

CRYSTAL PLANNING COMMISSION DETAILED AGENDA

Monday, December 8, 2014 at 7:00 p.m.

Council Chambers, Crystal City Hall

*Commissioners, please call 763.531.1142 or
email john.sutter@crystalmn.gov if unable to attend*

** Items for which supporting materials are included in the meeting packet*

A. CALL TO ORDER

The regular meeting of the Crystal Planning Commission convened at _____ p.m. with the following members present:

<input type="checkbox"/> Commissioner (Ward 1) Sears [Vice Chair]	<input type="checkbox"/> Commissioner (Ward 2) Kolb	<input type="checkbox"/> Commissioner (Ward 4) [vacant]
<input type="checkbox"/> Commissioner (Ward 1) Heigel	<input type="checkbox"/> Commissioner (Ward 3) VonRueden [Chair]	<input type="checkbox"/> Commissioner (Ward 4) Johnson
<input type="checkbox"/> Commissioner (Ward 2) Erickson	<input type="checkbox"/> Commissioner (Ward 3) Buck [Secretary]	<input type="checkbox"/> Commissioner (At-Large) Strand

B. APPROVAL OF MINUTES *

Moved by _____ and seconded by _____ to approve the minutes of the November 10, 2014 regular meeting with the following exceptions:

Motion carried.

C. PUBLIC HEARINGS

1. Consider Application 2014-11 to shift the rear lot line between 4939 Vera Cruz Avenue North and 4938 Welcome Avenue North 45 feet east of its present location. *

Staff presented the following:

The following were heard:

Planning Commission discussion:

Moved by _____ and seconded by _____ to
(recommend approval) (recommend denial) (continue consideration) of
Application 2014-11 to shift the rear lot line between 4939 Vera Cruz Avenue
North and 4938 Welcome Avenue North 45 feet east of its present location.

Motion carried.

2. Consider Application 2014-12 for a variance to reduce the rear setback requirement to allow an addition to a nonconforming house at 4717 Florida Avenue North. *

Staff presented the following:

The following were heard:

Planning Commission discussion:

Moved by _____ and seconded by _____ to
(recommend approval) (recommend denial) (continue consideration) of
Application 2014-12 for a variance to reduce the rear setback requirement to
allow an addition to a nonconforming house at 4717 Florida Avenue North.

Motion carried.

D. GENERAL INFORMATION

1. City Council actions on November 18 regarding previous Planning Commission items:
 - Approved a conditional use permit for custom manufacturing at 5249 Douglas Drive North (Borja Dental)
 - Approved a roof height variance to allow expansion of a nonconforming garage at 6602 59th Avenue North
2. Staff preview of likely agenda items for Monday, January 12, 2015 meeting

E. OPEN FORUM

F. ADJOURNMENT

Moved by _____ and seconded by _____ to adjourn.

Motion carried.

The meeting adjourned at _____ p.m.

CRYSTAL PLANNING COMMISSION MINUTES

Monday, November 10, 2014 at 7:00 p.m.

Council Chambers, Crystal City Hall

A. CALL TO ORDER

The regular meeting of the Crystal Planning Commission convened at 7 p.m. with the following members present:

X Commissioner (Ward 1) Sears [Vice Chair]	X Commissioner (Ward 2) Kolb	<input type="checkbox"/> Commissioner (Ward 4) [vacant]
X Commissioner (Ward 1) Heigel	X Commissioner (Ward 3) VonRueden [Chair]	X Commissioner (Ward 4) Johnson
X Commissioner (Ward 2) Erickson	X Commissioner (Ward 3) Buck [Secretary]	X Commissioner (At- Large) Strand

Also attending were staff members John Sutter and Corinne Elfelt.

B. APPROVAL OF MINUTES

Moved by Commissioner Sears and seconded by Commissioner Buck to approve the minutes of the October 13, 2014 regular meeting with no exceptions.

Motion carried.

C. PUBLIC HEARINGS

1. Consider Application 2014-9 for a conditional use permit for custom manufacturing at 5249 Douglas Drive North (Borja Dental).

Planner Sutter indicated that this is the former Crystal Barbers building located just north of the Alpine Dental office building between 52nd and 53rd and across from the Crystal Vision clinic.

He stated Borja Dental purchased the property on a contract for deed and would like to set up a custom dental appliance manufacturing facility. All of the work would be inside, there would be no exterior work, and no trucks bigger than a UPS or Fedex type vehicle would be making deliveries. The site has sufficient parking, is zoned C-2 and custom manufacturing is allowed with a conditional use permit.

Staff recommends approval with the condition that all delivery activity must occur on the property and delivery drivers don't park on Douglas Drive or on neighboring properties without permission from the property owner.

Commissioner Von Rueden asked if this business is associated with the adjacent dental clinic, Planner Sutter stated that it is not at this time.

Commissioner Kolb questioned what triggered the CUP in this instance and wanted to know if a dental office that also manufactured these types of devices would require a CUP as well. Planner Sutter stated it depends on the principal use of the property, a dental office could do some manufacturing on site as an accessory use, but because the principal use of this property is manufacturing, a CUP is required due to it being zoned commercial not industrial.

The following were heard:

No one spoke before the commission.

Moved by Commissioner Kolb and seconded by Commissioner Sears to recommend approval of Application 2014-9 for a conditional use permit for custom manufacturing at 5249 Douglas Drive North (Borja Dental).

Motion carried.

2. Consider Application 2014-10 for a roof height variance to allow expansion of a nonconforming garage at 6602 59th Avenue North.

Planner Sutter said this is the property one house west of Elmhurst and 59th Ave. The garage has a 19' roof height at the peak and was built in the late 1990's. When it was built, building height was calculated as the average between the eave and the peak of the roof. In 2004 the code changed so that the height was whatever the highest point of the roof was. This change ended up making some existing garages nonconforming.

The property owner would like to add an addition onto the back of the garage. The garage will be just under the maximum size of 1,000 square feet. They would like to make the roof height of the new addition the same 19' as the existing garage, so a variance from the 15 foot maximum height is required.

Staff recommends approval with the condition that the upper level of the garage continuing only be used for storage; the city does not allow apartments above garages.

When questioned why the city ever measured height by the average between the eave and the peak, Planner Sutter said he didn't know the answer, and speculated that it may have been to give pitched roofs a break versus a flat roof, although we don't have a lot of residential flat roofs here anyway.

Commissioner Kolb referenced Exhibit C and asked if it was common practice to have residents justify the need for expanding their property. Planner Sutter said we do ask that they provide a narrative to explain the project, and in the case of a variance, to explain the practical difficulties, but the owner provided the additional details on her own without prompting from staff.

The following were heard:

No one spoke before the commission.

Commissioner Heigel asked whether there were any utility easements on the back of the property, Planner Sutter indicated that there is a 5 foot platted utility easement along the rear lot line but the garage would be well clear of it.

Commissioner Buck questioned why the property owner would put a garage door on the back of the property when there is no driveway access to that location. Planner Sutter said that is becoming more common to provide access to make it easier to get tools and equipment in and out of the garage and the yard.

Moved by Commissioner Strand and seconded by Commissioner Buck to recommend approval of Application 2014-10 for a roof height variance to allow expansion of a nonconforming garage at 6602 59th Avenue North with the condition that the upper level be only used for storage.

Motion carried.

D. GENERAL INFORMATION

1. City Council actions on October 21 regarding previous Planning Commission items:
 - Approved a conditional use permit for outdoor food and beverage service at 5592 West Broadway (Noodles & Company)
 - Approved the Preliminary Plat of Gaulke Pond Homes on property located at 3908 and 3924 Douglas Drive North
2. City letter to Hennepin County regarding curb cuts for Gaulke Pond Homes, and the county's response
3. Canadian Pacific Railroad letter and maps regarding Positive Train Control tower installation
4. Staff preview of likely agenda items for Monday, December 8, 2014 meeting
Mr. Sutter indicated there was nothing he was aware of at this time.
5. Meeting Calendar and Application Due Dates for 2015

E. OPEN FORUM

No one spoke before the commission.

F. ADJOURNMENT

Moved by Commissioner Sears and seconded by Commissioner Heigel to adjourn.

Motion carried.

The meeting adjourned at 7:15 p.m.

MEMORANDUM

DATE: December 3, 2014

TO: Planning Commission (December 8, 2014 meeting)

FROM: John Sutter, City Planner/Assistant Community Development Director 

SUBJECT: Public Hearing: Application 2014-11 to shift the rear lot line between 4939 Vera Cruz Avenue North and 4938 Welcome Avenue North 45 feet east of its present location

A. BACKGROUND

The subject properties are as follows:

- 4939 Vera Cruz Avenue North (09-118-21-24-0036), legally described as Lot 9, Kirkwood's First Addition to Crystal Village, Hennepin County, Minnesota, and containing 10,200 sq. ft. (0.23 acres)
- 4938 Welcome Avenue North (09-118-21-24-0043), legally described as Lot 6, Schroeder's Addition, Hennepin County, Minnesota, containing 6,000 sq. ft. (0.14 acres).

Both subject properties and adjacent properties are zoned R-1 Low Density Residential and are improved with single family houses. The owner lives in the house at 4938 Welcome. They also own and are planning to sell the vacant house at 4939 Vera Cruz.

The applicant desires to increase the size of their 4938 Welcome property while downsizing the 4939 Vera Cruz property. To that end they propose to detach the west 45 feet of 4939 Vera Cruz and attach it to 4938 Welcome, which would shift the lot line 45 feet east of its present location.

Notice of the Planning Commission's December 8 public hearing was mailed to property owners within 350 feet and published in the Sun Post on November 26. No comments have been received.

The following Exhibits are attached:

- A. 2012 aerial photo
- B. Mark-up of aerial photo showing new lot line
- C. Mark-up of 1988 survey of adjacent property (4945 Vera Cruz) showing location of existing detached garage in relation to proposed rear lot line

B. STAFF COMMENTS

After the realignment of the rear lot line, The parcels would be as follows:

ADDRESS	CURRENT DIMENSIONS	PROPOSED DIMENSIONS
4939 Vera Cruz	60 x 170 = 10,200 sq. ft.	60 x 125 = 7,500 sq. ft.
4938 Welcome	60 x 100 = 6,000 sq. ft.	60 x 145 = 8,700 sq. ft.

4939 Vera Cruz would still conform to the minimum lot dimensions required for the R-1 district: 60 feet wide, 100 feet deep and 7,500 sq. ft. area (all three must be met). 4938 Welcome would become a conforming lot (it is currently nonconforming as to lot area).

