



Board of Zoning Appeals and Property Review Commission

December 15, 2020 6:15 PM

Agenda

1. Call to Order
2. Roll call
3. Approval of prior minutes of September 15, 2020
4. Zoning Appeals
 - **VA20-10** – 4085 Eckworth Dr. Accessory Structure Variance from section 18.05A.
 - Staff Summary
 - Property Owner
 - Public Input
 - Board Discussion/Decision
5. Property Maintenance
6. New Business – Opportunity to assist in Property Maintenance Code review
7. Adjournment

Zoom information:

Webinar ID: 834 6773 7739

Passcode: 491566

BELLBROOK BOARD OF ZONING APPEALS AND PROPERTY REVIEW COMMISSION
PUBLIC HEARING MINUTES
September 15, 2020

NOTE: Due to COVID-19 this meeting was held via Zoom.

PRESENT: Glenn Costie
Aaron Burke
Philip Ogrod
Sharon Schroeder
Chairperson Meredith Brinegar

CALL TO ORDER:

Chairman Brinegar called the meeting of the Board of Zoning Appeals to order at 6:15 PM. The Secretary called the roll. Mr. Costie, yes; Mr. Burke, yes; Mr. Ogrod, yes; Ms. Schroeder, yes; Mrs. Brinegar, yes.

Planning and Zoning Assistant Jessica Hansen was in attendance.

APPROVAL OF MINUTES:

Mr. Costie made a motion to approve the prior minutes of August 25, 2020. This was seconded by Mr. Burke. All were in favor. The motion carried 5-0.

OLD BUSINESS:

Zoning Variances

- **VA 20-06 A and B Accessory Structure (2501 Marcia Dr):**

Zoning Administrator Jessica Hansen presented the case again stating that the applicant is asking for a variance to construct a garage larger than the size requirements of the zoning code. The proposed structure is 28'x30' for a total of 840 square feet and will be 17' high. The proposed location is 20' from the side property line and 30' from the back property line. Ms. Hansen received one response against the proposal.

Rick and Layla Ahlers 2501 Marcia Drive, explained that they planned to use the garage to house four vehicles, a trailer, and motorcycles. It will be located directly behind the house and due to the incline of the property it will sit lower than the house and street. Only one property touches

BELLBROOK BOARD OF ZONING APPEALS AND PROPERTY REVIEW COMMISSION
PUBLIC HEARING MINUTES
September 15, 2020

theirs. A dozen of their neighbors signed a petition saying they were fine with the proposed garage.

Chair Brinegar asked about the height of 17 feet. Mr. Ahlers answered planned to put in a lift. But that due to the slope of the land it will not be seen above the house.

Mr. Costie asked why the garage would be larger than the 600 square foot allowed. Mr. Ahlers answered that he measured the space he needed.

Chair Brinegar opened the discussion up for public comment. No one wished to speak.

Mrs. Brinegar opined that she was not concerned about the height because there was a reason.

Mr. Burke asked if the code stated 600 square feet where should they draw the line. He added that variances were to protect a property owner from a hardship which he does not feel it is in this case.

Ms. Schroeder added that the neighborhood support gives this request a difference. Mr. Costie agreed and said that part of the reason for the size limitation is to deter “eyesores” which this structure would not be.

Chair Brinegar requested that the two variance items of size and height be voted on separately. The board agreed.

A motion was made by Mr. Costie to approve **VA 20-06 A** for an accessory structure at 2501 Marcia Drive that is larger than 600 square feet. This was seconded by Ms. Schroeder. The Clerk called the roll. Mr. Costie, yes; Ms. Schroeder, yes; Mr. Burke, no; Mr. Ograd, no; Chair Brinegar, no. The variance was denied 2-3.

A motion was made by Mr. Costie to approve **VA 20-06 B** for an accessory structure at 2501 Marcia Drive that is higher than 15 feet. This was seconded by Ms. Schroeder. The Clerk called the roll. Mr. Costie, yes; Ms. Schroeder, yes; Mr. Ograd, no; Mr. Burke, yes; Chair Brinegar, yes. The variance was approved 4-1.

- **VA 20-08 A, B, C Accessory Structure (4082 Ridgetop Dr):**

BELLBROOK BOARD OF ZONING APPEALS AND PROPERTY REVIEW COMMISSION
PUBLIC HEARING MINUTES
September 15, 2020

Ms. Hansen reported that the property owner is requesting a variance to build a 20'x40' 16' high garage on their one-acre lot. The lot is not uniform so the garage would reach past the required setback. The current shed on the property will be removed.

Louie Schatzberg, 4082 Ridgetop Drive explained that the current garage will be remodeled into living space and that is why a new garage is needed. The placement was chosen to take advantage of the driveway.

