CPED STAFF REPORT

Prepared for the Zoning Board of Adjustment
BOA Agenda Item #2
October 1, 2015
BZZ-7369

LAND USE APPLICATION SUMMARY

Property Location: 2500 37th Avenue South

Project Name: Nissly Detached Garage

Prepared By: Janelle Widmeier, Senior City Planner, (612) 673-3156

Applicant: Tanner and Katie Nissly

Project Contact: Tanner and Katie Nissly

Request: To relocate/expand a detached garage accessary to a single-family dwelling.

Required Applications:

Variance	To reduce the minimum lot area requirement for a single-family dwelling in the R1 District from 6,000 square feet to 4,925 square feet, or 18 percent.
Variance	To reduce the minimum corner side yard requirement adjacent to 25th Street East from 8 feet to 0 feet to allow a detached garage.
Variance	To reduce the minimum front yard requirement adjacent to 36th Avenue South from 25 feet to 0 feet to allow a detached garage.
Variance	To allow a garage to be located between a dwelling and a street (36th Avenue South).

SITE DATA

Existing Zoning	R1 Single-family District MR Mississippi River Critical Area Overlay District (northeast corner only)
Lot Area	5,270 square feet
Ward(s)	2
Neighborhood(s)	Seward Neighborhood Group
Designated Future Land Use	Urban Neighborhood
Land Use Features	Not applicable
Small Area Plan(s)	Not applicable

Date Application Deemed Complete	September 8, 2015	**Date Extension Letter Sent**	Not applicable
End of 60-Day Decision Period	November 7, 2015	**End of 120-Day Decision Period**	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The existing use is a single-family dwelling. The existing 2-story dwelling was permitted for construction in 1913. A 16 foot by 18 foot garage is also located on the site. The site has frontage on three streets (36th Avenue South, 25th Street East, and 37th Avenue South) and is a through-lot. The perceived front of the house is oriented to 37th Avenue.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding properties are predominately single-family dwellings. Both adjacent properties to the south are occupied by single-family dwellings.

PROJECT DESCRIPTION. The applicant is proposing to relocate the existing garage to the northwest corner of the property adjacent to 36th Avenue and 25th Street at the property of 2500 37th Avenue South. Once relocated, the garage would be expanded to a 22 foot by 24 foot footprint. The garage doors would be oriented to the south and would be accessed from a new driveway with access from 36th Avenue. The new driveway would be shared with the property of 2504 37th Avenue, which currently has an access easement that goes through the subject property. The curb cut for the existing access easement would be removed with the construction of the new driveway.

A minimum front yard of 25 feet is required adjacent to 36th Avenue. The proposed garage would be set back 0 feet from the front lot line. A minimum corner side yard is required adjacent to 25th Street. The garage would be set back 0 feet from the corner side lot line. The garage is also required to be located entirely to the rear of the principal residential structure, but would be located between the dwelling and 36th Avenue. Variances are required to reduce the yard requirements and to allow the garage to be located between the dwelling and the street. Upon approval of the variances, the applicant would need to apply for the administrative review application to increase the maximum allowed height to 12 feet, 8 inches. The applicant is proposing to match the roof pitch and the materials of the garage to the house, as required in order for the height increase to be approved. Public Works will also need to approve the proposed curb cut before construction can begin on the driveway.

The applicant's proposal also includes a lot line adjustment to allow 346.5 square feet of the subject site to be sold to the adjacent property of 2504 37th Avenue South. In the R1 district, the minimum lot size requirement for a single-family dwelling is 6,000 square feet. After the lot line adjustment, the lot area would be 4,925 square feet. Lot area requirements can be varied by up to 30 percent. The applicant is requesting a variance to reduce the minimum lot area requirement by 18 percent. Upon approval of the lot area variance and the relocation of the garage, the applicant will need to also complete and submit the necessary form and materials for the administrative processing of the lot line adjustment.

The applicant has included 2 options for the proposed garage. One would have a corner notched out at the 36th Avenue and 25th Street intersection and the other does not. For this report, the option with the larger footprint has been evaluated.

PUBLIC COMMENTS. A letter from the Seward Neighborhood Group was received and is attached to this report. Any additional correspondence received prior to the public meeting will be forwarded on to the Zoning Board of Adjustment for consideration.

ANALYSIS

VARIANCE OF THE LOT AREA

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the minimum lot area requirement for a single-family dwelling in the R1 District from 6,000 square feet to 4,925 square feet, or 18 percent, based on the following findings:

1. *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

   Practical difficulties exist in complying with the ordinance due to circumstances unique to the property. The applicant is proposing to adjust the lot line location to be able to sell 346.5 square feet of the subject property to the property of 2504 37th Avenue South. The existing lot areas of these sites are 5,270 square feet and 3,334 square feet respectively, which are both currently nonconforming to R1 minimum lot size requirement. The property of 2504 37th Avenue South relies on an easement across the subject property for vehicle access as it is not adjacent to an alley and the street frontage is too narrow to establish a separate driveway. As part of the proposal, the access easement would be relocated resulting in more usable space than is possible with the current lot size and configuration of the subject site. These circumstances were not created by the applicant.

2. *The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.*

   Lot area requirements are established to ensure compatibility with surrounding uses. The existing lot area is nonconforming in size. Reducing the lot size to allow a lot line adjustment would not result in adverse effects to the surrounding area. Relocating the access easement as part of the proposal would result in more usable space than is possible with the current lot size and configuration of the subject site. Although the proposal would reduce the lot size of the subject property, it would bring the lot size of the adjacent property of 2504 37th Avenue South closer to compliance. The request is reasonable and consistent with the intent of the ordinance and the comprehensive plan.

3. *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.*

   The granting of the variance would not affect the character of the area or be injurious to the use or enjoyment of other property in the vicinity. Single-family lots less than 6,000 square feet in area on the block where the subject site is located are typical. Although the proposal would reduce the lot size of the subject property, it would bring the lot size of the adjacent property of 2504 37th Avenue South closer to compliance. If granted, the proposed variance would not be detrimental to the health, safety or welfare of the public or those utilizing the property.

VARIANCES FOR THE GARAGE

The Department of Community Planning and Economic Development has analyzed the application for **1)** a variance to reduce the minimum corner side yard requirement adjacent to 25th Street East from 8 feet to 0 feet, **2)** a variance to reduce the minimum front yard requirement adjacent to 36th Avenue

South from 25 feet to 0 feet, and **3)** a variance to allow a garage to be located between a dwelling and a street (36th Avenue South) to allow a detached garage based on the following findings:

1. *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

   All variances: Practical difficulties exist in complying with the ordinances due to circumstances unique to the property. There are limited options where a garage can be located. The site is an odd-shaped, narrow through-lot with frontage on 3 streets. The existing dwelling is located on the east side of the site. An existing access easement and sewer easement bisects the property. The applicant has discovered an error with the sewer easement and is working to correct it. The existing, incorrect sewer easement location is shown on the existing survey. The proposed, corrected easement is shown with the actual sewer line location. The actual location is 3.5 feet further east adjacent to 25th Street and requires all parties involved to approve the amendment. The applicant cannot build over the easement. Therefore, the easement affects where a garage could be located whether corrected or not. The applicant is proposing to relocate the access easement, but cannot eliminate it because the adjacent property of 2504 37th Avenue South would have no other options for access. Although 36th Street is a street right-of-way, it functions somewhat like an alley for the block on which the subject site is located and the block to the west, both of which are narrow blocks with through-lot configurations and no alley. These circumstances were not created by the applicant.

2. *The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.*

   All variances: In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The intent of the location requirement for garages is to ensure that the structure appears subordinate to the principal dwelling and to reinforce the traditional character of residential neighborhoods. The applicant is proposing to relocate the existing garage and expand it for a 2-stall, 22 foot by 24 foot garage. The access easement would be relocated as well to the south side of the property with access from 36th Avenue resulting in more usable space between the dwelling and garage. Although 36th Street is a street right-of-way, it functions somewhat like an alley for the block on which the subject site is located and the block to the west. With few exceptions, the properties on the east and west sides of 36th Avenue have their garages facing and accessed from this street. In order to accommodate maneuvering area into the garage from the easement, the north wall of the garage would be set back 0 feet from 25th Street. The garage would be set back 0 feet from 36th Avenue because it cannot be constructed over the sewer easement. The front yard setback of the adjacent property of 2509 36th Avenue South is 4.2 feet. Although the proposed setback of the garage would be less than the adjacent dwelling from 36th Avenue, the proposed garage would be located over 35 feet from this dwelling. Along 25th Street, the 8 foot wide interior boulevard would provide a buffer between the garage and the public sidewalk and helps to mitigate any impact of granting this yard variance. A 4-foot wide interior boulevard along 36th Avenue would also provide some separation from the public sidewalk. Even with the interior boulevards, the garage would be very visible from the street intersection. In addition to matching the siding and roof pitch to the subject dwelling, the applicant is proposing fenestration facing both streets to prevent blank walls and to increase the aesthetic appeal of the garage. The request is reasonable and consistent with the intent of the ordinance and the comprehensive plan.

3. *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.*

   All variances: The granting of the variances would not affect the character of the area or be injurious to the use or enjoyment of other property in the vicinity. The garage would be located on the west side of the property. Although 36th Street is a street right-of-way, it functions somewhat like an alley for the block on which the subject site is located and the block to the west. With a few exceptions, the properties on the east and west sides of 36th Avenue have their garages facing and accessed from this street. The front yard setback of the adjacent property of 2509 36th Avenue South is 4.2 feet. Although the proposed setback of the garage would be less than the adjacent dwelling from 36th Avenue, the proposed garage would be located over 35 feet from this dwelling. Along 25th Street, the 8 foot wide interior boulevard would provide a buffer between the garage and the public sidewalk and helps to mitigate any impact of granting this yard variance. A 4-foot wide interior boulevard along 36th Avenue would also provide some separation from the public sidewalk. Even with the interior boulevards, the garage would be very visible from the street intersection. To allow the proposed height of the garage, the exterior materials and roof pitch are required to match the house to ensure compatibility. In addition to matching the siding and roof pitch, the applicant is proposing fenestration facing both streets to prevent blank walls and to increase the aesthetic appeal of the garage. If granted, the proposed variances would not be detrimental to the health, safety or welfare of the public or those utilizing the property provided the proposed garage is constructed to current building codes. Also, the garage would be outside of the 15 foot sight triangle recommended for fences and therefore should not have an impact on vehicle or pedestrian traffic.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the applications by Tanner and Katie Nissly for the property located at 2500 37th Avenue South:

A. Variance to reduce the lot area requirement.

Recommended motion: **Approve** the variance to reduce the minimum lot area requirement for a single-family dwelling in the R1 District from 6,000 square feet to 4,925 square feet, or 18 percent.