Realignment of the rear lot line would not create any nonconformities to the city's setback, lot coverage or related zoning requirements, provided that the owner removes the existing concrete slab located behind the 4939 Vera Cruz garage. Staff recommends that this be a required condition of approval. The owner has indicated that they intended to remove the slab anyway because of its condition, although given the current season this will not be practical until spring 2015.

It is important to note that the existing utility lines will remain in their present location along the existing rear lot line. This means they will pass through the middle of what will be 4938 Welcome's (now larger) rear yard. While this is not ideal, it is also not unprecedented in an older community where lot lines change many years after private utilities are installed. However, because there is no easement for these utility lines, staff recommends that the city require the owner to grant a 10 foot drainage & utility easement centered on the existing utility lines. The owner has indicated that they would not object to this requirement.

C. STAFF RECOMMENDATION

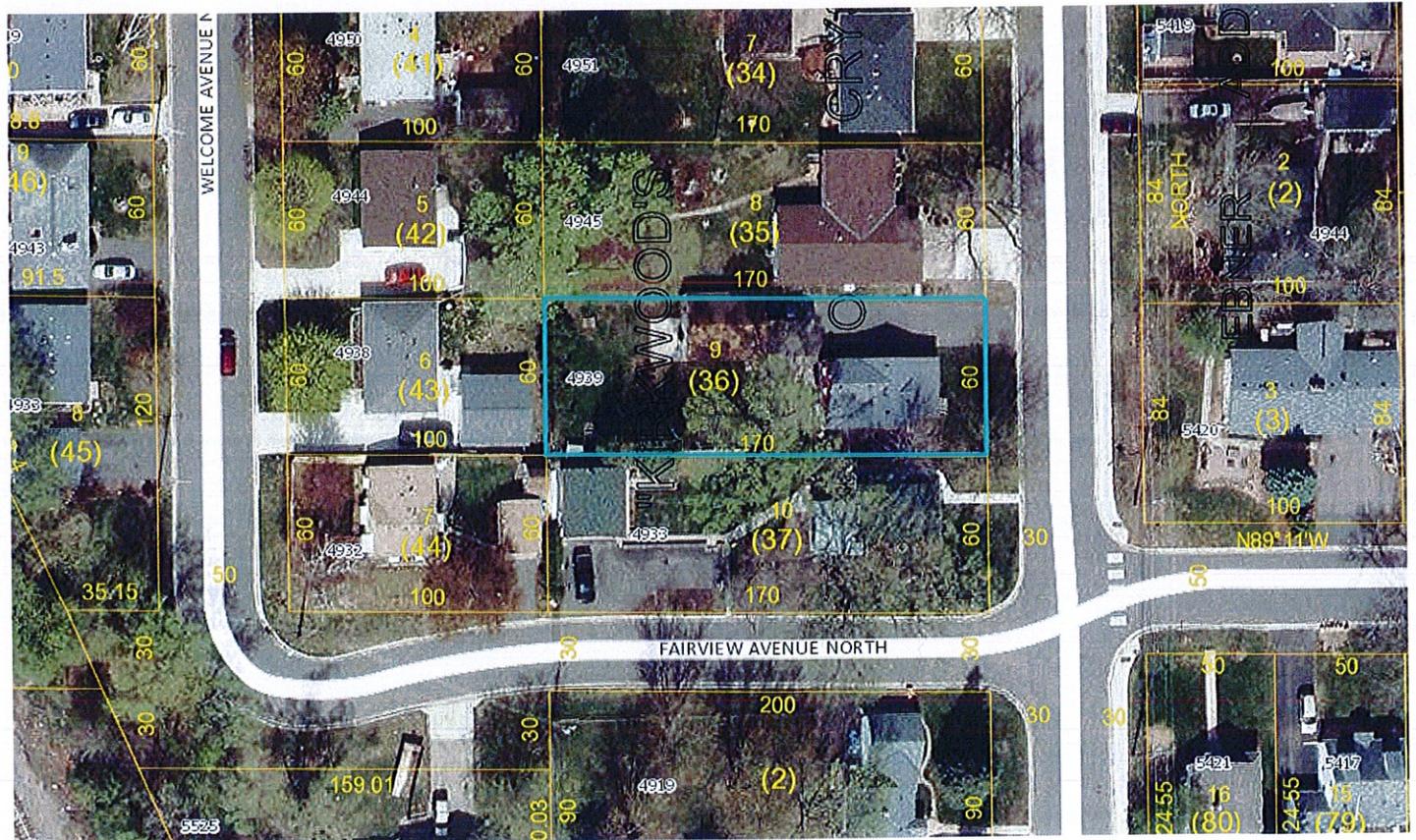
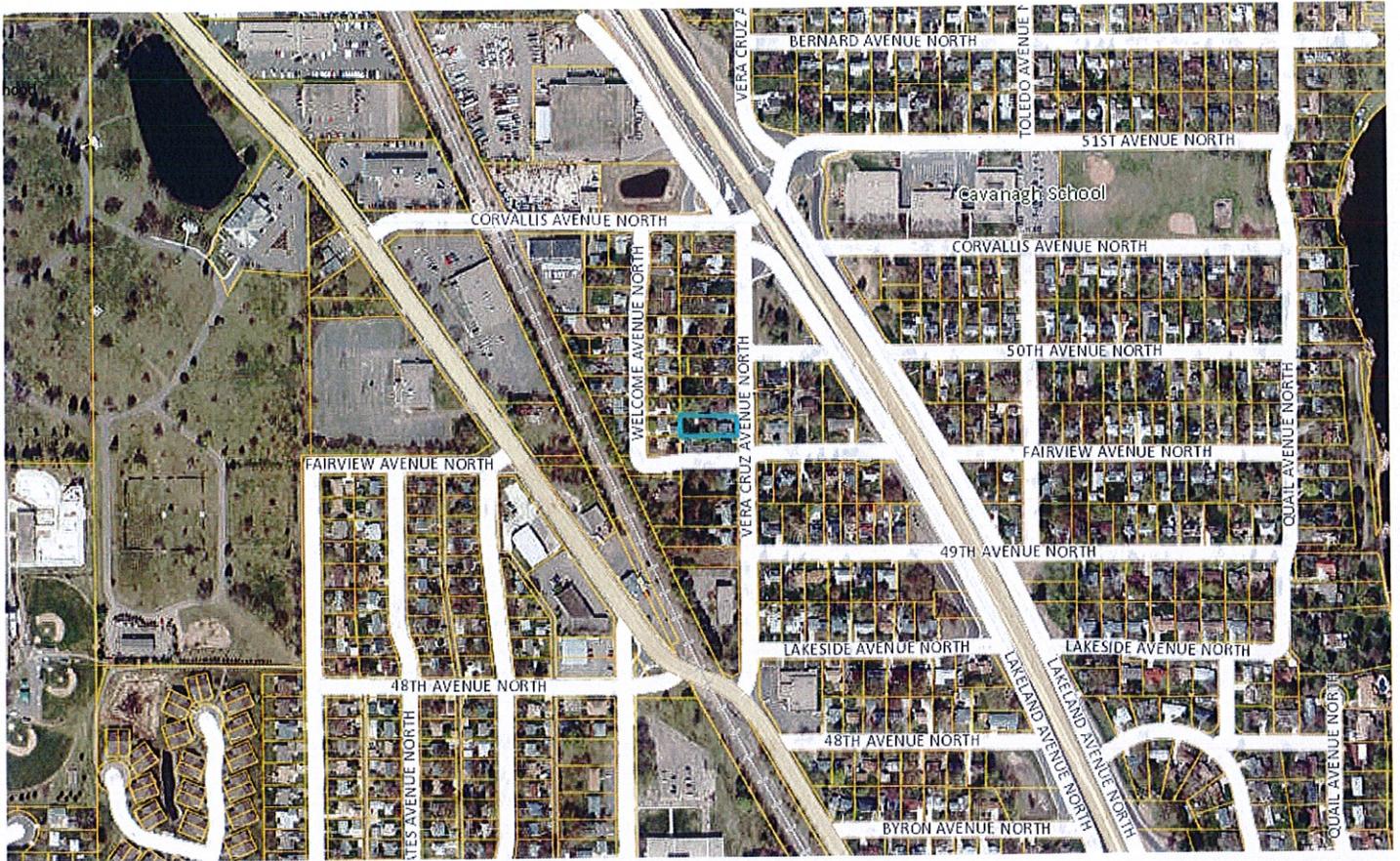
Approve the requested realignment of the rear lot line between 4939 Vera Cruz and 4938 Welcome subject to the following conditions of approval:

- Prior to the lot realignment resolution being recorded, the owner shall execute a 10 foot wide drainage and utility easement centered on the utility lines which run along the existing rear lot line.
- Within 6 months of the lot realignment resolution being adopted, the owner or successors in ownership shall remove the concrete slab located behind the 4939 Vera Cruz garage.

Planning Commission action is requested in the form of a recommendation to the City Council. The motion should reference the findings and conditions in the staff report or include other findings and conditions specifically stated by the Commission.

The City Council would consider the Planning Commission's recommendation at its meeting on December 16.

2012 Aerial Photo



- 4939 Vera Cruz Ave N PROPOSED REALIGNMENT OF REAR LOT LINE**
- 45 feet to be detached from 4939 Vera Cruz and added to 4938 Welcome
 - 10 foot drainage & utility easement to be centered on the existing lot line
 - Existing slab/patio behind 4939 Vera Cruz garage to be removed



SCALE
1" : 50'

4945 Vera ~~CRUZ~~ CRUZ

Telephone: 424-8644

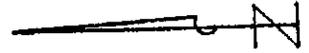
ER WINTER & ASSOCIATES, INC.

