

**LAND USE APPLICATION SUMMARY**

*Property Location:* 2317 Grand Avenue South  
*Project Name:* Lemke Detached Garage  
*Prepared By:* [Janelle Widmeier](#), Senior City Planner, (612) 673-3156  
*Applicant:* Gregory and Jenny Sautter  
*Project Contact:* Gregory and Jenny Sautter  
*Request:* To construct a detached garage accessory to a single-family dwelling.  
*Required Applications:*

<b>Variance</b>	To increase the maximum height of a detached garage from 12 feet to 16 feet.
<b>Variance</b>	To reduce the minimum interior side yard requirements adjacent to the north and south lot lines from 5 feet to 0 feet to allow retaining walls not retaining natural grade.

**SITE DATA**

<b>Existing Zoning</b>	R5 Multiple-family District
<b>Lot Area</b>	4,920 square feet
<b>Ward(s)</b>	10
<b>Neighborhood(s)</b>	Whittier Alliance
<b>Designated Future Land Use</b>	Urban Neighborhood
<b>Land Use Features</b>	Not applicable
<b>Small Area Plan(s)</b>	Not applicable

<b>Date Application Deemed Complete</b>	April 19, 2016	<b>Date Extension Letter Sent</b>	Not applicable
<b>End of 60-Day Decision Period</b>	June 18, 2016	<b>End of 120-Day Decision Period</b>	Not applicable

## BACKGROUND

**SITE DESCRIPTION AND PRESENT USE.** The existing use is a single-family dwelling. The existing dwelling was permitted for construction in 1908. There is a parking pad adjacent to the alley, but there is no enclosed parking on the site.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** The surrounding properties are a mix of residential uses and densities, ranging from low to high. A 3-story multiple-family dwelling with 19 units is located directly north of the subject site. A single-family dwelling is located directly to the south. A 60-unit building is located across the alley with an enclosed parking area abutting the alley.

**PROJECT DESCRIPTION.** The applicant is proposing to construct a detached, 15 foot by 20 foot garage accessory to the existing single-family dwelling located at the property of 2317 Grand Avenue South. The proposed garage would be 16 feet in height as measured to the midpoint of the roof to allow for additional storage. In general, the maximum allowed height for a detached accessory structure is 12 feet as measured to the midpoint of the roof. The maximum height may be increased administratively to 16 feet or the height of the principal structure, whichever is less, where the primary exterior materials of the accessory structure match the primary exterior materials of the principal structure and the roof pitch matches the primary roof pitch of the principal structure, and provided the wall height shall not exceed 10 feet from the floor to the top plate. The proposed garage would not exceed the height of the dwelling (25.5 feet as measured to the midpoint of the roof), it would match the roof pitch (12 feet over 12 feet), and the primary exterior material of the proposed garage would be wood lap siding to match the dwelling. However, the top plate height would exceed 10 feet. As proposed, the top plate would be 11.9 feet in height. Because the top plate would be more than 10 feet tall, the applicant is requesting a variance to increase the maximum allowed height of a garage.

The new garage would be located in the northeast corner of the property. There is an approximately 4 foot grade change between the alley and the proposed west wall of the garage. To address the grade change, the applicant is proposing to infill the rear 18 feet of the property to match the adjacent alley grade to provide access to the garage and driveway. A retaining wall is proposed to retain the infill. Five foot wide interior side yards are required adjacent to the north and south lot lines. Retaining walls are permitted obstructions in these yards provided they retain natural grade. Because the grade would be modified where the retaining wall would be located, a variance is required to reduce the minimum interior side yard requirements.

**PUBLIC COMMENTS.** No correspondence has been received from the neighborhood group. Any correspondence received prior to the public meeting will be forwarded on to the Zoning Board of Adjustment for consideration.