B. Variance to reduce the corner side yard requirement.

Recommended motion: **Approve** the variance to reduce the minimum corner side yard requirement adjacent to 25th Street East from 8 feet to 0 feet to allow a detached garage, subject to the following conditions:

1. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by October 1, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

C. Variance to reduce the front yard requirement.

Recommended motion: **Approve** the variance to reduce the minimum front yard requirement adjacent to 36th Avenue South from 25 feet to 0 feet to allow a detached garage, subject to the following conditions:

1. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by October 1, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

D. Variance to allow the garage to be located between a dwelling and a street.

Recommended motion: **Approve** the variance to allow a garage to be located between a dwelling and a street (36th Avenue South), subject to the following conditions:

1. The primary exterior materials and roof pitch of the garage shall match the primary exterior materials and roof pitch of the dwelling.
2. Fenestration shall be provided on the north and west building elevations that face the adjacent public streets.
3. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
4. All site improvements shall be completed by October 1, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Existing site survey
4. Site plan
5. Building elevations
6. Photos of subject site
7. Photos of 36th Avenue
8. Public comments

Statement of proposed use and description of the project

For this project, we would like to:

- Sell 346.5 square feet of our property to an adjacent neighbor at 2504 37th Ave S (requires a lot size variance for 2500)
- Relocate a 17x18 foot garage structure from where it currently sits in the middle of our backyard to the Northwest-most portion of our property's backyard.
- Expand the garage structure to 22x24 feet to accommodate two cars.
- Relocate a driveway easement from its current bisection of our yard (accessed from 25th St) to the SouthWest corner of our backyard (accessed from 36th Ave S). This includes a new curb cut on 36th Ave.
- Pave the driveway for improved functionality and better-look.
- Obtain an "official" driveway for 2508 37th Ave S, which allows for off street parking, accessed by 37th Ave S; with this driveway, 2508 will vacate their easement rights and no longer be part of this situation. 2508 does not require a variance for a non-complying driveway because their current driveway is 8.6 feet wide.
- All three households will need updated legal property descriptions, to reflect the new easement.

These changes will drastically improve functioning, provide off-street parking, and allow us to update landscaping for our backyard, including improvements for our fence and green space.

This project involves three households, all of whom are in agreement about the 'package' proposed:

Katie & Tanner Nissly (submitting application)
2500 37th Ave S

Susan Pollock & Carla Bates
2504 37th Ave S

Konrad & Becky Johnson
2508 37th Ave S

VARIANCE (amended, 9/22/15)

Because of the uncertainty (and our lack of control) surrounding a sewer easement running under our property, we are amending our General Land Use application, which was originally submitted on August 24, 2015.

We are arguing that the legal description of the sewer easement is not accurate, based on a sewer line locate service we obtained from a private company. The previous setback variance requests (0 feet to the north and 2 feet to the west) are with the expectation that we WILL BE ABLE TO vacate the existing sewer easement and rewrite the legal description of that sewer easement to more accurately reflect where it is. Rewriting the legal description will require written consent from the three properties it services, one of which is a rental property owned by a large real estate company.

From the NW property corner to the *current sewer easement* we have 23.5 feet. And we would like to build a 22-foot wide garage. So... our options appear to be:

-re-write the sewer easement (which requires consent from the 3 properties it services) AND obtain approval for a 2-foot setback from the west (from 36th Ave). This is what was requested in our initial application.

OR

-keep the existing sewer easement and obtain approval for a 0 to 1.5-foot setback from the west.

We are requesting two setback variances: A zero-foot setback to the north (on 25th St) and a zero-foot setback to the west (36th Ave).

1. Practical difficulties exist in complying with the 8-foot setback ordinance because of circumstances unique to the property. The unique circumstances were not created by us, were not created by use, and are not based on the economic circumstances alone. Four things make this property unique.
    a. Our lot is a through-lot, with our house facing 37th Ave S and with a backyard abutting 36th Ave S. The majority of homes on our block have garages that are accessed by 36th Ave S (from the west or rear of our homes, which is what we are trying to obtain through this project); however the next 3 properties to the south of us on 37th Ave S do not have access from the rear/west of their homes. Instead, there are 3 houses that face 36th Ave that are placed back-to-back with those properties on 37th Ave S. The three houses on 36th Ave (that are neighbors to our backyard and proposed garage structure) are set relatively close to the street (they do NOT have front yards). The house adjacent to our backyard (to our south) is set back 4.2 feet.
    b. There is a driveway easement that currently bi-sects our backyard. This driveway easement is currently to the benefit of two properties (2504 and

2508 37th Ave S). We cannot park or build or otherwise block this driveway because our neighbors have legal rights to access their properties through our backyard. Even if we re-locate this driveway easement (which we are proposing to do as part of this "package"), we still cannot drive directly from the street/driveway into our garage door because we need to leave the driveway open for our neighbors to access their property via the driveway easement. This significantly reduces the overall space we have to build a garage and a zero-foot setback to the north would allow for more space for a functional structure.

c. **There is a sewer easement to the benefit of three private residences on 36th Ave S (2509, 2515, and 2517 36th Ave S); this sewer line does not serve our home and existed prior to us purchasing the property. We do not have authority to reject the sewer easement rights. We are not allowed to build over this sewer line and are required to leave at least 5 feet from any structure just in case the lines need to be accessed for maintenance. This significantly reduces the overall space we have to build a garage and a zero-foot setback from the west would accommodate a 22-foot wide garage.**
    i. **Note: There is a discrepancy between the LEGAL sewer easement and the ACTUAL location of the sewer line. In October 2014, we obtained a "sewer line locate" service through Ouverson Sewer and Water, Inc. From this service, we measured and marked the actual location of the sewer line. When our property was surveyed in August 2015 and we compared the LEGAL easement to the ACTUAL location of the sewer line, we noticed a discrepancy, one that further reduces the east-west space available to build a garage. (There is 23.5 feet from our NW property line to the start of the current legal sewer easement.)**

d. Our property is a corner lot and there is significant green space between our property line and the fence/sidewalk/boulevard. Our house currently sits on our north property line, matching the zero foot setback we are requesting for the garage.

Therefore, in the plan we are proposing, the space for a garage structure in our backyard is limited to the east by a sewer easement (accommodated by a zero-foot setback to the west on 36th Ave). It is limited to the north by the re-located driveway easement coming from 36th Ave (accommodated by a zero-foot setback to the north on 25th St). To build a garage that is large enough to function for one to two cars, we would like to set the garage as far to the WEST as possible (as far to 36th Ave as possible) and as far to the NORTH as possible (as far to 25th St as possible). There IS space between our lot line and the fence/sidewalk/street to the west and north, and visibility would remain safe and adequate for pedestrians and vehicles using 36th Ave S. The corner (36th Ave S and 25th St) has a 3-way stop.

2. We propose to use the property in a reasonable manner that will be in the spirit and intent of the ordinance and the comprehensive plan. Namely, to enter and exit our backyard, to park our car(s) off street, and to store outdoor-use items (strollers/bikes/etc).

3. The proposed zero-foot north setback and zero-foot west setback will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. In fact, we feel the changes will significantly *increase* the functionality and enjoyment by adjacent neighbors (2504 37th Ave S), as a tall structure will be moved farther away from their backyard, freeing up green space and visibility. We will also be moving our two cars to off-street parking, which will be safer for our family and provide more street-space for bikers/drivers. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. In fact, it may increase safety by providing off-street parking to 2 properties (2500 37th Ave S and 2504 37th Ave S) that currently does not exist.

Shoreland Overlay District:

1. We will not have impervious surface above 60% of our property. Even if we expand the garage and add a driveway.
2. This project will not limit visibility; one cannot see our house from the river or the river from our house.
3. This project will not create excessive boat traffic; boat traffic will not be impacted by this project.

VARIANCE

We are requesting to reduce our lot size by 346.5 square feet. This is a small parcel of property that 2500 37th Ave will sell to our adjacent neighbor at 2504 37th Ave S, which will straighten a currently jagged lot line in a logical manner.

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by us, were not created by use, and are not based on the economic circumstances alone. Our lot is a through-lot, even though the houses next to us are not through-lots. Our lot is larger than the adjacent lots. The parcel we would like to sell will make our neighbor's backyard more functional without a significant functional loss to us.

2. We propose to use the property in a reasonable manner that will be in the spirit and intent of the ordinance and the comprehensive plan. Namely, to engage in typical backyard recreational activities and to put up a fence.

3. The proposed variance to reduce the lot size will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. In fact, we feel the changes will significantly *increase* the functionality and enjoyment by adjacent neighbors (2504 37th Ave S), as they will have a larger backyard, freeing up green space and making their backyard more useable.

Shoreland Overlay District:

1. We will not have impervious surface above 60% of our property.
2. This project will not limit visibility; one cannot see our house from the river or the river from our house.
3. This project will not create excessive boat traffic; boat traffic will not be impacted by this project.

VARIANCE

We are requesting a garage location variance. We would like to place the garage on the northwest corner of our property, which is to the rear of our house. Although this is functionally the back of our property, 36th Ave is also considered a "front" because we have a through-lot.

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by us, were not created by use, and are not based on the economic circumstances alone. Our lot is a through-lot, which is our practical difficulty.

2. We propose to use the property in a reasonable manner that will be in the spirit and intent of the ordinance and the comprehensive plan. Namely, to engage in typical backyard recreational activities, park our car(s), and put up a fence.

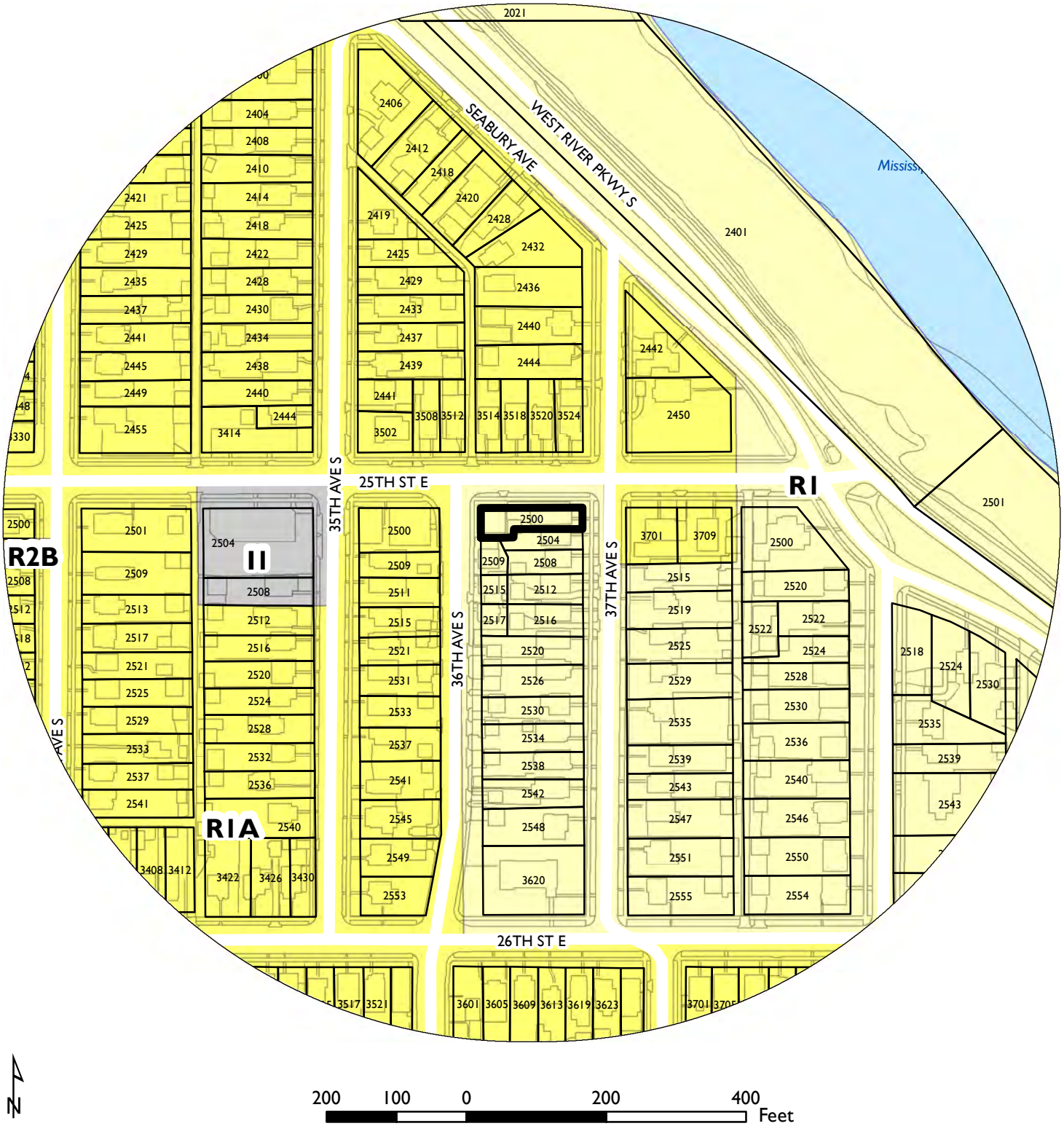
3. The proposed variance to locate the garage to the rear of our house (but "technically" to the "front" on 36th Ave) will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The majority of homes on 37th Ave are through-lots with a house facing 37th Ave (east) and a garage facing 36th Ave (west). The three homes to our south on 36th Ave are the only 3 exceptions to this.

