

# ***JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT***

*Janet Sayre Hoeft, Chair; Dale Weis, Vice-Chair; Don Carroll, Secretary;  
Paul Hynek, First Alternate; Lloyd Zastron, Second Alternate*

**PUBLIC HEARING** BEGINS AT **1:00 P.M.** ON THURSDAY, AUGUST 13,  
2015 IN ROOM 205, JEFFERSON COUNTY COURTHOUSE

**CALL TO ORDER FOR BOARD MEMBERS** IS AT 10:45 A.M. IN  
COURTHOUSE ROOM 203, PRIOR TO THE HEARING

**SITE INSPECTION FOR BOARD MEMBERS** LEAVES AT 11:05 A.M.  
FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

## **1. Call to Order-Room 203 at 10:45 a.m.**

Meeting called to order @ 10:45 by Hoeft

## **2. Roll Call (Establish a Quorum)**

Members present: Carroll, Hoeft, Weis

Members absent: --

Staff: Michelle Staff, Laurie Miller

## **3. Certification of Compliance with Open Meetings Law Requirements**

Hoeft acknowledged publication. Staff also presented proof of publication.

## **4. Approval of the Agenda**

Carroll made motion, seconded by Weis, motion carried 3-0 to approve the agenda.

## **5. Election of Officers**

Hoeft made motion, seconded by Carroll, motion carried 3-0 to elect Weis as chair.

Hoeft made motion, seconded by Weis, motion carried 3-0 to elect Carroll as vice-chair.

Weis made motion, seconded by Carroll, motion carried 3-0 to elect Hoeft as secretary.

## **6. Approval of July 9, 2015 Meeting Minutes**

Carroll made motion, seconded by Hoeft, motion carried 3-0 to approve the July 9, 2015 meeting minutes.

## **7. Communications**

Staff noted that there were changes to the state budget which Lynn Markem's position was reduced. The result is that they will be scaling down the trainings and publications. They are working on making alterations such as possible web trainings, etc.... because of the reduction in hours for Lynn.

## **8. Public Comment - None**

## **9. Discussion and Possible Action on State Statute 59.692(4)(b) Regarding Request from Board of Adjustment for DNR Opinions on Variances**

Staff read the change in State Statutes into the record and explained. She noted that the DNR has always been contacted of any upcoming petitions, and the Board can continue to request input from them.

Weis made motion, seconded by Carroll, motion carried 3-0 to continue the practice of getting DNR's opinion on petitions before the Board.

There was discussion on Shoreland Zoning regulations. Staff noted they are currently in a holding pattern for possible changes. The Board noted that they would like to be notified so they have the opportunity to attend when there are listening/work sessions scheduled.

## **10. Discussion and Possible Recommendation Regarding Variances Required for Temporarily Allowing Two Principal Dwelling Unit Structures on a Property While One is Under Construction**

Hoeft noted that this was something that the Board keeps running into again and again, and felt that it could be handled by staff. Carroll commented that the Board can place conditions or restrictions on these requests, and they are also getting input from the towns. There may be a legal problem. He felt it was important to get the towns involved, and the staff may have legal issues to contend with. Weis noted that enforcement ability could be given to the staff. He suggested that they may have to sign a legal document and have it recorded.

Hoeft questioned why the conditions couldn't be made part of the ordinance. There was further discussion. Carroll noted that there would have to be a legal form of enforcement established. Weis felt it needed a review through ordinance.

The Board would like to request a review by the Planning & Zoning Committee to write an ordinance. Staff explained what that would entail including that a majority of the townships would have to agree to a zoning amendment.

Hoeft felt it could be built into the ordinance. Weis stated there would be enough checks and balances in the system.

Weis made a motion to recommend this be referred to the Planning & Zoning Committee, per the letter submitted by Hoeft, with appropriate safeguards that this issue be written into the ordinance. The motion was seconded by Carroll, and the motion carried 3-0.

The Board noted that they would like to be notified when this is placed on the agenda.

