



Planning Commission Meeting

December 18, 2024

7:00 PM

Fridley Civic Campus, 7071 University Avenue N.E.

Agenda

Call to Order

Roll Call

Approval of Meeting Minutes

1. Approval of the October 16, 2024, Planning Commission Meeting Minutes

Public Hearing

2. Public Hearing to Consider a Lot Split, LS #24-02 to allow a property line adjustment of 6 ft. from 5210 Pierce Street to 5216 Pierce Street N.E.

Other Business

Adjournment

Accessibility Notice:

- If you need free interpretation or translation assistance, please contact City staff.
- Si necesita ayuda de interpretación o traducción gratis, comuníquese con el personal de la ciudad.
- Yog tias koj xav tau kev pab txhais lus los sis txhais ntaub ntawv dawb, ces thov tiv tauj rau Lub Nroog cov neeg ua hauj lwm.
- Haddii aad u baahan tahay tarjumaad bilaash ah ama kaalmo tarjumaad, fadlan la xiriir shaqaalaha Magaalada.

Upon request, accommodation will be provided to allow individuals with disabilities to participate in any City of Fridley services, programs or activities. Hearing impaired persons who need an interpreter or other persons who require auxiliary aids should contact CityClerk@FridleyMN.gov or (763) 572-3450.



AGENDA REPORT

Meeting Date: December 18, 2024

Meeting Type: Planning Commission

Submitted By: Julianne Beberg, Office Coordinator

Title

Approval of the October 16, 2024, Planning Commission Meeting Minutes

Background

Attached are the October 16, 2024, minutes from the meeting for the Commission's consideration

Financial Impact

None

Recommendation

Staff recommend the approval of the October 16, 2024, Planning Commission Meeting Minutes

Attachments and Other Resources

- October 16, 2024, Planning Commission Meeting Minutes

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



Planning Commission

October 16, 2024

7:00 PM

Fridley City Hall, 7071 University Avenue NE

Minutes

Call to Order

Chair Hansen called the Planning Commission Meeting to order at 7:00 p.m.

Present

Pete Borman

Aaron Brom

Aaron Klemz

Ross Meisner

Paul Nealy

Absent

Mike Heuchert

Others Present

Stacy Stromberg, Planning Manager

Nancy Abts, Associate Planner

Jason and Rochelle Zemke, 257 69th Avenue N.E.

Edward Murzyn, 249 69th Avenue N.E.

Approval of Meeting Minutes

1. Approve September 18, 2024, Planning Commission Minutes

Motion by Commissioner Meisner to approve the minutes. Seconded by Commissioner Borman.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously.

Public Hearing

2. Variance, VAR 24-01, by Jason Zemke, to Reduce the Required Side Yard Setback from 10 Feet to 6.7 Feet to Allow an Addition to an Existing Nonconforming Home, Generally Located at 257 69th Avenue NW

Motion by Commissioner Meisner to open the public hearing. Seconded by Commissioner Borman.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously and the public hearing was opened at 7:02 p.m.

Nancy Abts, Associate Planner, presented a request for a variance to reduce the side yard setback to allow the expansion of an existing home at 257 69th Avenue. She provided a site description and history of the property. She then reviewed the code and statutory requirements that the Commission should consider relating to this variance request. She noted that the current neighbor does not object to this variance, but explained that the variance would run with the land and impact future property owners as well. She stated that staff recommends denial of the variance as the request does not satisfy the uniqueness requirement and there are reasonable alternatives.

Commissioner Borman stated that he met with the petitioner and the alternative noted by staff would add additional cost to the project. He believed that would be undue cost for the modest addition.

Commissioner Nealy asked how they got from ten to seven.

Ms. Abts replied that City staff was not here in 1962 but perhaps the survey corners were not marked appropriately or the foundation was laid a bit off.

Commissioner Brom referenced the option to change standards citywide and what that process would entail.

Ms. Abts replied that as the Commission know the City is in the process of updating the zoning code. She stated that the zoning code helps to address environmental quality and water runoff. She stated that in Fridley they have addressed that by requiring generous yards in lieu of large stormwater ponds.

Commissioner Brom asked if the variance were granted, whether that would mean future requests similar in nature would also have to be approved.

Ms. Abts replied that there is a risk of setting a precedent.

Commissioner Klemz noted that this is not straight along the lot line. He asked if the line were to run straight, parallel to the lot line at 7.1 feet, whether that would still require a variance.

Ms. Abts confirmed that a variance would still be required.

Commissioner Meisner asked where variable cost is considered, and if the alternative is more expensive, would that support a case for a variance.

Ms. Abts replied that economic considerations can be part of the consideration but cannot be the only reason to grant a variance.

Commissioner Meisner stated that one of the reasons this Commission exists is to evaluate exceptions to the rules. He stated that there are a number of factors that place this property in the grey area, primarily because it is already nonconforming, and this would only be a 3.5-inch difference from the variance that already exists. He stated that he was not concerned with precedent in this case as there are reasonable considerations to the request. He noted that the neighboring property is the garage side. He referenced the comment that there are reasonable alternatives and asked how reasonableness is assessed.

Ms. Abts replied that the applicant and neighbor are present and perhaps can provide input. She stated that she would be curious of the magnitude of the increased cost of building within the allowed area rather than the setback.

Stacy Stromberg, Planning Manager, stated that for staff, if there is a reasonable alternative and there is not a practical difficulty, there is not a way for staff to recommend approval.