Shoreland Overlay District:

1. We will not have impervious surface above 60% of our property.
2. This project will not limit visibility; one cannot see our house from the river or the river from our house.
3. This project will not create excessive boat traffic; boat traffic will not be impacted by this project.

Tanner and Katie Nissly **2**

NAME OF APPLICANT WARD



PROPERTY ADDRESS

2500 37th Avenue South

FILE NUMBER

BZZ-7369

ADVANCE SURVEYING & ENGINEERING CO.

5300 S. Hwy. No. 101 Minnetonka, MN 55345 Phone (952) 474 7964 Fax (952) 225 0502 WWW.ADVSUR.COM

SURVEYED: July, 2015 DRAFTED: July 26, 2015

LEGAL DESCRIPTION 2500 37TH AVE. S.:
All of those parts of Lots 1 and 2, Block 7, "Rearrangement Of Blocks In The Town Of Falls City" described as follows: Beginning at the Northeast corner of said Lot 1; thence South along the East line of said Lot 1 to a point which is 1 foot North of the Southeast corner of said Lot 1; thence West parallel with the South line of said Lot 1 a distance of 93.5 feet; thence South parallel with the East line of said Lots 1 and 2 a distance of 11 feet; thence West parallel with the South line of said Lot 1 to the West line of said Lot 2; thence North along the West line of said Lots 1 and 2 to the Northwest corner of said Lot 1; thence East along the North line of said Lot 1 to the point of beginning.

Subject to an easement for driveway purposes over the West 10 feet of the East 125 feet of said Lot 1 and over the West 10 feet of the East 125 feet of the North 10 feet of said Lot 2, as shown in deed Doc No 223607.

LEGAL DESCRIPTION 2504 37TH AVE. S.:
All that part of Lots 1 and 2, Block 7, Rearrangement of Blocks in the Town of Falls City described as follows: Beginning at a point in the East line of said Lot 1 which is 1 foot North of the of the Southeast corner of said Lot 1; thence West parallel with the South line of said Lot 1, 93.5 feet; thence South parallel with the East line of said Lot 1, 11 feet; thence West parallel with the South line of said Lot 1, 31.5 feet; thence Southeasterly 19.7 feet more or less to a point which is 1 foot North of the South line of said Lot 2 and 118.4 feet West of the East line of said Lot 2; thence East parallel with the South line of said Lot 2 to the East line of said Lot 2; thence North along said East line to the point of beginning.

Subject to an easement for driveway purposes over the following described premises: Beginning at a point which is 125 feet West of the East line of said Lot 2 and 10 feet South of the North line of said Lot 2; thence Southeasterly 19.7 feet more of less to a point which is 1 foot North of the South line of said Lot 2 and 118.4 feet West of the East line of said Lot 2; thence East parallel with the South line of said Lot 2, 10 feet; thence Northwesterly 19.7 feet more of less to a point which is 10 feet South of the North line of said Lot 2 and 10 feet East of the point of beginning; thence West to the point of beginning as shown in deed Doc. No. 196221.

Together with an easement for driveway purposes over the West 10 feet of the East 125 feet of said Lot 1 and over the West 10 feet of the East 125 feet of the North 10 feet of said Lot 2, as shown in deed Doc. No. 196221.

Subject only to any easement that now is existing in and upon premises for water and sewer pipes as referred to in deed Doc. No. 193721.

LEGAL DESCRIPTION 2508 37TH AVE. S.:
All that part of Lots 2 and 3 described as follows: beginning at a point in the East line of said Lot 2, which is 1 foot North of the Southeast corner of said Lot 2; thence West parallel with the South line of said Lot 2, 118.4 feet; thence Southeasterly 13.2 feet more or less to a point which is 11.5 feet South of the North line of said Lot 3, and 113.9 feet West of the East line of said Lot 3; thence Southerly 23.6 feet more or less to a point which is 1 foot North of the South line of said Lot 3 and 113 feet West of the East line of said Lot 3; thence East parallel with the South line of said Lot 3 to the East line of said Lot 3; thence North along said East line to the point of beginning in Block 7 in the "Rearrangement Of Blocks In The Town Of Falls City".

Together with an easement for driveway purposes over the following described premises; beginning at a point which is 1 foot North of the South line of said Lot 2 and 118.4 feet West of the East line of said Lot 2; thence Northwesterly 19.7 feet more or less to a point which is 10 feet South of the North line of said Lot 2 and 125 feet West of the East line of said Lot 2; thence North parallel with the East line of Lots 1 & 2 in said Block 7 to the North line of said Lot 1, thence East along said North line 10 feet; thence South parallel with the East line of said Lots 1 & 2 to a point which is 10 feet South of the North line of said Lot 2 and 115 feet West of the East line of said Lot 2; thence Southeasterly to a point which is 1 foot North of the South line of said Lot 2 and 10 feet East of the point of beginning, thence West to the point of beginning, as shown in deed Doc. No. 402794;

LEGAL DESCRIPTION OF SEWER EASEMENT:
A 10 ft easement for sanitary sewer purposes across parts of Lots 1 and 2....the centerline of which is described as follows: Beginning at a point in the Northerly line of said Lot 1, therein distant 28.55 feet Easterly of the Northwest corner of said Lot 1; thence Southeasterly to a point in the Southerly line of said Lot 2, therein distant 35.8 feet Easterly of the Southwest corner of said Lot 2. The side lines of said easement are to be prolonged or shortened to terminate on the North line of said Lot 1 and the South line of above described property.

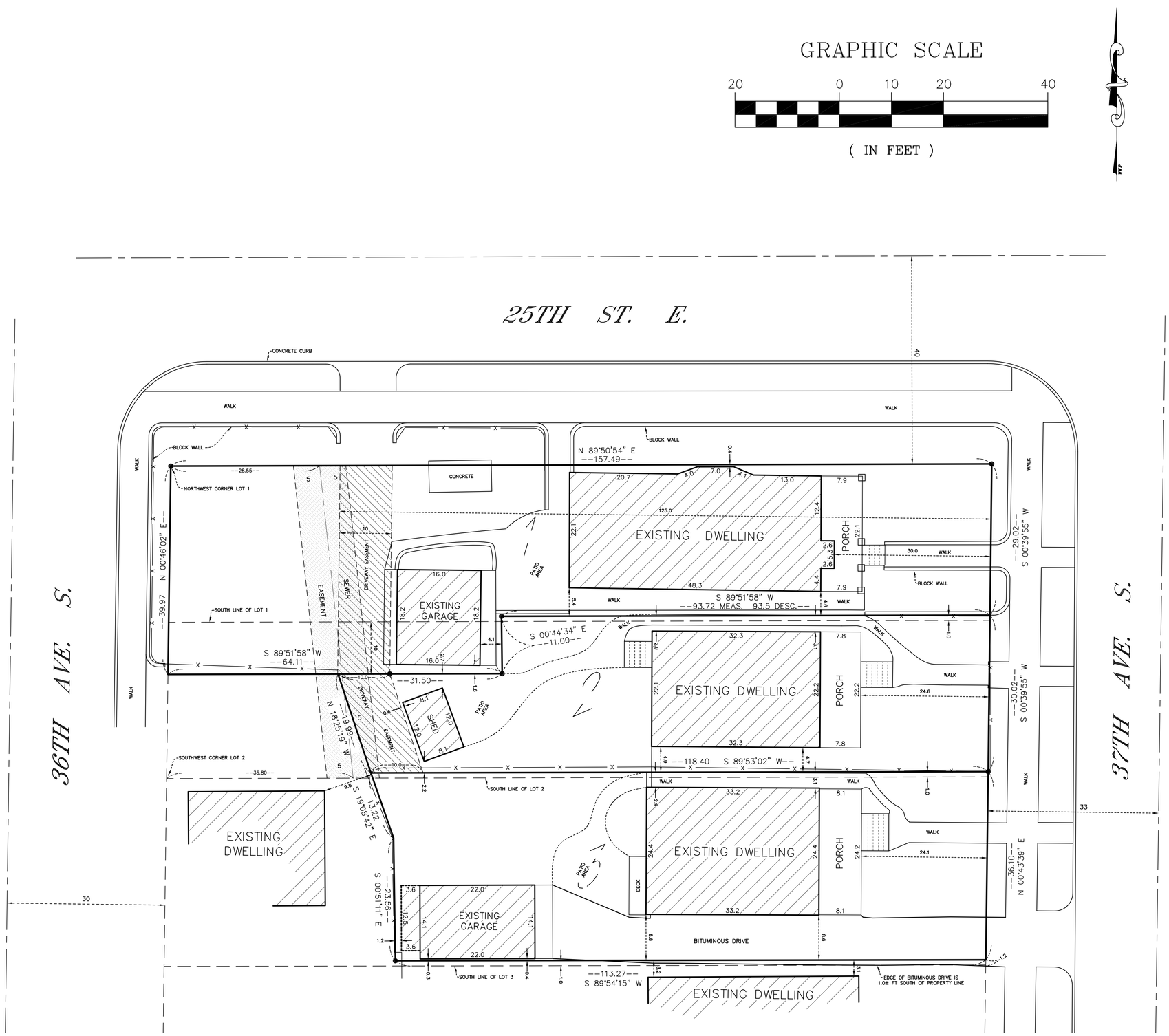
SCOPE OF WORK & LIMITATIONS:
1. Showing the length and direction of boundary lines of the above legal description. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct, and that any matters of record, such as easements, that you wish shown on the survey, have been shown.
2. Showing the location of existing improvements we deemed important.
3. Setting new monuments or verifying old monuments to mark the corners of the property.