PROFESSIONAL • LAND SURVEYORS

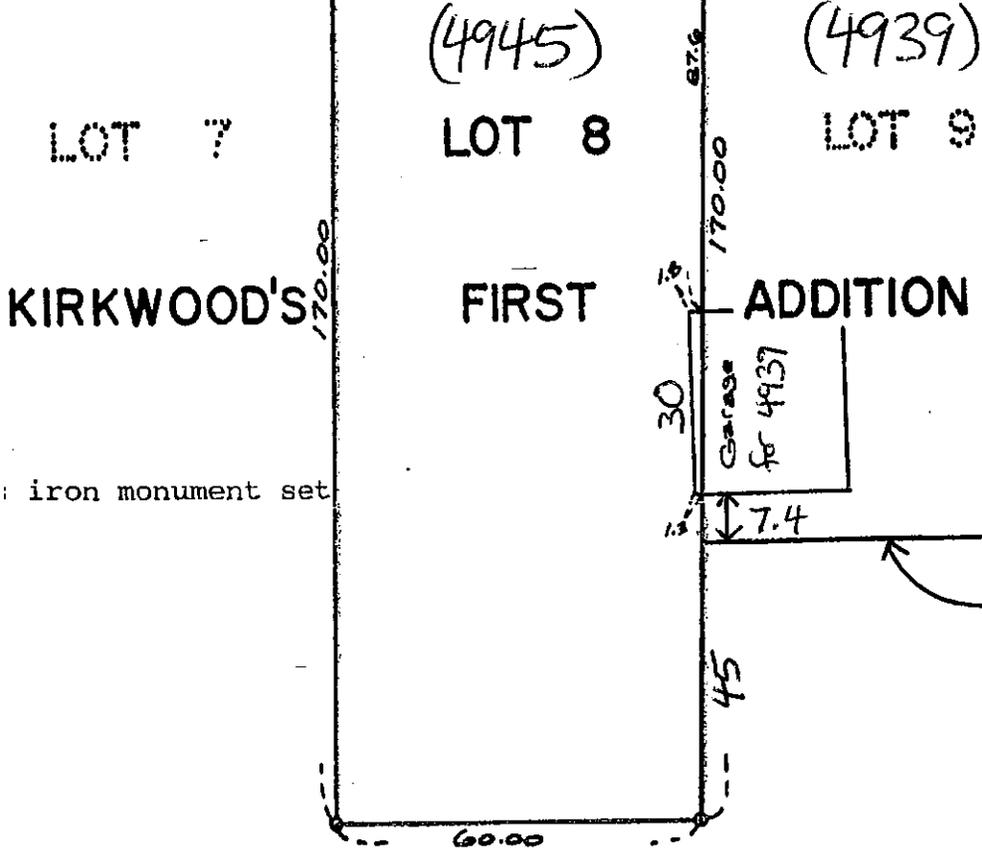
3621 • 85th Avenue North
Brooklyn Park, MN 55443

Certificate of Survey

← Vera Cruz



Louis Van Kuiken
Description: Lot 8
FIRST ADDITION to
according to the
record thereof,
County, Minnesota.



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

Richard Cherris
Date June 30, 1988 Reg No. 9064

Scale 1 inch equals 30 feet
o Indicates Iron Monument

Book _____ Page _____
Job No. 1406

EXHIBIT C

MEMORANDUM

DATE: December 3, 2014

TO: Planning Commission (December 8, 2014 meeting)

FROM: John Sutter, City Planner/Assistant Community Development Director *JBS*

SUBJECT: Public Hearing: Application 2014-12 for a variance to reduce the rear setback requirement to allow an addition to a nonconforming house at 4717 Florida Avenue North

A. BACKGROUND

The subject property is 75 feet wide and 95 feet deep, with an area of 7,125 sq. ft. It has an 834 sq. ft. house that first appears in a 1947 aerial photo on a larger farmstead parcel that already had several other buildings. By 1956 most of the other buildings had been demolished and the farmstead subdivided into lots. It was during this period that the subject property's current dimensions were established and the surrounding neighborhood went from farmland to nearly fully developed.

The property and adjacent properties are zoned R-1 Low Density Residential. The house is set back approximately 27 feet from the rear lot line which conformed to the rear setback requirement in effect at the time (25% of the lot depth, or in this case 23.75 feet). Upon adoption of the 30 foot rear setback in 1976, the house became nonconforming to the rear setback requirement. The owner desires to significantly renovate the house and construct a major addition on the north side. A nonconforming building cannot be expanded without a variance. Because the house is not parallel to the rear lot line, the setback decreases as one moves north. For this reason, the owner seeks a variance to reduce the rear setback to 25 feet for the house. The owner also desires to add a deck to the rear of the house, which would require a variance reducing the deck setback from 22 to 14 feet.

Notice of the Planning Commission's December 8 public hearing was mailed to property owners within 350 feet and published in the Sun Post on November 26. No comments have been received.

The following Exhibits are attached:

- A. Applicant's narrative
- B. Historical aerial photos
- C. 2012 aerial photo
- D. Existing conditions survey excerpt
- E. Site plan showing proposed house after addition
- F. House plans showing proposed renovation and addition

B. STAFF COMMENTS

State statute* requires variances to meet all three of the following criteria:

- The property owner proposes to use the property in a reasonable manner not permitted by an official control; and
- the plight of the landowner is due to circumstances unique to the property not created by the landowner; and
- the variance, if granted, will not alter the essential character of the locality.

**In 2011 state law was changed to replace the 'undue hardship' criteria for variances with much easier-to-meet 'practical difficulty' criteria.*

The requested variance meets all three criteria in the statute:

1. Construction of an addition with approximately the same setback as the existing house is a reasonable use of the property, provided that it merely extends the existing rear wall of the house as shown in the submitted house plans. Construction of a deck on the rear of the house is also a reasonable use of the property, provided that it does not extend further from the house than shown in the submitted house plans.
2. The property has unique circumstances due to it being platted with an unusually shallow depth of 95 feet and rear setback of approximately 27 feet.
3. The proposed use would not alter the essential character of the locality because it is an addition that would be in line with an existing, lawfully nonconforming building, and the house closest to the deck (4720 Georgia) is on an oversized lot and is unusually far from the subject property.

Approval is recommended based on these findings of fact.

C. STAFF RECOMMENDATION

Approve the requested variances:

- Reduce the minimum rear setback from 30 feet to 25 feet to allow an addition on the north side of the existing house, provided that it merely extends the existing rear wall of the house as shown in the submitted house plans.
- Reduce the minimum rear setback for a deck on the rear of the house from 22 feet to 14 feet, provided that it does not extend further from the house than shown in the submitted house plans.

Planning Commission action is requested in the form of a recommendation to the City Council. The motion should reference the findings and conditions in the staff report or include other findings and conditions specifically stated by the Commission.

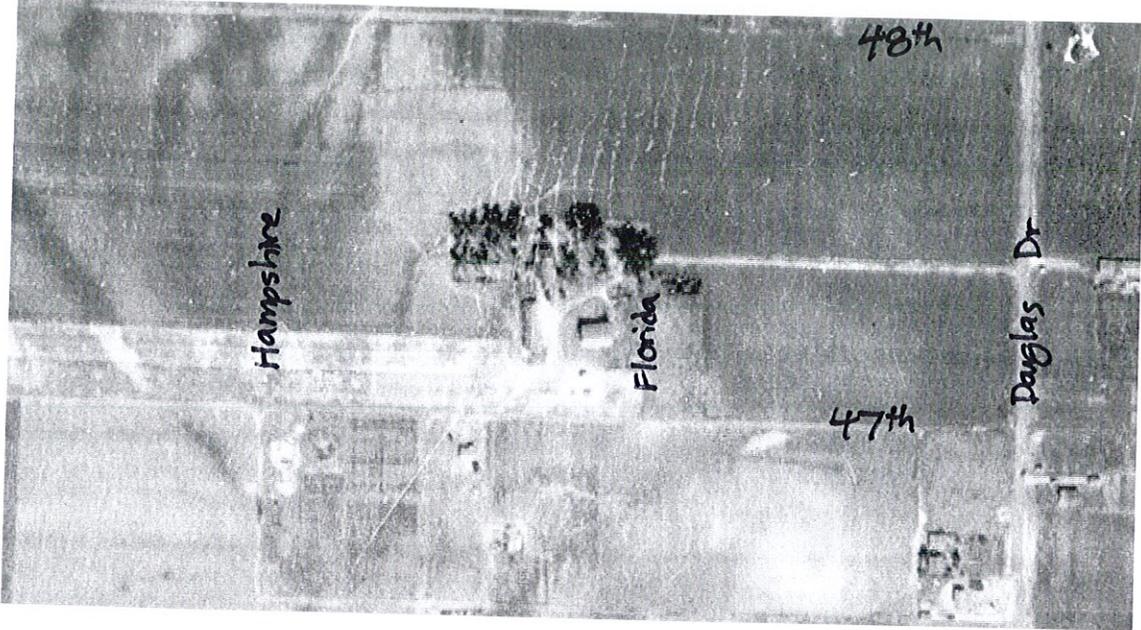
The City Council would consider the Planning Commission's recommendation at its meeting on December 16.

11/18/14

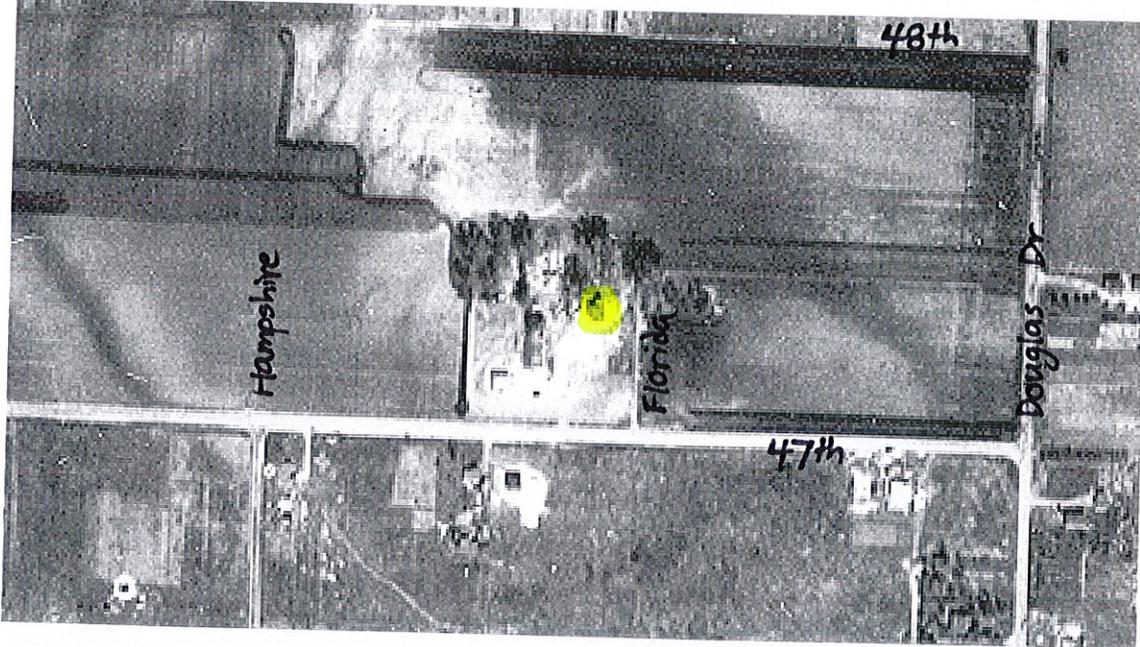
- The home at 4717 Florida belongs to our family. It has been vacant. We plan to rehab the home to code. New walls roof, windows etc. with a tuck under garage. Our family works in construction and will be doing the work. Primarily during the day and sometimes into the early evening hours.
- The variance would allow us to rehab the house to make it a complete useable home.