Chair Hansen invited the applicant to address the Commission.

Jason Zemke, applicant, stated that the report does not include their proposed floor plan and believed that if the Commission could see their modest layout for the addition, they would feel it is appropriate for a home that was built out of compliance 60 years ago. He stated that this out of compliance home, built askew from the property line, has caused no issues to the neighborhood for the last 60 years. He stated that the addition would be seamless to the property and would not appear out of character.

Commissioner Meisner stated that the Commission has a certificate from the company which shows the proposed addition. Mr. Zemke confirmed that is accurate but noted that the floorplan for that space is a bedroom and attached bathroom.

Commissioner Borman asked if the applicant has an estimated cost for the proposal by City staff, compared to this proposed addition. Mr. Zemke replied that the cost would be about double based on the amount of square footage shown in the staff alternative. He stated that the current estimate is about \$100,000 for the addition. Commissioner Borman commented that the staff alternative would involve extensive changes to the roofline as well, which would easily double the cost.

Edward Murzyn, the neighbor at 249 69th Avenue stated that he has no objection to the addition and loves to see the applicants improving their property. He stated that the applicants are active in the neighborhood, take care of their yard, and he would love to see them be able to improve their home.

Commissioner Klemz referenced the uniqueness criteria and asked if property is described in that statute, as staff seemed to describe the lot itself and not the home. Ms. Abts replied that she is

unsure how that is defined in statute but could look into that. Ms. Stromberg stated that the practice of staff is to apply that to the physical land, not the home.

Motion by Commissioner Meisner to close the public hearing. Seconded by Commissioner Nealy.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously and the public hearing was closed at 7:24 p.m.

Commissioner Nealy stated that this is a building that is already out of compliance due to no fault of the current owners and no matter what someone does on this property there will already be a seven-foot setback instead of ten. He did not believe that extending that by the length of the addition would cause harm. He did not believe that an additional 3.5 inches for a reduced setback would make a difference and did not believe anyone would even notice. He stated that he would support the variance request.

Commissioner Meisner stated that there are guidelines to maintain the character of the neighborhoods and community. He stated that there are also a variety of tools that allow an exception. He stated that in this situation there is not a preexisting reason that would allow staff to recommend approval of the variance but also believed that is one of the reasons the Planning Commission exists, to understand the regulations of the City, needs of the residents, and perhaps provide recommendations that generally make sense. He stated that the extension of the line of the home by the length of the addition, even though it would encroach an additional 3.5 inches into the setback, is a reasonable request. He stated that even though there is not a typical reason to approve the variance, he is amenable to the request.

Commissioner Klemz stated that the alternative to approving the variance would be changing the code, which would set city-wide precedent whereas approval of this request would not set the same precedent. He agreed with the reasonableness of this concern and noted that the neighboring property owner also agrees.

Commissioner Borman stated that he agrees with Commissioners Nealy and Meisner and believed that the variance would be proper tool for this situation. He noted that this is extending the current line of the home by eight feet. He commented that this is a very reasonable request.

Commissioner Brom stated that he agrees with everyone and commended staff for their recommendation as they did not believe that this request met the statutory requirements. He stated that this is one of those circumstances where they (the Commission) need to understand the needs of the residents and he did not believe that approving this request would be a detriment to anyone.

Chair Hansen stated that he walked into the meeting with a different mindset, and he tends to think that variances should only be granted under certain circumstances to avoid setting precedent. He

stated that this home was built askew to the property line and therefore is already nonconforming and this does appear to be a reasonable addition. He stated that if this were done under a building permit, no one else would probably even notice other than the neighbor, who agrees to the request. He noted that typically there is a drainage/utility easement in the side yard but that does not exist in this location. He believed that this approval is unlikely to trigger a series of similar applications. He stated that if the property were not already nonconforming, he would not support the request but because of the conditions that exist in this case, he can support the request.

Commissioner Meisner stated that because of the magnitude of the sum of the variables he can support this request, but if it were just one of the factors without the others, he would find it difficult to approve.

Motion by Commissioner Meisner to recommend approval of the variance as requested. Seconded by Commissioner Borman.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously.

Chair Hansen noted that this will move forward for review by the City Council on November 12, 2024.

Other Business

Ms. Stromberg provided an update on potential meetings for November.

Adjournment

Motion by Commissioner Meisner to adjourn the meeting. Seconded by Commissioner Brom.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously and the meeting adjourned at 7:36 p.m.

Respectfully submitted,

Stacy Stromberg, Staff Liaison



LAND USE APPLICATION SUMMARY

Item: LS #24-02

Meeting Date: December 18, 2024

Applicant:

Maria Herrera
5216 Pierce Street NE
Fridley, MN 55432

Requested Action:

Public Hearing to Consider a Lot Split, LS #24-02 to allow a property line adjustment of 6 ft. from 5210 Pierce Street to 5216 Pierce Street N.E.

Location:

5210 and 5216 Pierce Street N.E.

Existing Zoning:

R-1, Single Family

Current Size:

5210 Pierce Street
11,854 sq. ft. .27 acres
5216 Pierce Street
11,523 sq. ft. .26 acres

Existing Land Use:

Single family homes

Surrounding Land-use & Zoning:

N: Single Family & R-1
E: Single Family & R-1
S: Single Family & R-1
W: Single Family & R-1

Comprehensive Plan Conformance:

Existing and Future Land Use Plan designate the properties for single-family.