STANDARD SYMBOLS & CONVENTIONS:
"●" Denotes found iron monument, unless otherwise noted.

CERTIFICATION:
I hereby certify that this plan, specification, report or survey was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer and Licensed Land Surveyor under the laws of the state of Minnesota.

Signature: *James H. Parker* Typed Name: James H. Parker Reg. No.: 9235

Date: July 26, 2015



DWG. NO. 150593 WP EXISTING

ADVANCE SURVEYING & ENGINEERING CO.

5300 S. Hwy. No. 101 Minnetonka, MN 55345 Phone (952) 474 7964 Fax (952) 225 0502 WWW.ADVSUR.COM

SURVEYED: July, 2015 DRAFTED: July 26, 2015
REVISED: August 19, 2015, to proposed garage, lot line adjustment, and proposed driveway easement.
REVISED: August 25, 2015, to show removed and proposed curb cut and proposed driveway.
REVISED: September 8, 2015, to show items being removed to reduce hardcover.
REVISED: September 22, 2015, to move location of proposed garage and show existing easement

LEGAL DESCRIPTION 2500 37TH AVE. S.:
All of those parts of Lots 1 and 2, Block 7, "Rearrangement Of Blocks In The Town Of Falls City" described as follows: Beginning at the Northeast corner of said Lot 1; thence South along the East line of said Lot 1 to a point which is 1 foot North of the Southeast corner of said Lot 1; thence West parallel with the South line of said Lot 1 a distance of 93.5 feet; thence South parallel with the East line of said Lots 1 and 2 a distance of 11 feet; thence West parallel with the South line of said Lot 1 to the West line of said Lot 2; thence North along the West line of said Lots 1 and 2 to the Northwest corner of said Lot 1; thence East along the North line of said Lot 1 to the point of beginning.

TO BE VACATED UPON APPROVAL...Subject to an easement for driveway purposes over the West 10 feet of the East 125 feet of said Lot 1 and over the West 10 feet of the East 125 feet of the North 10 feet of said Lot 2, as shown in deed Doc No 223607.

LEGAL DESCRIPTION 2504 37TH AVE. S.:
All that part of Lots 1 and 2, Block 7, Rearrangement of Blocks in the Town of Falls City described as follows: Beginning at a point in the East line of said Lot 1 which is 1 foot North of the of the Southeast corner of said Lot 1; thence West parallel with the South line of said Lot 1, 93.5 feet; thence South parallel with the East line of said Lot 1, 11 feet; thence West parallel with the South line of said Lot 1, 31.5 feet; thence Southeasterly 19.7 feet more or less to a point which is 1 foot North of the South line of said Lot 2 and 118.4 feet West of the East line of said Lot 2; thence East parallel with the South line of said Lot 2 to the East line of said Lot 2; thence North along said East line to the point of beginning.

TO BE VACATED UPON APPROVAL...Subject to an easement for driveway purposes over the following described premises: Beginning at a point which is 125 feet West of the East line of said Lot 2 and 10 feet South of the North line of said Lot 2; thence Southeasterly 19.7 feet more of less to a point which is 1 foot North of the South line of said Lot 2 and 118.4 feet West of the East line of said Lot 2; thence East parallel with the South line of said Lot 2, 10 feet; thence Northwesterly 19.7 feet more of less to a point which is 10 feet South of the North line of said Lot 2 and 10 feet East of the point of beginning; thence West to the point of beginning as shown in deed Doc. No. 196221.

TO BE VACATED UPON APPROVAL...Together with an easement for driveway purposes over the West 10 feet of the East 125 feet of said Lot 1 and over the West 10 feet of the East 125 feet of the North 10 feet of said Lot 2, as shown in deed Doc. No. 196221.

Subject only to any easement that now is existing in and upon premises for water and sewer pipes as referred to in deed Doc. No. 193721.

LEGAL DESCRIPTION 2508 37TH AVE. S.:
All that part of Lots 2 and 3 described as follows: beginning at a point in the East line of said Lot 2, which is 1 foot North of the Southeast corner of said Lot 2; thence West parallel with the South line of said Lot 2, 118.4 feet; thence Southeasterly 13.2 feet more or less to a point which is 11.5 feet South of the North line of said Lot 3, and 113.9 feet West of the East line of said Lot 3; thence Southerly 23.6 feet more or less to a point which is 1 foot North of the South line of said Lot 3 and 113 feet West of the East line of said Lot 3; thence East parallel with the South line of said Lot 3 to the East line of said Lot 3; thence North along said East line to the point of beginning in Block 7 in the "Rearrangement Of Blocks In The Town Of Falls City".

TO BE VACATED UPON APPROVAL...Together with an easement for driveway purposes over the following described premises; beginning at a point which is 1 foot North of the South line of said Lot 2 and 118.4 feet West of the East line of said Lot 2; thence Northwesterly 19.7 feet more or less to a point which is 10 feet South of the North line of said Lot 2 and 125 feet West of the East line of said Lot 2; thence North parallel with the East line of Lots 1 & 2 in said Block 7 to the North line of said Lot 1, thence East along said North line 10 feet; thence South parallel with the East line of said Lots 1 & 2 to a point which is 10 feet South of the North line of said Lot 2 and 115 feet West of the East line of said Lot 2; thence Southeasterly to a point which is 1 foot North of the South line of said Lot 2 and 10 feet East of the point of beginning, thence West to the point of beginning, as shown in deed Doc. No. 402794;

LEGAL DESCRIPTION OF SEWER EASEMENT:
A 10 ft easement for sanitary sewer purposes across parts of Lots 1 and 2....the centerline of which is described as follows: Beginning at a point in the Northerly line of said Lot 1, therein distant 28.55 feet Easterly of the Northwest corner of said Lot 1; thence Southeasterly to a point in the Southerly line of said Lot 2, therein distant 35.8 feet Easterly of the Southwest corner of said Lot 2. The side lines of said easement are to be prolonged or shortened to terminate on the North line of said Lot 1 and the South line of above described property.

PROPOSED LEGAL DESCRIPTION 2500 37TH AVE. S.:
All of those parts of Lots 1 and 2, Block 7, "Rearrangement Of Blocks In The Town Of Falls City" described as follows: Beginning at the Northeast corner of said Lot 1; thence South along the East line of said Lot 1 to a point which is 1 foot North of the Southeast corner of said Lot 1; thence West parallel with the South line of said Lot 1 a distance of 124.95 feet; thence South parallel with the East line of said Lots 1 and 2 a distance of 11 feet; thence West parallel with the South line of said Lot 1 to the West line of said Lot 2; thence North along the West line of said Lots 1 and 2 to the Northwest corner of said Lot 1; thence East along the North line of said Lot 1 to the point of beginning.

PROPOSED LEGAL DESCRIPTION 2504 37TH AVE. S.:
All that part of Lots 1 and 2, Block 7, Rearrangement of Blocks in the Town of Falls City described as follows: Beginning at a point in the East line of said Lot 1 which is 1 foot North of the of the Southeast corner of said Lot 1; thence West parallel with the South line of said Lot 1, 124.95 feet; thence South parallel with the East line of said Lot 1, 11 feet; thence Southeasterly 19.7 feet more or less to a point which is 1 foot North of the South line of said Lot 2 and 118.4 feet West of the East line of said Lot 2; thence East parallel with the South line of said Lot 2 to the East line of said Lot 2; thence North along said East line to the point of beginning.

PROPOSED LEGAL DESCRIPTION OF DRIVEWAY EASEMENT:
The North 10 feet of Lot 2, Block 7, "Rearrangement Of Blocks In The Town Of Falls City" lying West of the following described line: Commencing at the Northeast corner of said Lot 1; thence South along the East line of said Lot 1 to a point which is 1 foot North of the Southeast corner of said Lot 1; thence West parallel with the South line of said Lot 1 a distance of 124.95 feet to the point of beginning of the line to be described; thence South parallel with the East line of said Lots 1 and 2 a distance of 11 feet and said line there terminating.

SCOPE OF WORK & LIMITATIONS:
1. Showing the length and direction of boundary lines of the above legal description. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct, and that any matters of record, such as easements, that you wish shown on the survey, have been shown.
2. Showing the location of existing improvements we deemed important.
3. Setting new monuments or verifying old monuments to mark the corners of the property.

STANDARD SYMBOLS & CONVENTIONS:
"●" Denotes found iron monument, unless otherwise noted.

CERTIFICATION:
I hereby certify that this plan, specification, report or survey was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer and Licensed Land Surveyor under the laws of the state of Minnesota.

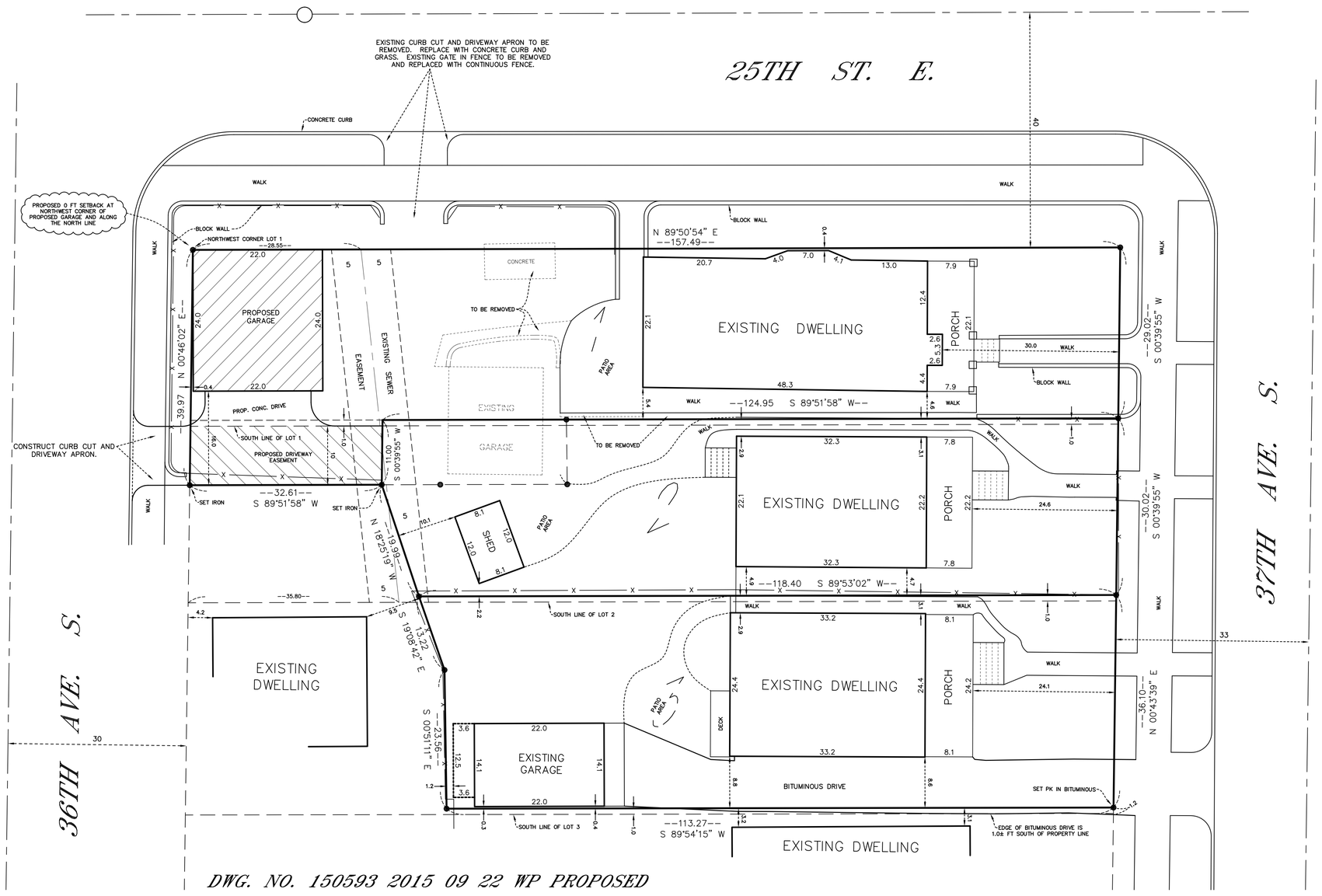
Signature: *James H. Parker* Typed Name: James H. Parker Reg. No.: 9235

