSUMED BEARING ALONG THE SOUTH LINE OF SAID NORTH 1/2 OF THE NORTHWEST 1/4, A DISTANCE OF 660.21 FEET TO THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 1;

THENCE NORTH 00 DEGREES 19 MINUTES 38 SECONDS EAST ALONG THE EAST LINE OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 1, A DISTANCE OF 102.3 FEET;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST PARALLEL WITH THE SOUTH LINE OF SAID NORTH 1/2 OF THE NORTHWEST 1/4, A DISTANCE OF 232.75 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 146,64 FEET;

THENCE NORTH 00 DEGREES 57 MINUTES 40 SECONDS EAST, A DISTANCE OF 127.15 FEET;

THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST AND PARALLEL WITH THE SOUTH LINE OF SAID NORTH 1/2 OF THE NORTHWEST 1/4, A DISTANCE OF 148.05 FEET;

THENCE SOUTH 00 DEGREES 19 MINUTES 38 SECONDS WEST AND PARALLEL WITH THE EAST LINE, A DISTANCE OF 127.15 FEET TO THE TRUE POINT OF BEGINNING,

EXCEPTING THE EASTERLY 15 FEET THEREOF, AS DISCLOSED BY EASEMENT DEED RECORDED FEBRUARY 02, 1993 IN BOOK 4021 AT PAGE 577 AND THE PLAT OF GARDENERS DITCH LAND DEVELOPMENT COMPANY SUBDIVISION RECORDED APRIL 08, 1998, UNDER RECEPTION NO. C0382616,

COUNTY OF ADAMS, STATE OF COLORADO.

Form 13084 09/2008 wd.odt

Warranty Deed (Photographic)

K70235041

{7631104}



North Washington Street Water & Sanitation District

3172 E. 78th Avenue Denver, CO 80229 • 303-288-6664 http://nwswsd.colorado.gov/ Pay By Phone 1-855-939-2113

ACCOUNT NUMBER					
401010071.02					
SERVICE ADDRESS					
7040 ELIZABETH STREET					
BILL DATE CURRENT CHARGES TOTAL AMOUNT DUE					
01/26/2024 \$ 108.49 \$ 108.49					

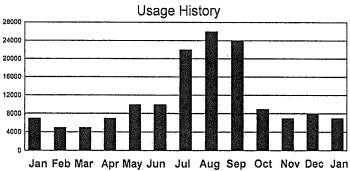
VICTOR DOMENICO 7040 ELIZABETH STREET **DENVER, CO 80229**

> READ DATE o 1725/2524T

BILLING DAYS

METER READING PREYIQUS

USAGE



To obtain a 2023 Water Quality Report refer to the link below:

https://www.denverwater.org/sites/default/files/water-quality-r eport-2023.pdf

Billing S	Summary
Utility Service	Total
Water	\$60.39
Sewer	\$48.10

Current Charges	\$108.49
Previous Balance	\$115.48
Payments we processed	\$-115.48
Adjustments	\$0.00
Miscellaneous Fee	\$0.00
Balance Forward	\$0.00
Total payment now due	\$108.49

NO OTHER NOTICE WILL BE SENT

Failure to receive bills or notices shall not prevent such bills from becoming delinquent nor relieve the customer from payment.



COLONADO

RECEIPT OF PAYMENT (Tax, Fees, Costs, Interests, Penalties)

Account	Parcel Number	Receipt Date	Receipt Number
R0185596	0182501207003	Apr 27, 2023	2023-04-27-NetVantage-26327

DOMENICO VICTOR A AND MONICA A 7040 ELIZABETH ST DENVER, CO 80229-7515

Situs Address	Payor				
7040 ELIZABETH ST					
Legal Description					
DOMENICO SUBD LOT 1					
Property Code	Actual	Assessed	Year	Area	Mill Levy
RES IMPRV LAND - 1112	120,000	8,340	2022	085	107.8
SINGLE FAMILY RES - 1212	355,670	24,720	2022	085	107.8
1217 - 1217	21,158	1,470	2022	085	107.8
Payments Received					
Check			\$3,72	22.34	

Check Number 00130032

Payments Applied						
Year	Charges	Billed	Prior Payments	New Payments	Balance	
2022	Tax Charge	\$3,722.34	\$0.00	\$3,722.34	\$0.00	
				\$3,722.34	\$0.00	
Balance Due as of Apr 27, 2023					\$0.00	

4430 S ADAMS COUNTY PKWY C2436

BRIGHTON CO 80601

[Stay Safe! Please use website payment services www.adcotax.com]

Email: treasurer@adcogov.org Telephone: 720-523-6160

ALL CHECKS ARE SUBJECT TO FINAL COLLECTION. THANK YOU FOR YOUR PAYMENT!



Statement Of Taxes Due

Account Number R0185596 Assessed To Parcel 0182501207003 DOMENICO VICTOR A AND MONICA A 7040 ELIZABETH ST DENVER, CO 80229-7515

Legal DescriptionSitus AddressDOMENICO SUBD LOT 17040 ELIZABETH ST

Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2023	\$3,951.58	\$0.00	\$0.00	\$0.00	\$3,951.58
Total Tax Charge					\$3,951.58
Grand Total Due as of 02/19/2024					

Tax Billed at 2023 Rates for Tax Area 085 - 085

Authority RANGEVIEW LIBRARY DISTRICT	Mill Levy 3.6530000	Amount \$141.44	Values RES IMPRV LAND	Actual \$140,000	Assessed \$8,560
ADAMS COUNTY FIRE PROTECTIO	17.4390000	\$675.24	SINGLE FAMILY RES	\$493,000	\$30,160
GENERAL	22.7110000	\$879.36	Total –	\$633,000	\$38,720
NORTH WASHINGTON WATER & SA	0.5740000*	\$22.23	10441		
RETIREMENT	0.3140000	\$12.16			
ROAD/BRIDGE	1.3000000	\$50.34			
DEVELOPMENTALLY DISABLED	0.2570000	\$9.95			
SD 1 BOND (Mapleton)	10.0790000	\$390.26			
SD 1 GENERAL (Mapleton)	42.4750000	\$1,644.64			
URBAN DRAINAGE SOUTH PLATTE	0.1000000	\$3.87			
URBAN DRAINAGE & FLOOD CONT	0.9000000	\$34.85			
SOCIAL SERVICES	2.2530000	\$87.24			
Taxes Billed 2023 * Credit Levy	102.0550000	\$3,951.58			

Tax amounts are subject to change due to endorsement, advertising, or fees. Please call the office to confirm amount due after August 1st.

All Tax Lien Redemption payments must be made with cash or cashier's check.

Adams County Treasurer & Public Trustee 4430 S Adams County Parkway, Suite W1000 Brighton, CO 80601 720-523-6160