Zoning Ordinance Conformance:

Section 205.07 of the zoning code requires a minimum lot size of 9,000 sq. ft. and a minimum lot width of 75 ft. at the front yard setback line for properties zoned R-1, Single Family.

Building and Zoning History:

5210 Pierce Street

1961 – Existing home and garage constructed.

5216 Pierce Street

1957 – Existing house and garage constructed – per assessing records.

Existing Legal Description of Property:

5210 Pierce Street

Lot 10, Block 1, Marian Hills

5216 Pierce Street

Lot 5, Block 4, Horizon Heights and Vacated Alley per Book 338, Page 30.

Public Utilities:

Existing homes are connected.

Transportation:

Homes are accessed from Pierce Street.

Physical Characteristics:

Single family lots slope to the southeast.

Summary of Request:

The petitioner, Maria Herrera, the owner of 5216 Pierce Street, is requesting a property line adjustment of 6 ft. from 5210 Pierce Street to 5216 Pierce Street. The property owner of 5210 Pierce Street, Craig Kayser, has approved the request for the property line adjustment.

Staff Recommendation:

City staff recommend approval of the lot split, with stipulations.

- *Meets code requirements*
- *Promotes reinvestment*

City Council Action/60 Day Action Date:

City Council – January 6, 2025

60 Day Date – January 13, 2025

Staff Report Prepared by Stacy Stromberg

Written Report –

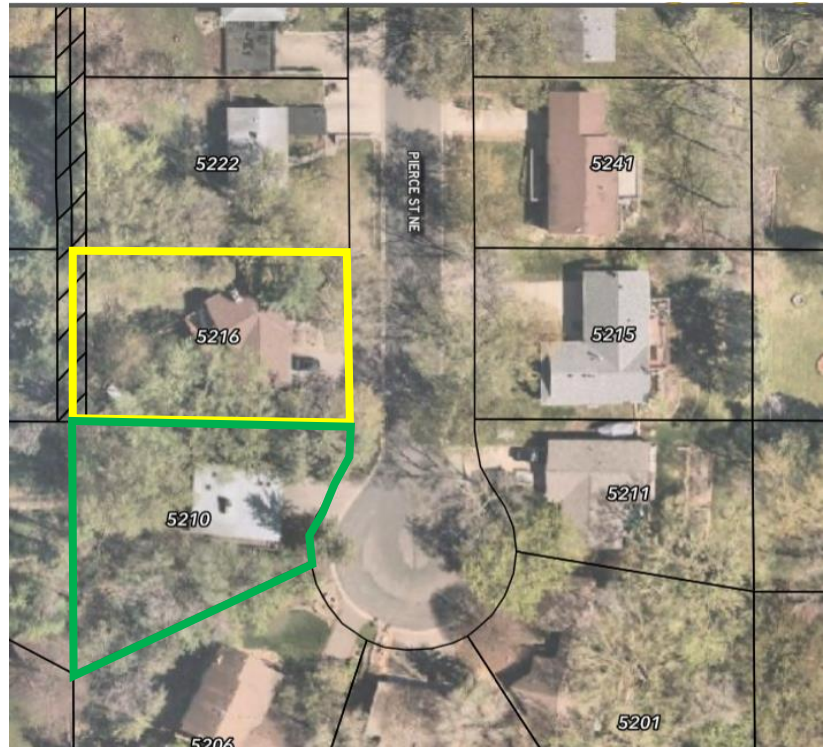
Analysis

The petitioner, Maria Herrera, the owner of 5216 Pierce Street, is requesting a property line adjustment of 6 ft. from 5210 Pierce Street to 5216 Pierce Street. The property owner of 5210 Pierce Street, Craig Kayser, has approved the request for the property line adjustment.

The subject property is zoned R-1, Single Family, as are all surrounding properties. The original home at 5210 Pierce Street (*green*) was constructed in 1961 and the home at 5216 Pierce Street (*yellow*) was constructed in 1957.

Fridley City code requires that single family lots in the R-1, Single Family zoning district have a minimum of 75 ft. in width at the front yard setback line, and have a minimum lot area of 9,000 sq. ft.

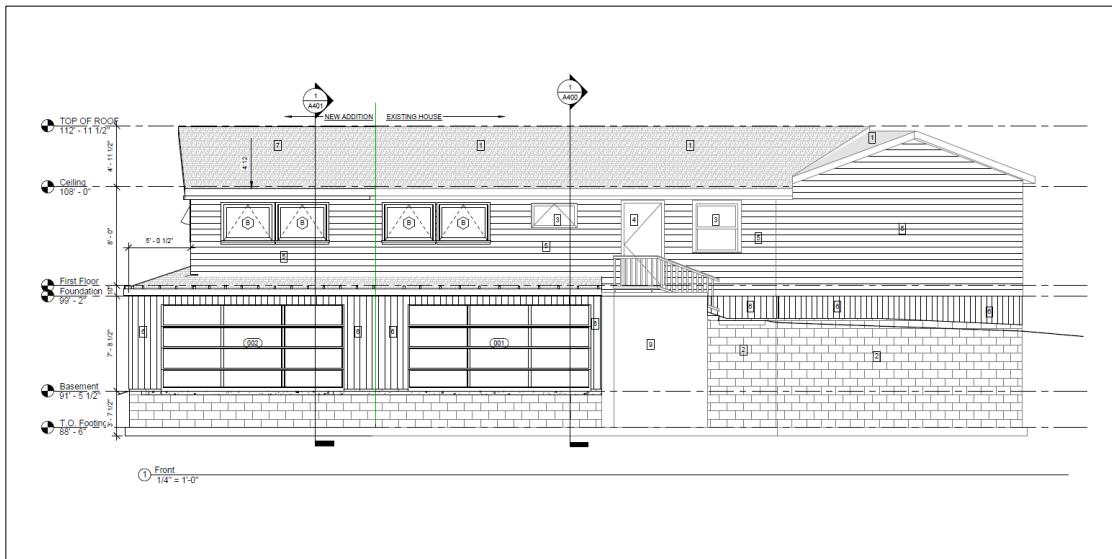
The properties at 5210 and 5216 Pierce Street currently meet the minimum lot size requirement and will continue to do so after the property line adjustment.