Date: September 22, 2015

EXISTING HARDCOVER (#2500)	
HOUSE	1,098 SQ. FT.
GARAGE	292 SQ. FT.
REAR PATIO/WALKS	656 SQ. FT.
FRONT WALK	86 SQ. FT.
PORCH	182 SQ. FT.
BLOCK WALLS	72 SQ. FT.
CONCRETE SLAB	61 SQ. FT.
TOTAL EXISTING HARDCOVER	2,447 SQ. FT.
AREA OF LOT	5,270 SQ. FT.
LOT COVERAGE	46.4%

PROPOSED HARDCOVER (#2500)	
HOUSE	1,098 SQ. FT.
GARAGE	528 SQ. FT.
REAR PATIO/WALKS	505 SQ. FT.
FRONT WALK	86 SQ. FT.
PORCH	182 SQ. FT.
BLOCK WALLS	33 SQ. FT.
SHARED CONC. DRIVE	440 SQ. FT.
TOTAL PROPOSED HARDCOVER	2,872 SQ. FT.
AREA OF LOT	4,925 SQ. FT.
LOT COVERAGE	58.3%

GRAPHIC SCALE
10 0 5 10 20
(IN FEET)



DWG. NO. 150593 2015 09 22 WP PROPOSED

'age 1-5 Site Plan Options
'age 6 Overviews
'age 7 Main Floor Plan
'age 8-11 Elevations

Relocate & Expand Garage at 2500 37th Ave. S. Minneapolis MN.

PRELIMINARY DRAWINGS
Not to be used for construction

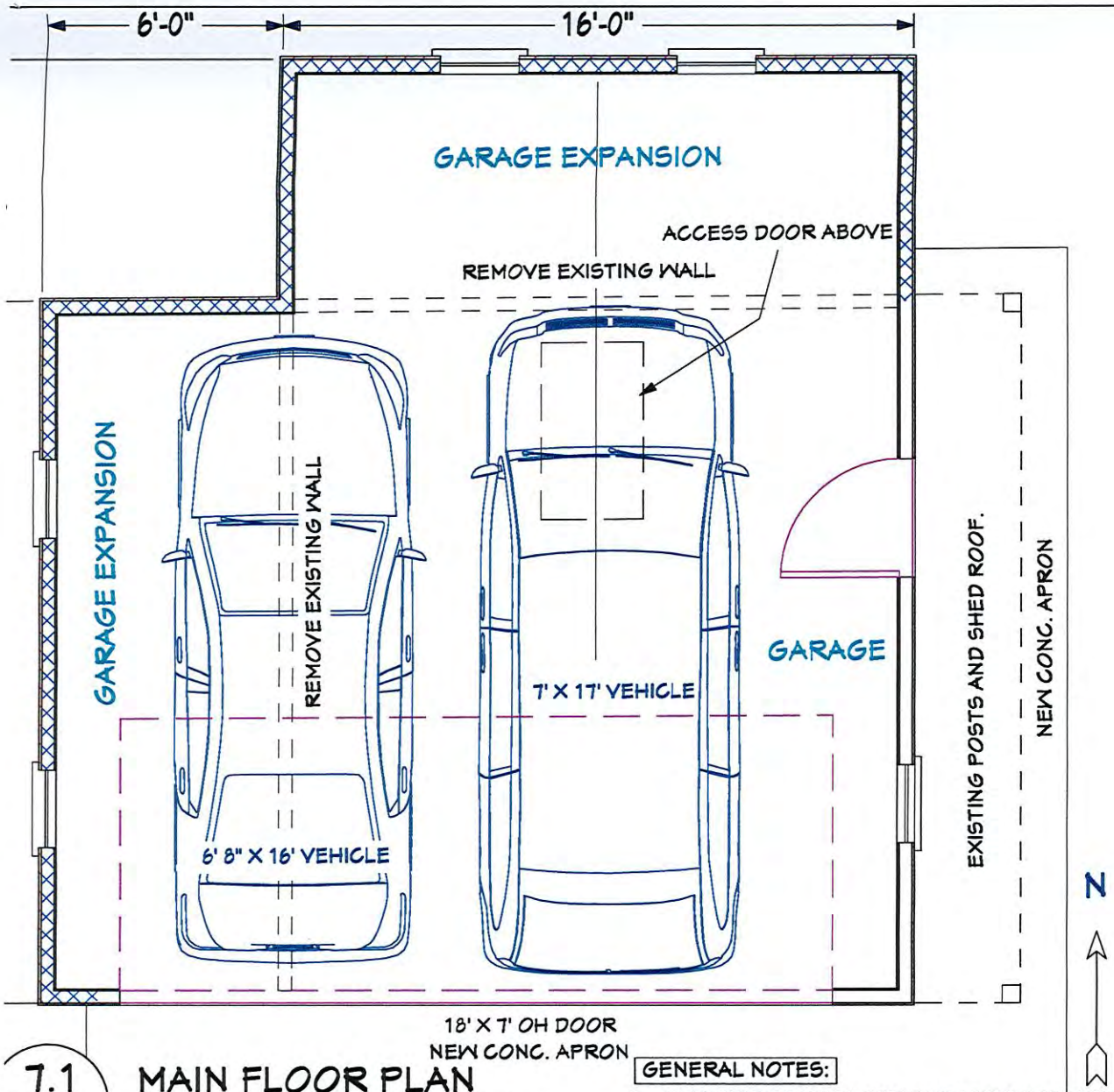
		REVISION	HISTORY
REV #	DATE	STATUS	DESCRIPTION OF REVISIONS
0	5/14/15	DESIGN	SITE PLAN OPTIONS
1	5/15/15	DESIGN	ADD 4TH OPTION WITH PARCEL SOLD
2	9/6/15	DESIGN	PROVIDE CONCEPTUAL DRAWINGS FOR CITY REVIEW

Katie & Tanner Nissly
2500 37th Ave. South
Minneapolis, MN

Relocate & Expand Existing Garage

Design & Drafting Services by Wardell Consulting, Inc.
www.WardellResidentialDesign.com or 651 483 4974

REV. 2 | 9/6/15



7.1
7

MAIN FLOOR PLAN

Scale: 1/4" = 1'-0"

GENERAL NOTES:

1 EXTERIOR WALLS DIMENSIONED TO OUTSIDE OF SHEATHING UNO.
2 = WALLS TO BE REMOVED
3 = NEW WALLS

PRELIMINARY DRAWINGS
Not to be used for construction

REVISION HISTORY

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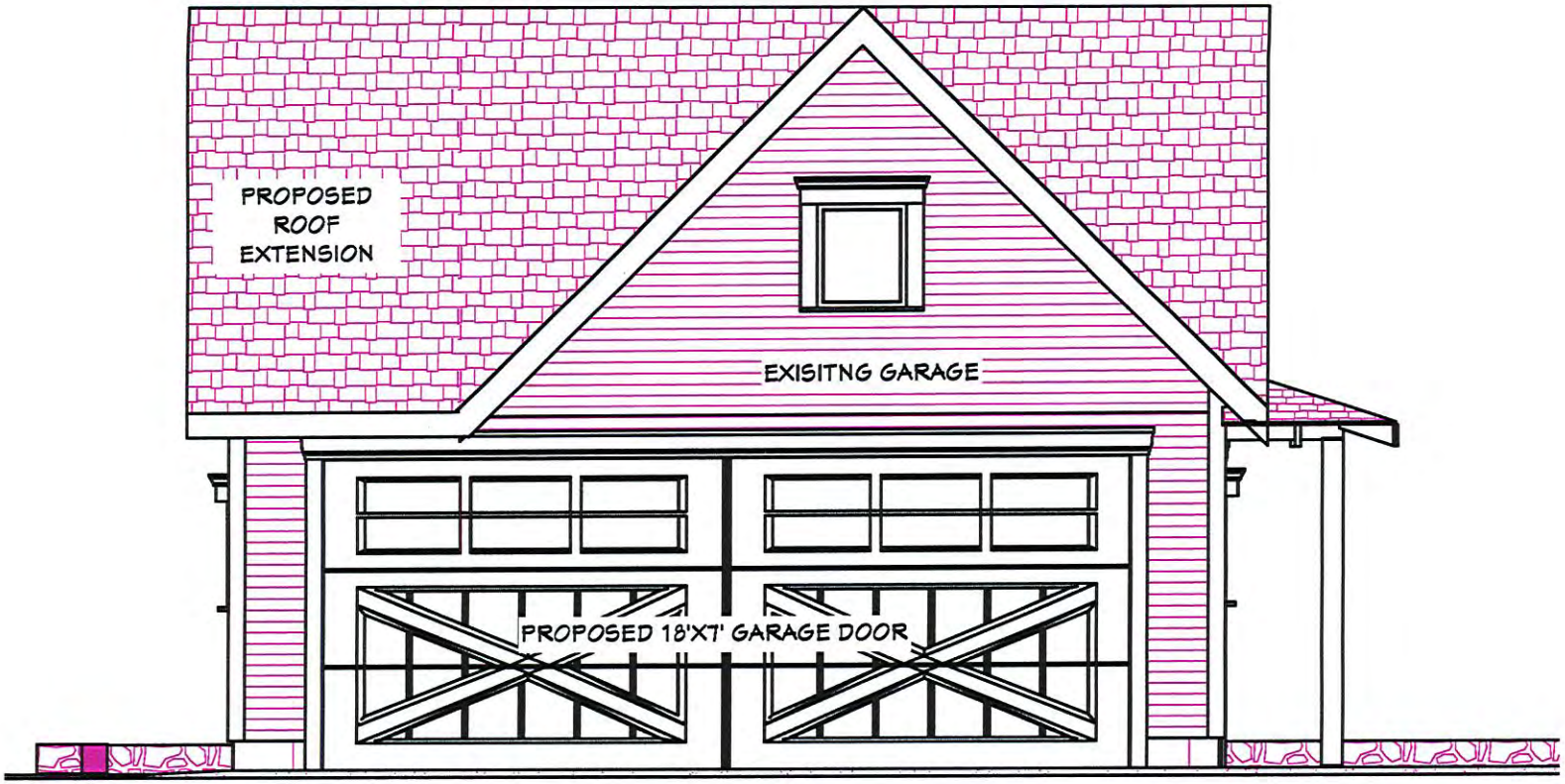