11. **Site Inspections – Beginning at 11:05 a.m. and Leaving from Room 203**  
V1466-15 – Gina Salmieri, **N6488 Lake Dorothy Lane**, Town of Farmington  
V1467-15 – Josef Z and Rachel K Locke Klein, **N4220 S Helenville Rd**,  
Town of Jefferson

12. **Public Hearing – Beginning at 1:00 p.m. in Room 205**

Meeting called to order @ 1:00 p.m. by Weis

Members present: Weis, Hoeft, Carroll

Members absent: ----

Staff: Michelle Staff, Laurie Miller

13. **Explanation of Process by Board of Adjustment Chair**

The following was read into the record by Hoeft:

***NOTICE OF PUBLIC HEARING***  
***JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT***

**NOTICE IS HEREBY GIVEN** that the Jefferson County Zoning Board of Adjustment will conduct a public hearing at 1:00 p.m. on Thursday, August 13, 2015 in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. Matters to be heard are applications for variance from terms of the Jefferson County Zoning Ordinance. No variance may be granted which would have the effect of allowing in any district a use not permitted in that district. No variance may be granted which would have the effect of allowing a use of land or property which would violate state laws or administrative rules. Subject to the above limitations, variances may be granted where strict enforcement of the terms of the ordinance results in an unnecessary hardship and where a variance in the standards will allow the spirit of the ordinance to be observed, substantial justice to be accomplished and the public interest not violated. Based upon the findings of fact, the Board of Adjustment must conclude that: 1) Unnecessary hardship is present in that a literal enforcement of the terms of the ordinance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome; 2) The hardship is due to unique physical limitations of the property rather than circumstances of the applicant; 3) The variance will not be contrary to the public interest as expressed by the purpose and intent of the zoning ordinance. **PETITIONERS, OR THEIR REPRESENTATIVES, SHALL BE PRESENT.** There may be site inspections prior to public hearing which any interested parties may attend; discussion and possible action shall occur after public hearing on the following:

**V1466-15 – Gina Salmieri:** Variance from Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance to temporarily allow two principal dwelling structures in an Agricultural/Rural Residential A-3 zone at **N6488 Lake Dorothy Ln**, Town of Farmington. The site is on PIN 008-0715-1422-002 (5 Acres.)

Gina Salmieri presented her petition. She stated they want to build a new house and live in the old farmhouse while they build.

There were no questions or comments in favor or opposition of the petition. There was a town response in the file in favor of the petition which was read into the record by Weis. Their decision noted that would like to see the old home removed one year after occupancy.

Staff gave staff report. She stated only one principal structure is allowed, and noted that zoning cannot track by occupancy. Her recommendation to the Board was to consider the timeline for removal of the old home by the issuance of the permit.

Weis asked the petitioner if they were planning on living in the old home. The petitioner stated yes. Weis also questioned if they had animals, and the petitioner stated yes. Hoeft did make note that the Board is not obliged to the town's decision.

Weis explained that, in the past, they have used a removal date that coincides with the zoning permit, and asked the petitioner if that would be acceptable to them. The petitioner stated yes.

Carroll noted the three criteria the Board needs to consider, and asked the petitioner if this was an actively working farm. The petitioner stated they do have animals.

**V1467-15 – Josef Z Locke Klein:** Variance from Sec. 11.04(f)6 of the Jefferson County Zoning Ordinance to reduce the A-1 zone minimum lot width to construct a detached garage at **N4220 S Helenville Rd.** The site is on PIN 014-0615-1042-001 (2.99 Acres) in the Town of Jefferson.

Josef Locke Klein presented the petition. Rachel Locke Klein was also present. Mr. Locke Klein stated they wanted to reconstruct what was existing. He noted that there was a fire in the building, and there were holes in the roof. He also addressed the three criteria, and explained.

Rachel Locke Klein and Lorraine Peters were in favor of the petition. There were no questions or comments opposing the petition. There was a town response in the file approving the petition which was read into the record by Weis.