Address	5210 Pierce Street	5216 Pierce Street
Current lot size	11,854 sq. ft.	11,523 sq. ft.
After line adjustment	11,052 sq. ft.	12,325 sq. ft.

The purpose of the lot split application is to allow a 20 ft. addition to the south side of the home at 5216 Pierce Street. The addition will allow for the construction of a 2-stall garage with living space above. The side yard setback requirement for a garage is 5 ft., and the setback requirement for living space is 10 ft. To comply with setback requirements, additional land is needed. The owner of 5210 Pierce Street has agreed to adjust his property line by 6 ft., so the petitioner's addition will comply with setback requirements.

As part of the zoning code recodification process, staff are proposing to adopt regulations that will allow simple property line adjustments, such as this application to be approved administratively, as opposed to requiring a public hearing from the Commission and approval from the Council. This is a standard process in other metro communities.



Existing Home and Proposed Addition

Staff have heard from three neighboring property owners, who were interested in learning more about the request. Once described, one of the three had concerns about potential lost views from their property. Staff explained that the proposed addition complies with code requirements, as does the lot split application.

Staff Recommendation

Staff recommend the Planning Commission hold a public hearing for LS #24-02.

Staff further recommend the approval of LS #24-02, with stipulations.

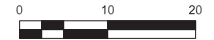
Stipulations

Staff recommend that if the lot split is granted, the following stipulations be attached:

1. All necessary permits shall be obtained prior to the construction of the addition.
2. A grading and drainage plan may need to be submitted if requested by engineering staff, to minimize impacts to the surrounding properties.