8.1
8

FRONT/SOUTH ELEVATION

Scale: 1/4" = 1'-0"

PRELIMINARY DRAWINGS

Not to be used for construction

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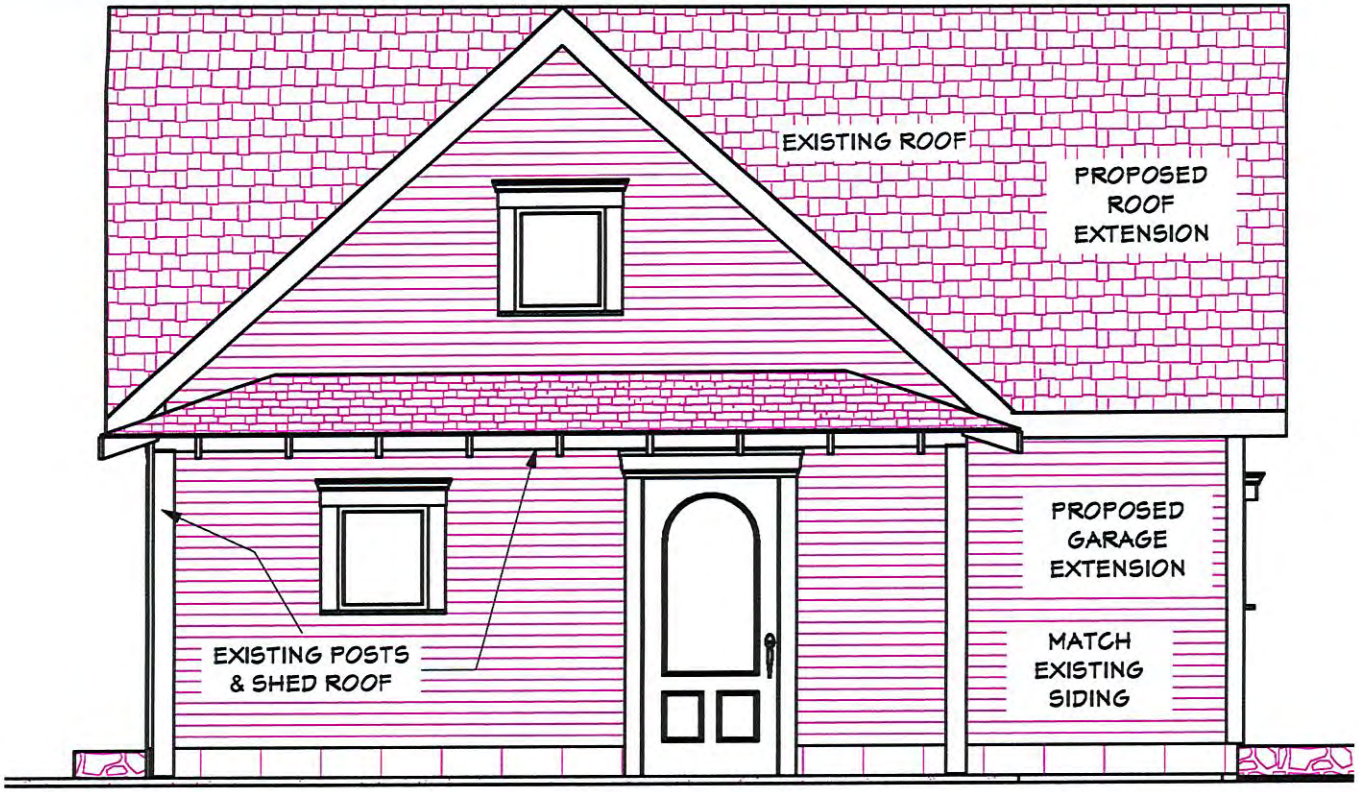

9.1
9

EAST SIDE ELEVATION

Scale: 1/4" = 1'-0"

PRELIMINARY DRAWINGS
Not to be used for construction

REV #	DATE	REVISION STATUS	HISTORY DESCRIPTION OF REVISIONS
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Minneapolis, MN

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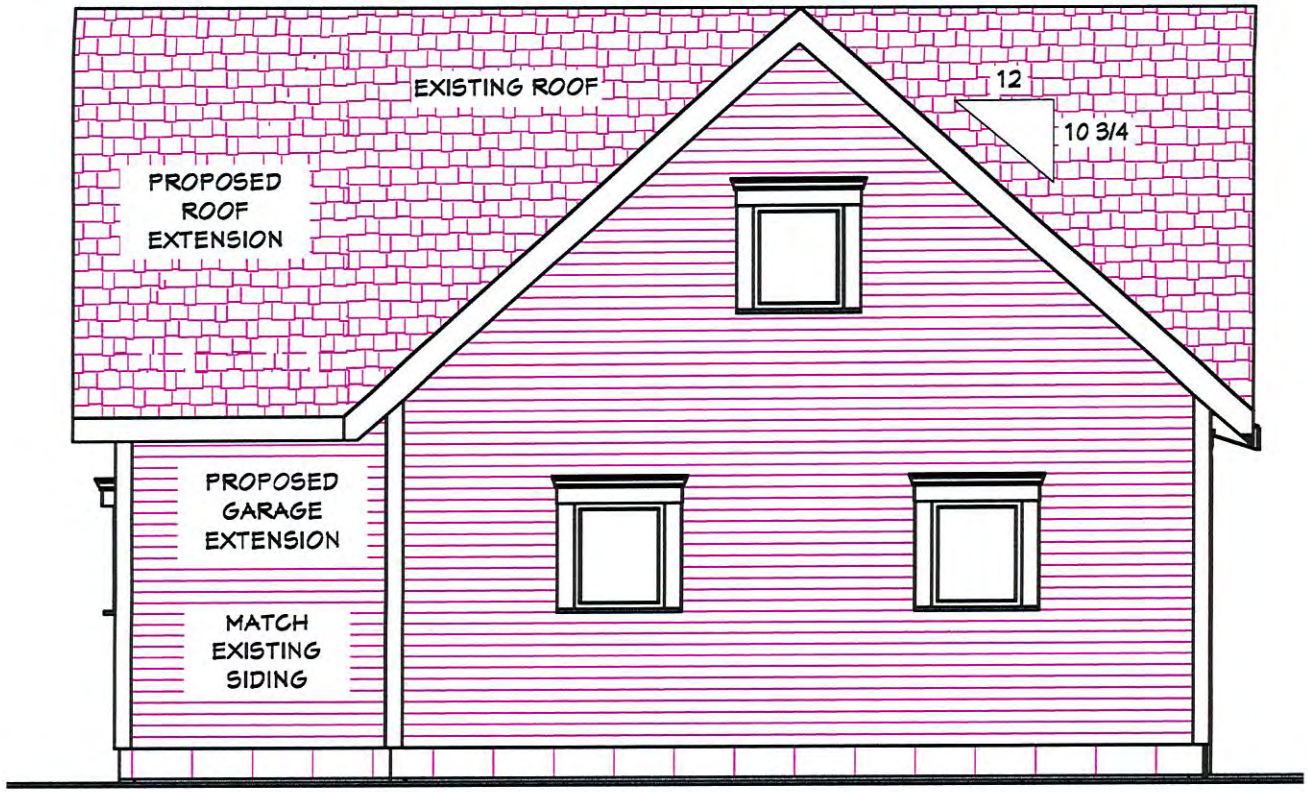
REV. 2 | 9/6/15



10.1
10

WEST SIDE ELEVATION

Scale: 1/4" = 1'-0"

PRELIMINARY DRAWINGS

Not to be used for construction

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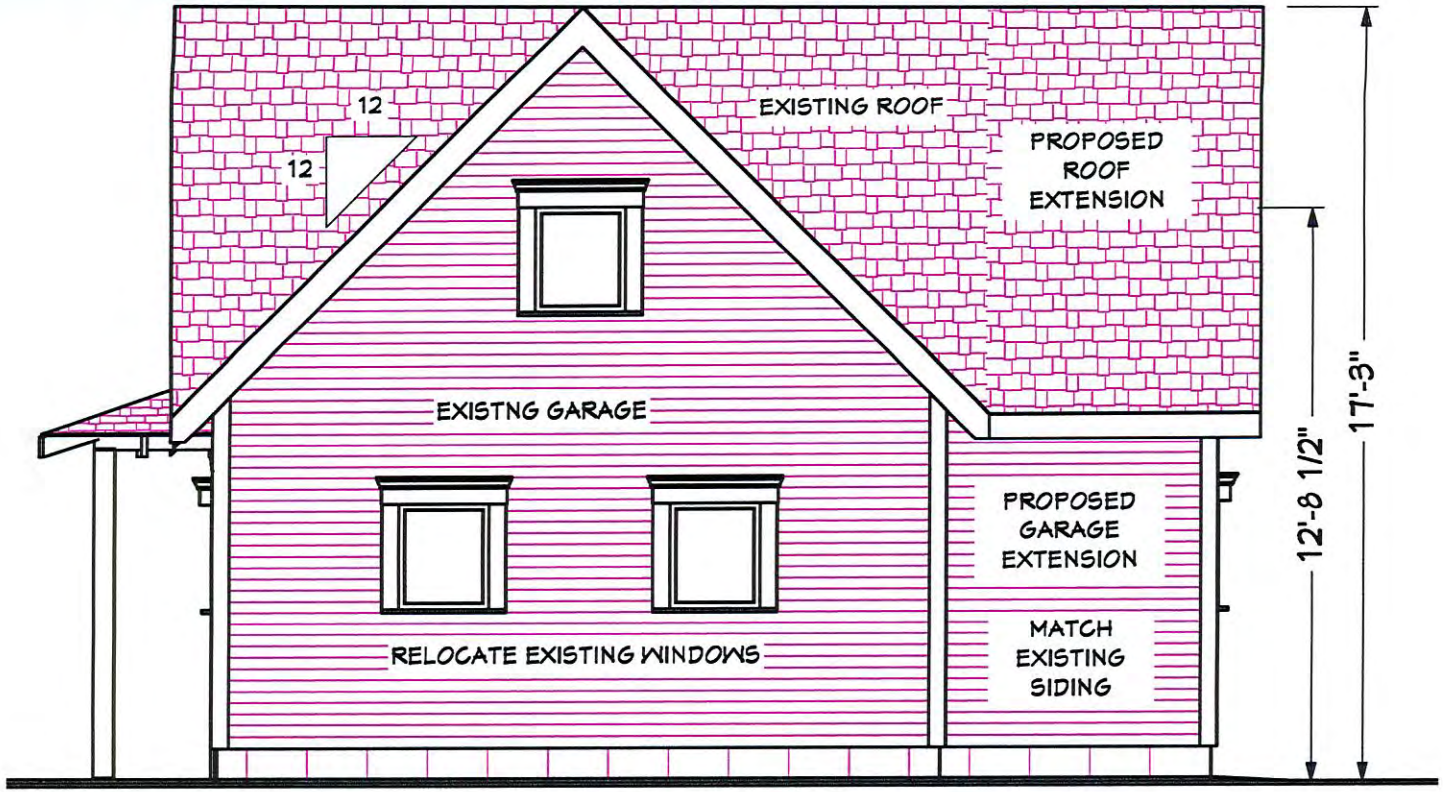

11.1
11

REAR/NORTH ELEVATION

Scale: 1/4" = 1'-0"

PRELIMINARY DRAWINGS

Not to be used for construction

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Minneapolis, MN

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REV. 2 | 9/6/15

Relocate & Expand Garage at 2500 37th Ave. S. Minneapolis MN.