## ANALYSIS

### VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to increase the maximum height of a detached garage that would not match the primary exterior materials of the dwelling from 12 feet to 16 feet 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.*

The ordinance allows the height of an accessory structure to be increased up to 16 feet in height above grade provided several conditions are met, including limiting the wall height to 10 feet from the floor to the top plate. The proposed wall height is 11.9 feet, but the height of the garage would not exceed 16 feet. Practical difficulties exist in complying with the ordinance due to circumstances unique to the property. A bur oak tree with a 42 inch wide diameter is located in the back yard of the subject property. There is currently no enclosed parking. The applicant is proposing to construct a garage with a smaller footprint of 300 square feet with additional storage above to minimize adverse impacts to the tree that they are trying to preserve. Although a garage up to 676 square feet in area could be constructed with a height of 16 feet as measured at the midpoint, a garage of that size would compromise the health of the tree. Maintaining a healthy urban tree canopy is supported by the comprehensive plan because it provides many economic and ecological benefits such as reducing storm water runoff and pollution, absorbing air pollutants, providing wildlife habitats, absorbing carbon dioxide, providing shade, stabilizing soils, increasing property values and increasing energy savings. 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.*

In general, building bulk regulations are established in order to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area. Limiting the height of the walls of a garage is intended to minimize massing effects of an accessory structure. As described above, the height of garage can be increased administratively to 16 feet provided several conditions are met. The proposed garage would not exceed the height of the dwelling (25.5 feet as measured to the midpoint of the roof), it would match the roof pitch (12 feet over 12 feet), and the primary exterior material of the proposed garage would be wood lap siding to match the dwelling. Because the applicant is trying to preserve the mature oak tree on their property, they are proposing to construct a garage with a smaller footprint of 300 square feet. In order to gain more usable storage area above the garage, a taller wall height is proposed. The height of the garage would not exceed 16 feet as measured from the midpoint of the roof. With the adoption of the staff recommendation, 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.*

With the adoption of the CPED staff recommendation, 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. The new garage would not exceed 16 feet in height as measured to midpoint of the roof. It would not exceed the height of the dwelling (25.5 feet as measured to the midpoint of the roof), it would match the roof pitch (12 feet over 12 feet), and the primary exterior material of the proposed garage would be wood lap siding to match the dwelling. Other architectural elements are proposed to be matched as well, such as the flared eaves and trim details. The proposed garage height would have no more impact to access to light and air of surrounding properties than a garage with a larger footprint that would be allowed without the need for variances. Further, the smaller garage footprint would retain more open space and a mature canopy tree that provides benefits for the subject and surrounding properties. If granted, the proposed variances will 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.

## VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the minimum interior side yard requirements adjacent to the north and south lot lines from 5 feet to 0 feet to allow retaining walls not retaining natural grade, 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. There is an approximately 4 foot grade change between the alley and the proposed west wall of the garage. To address the grade change, the applicant is proposing to infill the rear 18 feet of the property to match the adjacent alley grade to provide access to the garage and driveway. A retaining wall is proposed to retain the infill. Five foot wide interior side yards are required adjacent to the north and south lot lines. The variance is requested to allow the wall not retaining natural grade where it extends into the required yards. The applicant has explored several options for accommodating the grade change. There is also a bur oak tree with a 42 inch wide diameter is located in the back yard of the subject property. The applicant is trying to preserve the tree. After consulting with an arborist, an architect and a structural engineer, the proposed retaining wall with fill was determined to be the best solution to address the grade difference with the least impact to the health of the tree.

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.*

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. When a wall does not retain natural grade it is more akin to a fence in relation to impacts to adjacent properties. Fence standards are established to promote the public health, safety and welfare, encourage an aesthetic environment and allow for privacy, while maintaining access to light and air. The applicant is proposing to infill the rear 18 feet of the subject property to match the grade of the adjacent alley in order to construct a detached garage and a driveway on which to access the garage. The fill would be supported by a 4.5 foot tall retaining wall that would extend the width of the property and then would extend along the north side lot line until the fill would tie into existing grade. The proposed retaining wall would not have any effect on adjacent properties access to light and air. 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. The applicant is proposing to infill the rear 18 feet of the subject property to match the grade of the adjacent alley in order to construct a detached garage and a driveway on which to access the garage. The fill would be supported by a 4.5 foot tall retaining wall that would extend the width of the property and then would extend along the north side lot line until the fill would tie into existing grade. Elevated parking areas adjacent to the alley