Mr. Ogrod asked about garage doors and Mr. Schatzberg answered that there would be one on the end and one on the side.

Ms. Brinegar asked if the height could be lowered to the allowed 15' and Mr. Schatzberg agreed. The hearing was opened for public comment.

Pete Ziehler 4111 Ridgetop Drive stated that he had no issue with the proposed structure.

Chair Brinegar closed the public comment.

Mr. Ogrod expressed his concern with the visibility from the road and that the garage would have a lot of doors.

Mr. Burke stated that due to the lot shape the setback variance made sense.

A motion was made by Mr. Burke to deny **VA 20-08 A** for an accessory structure at 4082 Ridgetop Drive that is larger than 600 square feet. This was seconded by Mr. Costie. The Secretary called the roll. Mr. Burke, yes; Mr. Costie, yes; Mr. Ogrod, yes; Ms. Schroeder, no; Chair Brinegar, yes. The variance was denied 4-1.

A motion was made by Mr. Ogrod to deny **VA 20-08 B** for an accessory structure at 4082 Ridgetop Drive that is higher than 15 feet. This was seconded by Mr. Burke. The Secretary called the roll. Mr. Ogrod, yes; Mr. Burke, yes; Mr. Costie, yes; Ms. Schroeder, yes; Chair Brinegar, yes. The variance was denied 5-0.

A motion was made by Mr. Ogrod to approve **VA 20-08 C** for an accessory structure at 4082 Ridgetop Drive that is past the required set-back. This was seconded by Mr. Burke. The Secretary called the roll. Mr. Ogrod, yes; Mr. Burke, yes; Mr. Costie, no; Ms. Schroeder, yes; Chair Brinegar, yes. The variance was approved 4-1.

BELLBROOK BOARD OF ZONING APPEALS AND PROPERTY REVIEW COMMISSION
PUBLIC HEARING MINUTES
September 15, 2020

- **VA 20-09 A, B Accessory Structure (3875 Upper Bellbrook Road)**

Ms. Hansen reported that the request is for a variance for the size and height of an accessory structure. The proposed structure would be 30'x40', 1,200 square feet and be 17' high.

Gaelen Smith 3875 Upper Bellbrook Road explained that there had been a structure on the spot that had fallen down when a tree fell on it 6 months ago. They are planning to replace it on the same footing. The lot is 5.03 acres and there is only one neighbor who is able to see it. The new structure will match the house.

Drew Ehrhart, contractor, explained the shape and height of the garage and the upgrades to the roof, doors and siding.

Chair Brinegar asked for public comment and seeing none, returned the discussion to the board.

Mr. Burke summarized the difference between this case and the previous ones. In this case the proposed structure was replacing an existing structure. The size and seclusion of the lot also makes the variance less of an issue.

Mr. Costie added that this would be returning the property to its previous condition and adding value. The board agreed.

A motion was made by Mr. Costie to approve **VA 20-09 A** for an accessory structure at 3875 Upper Bellbrook Road that is larger than 600 square feet. This was seconded by Mr. Burke. The Secretary called the roll. Mr. Costie, yes; Mr. Burke, yes; Mr. Ogrod, yes; Ms. Schroeder, yes; Chair Brinegar, yes. The variance was approved 5-0.

A motion was made by Mr. Ogrod to approve **VA 20-09 B** for an accessory structure at 3875 Upper Bellbrook Road that is higher than 15 feet. This was seconded by Ms. Schoeder. The Secretary called the roll. Mr. Ogrod, yes; Ms. Schroeder, yes; Mr. Burke, yes; Mr. Costie, yes; Chair Brinegar, yes. The variance was approved 5-0.

Property Review Commission – none

BELLBROOK BOARD OF ZONING APPEALS AND PROPERTY REVIEW COMMISSION
PUBLIC HEARING MINUTES
September 15, 2020

Adjournment

Chairman Brinegar adjourned the meeting at 7:25 PM.

Meredith Brinegar, Chair

Pamela Timmons, Secretary

To: Board of Zoning Appeals
From: Jessica Hansen, Planning & Zoning Assistant
Date: December 15, 2020
Subject: BZA Staff Report for BZA Case VA 20-10 4085 Eckworth Dr– Accessory Structure

Summary

The request is to install a garage in the rear yard of the property located at **4085 Eckworth Dr, Bellbrook, OH 45305**. Request for variance from section 18.05A of the zoning ordinance. The reason for the request is because of a gas line that runs through the property. Any closer and they would encroach on the gas line. They are requesting a variance to allow them to place the garage at 5 feet from the side yard rather than 8 feet.