Staff report was given by Staff. She explained the minimum lot width required, and noted that there was no place on the lot that was 200' in width. Staff also noted that the new structure would meet the setbacks, and there was no compliant location on the lot that met the width. There is a survey for the lot from the 1980s.

Weis questioned Staff about changes in the ordinance. Staff noted she could not comment. Weis questioned the petitioner if he understood that the setbacks were from the roofline. The petitioner stated yes. Carroll questioned the width of the lot where the building was located. The petitioner stated it was around 170' to 180'. Staff asked the petitioner the use of the structure. The petitioner stated it would be residential storage.

**V1454-15 – Wausau Homes of Cottage Grove/David & Lorraine Peters Trust Property:** Variance from Sec. 11.07(d)2 of the Jefferson County Zoning Ordinance to construct a residence at less than the required right-of-way and centerline setbacks of **County Road B and Park Lane.** The property is in the Town of Lake Mills on PIN 018-0713-0233-025 (0.709 Acre) in a Residential R-1 zone.

Weis explained the original request and decision, and the condition of that approval was based on the Jefferson County Highway Department's recommendation.

Lorraine Peters presented her petition. She stated that it was their intent to remove the existing home and build a new one. They were coming back again before the Board because the property was reviewed again by the Highway Department who was now in support of approving the driveway coming off of County Road B.

Staff report was given by Staff. She noted there was an e-mail from the Highway Department in the file, and stated the petitioner was here today to have the condition from the original approval removed that stated there would be no access allowed from County Road B. Nothing else from the original approval would change.

There were no questions or comments in favor or opposition of the petition.

Hoeft read the e-mail from the Highway Department into the record which indicated that they were in support of allowing the access for the property off of County Road B.

Hoeft noted that in the original hearing, there was a neighbor who had concerns about runoff. The petitioner stated that the runoff was as a result of the rebuilding of County Road B, and that the neighbors had talked with the Highway Department. An agreement between the neighbor and the Highway Department was established to rectify the problem. The petitioner also noted that the driveway will remain where it is now.

**14. Discussion and Possible Action on Above Petitions (See files & following pages)**

**15. Adjourn**

Motion was made by Carroll, seconded by Weis, motion carried 3-0 to adjourn @ 1:47p.m.

**If you have questions regarding these variances, please contact the Zoning Department at 920-674-7113 or 920-674-8638. Variance files referenced on this hearing notice may be viewed in Courthouse Room 201 between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, excluding holidays. Materials covering other agenda items can be found at [www.jeffersoncountywi.gov](http://www.jeffersoncountywi.gov).**

## JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

*A quorum of any Jefferson County Committee, Board, Commission or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.*

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 at least 24 hours prior to the meeting so appropriate arrangements can be made.

*A digital recording of the meeting will be available in the Zoning Department upon request.*

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Secretary

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Date

**DECISION OF THE ZONING BOARD OF ADJUSTMENT  
JEFFERSON COUNTY, WISCONSIN**

**FINDINGS OF FACT**

PETITION NO.: 2015 V1466  
HEARING DATE: 08-13-2015

APPLICANT: Gina Salmieri

PROPERTY OWNER: SAME

PARCEL (PIN #): 008-0715-1422-002

TOWNSHIP: Farmington

INTENT OF PETITIONER: To temporary allow two residential structures in an A-3  
Agricultural/Rural Residential Zone.  
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THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)6 OF  
THE JEFFERSON COUNTY ZONING ORDINANCE.