Janet Luveng 11-18-14

Patricia A. Wolf 11/18/14



1947 Aerial Photo



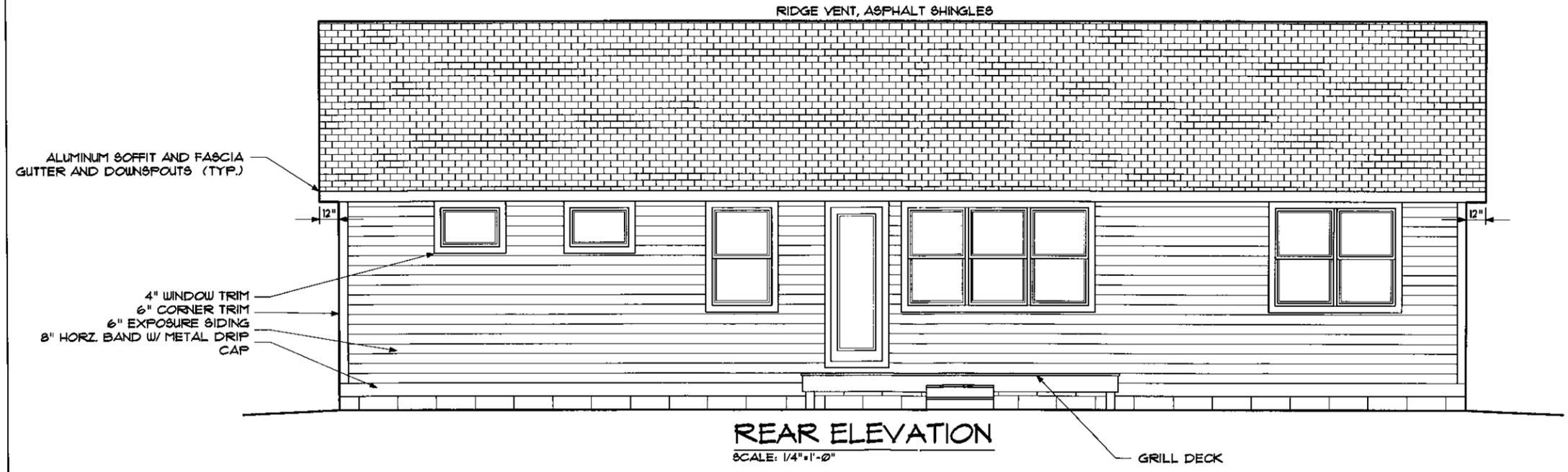
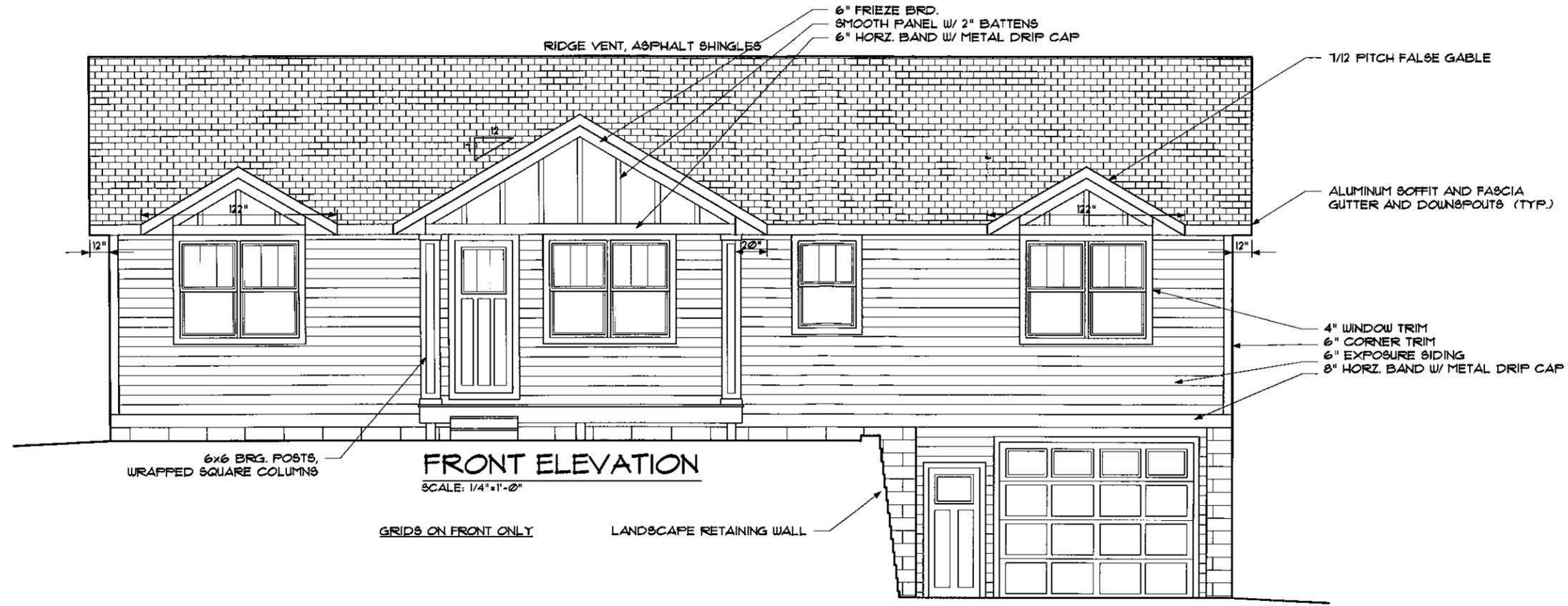
1956 Aerial Photo



2012 Aerial Photo



EXHIBIT C



Midwest Drafting & Design
 5330 Clifton Dr. Mounds View, Mn
 (612) 910-8821
 MidwestDrafting@Comcast.net

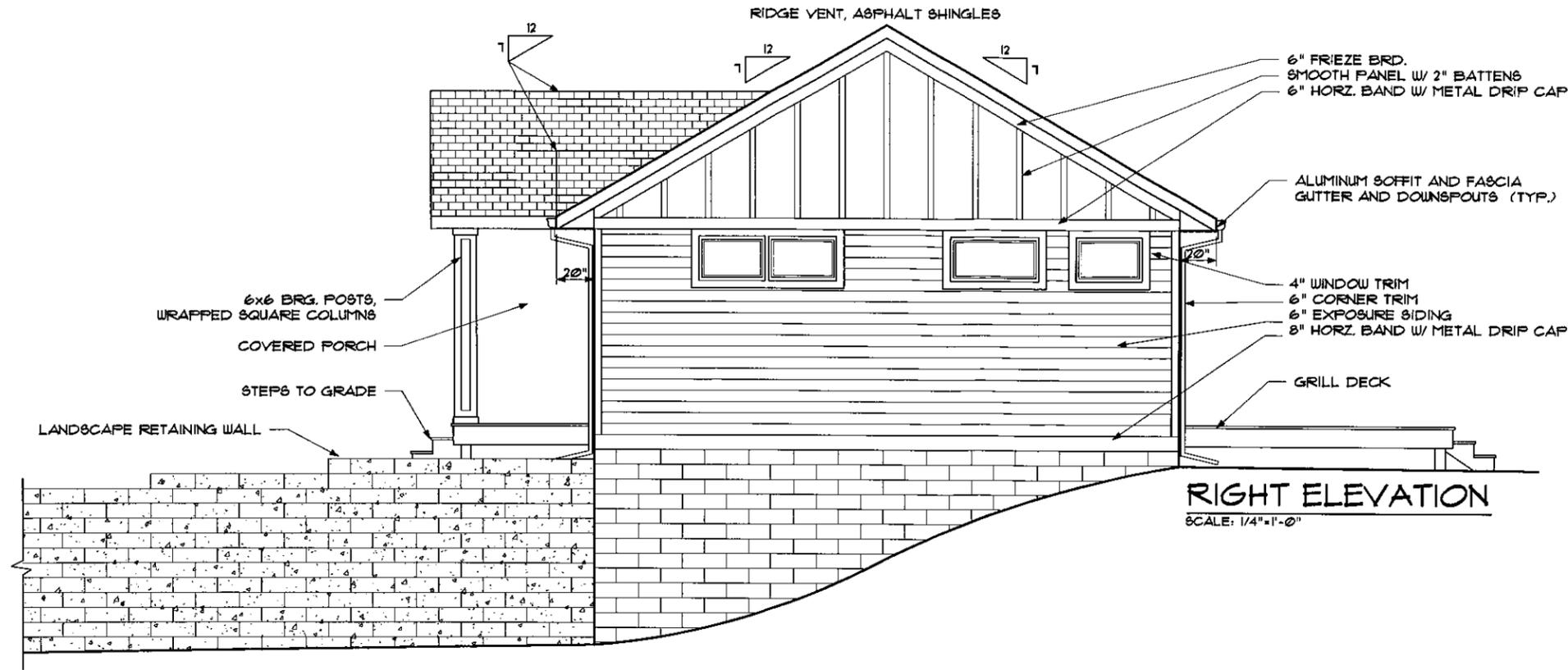
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FRONT AND REAR ELEVATION