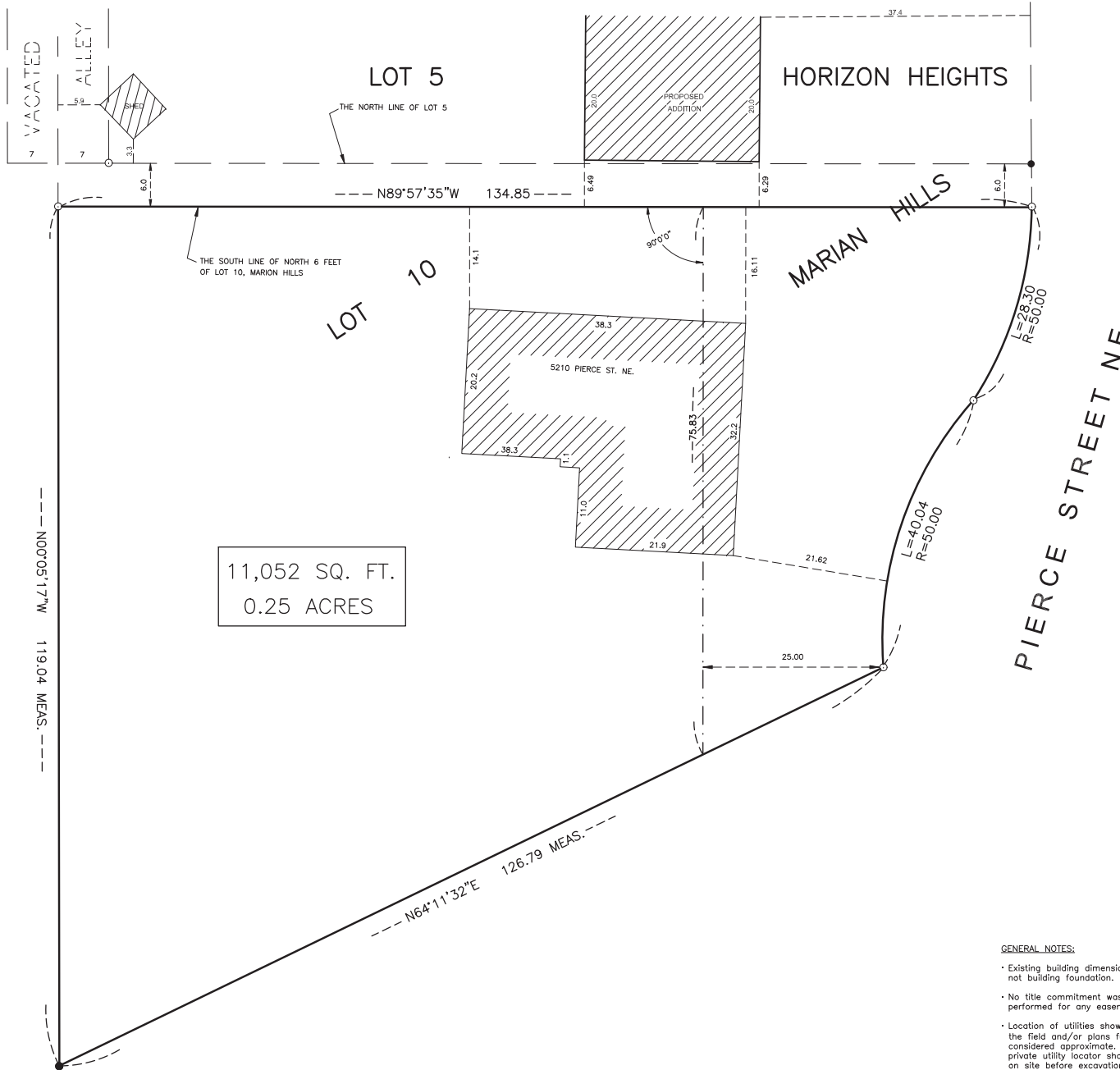
CERTIFICATE OF SURVEY FOR: BILL DAVIS

LEGEND Item 2.



SCALE IN FEET

- Found Iron Monument
- Set Iron Monument
- MEAS. Denotes Measured Distance
- (PLAT) Denotes Per Recorded Plat



EXISTING PROPERTY DESCRIPTION

LOT 10, BLOCK 1, MARIAN HILLS, ANOKA COUNTY, MINNESOTA,

EXISTING PROPERTY AREA

11,854 Square Feet
0.27 Acres

PROPOSED PROPERTY DESCRIPTION

LOT 10, BLOCK 1, MARIAN HILLS, ANOKA COUNTY, MINNESOTA, EXCEPT THE NORTH 6 FEET THEREOF.

PROPOSED PROPERTY AREA

11,052 Square Feet
0.25 Acres

GENERAL NOTES:

- Existing building dimensions are measured to siding and not building foundation.
- No title commitment was provided and no research was performed for any easements not shown on this survey.
- Location of utilities shown are from observed evidence in the field and/or plans furnished by others and are considered approximate. Gopher State One Call or a private utility locator should be contacted to locate utilities on site before excavation.

JOB NO. 472-24	SCALE 1" = 10'	SITE ADDRESS 5210 PIERCE ST. NE. Fridley, MN 55421
BOOK/PAGE XX/XX	DRAWN MB	PROPERTY DESCRIPTION LOT 10, BLOCK 1, MARIAN HILLS, ANOKA COUNTY, MINNESOTA, EXCEPT THE NORTH 6 FEET THEREOF.
SHEET 1 of 1 18x24	REFERENCE	

DATE	REVISIONS
	REMARKS

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly registered Land Surveyor under the laws of the State of Minnesota.

W. BROWN LAND SURVEYING, INC.

Woodrow A. Brown DATED: 11-12-2024

WOODROW A. BROWN, R.L.S. MN REG 15230



W. BROWN LAND SURVEYING, INC.
8030 OLD CEDAR AVENUE SO., SUITE 228
BLOOMINGTON, MN 55425
PH: (952) 854-4055
WBROWNLANDSURVEYING.COM
EMAIL: INFO@WBROWNLANDSURVEYING.COM