Applicant Information:

- **Applicant Name:** Kellco Group
- **Address:** 4085 Eckworth Dr, Bellbrook OH
- **Property Owner:** Thomas & Amy Crawford

Location:

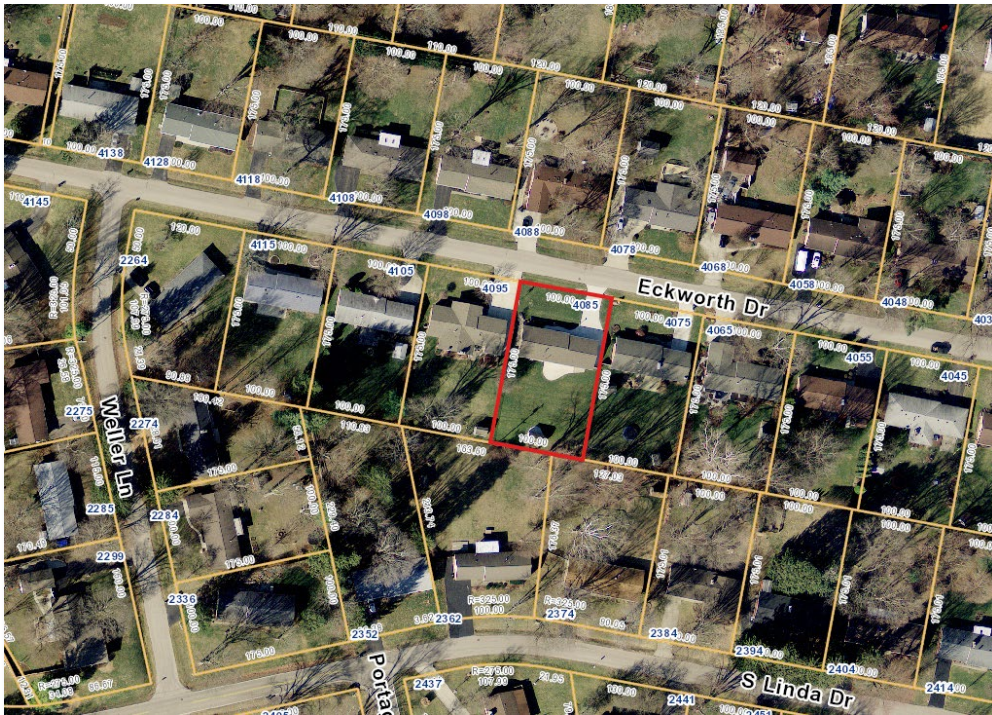


Figure 1 Location Map

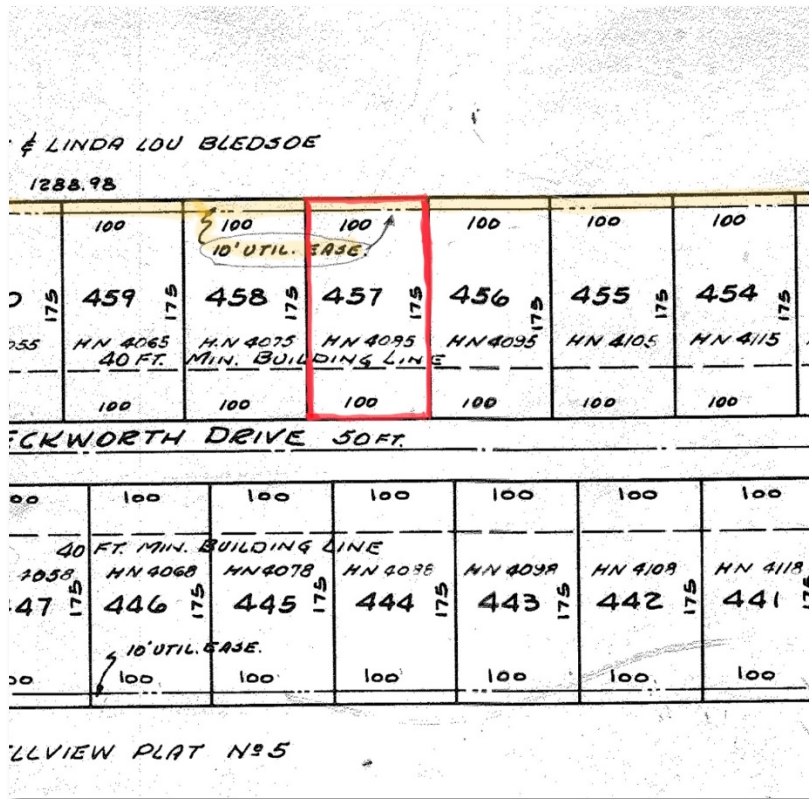
The property is located approximately 470 feet east of the intersection of Weller LN and Eckworth Dr in the City of Bellbrook.