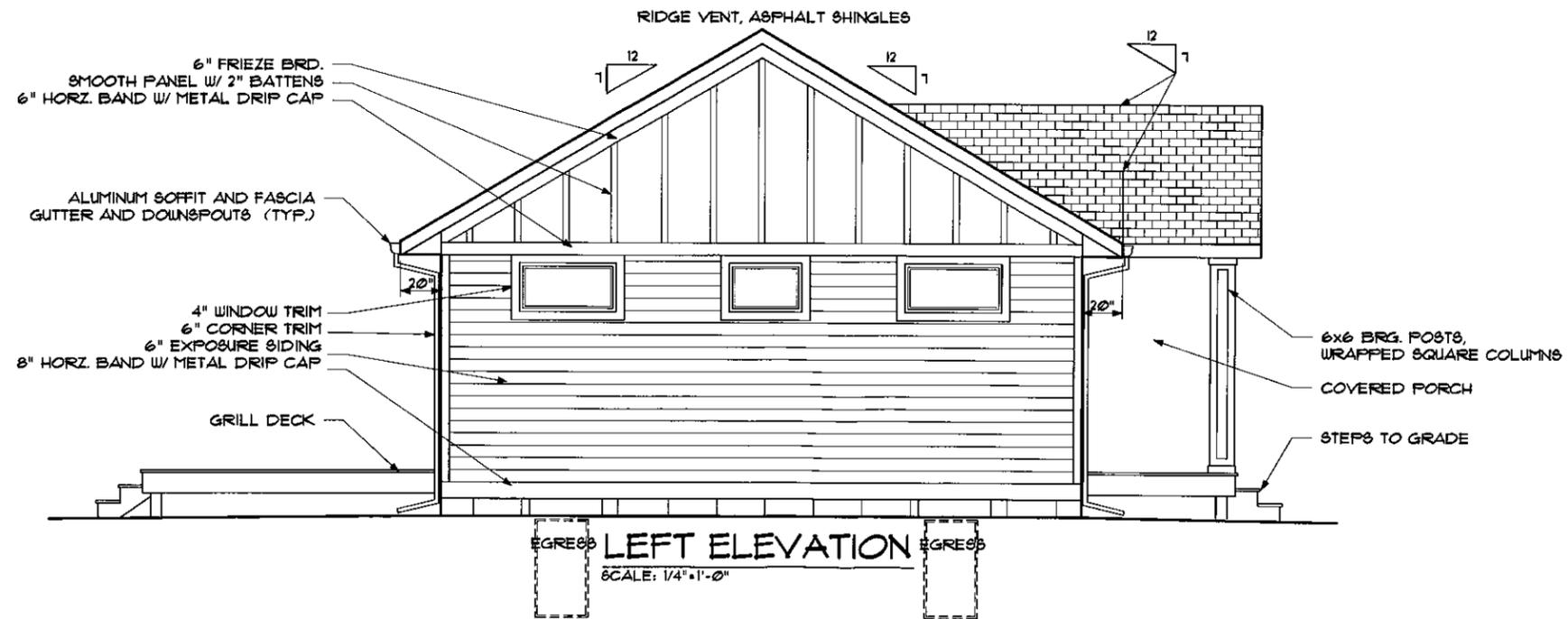
PROJECT

Croal Residence
 4717 Florida Ave N.
 Crystal, Mn. 55428
 CURRENT DATE: 11/19/2014

A1



RIGHT ELEVATION
SCALE: 1/4"=1'-0"



LEFT ELEVATION
SCALE: 1/4"=1'-0"

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5330 Clifton Dr. Mounds View, Mn
(612) 910-8821
MidwestDrafting@Comcast.net

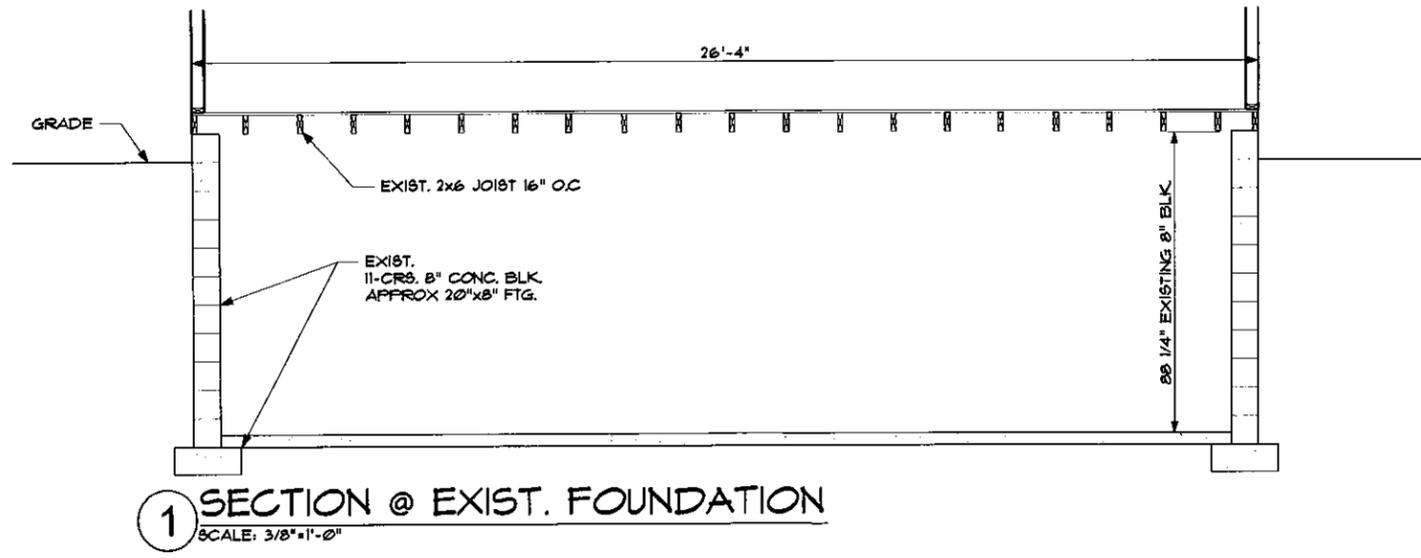
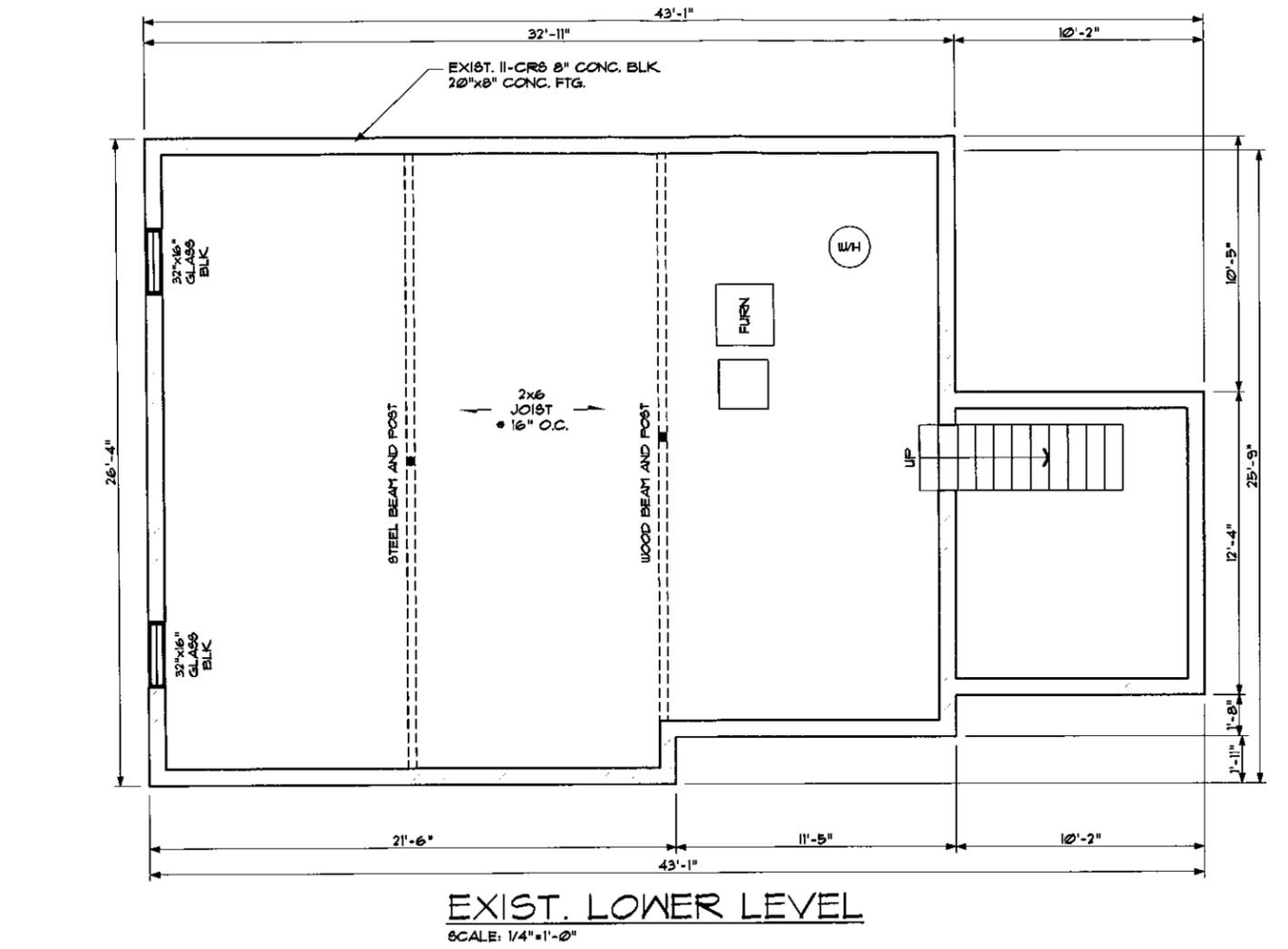
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RIGHT AND LEFT ELEVATION