Extended Corner Option

'age 1-5 Site Plan Options
'age 6 Overviews
'age 7 Main Floor Plan
'age 8-11 Elevations

PRELIMINARY DRAWINGS
Not to be used for construction

REVISION HISTORY

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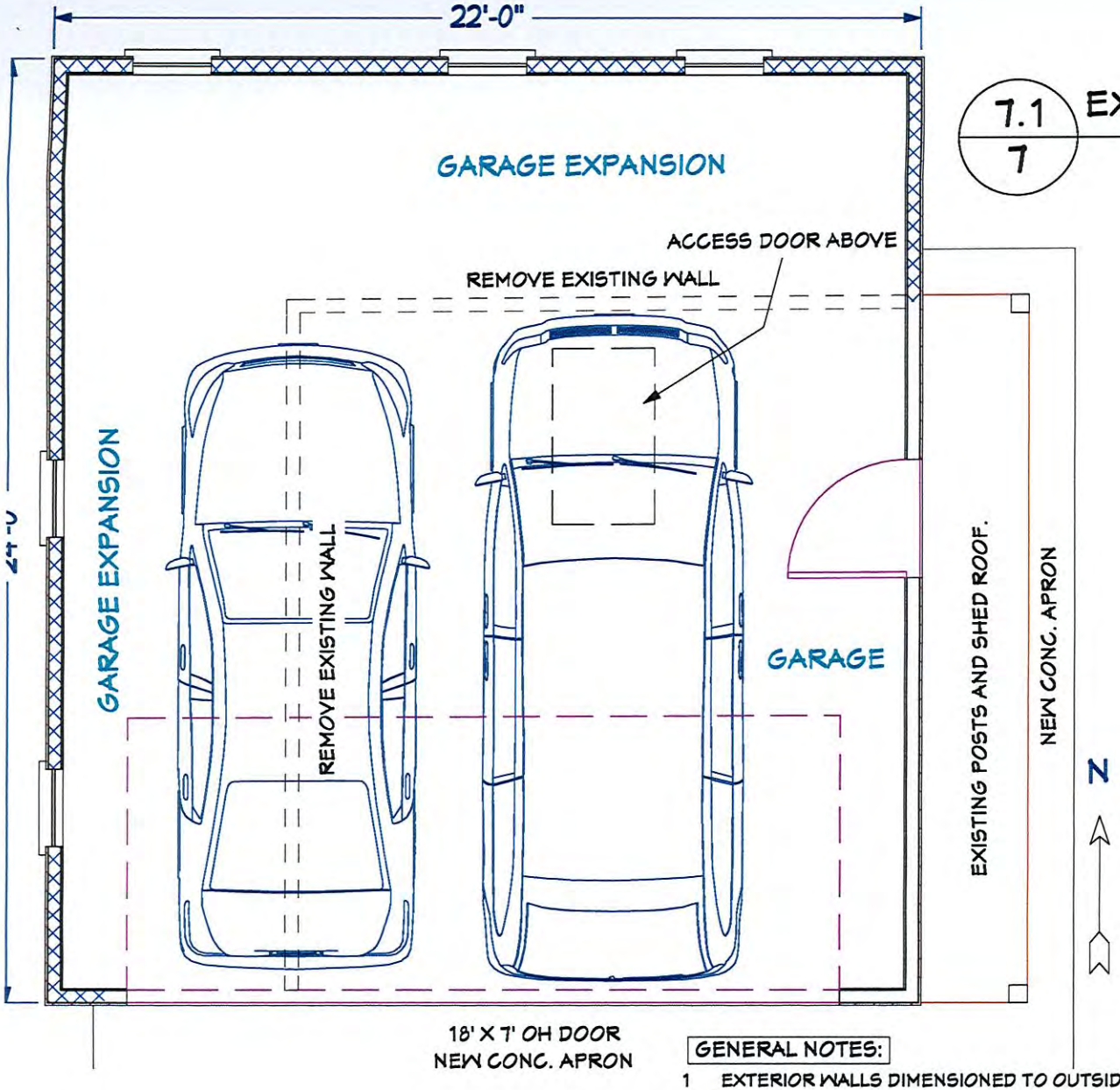
REV. 2 9/6/15



MAIN FLOOR PLAN - EXTENDED CORNER OPTION

7.1 / 7

Scale: 1/4" = 1'-0"

GENERAL NOTES:

1 EXTERIOR WALLS DIMENSIONED TO OUTSIDE OF SHEATHING UNO.
2 = WALLS TO BE REMOVED
3 = NEW WALLS

PRELIMINARY DRAWINGS

Not to be used for construction

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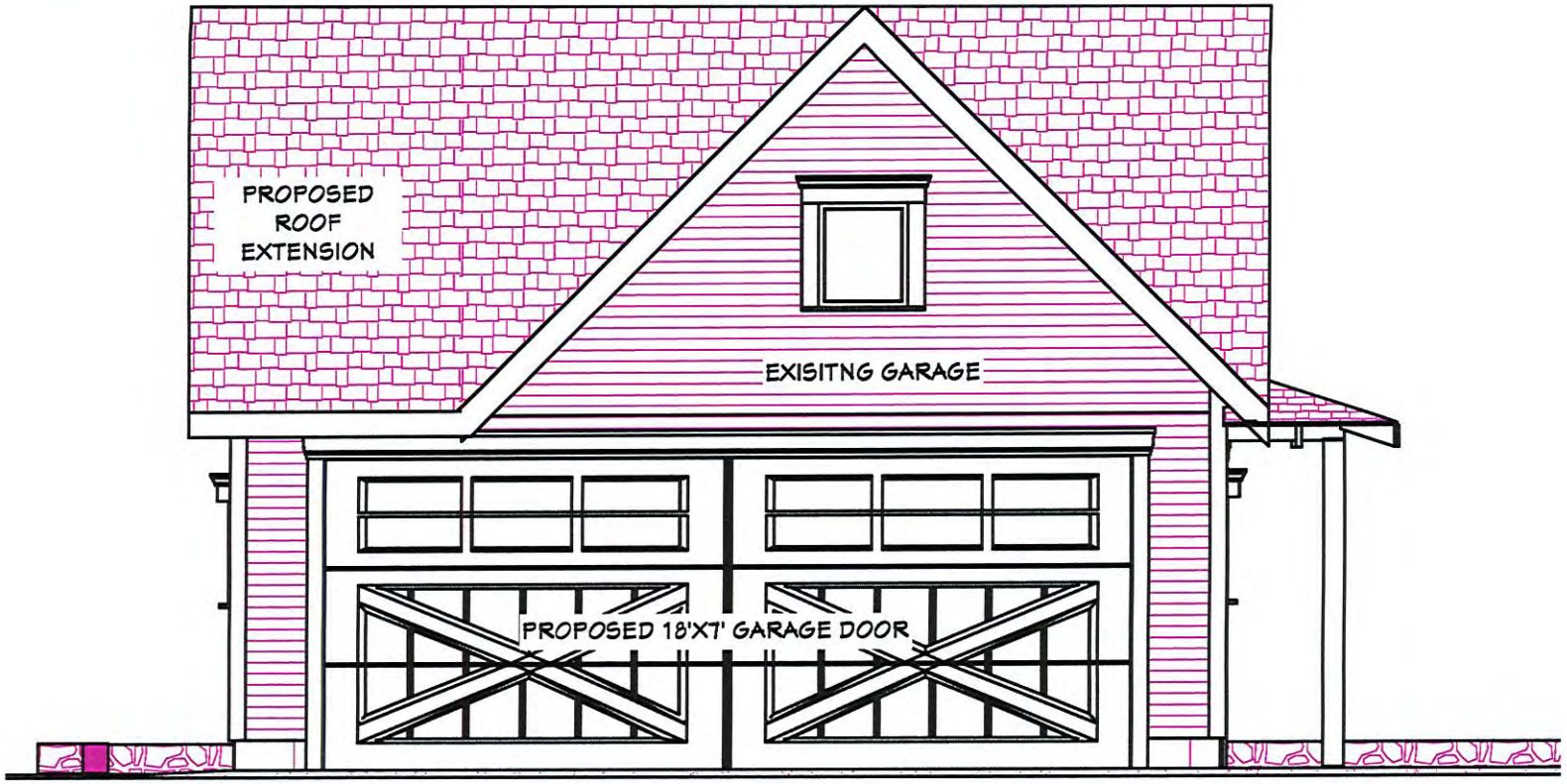

8.1 / 8

FRONT/SOUTH ELEVATION

Scale: 1/4" = 1'-0"