Zoning:

R-1B One-Family Residential: Intent: “These districts are the most restrictive of the residential districts. The purpose and intent is to provide for an environment of predominantly low density single unit dwellings plus certain other facilities which serve the residents living in the district and to regulate transient occupancy with the city to protect and preserve the permanency of residential neighborhoods, protect property values, and ensure the comfort and safety of the residents. “

Accessory uses: Article 5 Section 5.03 “Private garage for storage of vehicles of residents and employees.”

Recorded Easements: 10’ utility easement along the rear yard including properties that are adjacent to lot 457(4085 Eckworth Dr.).



Accessory Structure Request Information: The applicant wishes to place a 18’ x 24’ garage 432 square foot garage in his rear yard at 5 feet from the side yard. This puts him 3 feet in the required side yard per section 18.05 of the zoning ordinance. The reason for the request is because of a gas line that runs through the property. Any closer and they would encroach on the gas line. They are requesting a variance to allow them to place the garage at 5 feet from the side yard rather than 8 feet.

Length	24 Feet
Width	18 Feet

Height	13 Feet and 4 inches
Distance from Rear Yard	46 Feet
Distance from Side Yard	5 Feet

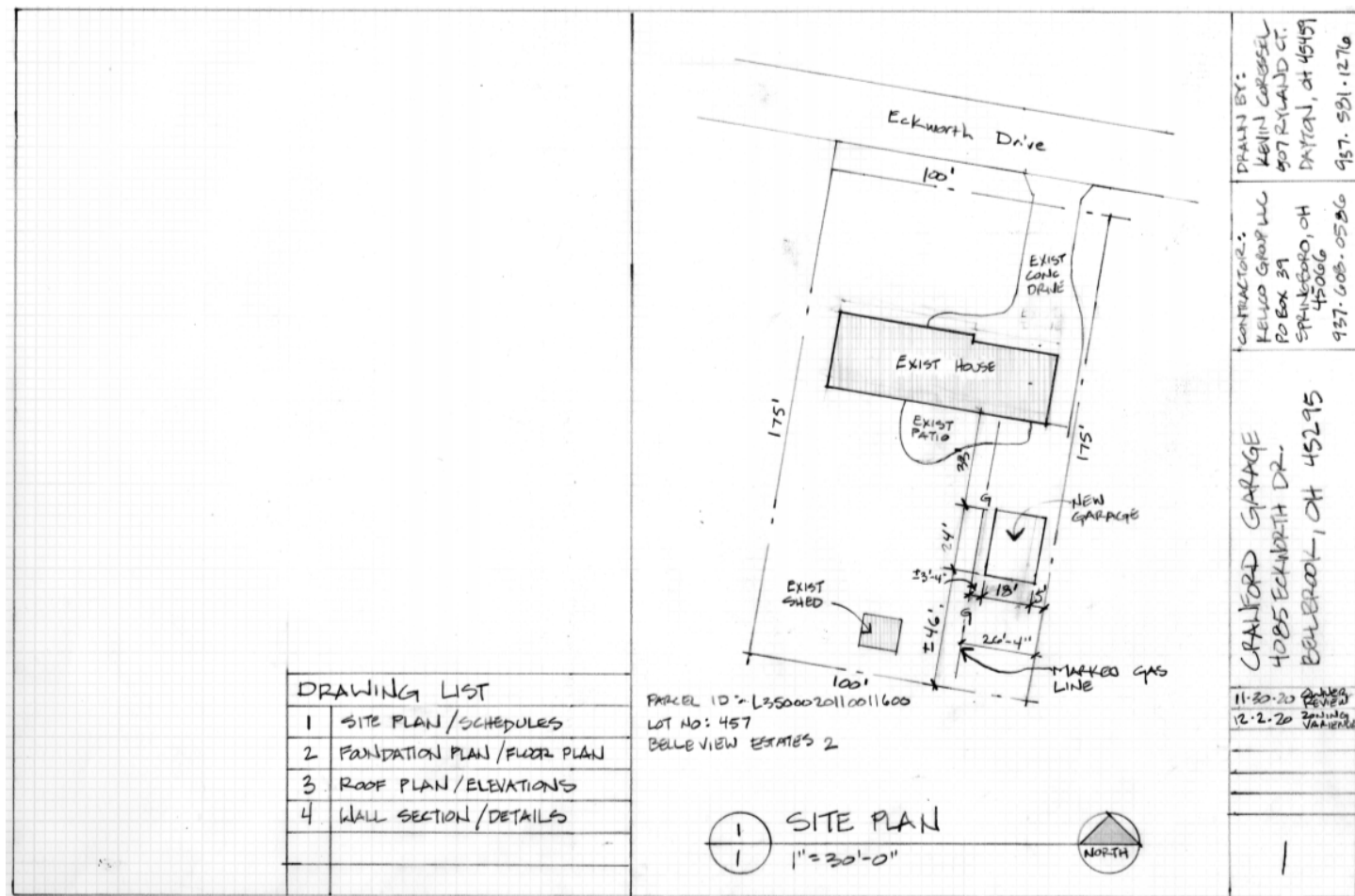
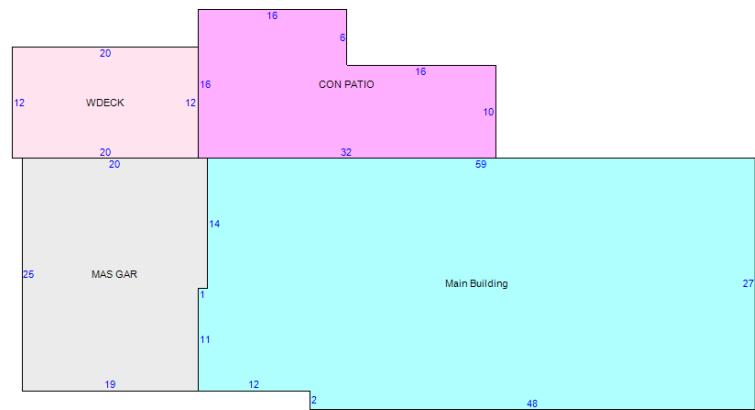