PROJECT

Croal Residence
4717 Florida Ave N.
Crystal, Mn. 55428
CURRENT DATE: 11/19/2014

A2



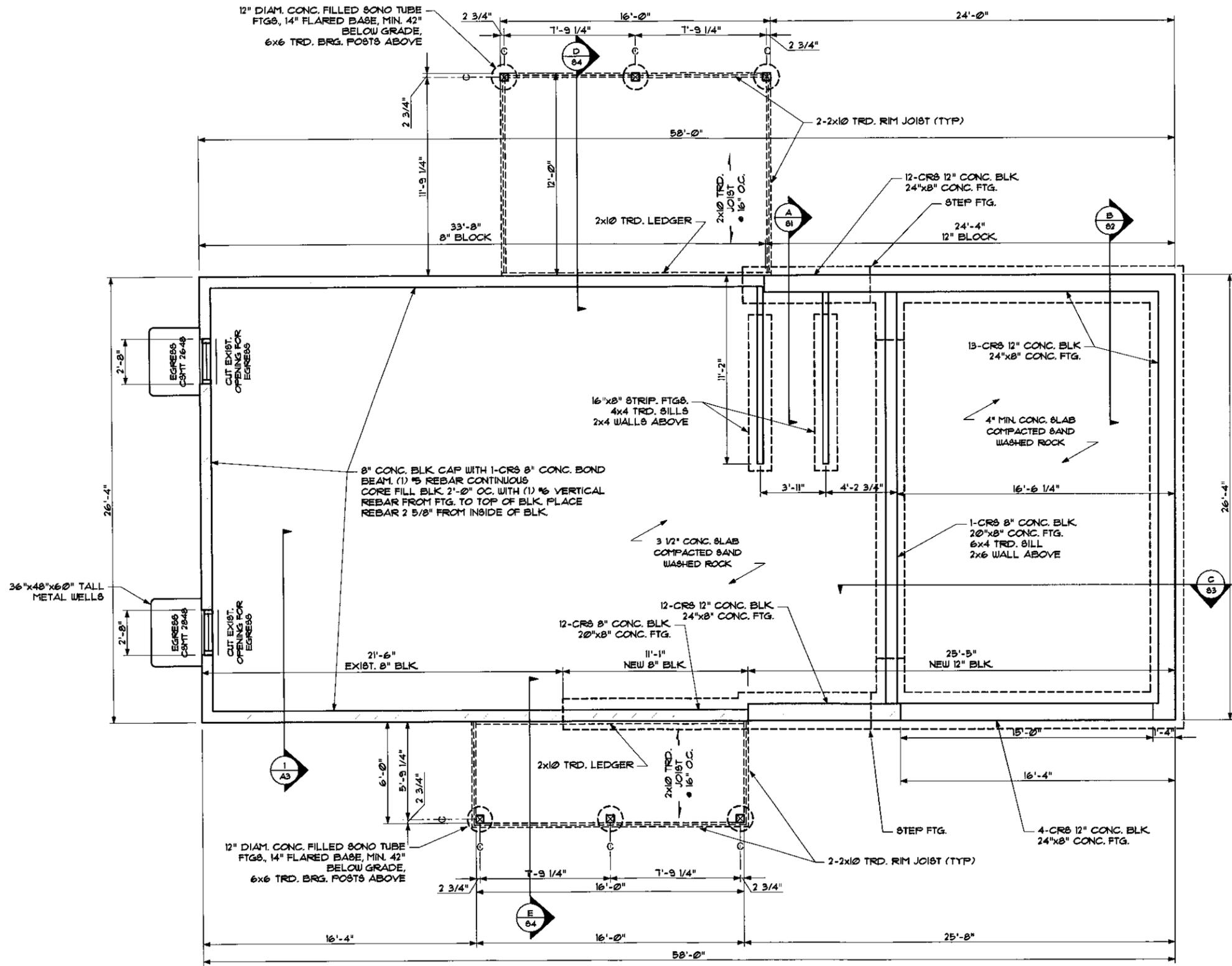
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EXIST. LOWER LEVEL AND EXIST. FOUNDATION
PROJECT

Croal Residence
4717 Florida Ave N.
Crystal, Mn. 55428
CURRENT DATE: 11/19/2014

A3



LOWER LEVEL FOUNDATION PLAN
SCALE: 1/4"=1'-0"

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(612) 910-8821
MidwestDrafting@Comcast.net

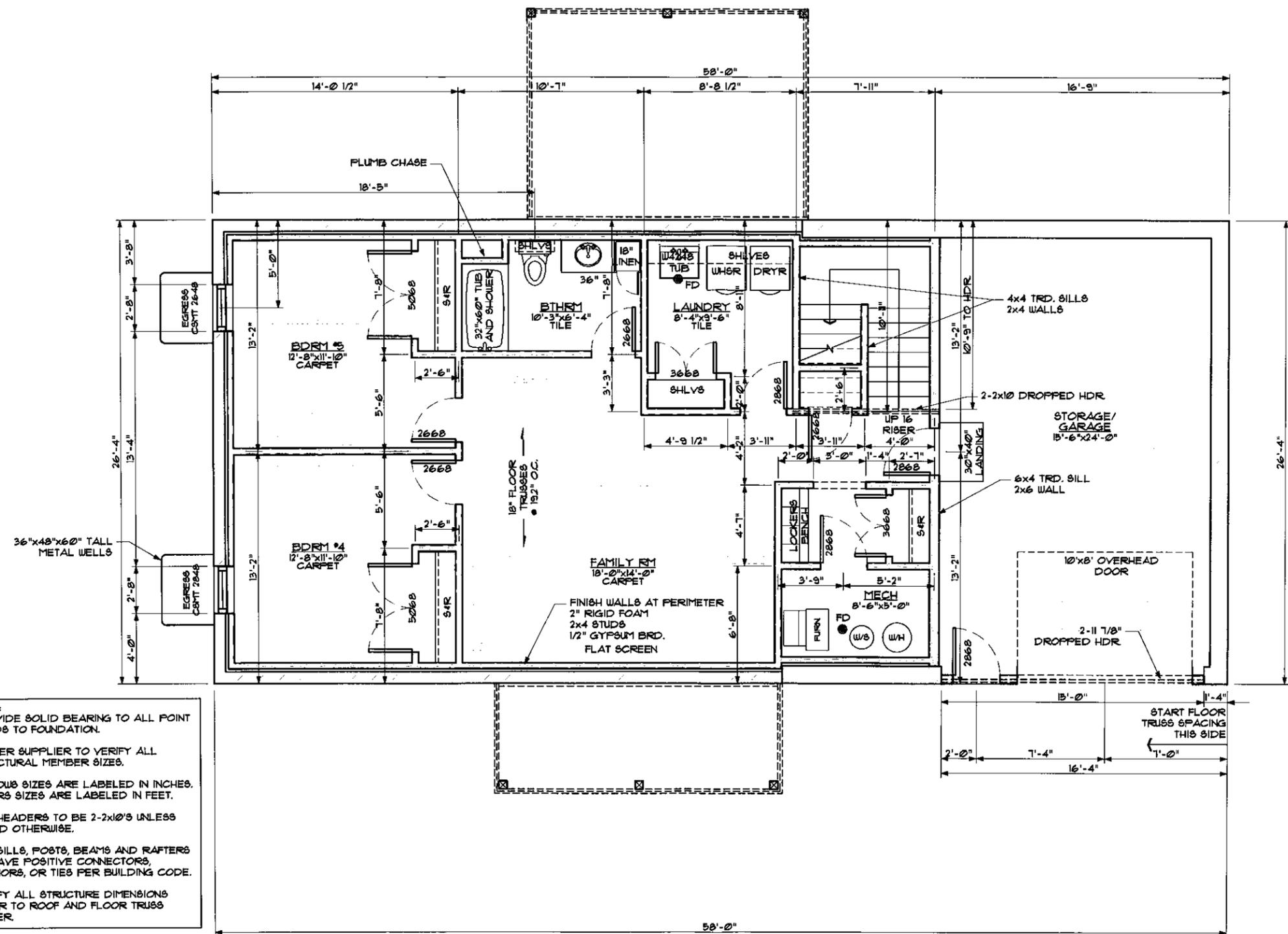
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LOWER LEVEL FOUNDATION PLAN

PROJECT

Croal Residence
4717 Florida Ave N.
Crystal, Mn. 55428
CURRENT DATE: 11/19/2014

A4



NOTE:
 PROVIDE SOLID BEARING TO ALL POINT LOADS TO FOUNDATION.

LUMBER SUPPLIER TO VERIFY ALL STRUCTURAL MEMBER SIZES.

WINDOW SIZES ARE LABELED IN INCHES. DOORS SIZES ARE LABELED IN FEET.

ALL HEADERS TO BE 2-2x10'S UNLESS NOTED OTHERWISE.

ALL SILLS, POSTS, BEAMS AND RAFTERS TO HAVE POSITIVE CONNECTORS, ANCHORS, OR TIES PER BUILDING CODE.

VERIFY ALL STRUCTURE DIMENSIONS PRIOR TO ROOF AND FLOOR TRUSS ORDER.

NEW LOWER LEVEL FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 900.00 SQFT.

THIS PLAN HAS BEEN PREPARED AND DRAWN BASED ON INFORMATION PROVIDED TO MIDWEST DRAFTING & DESIGN. MIDWEST DRAFTING & DESIGN AND ITS ASSOCIATES ARE NOT LIABLE OR RESPONSIBLE FOR ANY STRUCTURAL CALCULATIONS OR SIZING. ALL STRUCTURAL SIZING AND CALCULATIONS ARE TO BE PROVIDED BY THE LUMBER SUPPLIER AND APPROVED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. ANY CHANGES TO THIS PLAN ARE TO BE REVIEWED PRIOR TO CONSTRUCTION AND PERFORMED ACCORDINGLY. ALL WINDOWS, DOORS AND OPENING SIZES ARE TO BE CHECKED AND VERIFIED BY THE CONTRACTOR BEFORE CONSTRUCTION. THIS DRAWING IS PROTECTED UNDER ALL COPYRIGHT LAWS AND CANNOT BE REPRODUCED IN ANY FORM.