are common on this block. The proposed retaining wall would not have any effect on adjacent properties access to light and air. Also, the site plan indicates that the final grade would be directed away from the adjacent properties to prevent stormwater runoff. If granted, the proposed variance will not be detrimental to the health, safety or welfare of the public or those utilizing the property provided the proposed addition is constructed to current building codes.

## RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the applications by Gregory and Jenny Sautter for the property located at 2317 Grand Avenue South:

### **A. Variance to increase the maximum height of a detached garage.**

Recommended motion: **Approve** the variance to increase the maximum height of a detached garage from 12 feet to 16 feet, subject to the following conditions:

1. The primary exterior materials of the accessory structure match the primary exterior materials of the principal structure, including the exposure of the lap siding.
2. The roof pitch of the garage shall match the primary roof pitch of the principal dwelling.
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 May 19, 2018, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

### **B. Variance to reduce the minimum interior side yard requirements.**

Recommended motion: **Approve** the variance to reduce the minimum interior side yard requirements adjacent to the north and south lot lines from 5 feet to 0 feet to allow retaining walls not retaining natural grade, subject to the following conditions:

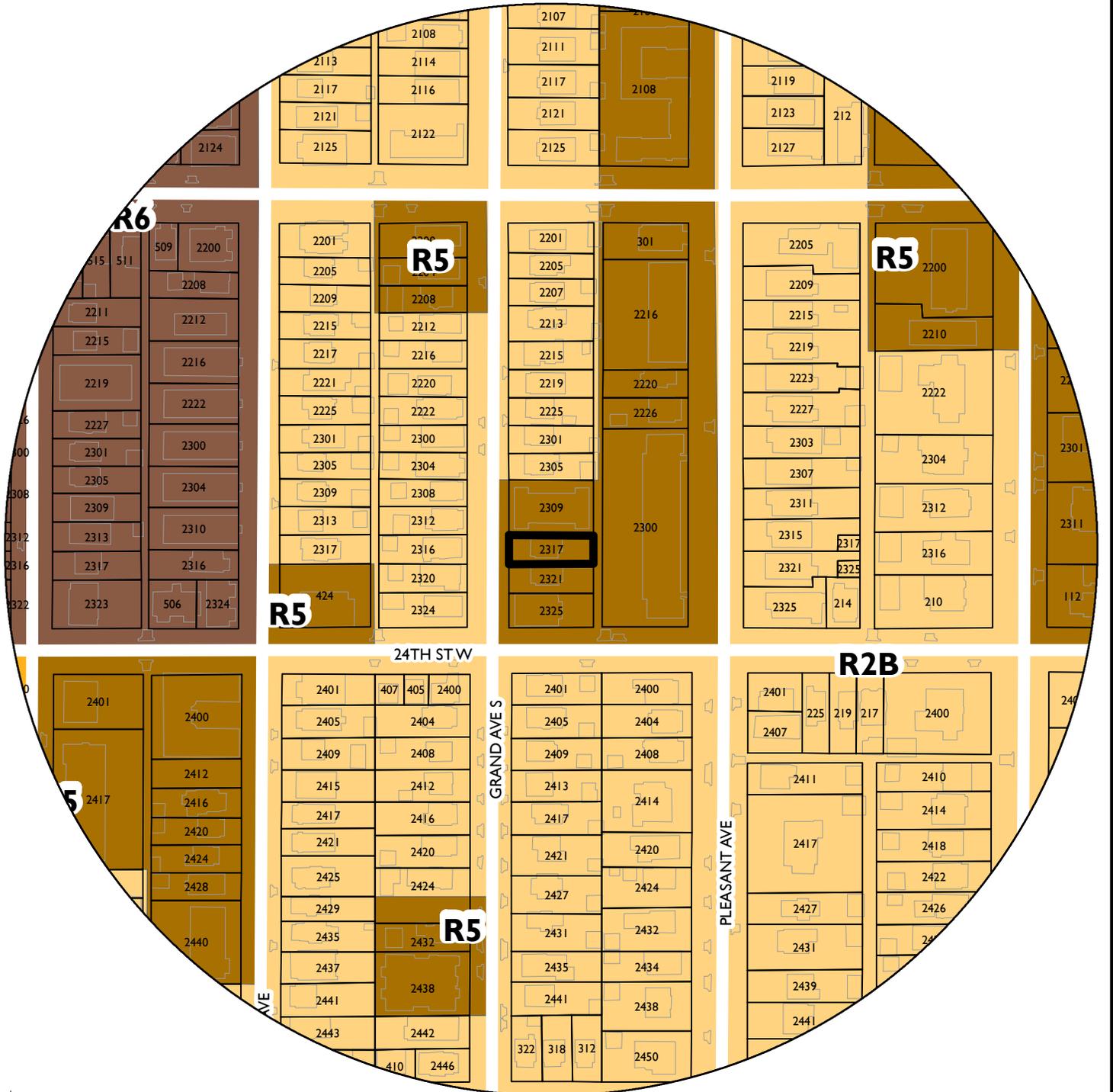
1. Approval of the final plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by May 19, 2018, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