THE FEATURES OF THE PROPOSED CONSTRUCTION AND PROPERTY WHICH  
RELATE TO THE GRANT OR DENIAL OF THE VARIANCE APPLICATION ARE:  
The petitioner would like to live in an existing residence while building a brand new  
residence. There is no proposal for time of removal for the older structure. The new  
structure must meet all setbacks. A new sanitary system will be required.  
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FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Site inspections  
conducted. Observed property layout & location.  
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FACTS PRESENTED AT PUBLIC HEARING: See tape, minutes & file.  
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### DECISION STANDARDS

- A. NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING IN ANY DISTRICT A USE NOT PERMITTED IN THAT DISTRICT \_\_\_\_\_  
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- B. NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING A USE OF LAND OR PROPERTY WHICH WOULD VIOLATE STATE LAWS OR ADMINISTRATIVE RULES: \_\_\_\_\_  
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- C. SUBJECT TO THE ABOVE LIMITATIONS, VARIANCES MAY BE GRANTED WHERE STRICT ENFORCEMENT OF THE TERMS OF THE ORDINANCE RESULTS IN AN UNNECESSARY HARDSHIP & WHERE A VARIANCE IN THE STANDARDS WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, & THE PUBLIC INTEREST NOT VIOLATED.

BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:

1. UNNECESSARY HARDSHIP **IS** PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE **WOULD** UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME BECAUSE they have animals that they need to take care of. Staying there while building will provide security. It's a reasonable request.
2. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE the ordinance creates the hardship. The A-3 zoned property requires the presence of a stock caretaker.
3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE they will wind up with 1 new house. Being concurrent with the land use permit for removal makes it plausible. It's a substantial improvement to the area.

**\*A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET\***

**DECISION:** THE REQUESTED VARIANCE IS **GRANTED.**

**MOTION:** Hoeft                               **SECOND:** Carroll                       **VOTE:** 3-0

Motion made by Carroll, seconded by Hoeft, motion carried 3-0 to add the following conditions:

**CONDITIONS OF APPROVAL:** The old house is to be removed within 2 years from the issuance of the zoning permit. The existing structure is to be occupied by the owner/applicant.

SIGNED: \_\_\_\_\_ DATE: 08-13-2015  
CHAIRPERSON

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDINGS IS AVAILABLE UPON REQUEST.

**DECISION OF THE ZONING BOARD OF ADJUSTMENT  
JEFFERSON COUNTY, WISCONSIN**

**FINDINGS OF FACT**

PETITION NO.: 2015 V1467  
HEARING DATE: 08-13-2015

APPLICANT: Josef Locke Klein

PROPERTY OWNER: Josef & Rachel Locke Klein

PARCEL (PIN #): 014-0615-1042-001

TOWNSHIP: Jefferson

INTENT OF PETITIONER: To construct a detached garage in an area of the lot that is less than 200 feet in width

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)6 OF THE JEFFERSON COUNTY ZONING ORDINANCE.

THE FEATURES OF THE PROPOSED CONSTRUCTION AND PROPERTY WHICH RELATE TO THE GRANT OR DENIAL OF THE VARIANCE APPLICATION ARE:

The petitioner is proposing a 2,304 sq. ft. detached garage on this property. All structures must be constructed on the area of the lot that meets minimum width lot requirements of 200 feet. A vast majority of the lot is less than 200 feet in width. The petitioner is proposing to meet the required 20 foot setbacks.

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Site inspections conducted. Observed property layout & location.

FACTS PRESENTED AT PUBLIC HEARING: See tape, minutes & file.

**DECISION STANDARDS**

- A. NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING IN ANY DISTRICT A USE NOT PERMITTED IN THAT DISTRICT \_\_\_\_\_  
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- B. NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING A USE OF LAND OR PROPERTY WHICH WOULD VIOLATE STATE LAWS OR ADMINISTRATIVE RULES: \_\_\_\_\_  
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- C. SUBJECT TO THE ABOVE LIMITATIONS, VARIANCES MAY BE GRANTED WHERE STRICT ENFORCEMENT OF THE TERMS OF THE ORDINANCE RESULTS IN AN UNNECESSARY HARDSHIP & WHERE A VARIANCE IN THE STANDARDS WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, & THE PUBLIC INTEREST NOT VIOLATED.

BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:

- 4. UNNECESSARY HARDSHIP **IS** PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE **WOULD** UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME BECAUSE it's a parcel of record not consistent with the zoning ordinance. It has existed. Not to be allowed the garage would be a hardship. The lot was formed in the past – it's the lot itself that limits the siting of the structure.
- 5. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE the geometry/size of the lot is not consistent with the zoning ordinance. All other setbacks will be complied with. The physical limitations are imposed by the circumstances relative to the shape of the lot.
- 6. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE the existing structure to be removed has fire damage. It would be safer to replace it. It meets all the setbacks, and improves the situation.

**\*A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET\***

**DECISION:** THE REQUESTED VARIANCE IS **GRANTED**.

**MOTION:** Carroll

**SECOND:** Weis

**VOTE:** 3-0

**CONDITIONS OF APPROVAL:** Secure the proper zoning permits for construction of the garage.

**SIGNED:** \_\_\_\_\_ **DATE:** 08-13-2015

CHAIRPERSON

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDINGS IS AVAILABLE UPON REQUEST.

**DECISION OF THE ZONING BOARD OF ADJUSTMENT**

JEFFERSON COUNTY, WISCONSIN

FINDINGS OF FACT

PETITION NO.: 2015 V1454

HEARING DATE: 05-14-2015

APPLICANT: Wausau Homes of Cottage Grove Attn: Ben Conklin

PROPERTY OWNER: David & Lorraine Peters Trust

PARCEL (PIN #): 018-0713-0233-025

TOWNSHIP: Lake Mills

INTENT OF PETITIONER: The petitioner would like to remove the existing residence and build a new residence. The new residence will not meet road setback requirements.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.07(d)2 OF THE JEFFERSON COUNTY ZONING ORDINANCE.

THE FEATURES OF THE PROPOSED CONSTRUCTION AND PROPERTY WHICH RELATE TO THE GRANT OR DENIAL OF THE VARIANCE APPLICATION ARE:

The petitioner would like to remove the existing residence and built a brand new residence. The new residence is proposed 18.2 feet from the right of way of CTH B, whereas the required setback is 50 feet from the right-of-way and 110 feet from the centerline. The new residence will be 10.4 feet from the right of way Park Lane whereas the required setback is 50 feet from the right-of-way and 85 feet from the centerline.

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Site inspections conducted. Observed property layout & location.

FACTS PRESENTED AT PUBLIC HEARING: See tape, minutes & file.

**AMENDMENT TO CONDITIONS FROM 5/14/2015 DECISION**

- A. NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING IN ANY DISTRICT A USE NOT PERMITTED IN THAT DISTRICT \_\_\_\_\_
- B. NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING A USE OF LAND OR PROPERTY WHICH WOULD VIOLATE STATE LAWS OR ADMINISTRATIVE RULES: \_\_\_\_\_
- C. SUBJECT TO THE ABOVE LIMITATIONS, VARIANCES MAY BE GRANTED WHERE STRICT ENFORCEMENT OF THE TERMS OF THE ORDINANCE RESULTS IN AN UNNECESSARY HARDSHIP & WHERE A VARIANCE IN THE STANDARDS WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, & THE PUBLIC INTEREST NOT VIOLATED.

BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:

- 7. UNNECESSARY HARDSHIP **IS/IS NOT** PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE **WOULD/WOULD NOT** UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME BECAUSE See decision of 5/14/2015
- 8. THE HARDSHIP **IS/IS NOT** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE See decision of 5/14/2015
- 9. THE VARIANCE **WILL/WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE See decision of 5/14/2015

**\*A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET\***

**DECISION:** THE REQUEST TO MODIFY CONDITIONS OF THE VARIANCE DECISION OF 5/14/2015 IS **GRANTED**.

**MOTION:** Weis                                  **SECOND:** Carroll                          **VOTE:**

**MODIFIED CONDITIONS OF APPROVAL:** Access to be allowed off of County Road B using the existing drive access based on reconsideration and approval by the Jefferson County Highway Department.

SIGNED: \_\_\_\_\_ DATE: 08-13-2015  
CHAIRPERSON

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDINGS IS AVAILABLE UPON REQUEST.