Figure 2: Applicant Provided Site Plan

Main Structure Square Footage and Dimensions:



Jun: 000		
Parcel: L35000200110011600		
Taxyr: 2020		
Card: 1		
Code	Description	Area
33	Main Building	1582
23	CONC/BRICK PATIO	416
23	MASONRY GARAGE	489
31	WOOD DECKS	240

Per section 18.05A:

In a residential zone, no garage or other accessory building shall be erected within a required side yard or front yard.

When located at least sixty (60) feet from the front property line and completely to the rear of the main dwelling, the accessory building may be erected not less than eight (8) feet from the side or rear lot lines. Provided that when access to a garage is from an alley, such garage shall be located not less than ten (10) feet from the alley.

Discussion

Given the location of the current gas line and the location of the property owners current driveway staff would see no issue if the Board should decide to approve this variance request.



CITY OF BELLBROOK

APPLICATION FOR ZONING VARIANCE

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305
(937) 848-4666 WWW.CITYOFBELLBROOK.ORG

DATE RECEIVED ____/____/____ STAFF USE APPLICATION # _____

APPLICANT INFORMATION

PROPERTY OWNER Tom Crawford PHONE NUMBER 937.848.6589
OWNER ADDRESS 4085 Eckworth Drive, Bellbrook, OH 45305
APPLICANT NAME Kellco Group, LLC - Chris Keller PHONE NUMBER 937.709.0056
APPLICANT ADDRESS PO Box 39, Springboro, OH 45066
APPLICANT EMAIL info@kellcogroup.com

REQUEST INFORMATION

PROPERTY ADDRESS 4085 Eckworth Drive, Bellbrook, OH 45305 ZONING DISTRICT Bellbrook City
SUBDIVISION Belle View Estates 2 LOT NUMBER 457 PARCEL ID L3500020110011600
DESCRIBE THE GENERAL NATURE OF THE VARIANCE We would like to build a detached garage 5' from the side property line. The current code is 8', but there is a gas line in the back yard that would be covered and this is why we are asking for a variance of 5'. Please see the attached site plan of the purposed garage. The current dimensions of the garage is, Height -13' 4" X Width 18' X Length 24'. It will positioned 5' from side yard property line and 46' from back property line.

SEE THE REVERSE OF THIS PAGE FOR ADDITIONAL INFORMATION TO BE INCLUDED WITH AN APPLICATION FOR ZONING VARIANCE.

I UNDERSTAND THAT APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE APPROVAL FOR ANY ADMINISTRATIVE REVIEW, CONDITIONAL USE PERMIT, VARIANCE, OR EXCEPTION FROM ANY OTHER CITY REGULATIONS WHICH ARE NOT SPECIFICALLY THE SUBJECT OF THIS APPLICATION. I UNDERSTAND THAT APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE APPROVAL OF A BUILDING OCCUPANCY PERMIT. I UNDERSTAND FURTHER THAT I REMAIN RESPONSIBLE FOR SATISFYING REQUIREMENTS OF ANY PRIVATE RESTRICTIONS OR COVENANTS APPURTENANT TO THE PROPERTY.

I CERTIFY THAT I AM THE APPLICANT AND THAT THE INFORMATION SUBMITTED WITH THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT THE CITY IS NOT RESPONSIBLE FOR INACCURACIES IN INFORMATION PRESENTED, AND THAT INACCURACIES MAY RESULT IN THE REVOCATION OF THIS ZONING CERTIFICATE AS DETERMINED BY THE CITY. I FURTHER CERTIFY THAT I AM THE OWNER OR PURCHASER (OR OPTION HOLDER) OF THE PROPERTY INVOLVED IN THIS APPLICATION, OR THE LESSEE OR AGENT FULLY AUTHORIZED BY THE OWNER TO MAKE THIS SUBMISSION.