## ATTACHMENTS

1. Zoning map
2. Written description and findings submitted by applicant
3. Site survey
4. Site plan
5. Elevation and section drawings
6. Photos

NAME OF APPLICANT

WARD



PROPERTY ADDRESS

2317 Grand Avenue South

FILE NUMBER

BZZ-7678

Greg and Jenny Sautter  
2317 Grand Ave. South  
Minneapolis, MN 55405

April 19, 2016

Zoning Administrator  
City of Minneapolis  
Community Planning and Economic Development  
Development Services Division  
250 South 4th Street, Room 300  
Minneapolis MN 55415-1316

RE: Application for Zoning Height Variance  
Detached Garage - 2317 Grand Ave. South

Dear Sir or Madame:

We are seeking variances to allow us to build a detached garage and driveway off the alley to the rear of our lot at 2317 Grand Ave. South. The plan is to build a fifteen-foot-wide garage parallel to the alley with a parking/driveway to the south of it.

We have lived in our home for thirteen years with a single parking space in the alley. Now that we have two children, we have two cars, and are constantly on the lookout for street parking for at least one vehicle. Whittier is one of the most densely populated neighborhoods in Minneapolis; parking is always at a premium, and especially so during winter restricted parking periods. The addition of a garage, a driveway and additional storage would enhance the livability of our home significantly.

Our biggest concern in building the garage is the protection of the large burr oak tree in our back yard. It is approximately 150 years old, and we have been advised by arborists that it likely has twenty five to fifty or more years of life remaining. We have been working with an arborist for the entire time we have lived in the house to protect it and prepare it for garage construction, including treatments of rooting hormones, fertilizer, and canopy reduction pruning. We are limiting the footprint of the garage to fifteen feet wide, which will protect the oak tree by not covering up too much of the surrounding ground where its major roots are located. To meet the needs to protect the tree while building a garage with additional parking and reasonable storage space we are requesting two variances:

1. **We request a variance to the height requirement under M.C.O. § 537.50 to permit the wall height to exceed the ten foot maximum height limit from floor to the top plate.** This variance is requested to provide parking and storage in the garage, while keeping its footprint small in order to protect the tree. Pursuant to an administrative determination, the garage height will be measured from the alley. The garage will not exceed the total maximum height allowed under the zoning code, and we are not seeking a variance to exceed the total maximum height. Rather, we seek to increase the wall height by 18 to 22 inches as explained below
2. **We request a variance to permit us to build a retaining wall with no offset from the north and south interior side yards. Building a retaining wall that does not retain the natural grade within the interior side yard is not permitted without an approved variance.** This variance is requested to permit the construction of a retaining wall and infill to bring the base of the proposed garage and driveway to lie at a grade even with the alley. The garage cannot be constructed without placement of fill underneath it to bring it to the grade of the alley, and a retaining wall is necessary to contain the fill.