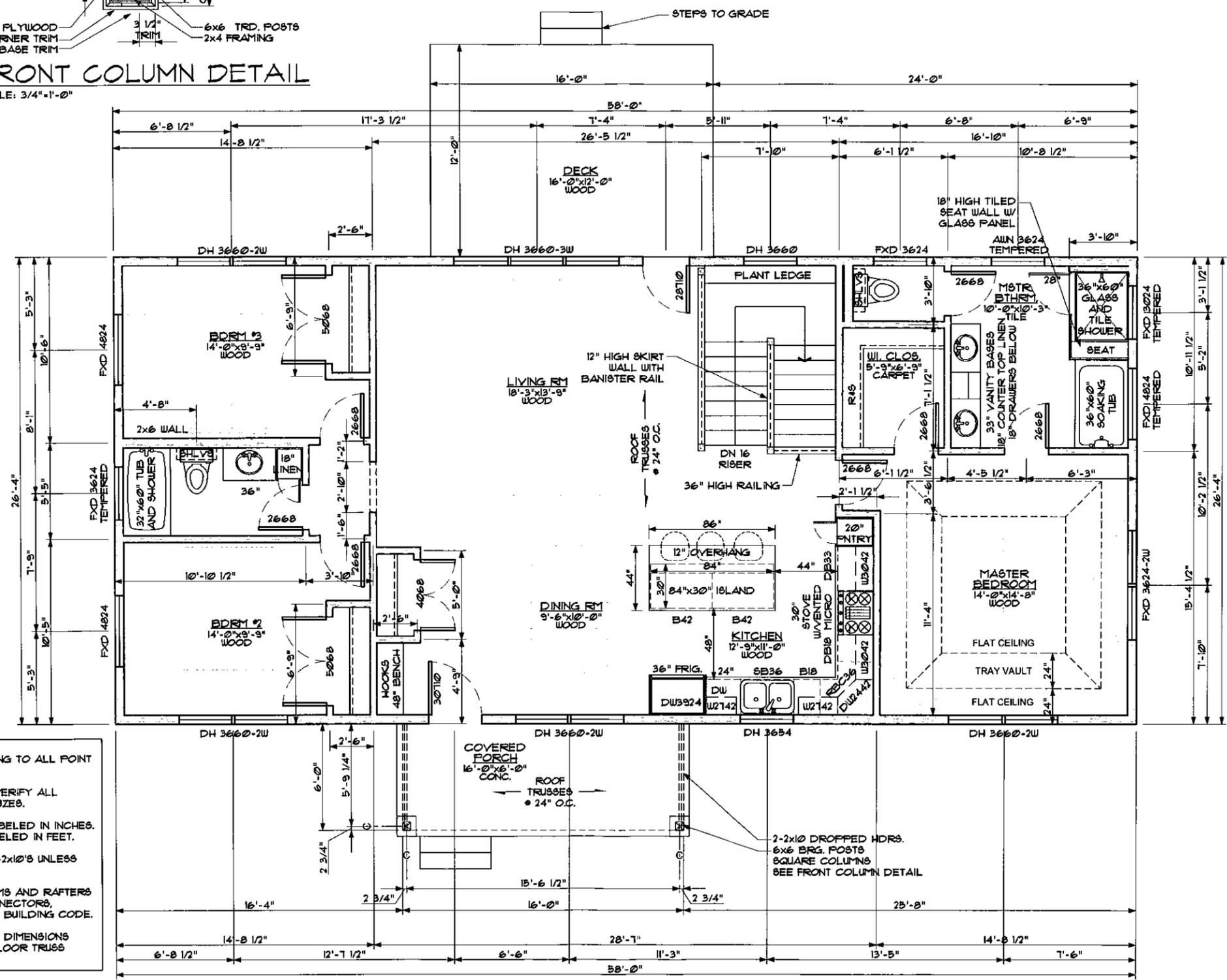
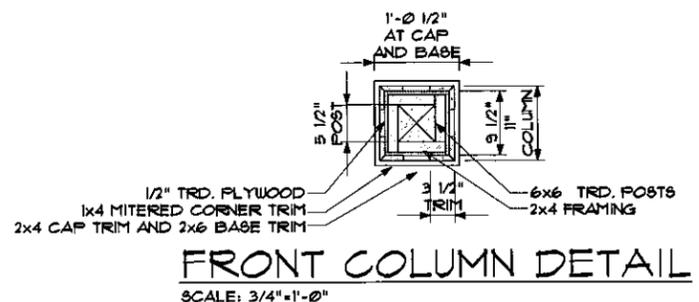
NEW LOWER LEVEL
 PLAN

PROJECT

Croal Residence
 4717 Florida Ave N.
 Crystal, Mn. 55428
 CURRENT DATE: 11/19/2014

Midwest Drafting & Design
 5330 Clifton Dr.
 Mounds View, Mn
 (612) 910-8821
 MidwestDrafting@Comcast.net

A5



NEW MAIN FLOOR PLAN
SCALE: 1/4"=1'-0" 1500.00 SQFT.

NOTE:
PROVIDE SOLID BEARING TO ALL POINT LOADS TO FOUNDATION.

LUMBER SUPPLIER TO VERIFY ALL STRUCTURAL MEMBER SIZES.

WINDOW SIZES ARE LABELED IN INCHES. DOOR SIZES ARE LABELED IN FEET.

ALL HEADERS TO BE 2-2x10'S UNLESS NOTED OTHERWISE.

ALL SILLS, POSTS, BEAMS AND RAFTERS TO HAVE POSITIVE CONNECTORS, ANCHORS, OR TIES PER BUILDING CODE.

VERIFY ALL STRUCTURE DIMENSIONS PRIOR TO ROOF AND FLOOR TRUSS ORDER.

Midwest Drafting & Design
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(612) 910-8821

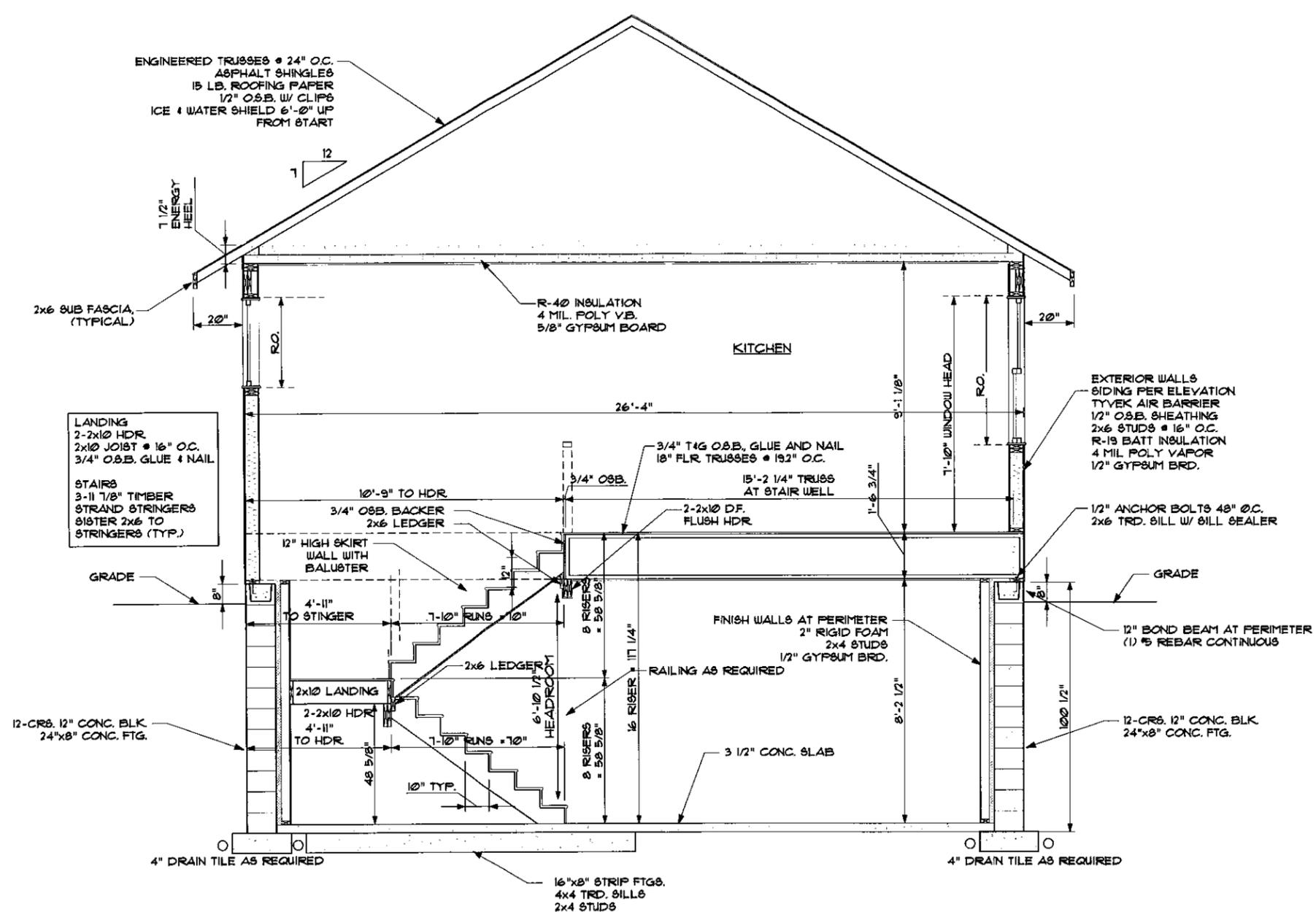
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NEW MAIN FLOOR PLAN

PROJECT

Croal Residence
4717 Florida Ave N.
Crystal, Mn. 55428
CURRENT DATE: 11/19/2014

A6



A SECTION @ FOUNDATION, ROOF TRUSSES AND STAIR
 SCALE: 3/8"=1'-0"

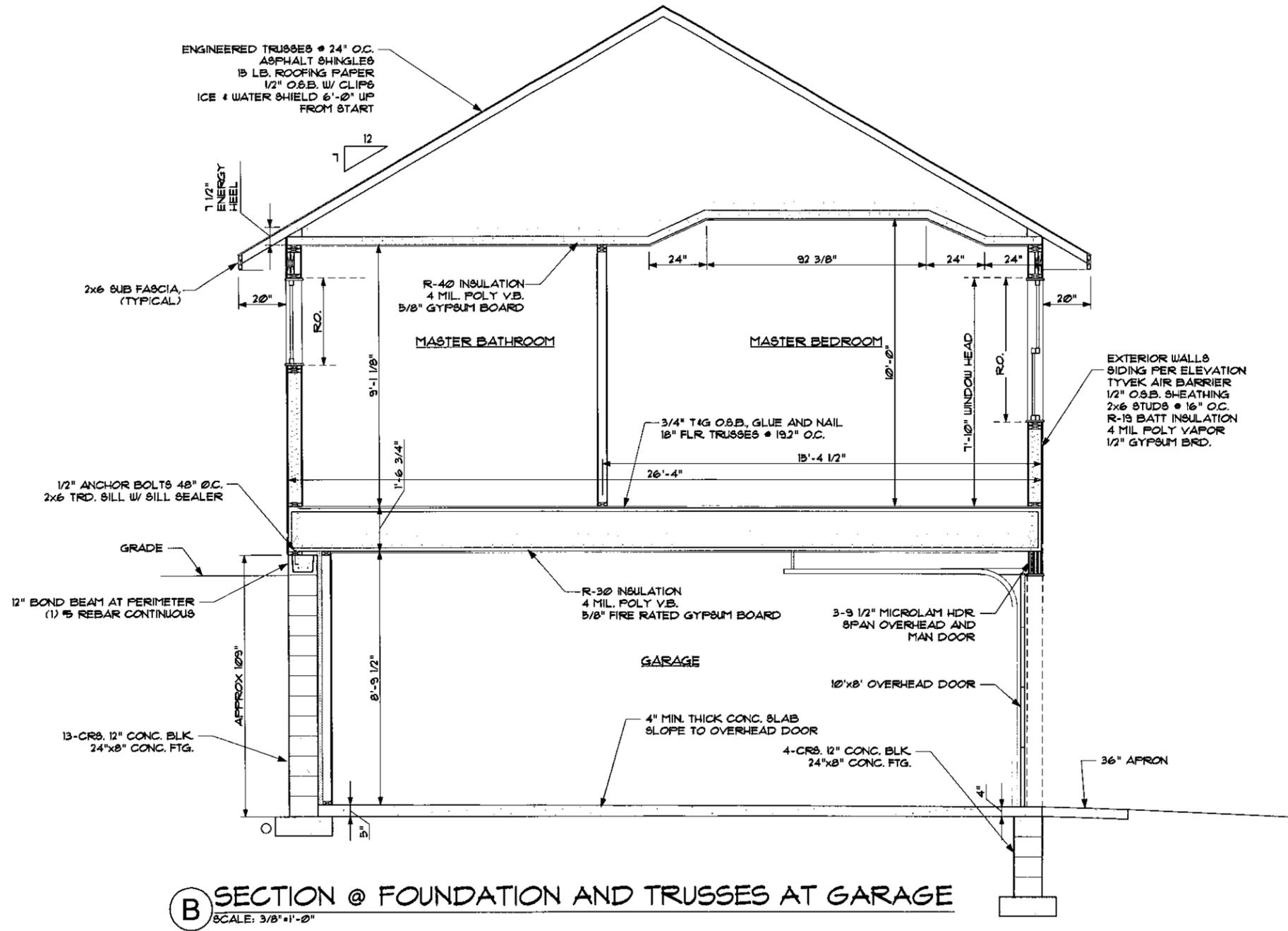
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SECTION @
 FOUNDATION, ROOF
 TRUSSES
 AND STAIR