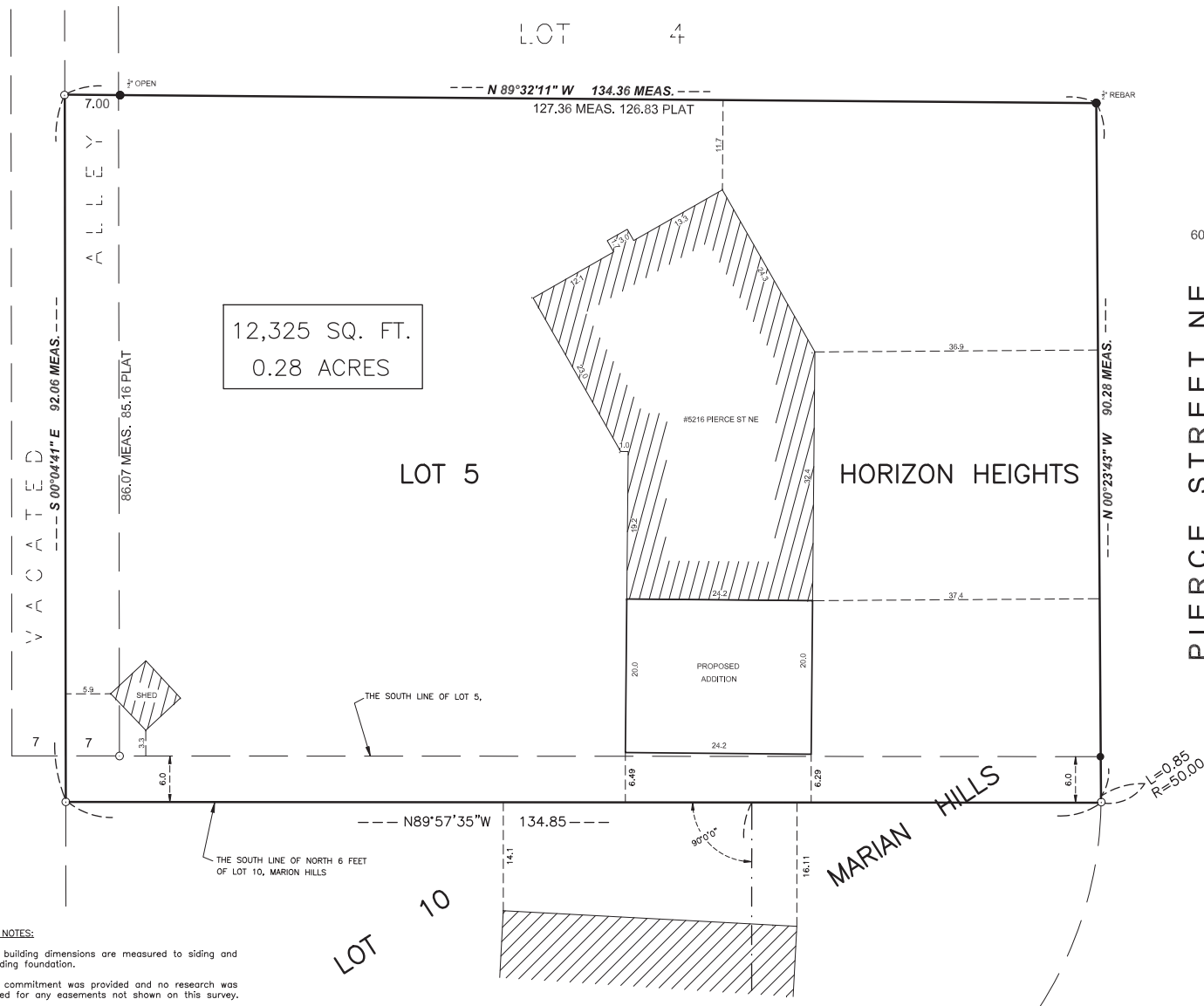
CERTIFICATE OF SURVEY FOR:
CLAUDIA HERRERA

Item 2.

LEGEND



- Found Iron Monument
- Set Iron Monument Inscribed R.L.S. 15230
- MEAS. Denotes Measured Distance
- (PLAT) Denotes Per Recorded Plat



GENERAL NOTES:

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EXISTING PROPERTY DESCRIPTION

LOT 5, BLOCK 4, HORIZON HEIGHTS, ANOKA COUNTY, MINNESOTA AND VACATED ALLEY PER BOOK 338, PAGE 30.

EXISTING PROPERTY AREA

11,523 Square Feet
0.26 Acres

PROPOSED PROPERTY DESCRIPTION

LOT 5, BLOCK 4, HORIZON HEIGHTS, ANOKA COUNTY, MINNESOTA AND VACATED ALLEY PER BOOK 338, PAGE 30 AND ALSO THE NORTH 6 FEET OF LOT 10, BLOCK 1, MARIAN HILLS, ANOKA COUNTY, MINNESOTA.

PROPOSED PROPERTY AREA

12,325 Square Feet
0.28 Acres

JOB NO.	SCALE	SITE ADDRESS
472-24	1" = 10'	5216 PIERCE ST. NE.
BOOK/PAGE	DRAWN	Fridley, MN 55421
190/32	MB	
SHEET	REFERENCE	PROPERTY DESCRIPTION
1 of 1 18x24		LOT 5, BLOCK 4, HORIZON HEIGHTS, ANOKA COUNTY, MINNESOTA AND VACATED ALLEY PER BOOK 338, PAGE 30 AND ALSO THE NORTH 6 FEET OF LOT 10, BLOCK 1, MARIAN HILLS, ANOKA COUNTY, MINNESOTA.

DATE	REVISIONS
	REMARKS

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly registered Land Surveyor under the laws of the State of Minnesota.

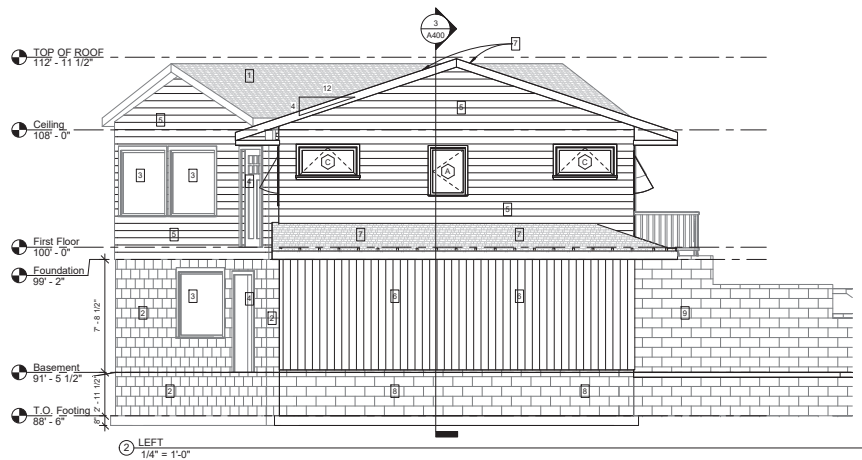
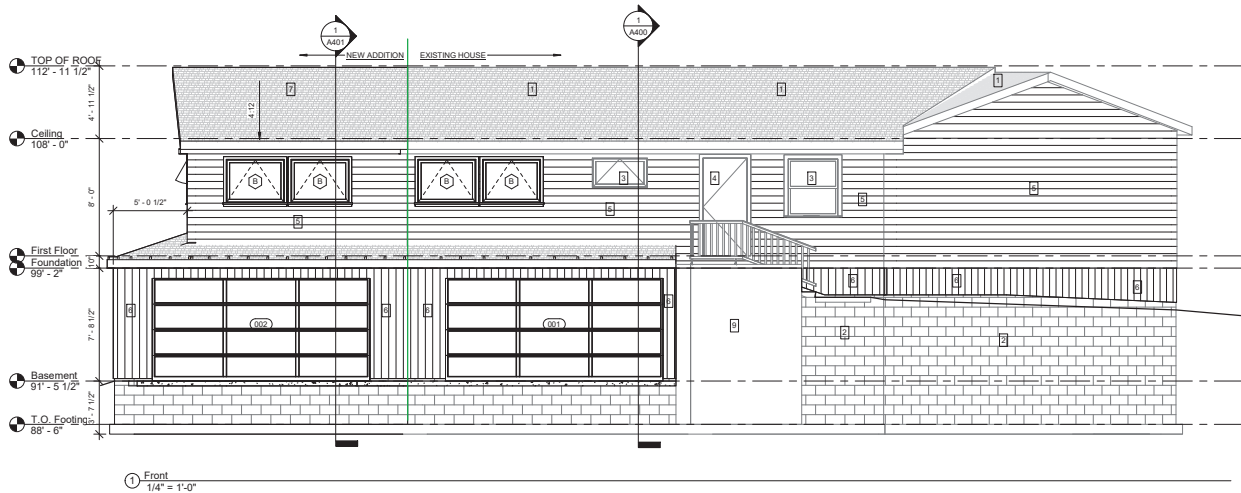
W. BROWN LAND SURVEYING, INC.