#### REQUEST FOR WALL HEIGHT VARIANCE:

M.C.O. § 537.50 (c) limits the height of accessory structures, including garages, at the mean height of the roof at sixteen feet when the structure materials match the primary structure, and it limits the height of the side walls to no more than ten feet from the floor to the top plate. The garage we wish to build meets the overall height limits coming in at fifteen feet eight inches, but the wall height is taller than permitted without a variance. The walls need to be this high to allow for the construction of an area above the parking floor that will provide storage for the garage and the house.

We are asking for a variance to allow the garage wall height from floor to top plate to be **eleven feet ten inches**. Our plans actually call for an eleven foot six inch wall height; we are requesting the additional four inches in order to allow some room in case construction height differs.

#### WHY A WALL HEIGHT VARIANCE IS NEEDED AND JUSTIFIED:

- (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.*

We have a 42-inch-diameter burr oak tree towards the rear of the back yard. In order to protect the tree while meeting our needs for parking and storage we have asked our architect to design a garage that is no more than fifteen feet wide, thus limiting how far the

garage and retaining wall extend into the back yard. With a width of fifteen feet, walls taller than ten feet are necessary in order to meet both parking needs and storage.

Even with walls more than ten feet from floor to top plate, the structure is still below the maximum height permitted by code when measured from the alley. Allowing us to build a narrow garage, with slightly taller walls will help preserve the grand tree in the back yard, while allowing us to create both off-street parking and storage space.

*(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.*

The proposed design closely matches the nature and charm of the 1909 single family home it supports. It will be painted and trimmed to match. No variance is needed for the total height, rather, the only variance necessary is to accommodate the height of the walls to provide both parking and storage. The garage will not be visible when facing the home head on, and will complement the home, not detract from it. Detached garages are permitted by the applicable ordinances and several houses on the block already have detached garages on the same alley.

*(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.*

2317 Grand Ave. South is a great example of a 100 year old home kept up and complementing a dense urban neighborhood. To the north is an 18-unit brick building, across the alley is a large, mid-century apartment building, and several other single-family homes on the block have detached garages on the same alley. This structure will not alter the urban character of the neighborhood, but will rather complement an already notable home.

## REQUEST FOR INTERIOR SIDE YARD VARIANCE

Due to the four foot six inch grade differential between the back yard and the alley, we must infill in order to bring up the base of the garage and the driveway to alley level. Given that the lot is only forty feet wide, a garage and driveway could not be built on this property without a variance allowing an interior side lot obstruction all the way up to the property lines to the north and south.

### *WHY AN INTERIOR SIDE YARD VARIANCE IS NEEDED AND JUSTIFIED:*

- (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.*

If our lot were flat, without a grade differential, the garage could be built as proposed with proper offsets from the north lot and the alley. Likewise, it is our understanding that were the alley grade below the natural grade, no variance would be necessary, as retaining walls that retain natural grade are permitted obstructions in interior side yards. However, because the garage must be built on fill to bring its base up to the alley, which is above the natural grade, a variance is needed to allow us to build the retaining wall up to the north and south property lines.

We explored the possibility of building the garage on pilings rather than on fill, but found the engineering challenge to be too onerous, as the building would not be fundamentally solid and lateral support to the alley could not be guaranteed. Laying a poured foundation at natural grade is not advisable because it would require cutting the roots to the tree we are trying to preserve and would likely kill the tree. With the help of our arborist, architect and a consulting structural engineer we have settled on building a retaining wall and fill as the most practical way to address the grade differential while balancing protection of the tree.