PROJECT
 Croal Residence
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 Crystal, Mn. 55428
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S1



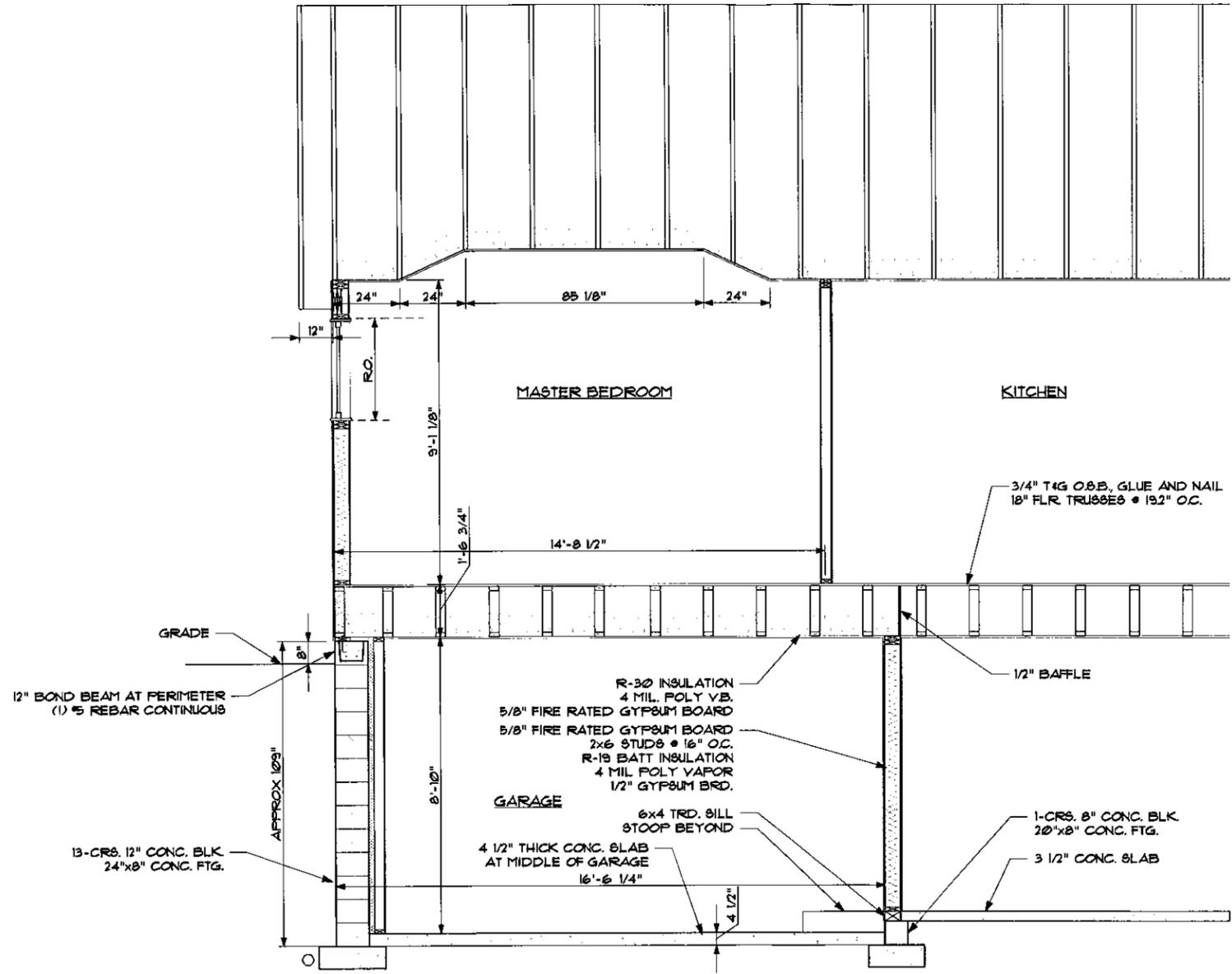
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SECTION @
 FOUNDATION AND
 TRUSSES
 AT GARAGE

PROJECT

Croal Residence
 4717 Florida Ave N.
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S2



C SECTION @ FOUNDATION AT GARAGE AND LOWER LEVEL
 SCALE: 3/8" = 1'-0"

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 Mounds View, Mn
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 MidwestDrafting@Comcast.net

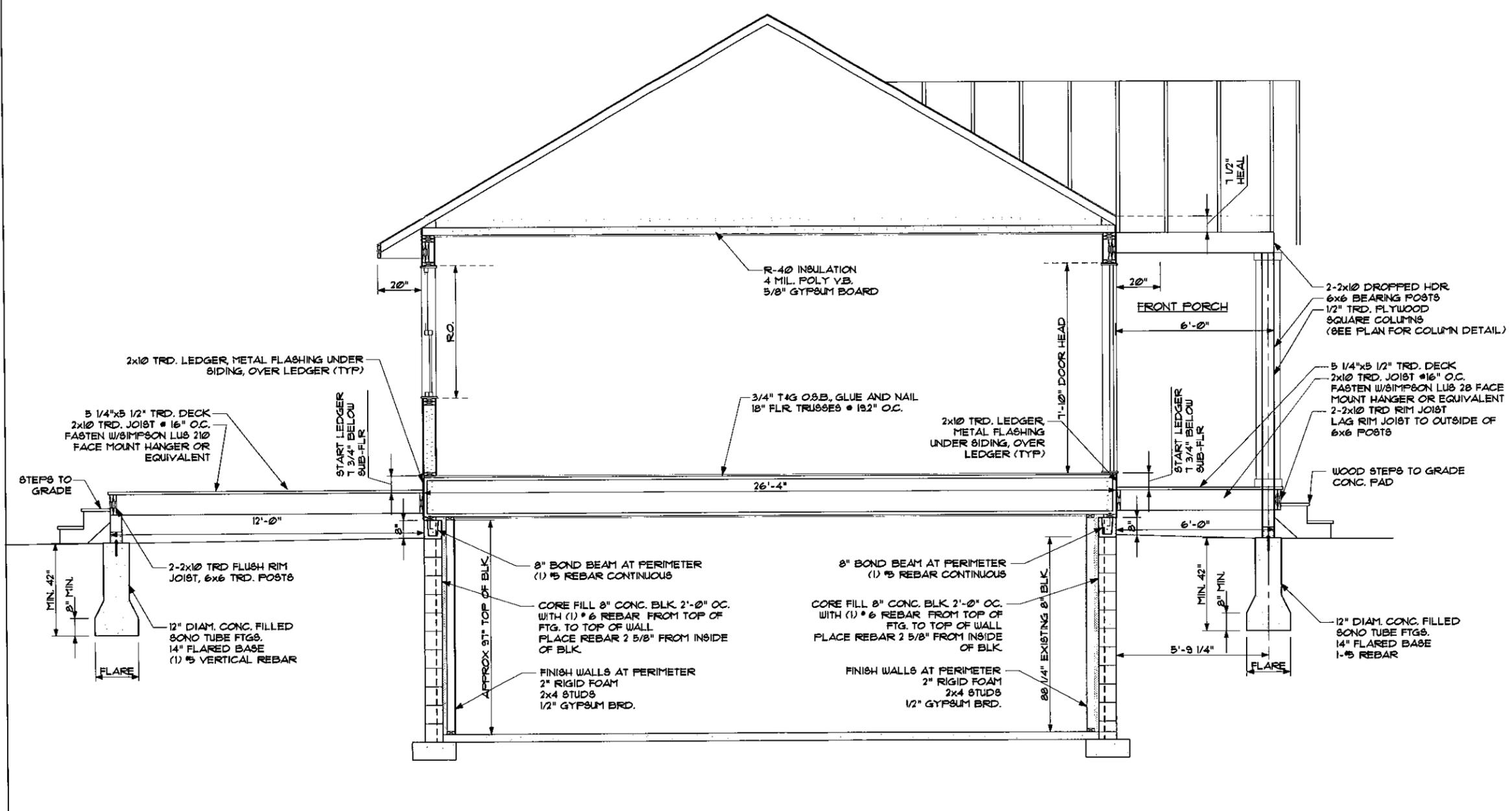
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SECTION @
 FOUNDATION AT
 GARAGE
 AND LOWER LEVEL

PROJECT

Croal Residence
 4717 Florida Ave N.
 Crystal, Mn. 55428
 CURRENT DATE: 11/19/2014

S3



D SECTION @ REAR DECK
SCALE: 3/8"=1'-0"

E SECTION @ FRONT PORCH
SCALE: 3/8"=1'-0"

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SECTION @ REAR DECK AND FRONT PORCH

PROJECT

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S4