PRELIMINARY DRAWINGS

Not to be used for construction

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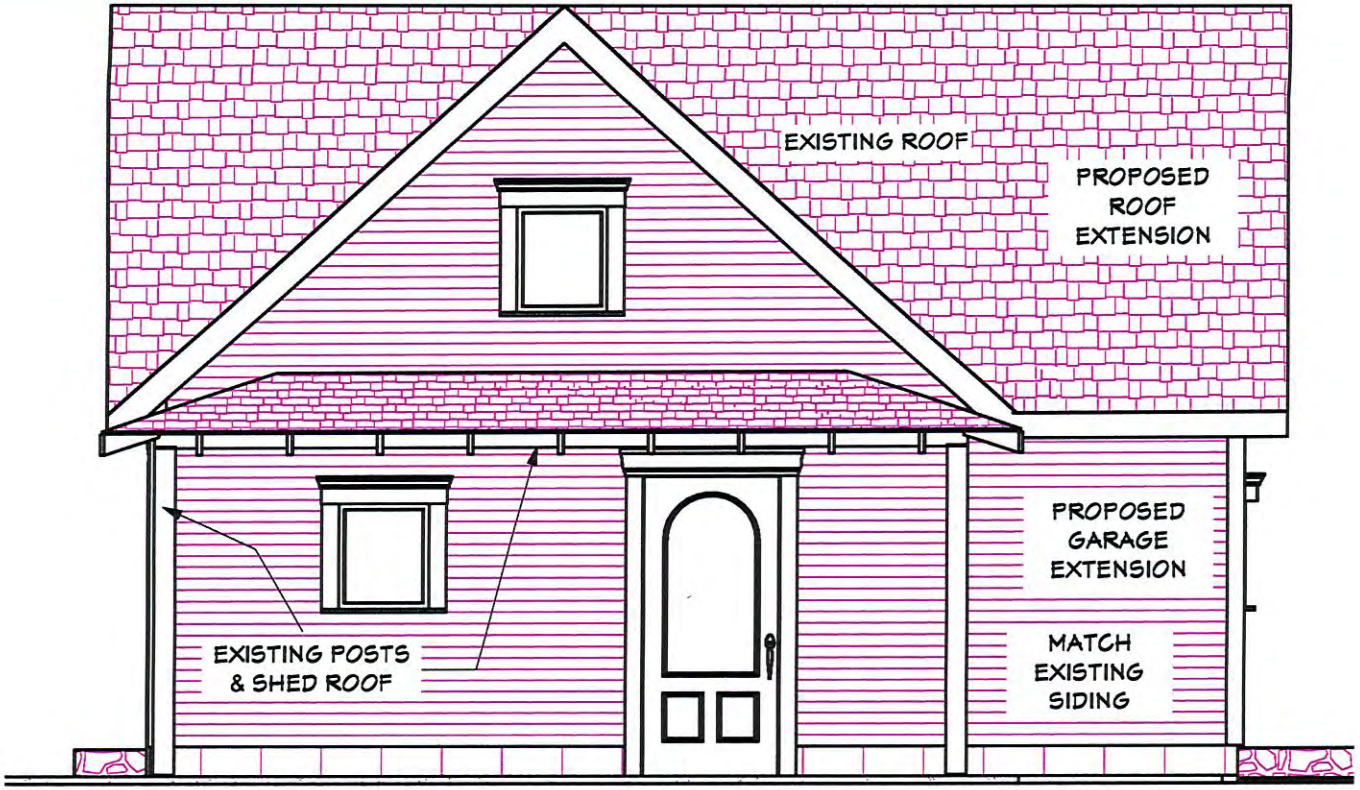

9.1
9

EAST SIDE ELEVATION

Scale: 1/4" = 1'-0"

PRELIMINARY DRAWINGS
Not to be used for construction

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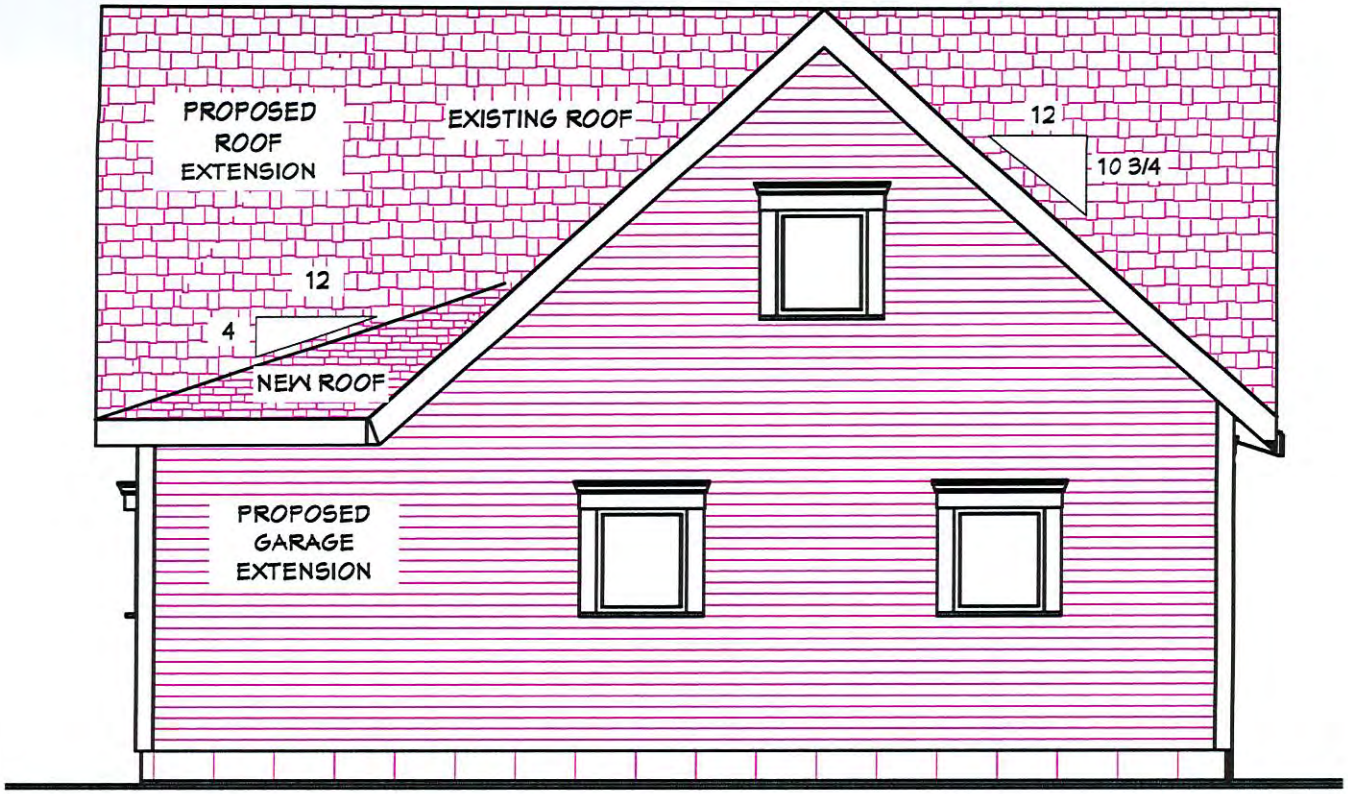
REV. 2 | 9/6/15



WEST SIDE ELEVATION - EXTENDED CORNER OPTION

10.1
10

Scale: 1/4" = 1'-0"

PRELIMINARY DRAWINGS
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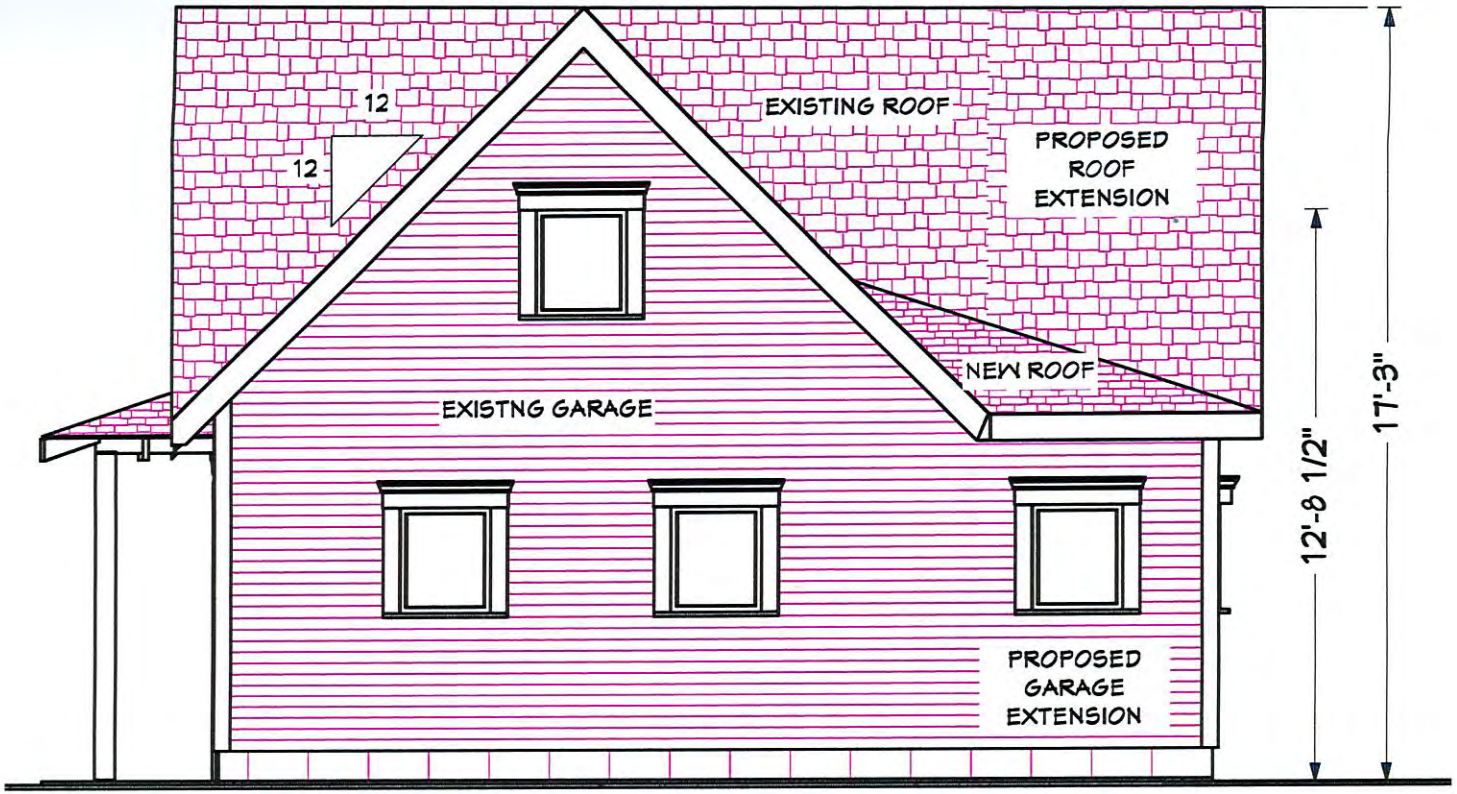

REAR/NORTH ELEVATION - EXTENDED CORNER OPTION

11.1
11

Scale: 1/4" = 1'-0"

PRELIMINARY DRAWINGS

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REV. 2 | 9/6/15

S 36th Av

E 25th St
STOP
3-WAY

2534

TOYOTA

TOYOTA

Seward Neighborhood Group
2323 E. Franklin Ave.
Minneapolis, MN 55406
info@sng.org | 612-338-6205
www.sng.org | www.sewardarts.org

August 26, 2015

Janelle Widmeier
250 South 4th Street, Room 300
Minneapolis, MN 55415

Regarding: Changes to 2500-2508 37th Avenue South

Dear Ms. Widmeier:

The Seward Neighborhood Group (SNG) has reviewed the proposed changes to the properties located at 2500-2508 37th Avenue South and recommends approval of the following by the City of Minneapolis:

- sale of a small parcel of property from 2500 to 2504 37th Ave. S.
- obtain an "official" driveway for 2508 37th Ave. S.
- relocate the existing easement across 2500 37th Ave. S. to enter from 36th Ave. S.
- relocate the current garage structure at 2500 37th Ave. S. and expand it

If you have any questions or need additional information, please contact Doug Wise, SNG Housing Coordinator, at (612) 338-6205, ext. 102, or doug@sng.org.

Thank you for the opportunity to comment on this proposal.

Sincerely,

Ben Walen
Co-President
Seward Neighborhood Group