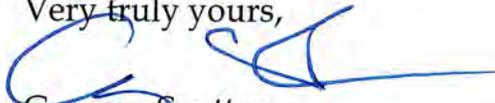
- (2) The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.*

Several houses on the same alley have detached garages, many of them built on fill with retaining walls that extend into the houses' interior side yards. Likewise, other properties on the alley have retaining walls for parking that encroach on the interior side yards. A detached garage is a reasonably anticipated accessory structure to a single family home. Where there are grade differentials, it is reasonable to build accessory structures on fill with retaining walls.

*(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.*

Detached garages are a regular amenity in our neighborhood, both on our block and on adjoining blocks. Likewise, the use of retaining walls to underlie detached garages is common in the neighborhood and particularly on our block, likely due to the grade of the alley. A variance to the interior side yard requirement will not change the essential character of the neighborhood. A new retaining wall underlying a new garage will enhance the public health and safety of the neighborhood.

Very truly yours,



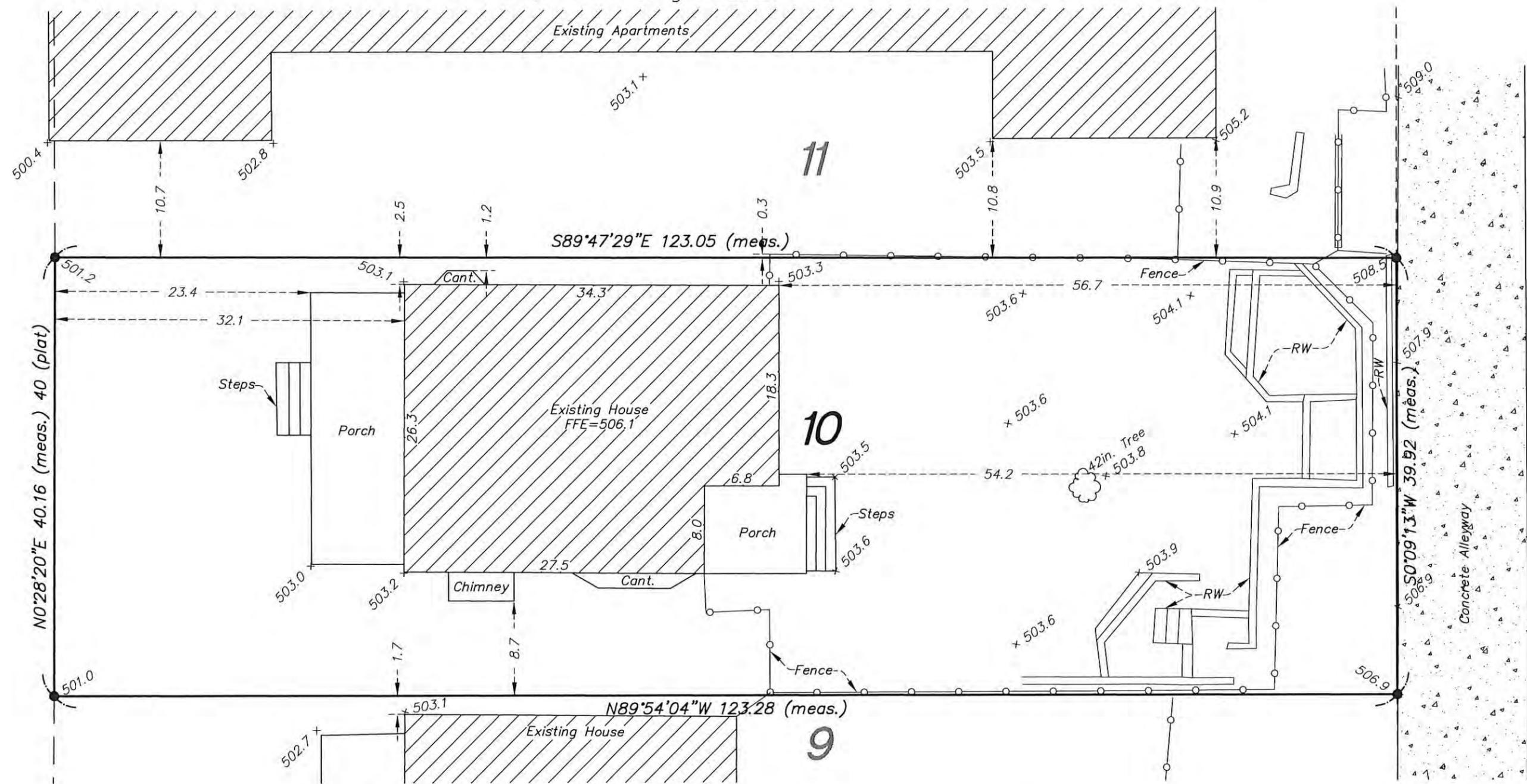
Gregory Sautter  
2317 Grand Ave. South

Enclosures

# Certificate of Survey

Prepared for: Greg Sautter

- Legend**
- Found Iron Monument
  - × 000.0 Existing Elevation
  - RW Retaining Wall
  - ☁ Tree (deciduous)



Grand Avenue South

**Site Address:**  
2317 Grand Ave S  
Minneapolis, MN 55405

**Boundary Description (supplied by client)**  
Lot 10, Block 12, BADGER AND PENNEY'S ADDITION TO THE CITY OF MINNEAPOLIS MINNESOTA, according to the recorded plat thereof, Hennepin County, Minnesota. Subject to any and all easements of record.

Bearings and elevations based on assumed datum.

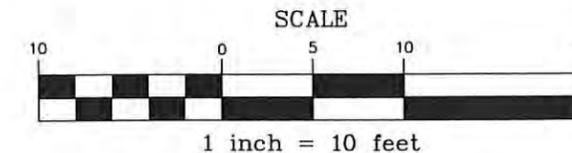
**SCHOBORG  
LAND SERVICES  
INC.**

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

*Paul B. Schoborg*  
Paul B. Schoborg

Date: MARCH 7, 2016 Registration No. 14700

Job Number:	8147
Book/Page:	LL
Survey Date:	3/3/16
Drawing Name:	sautter.dwg
Drawn by:	DMS
Revisions:	