I CERTIFY THAT STATEMENTS MADE TO ME ABOUT THE TIME IT TAKES TO REVIEW AND PROCESS THIS APPLICATION ARE GENERAL. I AM AWARE THAT THE CITY HAS ATTEMPTED TO REQUEST EVERYTHING NECESSARY FOR AN ACCURATE AND COMPLETE REVIEW OF MY PROPOSAL; HOWEVER, AFTER MY APPLICATION HAS BEEN SUBMITTED AND REVIEWED BY CITY STAFF, I UNDERSTAND IT MAY BE NECESSARY FOR THE CITY TO REQUEST ADDITIONAL INFORMATION AND CLARIFICATION.

I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT ALL THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT.

APPLICANT SIGNATURE  DATE 12 / 02 / 2020

OFFICE USE ONLY		
APPLICATION FEE	PAYMENT TYPE	REVIEW AUTHORITY
\$ _____	CASH <input type="checkbox"/> CHECK <input type="checkbox"/> # _____	ADMINISTRATIVE, BOARD OF ZONING APPEALS
BOARD OF ZONING APPEALS	MEETING DATE ____/____/____	APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/> CONDITIONS <input type="checkbox"/>

AMENDING THE ZONING CODE

A. PROCEDURES AND REQUIREMENTS FOR VARIANCES (ZONING CODE 20.13)

TO VARY THE STRICT APPLICATION OF ANY OF THE REQUIREMENTS OF THIS ORDINANCE IN THE CASE OF EXCEPTIONALLY IRREGULAR, NARROW, SHALLOW OR DEEP LOTS, OR OTHER EXCEPTIONAL PHYSICAL CONDITIONS, WHEREBY SUCH STRICT APPLICATION WOULD RESULT IN PRACTICAL DIFFICULTY OR UNNECESSARY HARDSHIP - NOT ECONOMIC IN NATURE – THAT WOULD DEPRIVE THE OWNER OF REASONABLE USE OF THE LAND OR BUILDING INVOLVED BUT IN NO OTHER CASE. THE FACT THAT ANOTHER USE WOULD BE MORE PROFITABLE IS NOT A VALID BASIS FOR LEGALLY GRANTING A VARIANCE. NO NONCONFORMING USE OF NEIGHBORING LANDS, STRUCTURES, OR BUILDINGS IN THE SAME DISTRICT, AND NO PERMITTED USE OF LANDS, STRUCTURES OR BUILDINGS IN OTHER DISTRICTS SHALL BE CONSIDERED GROUNDS FOR THE ISSUANCE OF A VARIANCE. THE VARIANCE REQUESTED SHALL NOT ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY, NOR BE IN CONFLICT WITH THE COMPREHENSIVE MASTER PLAN. IN MAKING THIS DETERMINATION, THE BOARD OF ZONING APPEALS SHALL BE ADVISED BY THE RECOMMENDATION OF THE PLANNING BOARD. IN CASES INVOLVING PROPERTIES SITUATED WITHIN THE VILLAGE DISTRICT, AS DEFINED BY ARTICLE 14, SECTION 14.02 OF THE BELLBROOK ZONING CODE, THE VILLAGE REVIEW BOARD SHALL, WHEN POSSIBLE, MAKE A RECOMMENDATION TO THE BOARD OF ZONING APPEALS REGARDING THE DISPOSITION OF THE VARIANCE REQUEST.

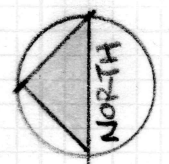
B. APPLICATION AND STANDARDS FOR VARIANCES (ZONING CODE 20.13.2)

A VARIANCE FROM THE TERMS OF THIS ORDINANCE SHALL NOT BE GRANTED BY THE BOARD OF ZONING APPEALS UNLESS AND UNTIL A WRITTEN APPLICATION FOR A VARIANCE IS SUBMITTED TO THE ZONING INSPECTOR AND THE BOARD OF ZONING APPEALS CONTAINING:

- a) NAME, ADDRESS AND PHONE NUMBER OF APPLICANTS;
- b) LEGAL DESCRIPTION OF PROPERTY; AND A SITE PLAN BASED ON AN ACCURATE SURVEY SHOWING EXISTING AND/OR FUTURE BUILDING LOCATIONS AND THE LOCATIONS OF BUILDINGS ON ADJACENT PROPERTIES. THIS SITE PLAN SHOULD BE PREPARED BY A REGISTERED SURVEYOR ATTESTING TO THE ACCURACY OF SAME;
- c) DESCRIPTION OF NATURE OF VARIANCE REQUESTED;
- d) VARIANCES FROM THE TERMS OF THE ZONING ORDINANCE SHALL BE GRANTED ONLY WHERE THE PROPERTY OWNER SHOWS THAT THE APPLICATION OF A ZONING REQUIREMENT TO THE PROPERTY IS INEQUITABLE CAUSING THE PROPERTY OWNER PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY. FACTORS TO CONSIDER INCLUDE, BUT ARE NOT LIMITED TO:
 - 1) WHETHER THE PROPERTY IN QUESTION WILL YIELD A REASONABLE RETURN OR WHETHER THERE CAN BE ANY BENEFICIAL USE OF THE PROPERTY WITHOUT THE VARIANCE;
 - 2) WHETHER THE VARIANCE IS SUBSTANTIAL;
 - 3) WHETHER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD WOULD BE SUBSTANTIALLY ALTERED OR WHETHER ADJOINING PROPERTIES WOULD SUFFER A SUBSTANTIAL DETRIMENT AS A RESULT OF THE VARIANCE;
 - 4) WHETHER THE VARIANCE WOULD ADVERSELY AFFECT THE DELIVERY OF GOVERNMENTAL SERVICES SUCH AS WATER, SANITARY SEWER OR GARBAGE REMOVAL;
 - 5) WHETHER THE PROPERTY OWNER PURCHASED THE PROPERTY WITH KNOWLEDGE OF THE ZONING RESTRICTION;
 - 6) WHETHER THE PROPERTY OWNER'S PREDICAMENT FEASIBLY CAN BE OBIATED THROUGH SOME METHOD OTHER THAN A VARIANCE; AND
 - 7) WHETHER THE SPIRIT AND INTENT BEHIND THE ZONING REQUIREMENT WOULD BE OBSERVED AND SUBSTANTIAL JUSTICE DONE BY GRANTING THE VARIANCE. THE BOARD SHALL DETERMINE, AFTER AND WEIGHING THE FACTORS DESCRIBED ABOVE AND ANY OTHER FACTORS THE BOARD DEEMS RELEVANT, WHETHER THE PROPERTY OWNER HAS SHOWN PRACTICAL DIFFICULTIES SO INEQUITABLE AS TO JUSTIFY GRANTING A VARIANCE TO THE PROPERTY OWNER.