Woodrow A. Brown DATED: 11-12-2024

WOODROW A. BROWN, R.L.S. MN REG 15230



W. BROWN LAND SURVEYING, INC.
8030 OLD CEDAR AVENUE SO., SUITE 228
BLOOMINGTON, MN 55425
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GENERAL NOTES

- FIELD VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS PRIOR TO WORK
- WHEN EXISTING WALLS ARE REMOVED-INCLUDING EXTERIOR WALLS, VERIFY WHETHER WALLS ARE STRUCTURAL BEFORE REMOVAL, PROVIDE TEMPORARY SHORING & SUPPORT AS NEEDED.
- GENERAL CONTRACTOR SHALL PULL SEPARATE PERMITS FOR ELECTRICAL, MECHANICAL AND PLUMBING AND MEET THE CURRENT CODE REQUIREMENTS. CONTRACTOR SHALL BE RESPONSIBLE FOR MANAGING AND COORDINATION OF WORK
- FIELD VERIFY EXISTING ROOF OVERHANGS, FASCIA, AND PITCH
- FIELD VERIFY EXISTING GRADE, FLOOR HEIGHTS AND ROOF HEIGHTS

KEY NOTES

- 1 EXISTING ROOF
- 2 EXISTING FOUNDATION
- 3 EXISTING WINDOW
- 4 EXISTING DOOR
- 5 NEW HORIZONTAL SIDING AS SELECTED BY OWNER
- 6 NEW VERTICAL SIDING AS SELECTED BY OWNER
- 7 NEW SHINGLE ROOF TO MATCH EXISTING
- 8 NEW FOUNDATION WALL
- 9 EXISTING RETAINING WALL

REVISIONS	DATE



InSpire Architects
620 Caves Heights Drive
Circle Pines, MN 55014
763-316-5542
www.ArchitectMN.com

The information contained herein may not be used or copied in any manner without the written permission of InSpire Architects.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota
Print Name:

Jeffrey Hafferman AIA NCARB

Signature: *Jeffrey R. Hafferman*
License # 44333

10/3/2024 4:32:53 PM

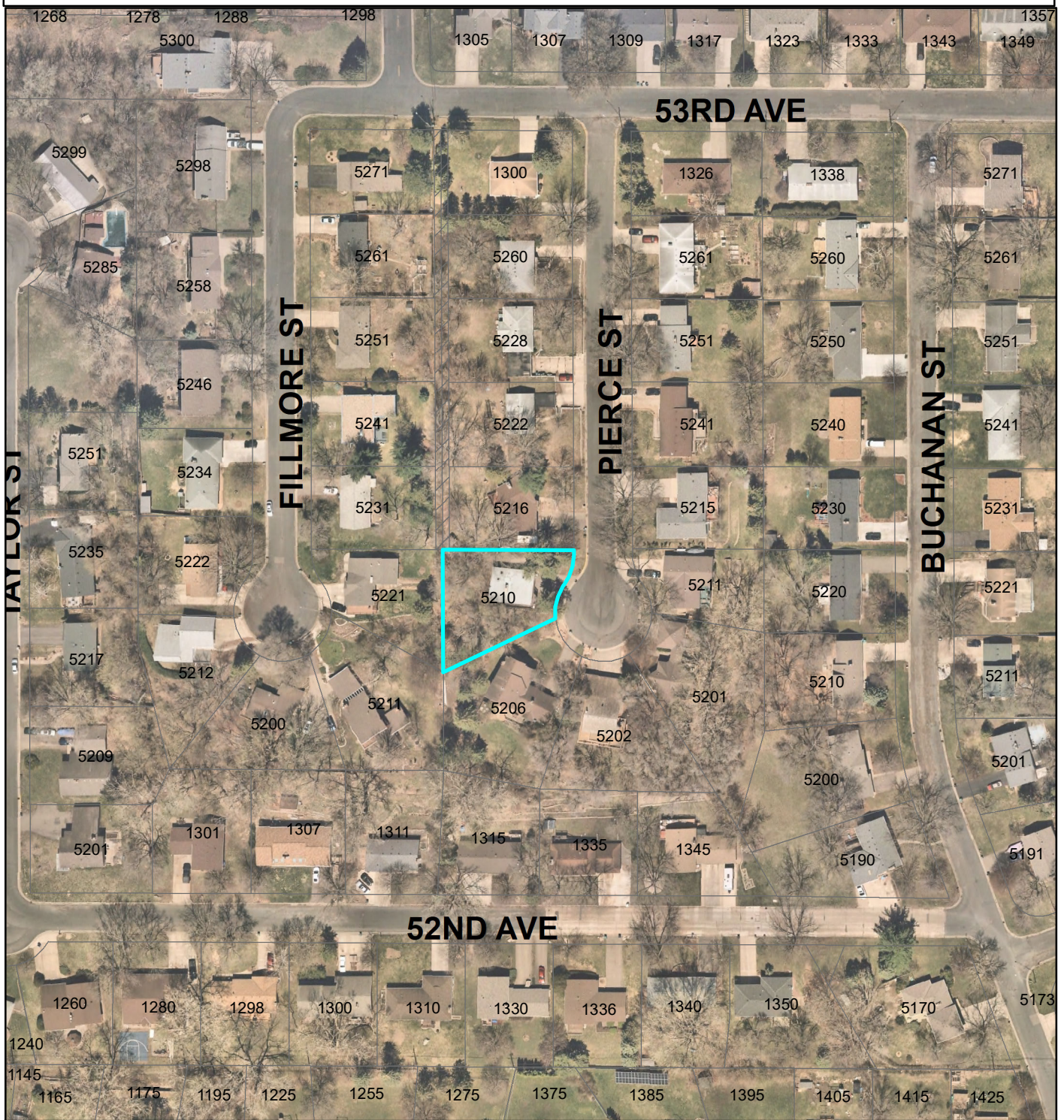
Sheet Title: ELEVATIONS

Project Name:
Hererra Residence

5216 Pierce St NE
Fridley, MN 55421

Project number	2024-33
Drawn by	lnb
Checked by	jrh
Construction Documents	

A300





Fridley Civic Campus

7071 University Ave N.E. Fridley, MN 55432
763-571-3450 | FAX: 763-571-1287 | FridleyMN.gov

PUBLIC HEARING NOTICE

To: Property Owners and Residents within 350 feet of 5210 Pierce St. NE

Applicant: Maria Herrera

Request: Lot Split LS 24-02, for a Lot Split request, to allow a property line adjustment of 6 ft. from 5210 Pierce Street to 5216 Pierce Street, generally located at 5210 Pierce St. NE, the legal description is on file and available at Fridley Civic Campus.

Date of Hearings: Planning Commission Meeting, Wednesday, December 18, 2024 at 7:00 p.m.
The Planning Commission meeting is televised live the night of the meeting on Channel 17.

Location of Planning Commission Hearing: Meeting will be held in person at Fridley Civic Campus located at 7071 University Avenue NE.

How to Participate: 1. You may attend the public hearing in person and testify.
2. You may submit a letter in advance of the meeting to Stacy Stromberg, Planning Manager at the address above or by email at stacy.stromberg@fridleymn.gov

Questions: Call or Email Stacy Stromberg, Planning Manager at 763-572-3595 or stacy.stromberg@fridleymn.gov

Mailing date: December 6, 2024 Publication date: December 6, 2024

Upon request, accommodation will be provided to allow individuals with disabilities to participate in any City of Fridley services, programs or activities. Hearing impaired persons who need an interpreter or other persons who require auxiliary aids should contact CityClerk@FridleyMN.gov or (763) 572-3450.

PUBLIC NOTICE

City of Fridley Planning Commission Notice of Public Hearing to Consider a Lot Split by Maria Herrera

Notice is hereby given that the Planning Commission of the City of Fridley will hold a public hearing on December 18, 2024 at 7:00 pm at Fridley City Hall, 7071 University Avenue N.E.

The public hearing will consider a Lot Split, LS #24-02, by Maria Herrera, for a Lot Split request, to allow a property line adjustment of 6 ft. from 5210 Pierce Street to 5216 Pierce Street, generally located at 5210 Pierce St NE, the legal description is on file and available at Fridley City Hall.

Any person desiring to be heard shall be given an opportunity at the above stated time and place. Or, comments may be submitted before the meeting to stacy.stromberg@fridleymn.gov or 763-572-3595. Publication date(s): December 6, 2024.

The City Council will consider this item on January 6, 2025.



Fridley City Hall
 7071 University Ave N.E. Fridley, MN 55432-4303
 (763) 571-3450 • FAX (763)
 571-1287 • FridleyMN.gov

WRITTEN PERMISSION OF PROPERTY OWNER

Written permission from the property owner for use of the premises must be obtained before a permit/license will be issued.

I, Craig P. Kayser, certify that I am the owner of property located at 5210 Pierce St. NE, and give permission to use the above property for a LOT SPLIT permit/license

<u>11-18-24</u>	<u>Craig Kayser</u>	<u></u>
Date	Printed Name	Signature
<u>5210 Pierce St NE</u>	<u>612-388-6124</u>	
Address	Telephone Number	
	<u>metapharsical@gmail.com</u>	
	Email	