C. THE BOARD ASKS THE APPLICANT TO ANSWER ITEMS 1-7 ABOVE IN WRITING TO BE INCLUDED WITH THIS APPLICATION.

DRAWING LIST	
1	SITE PLAN / SCHEDULES
2	FOUNDATION PLAN / FLOOR PLAN
3	ROOF PLAN / ELEVATIONS
4	WALL SECTION / DETAILS



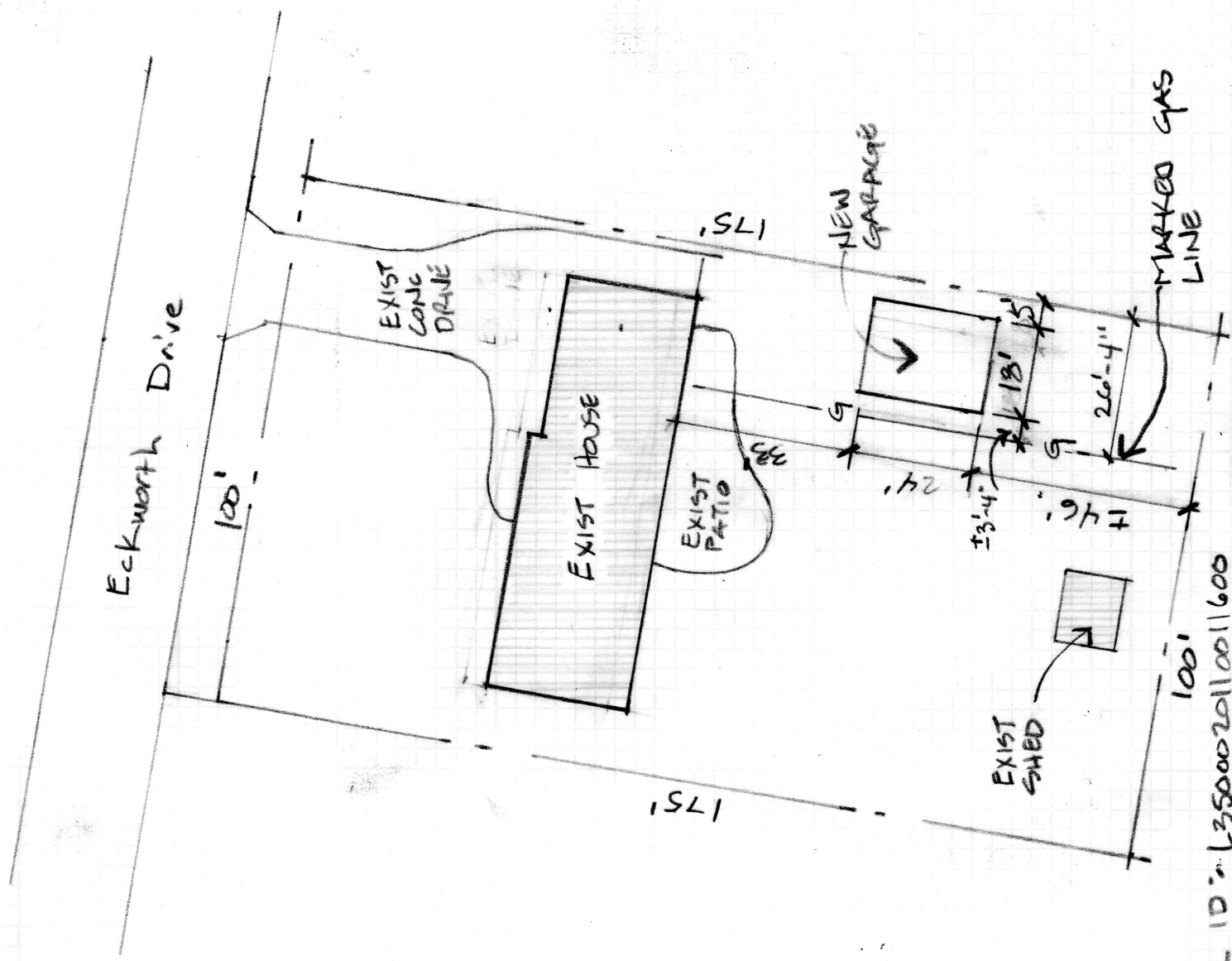
1 SITE PLAN
1" = 30'-0"

11-30-20 REVIEW
12-2-20 VARIATION

CRAIGFORD GARAGE
4085 ECKWORTH DR.
BELL BROOK, OH 45295

CONTRACTOR:
KEUCO GROUP LLC
PO BOX 39
SPRINGBORO, OH
45066
937.608.0586

DRAWN BY:
KEVIN CORSELL
907 RYLAND CT.
DAYTON, OH 45459
937.581.1276



PARCEL ID: L350002011001600
LOT NO: 457
BELLEVIEW ESTATES 2

From: [Mark Isaacson](#)
To: [Jessica Hansen](#); [Ryan Pasley](#); [Al Kuzma](#)
Cc: [Melissa Dodd](#); [Pamela Timmons](#)
Subject: RE:
Date: Wednesday, December 9, 2020 3:40:49 PM
Attachments: [image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[oledata.mso](#)

To All,

The house may have had a sewage system when it was built, but these homes should have all been connected to the sanitary sewer in the 1970's and early 1980's. The Health District does not have any files for this address.

Sanitary Engineering should know if they are sending a sewer bill to this address.

Hope this helps.




Mark R Isaacson, BS, RS
Public Health Sanitarian Program Manager
Greene County Public Health
360 Wilson Dr. Xenia, Oh 45385-1810

☎ **Office:** 937.374.5609
☎ **Fax:** 937.374.5675
✉ **Email:** misaacson@gcph.info
💻 **Web:** <http://www.gcph.info>

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<https://www.research.net/r/GCPHSurvey>

From: Jessica Hansen <jessica@cityofbellbrook.org>
Sent: Wednesday, December 9, 2020 1:09 PM
To: Mark Isaacson <misaacson@gcph.info>; Ryan Pasley <R.Pasley@cityofbellbrook.org>; Al Kuzma <AKuzma@co.greene.oh.us>

From: [Jessica Hansen](#)
To: [BZAPRC](#)
Subject: Fwd: 4085 Eckworth Drive Variance Request
Date: Tuesday, December 8, 2020 11:22:53 AM

In reference to the upcoming variance request.

From: richardfox@att.net <richardfox@att.net>
Sent: Tuesday, December 8, 2020 11:16:00 AM
To: Jessica Hansen <jessica@cityofbellbrook.org>
Subject: 4085 Eckworth Drive Variance Request

In response to your notice of a zoning variance request at 4085 Eckworth Drive, I see no issue in granting this exception. The new structure will be behind the existing home, and barely viewable from the street. Obviously, avoiding the existing gas service line is a valid reason to allow the proposed location. I am in favor of a zoning variance in this case.

Richard Fox
4048 Eckworth Drive
Bellbrook, OH 45305
Cell 937-477-7826