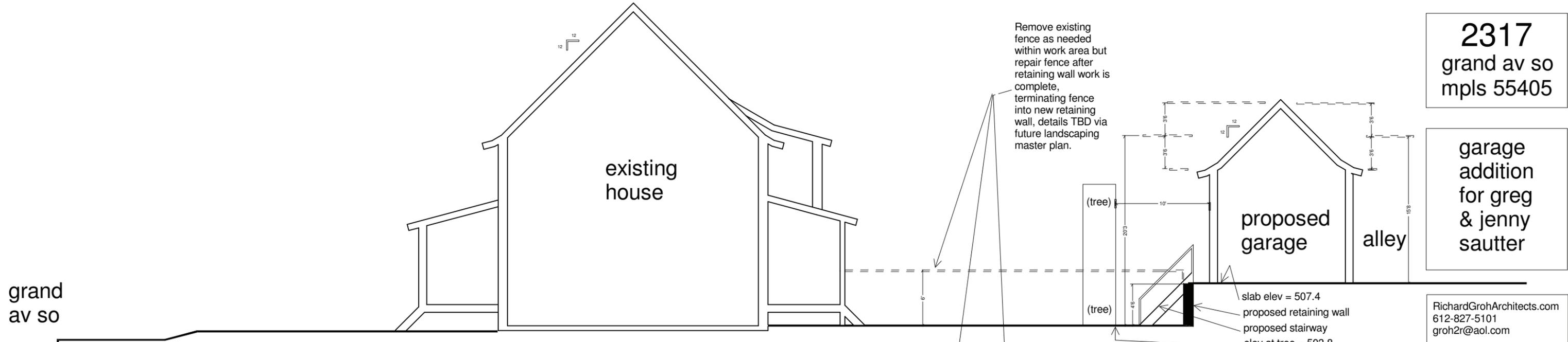


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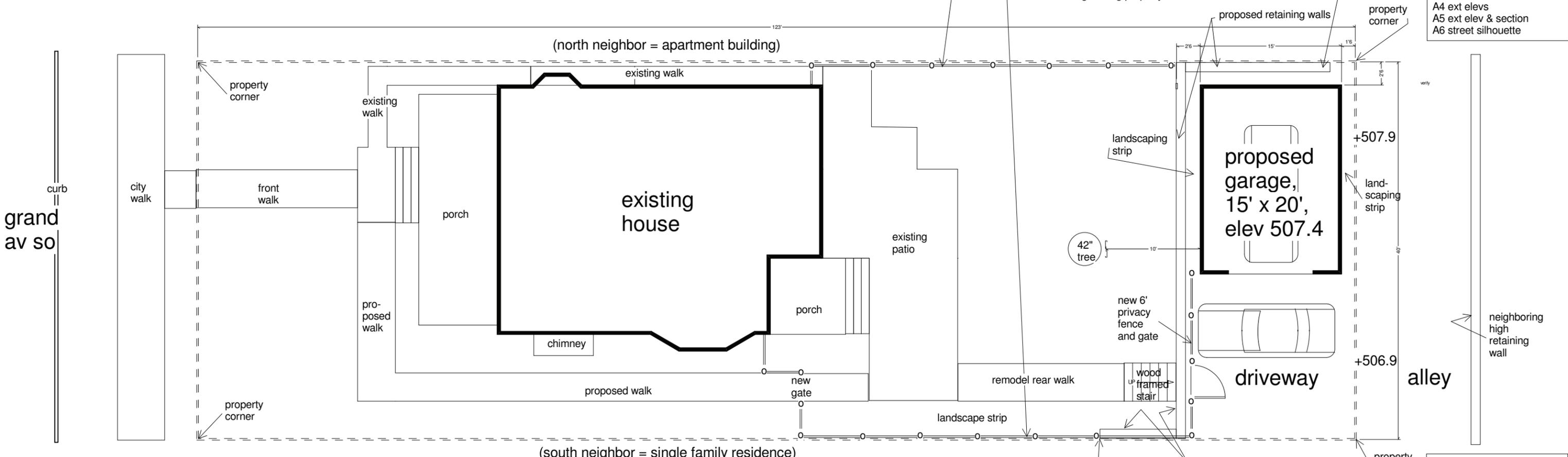
garage  
addition  
for greg  
& jenny  
sautter

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groh2r@aol.com

SHEET INDEX  
A1 site plan  
A2 floor plans  
A3 ext elevs  
A4 ext elevs  
A5 ext elev & section  
A6 street silhouette



site section  
scale is 1/10" = 1'-0" when printed on 11x17 paper



site plan  
scale is 1/10" = 1'-0" when printed on 11x17 paper  
plan north

**HARDCOVER (IMPERMEABILITY) CALC**  
Lot Size = 4920 sq ft  
Existing Impermeable = 2460 sq ft 2460/4920 = 50%  
Proposed Impermeable = house + porches + walks + patio + steps + garage + driveway + top of walls = 3000 sq ft  
3000/4920 = 61% impermeable (85% allowed in R5)

**RETAINING WALL SETBACK:** The make and model of the retaining wall system will not be specified until a contractor is engaged. The engineering of that product will dictate the proximity of the garage. Therefore, the 2'-6" dimension for retaining wall + landscaping strip is only approximate.

**LANDSCAPE & WALKWAY DESIGN:** Actual design TBD via future discussion between owner and landscape designer

See survey by Schoberg Land Services, dated 3-3-16, for existing grade conditions. Field verify length and depth of new retaining wall required to blend grade and prevent surface drainage from entering southern neighboring property.

**CONSTRUCTION NOTE:** Protection of the 42" tree is imperative in this project, so NO unnecessary construction traffic shall occur atop tree roots. the goal is for 100% of the excavation, earthwork, concrete work, framing, etc., to be performed from the alley side of the work zone.

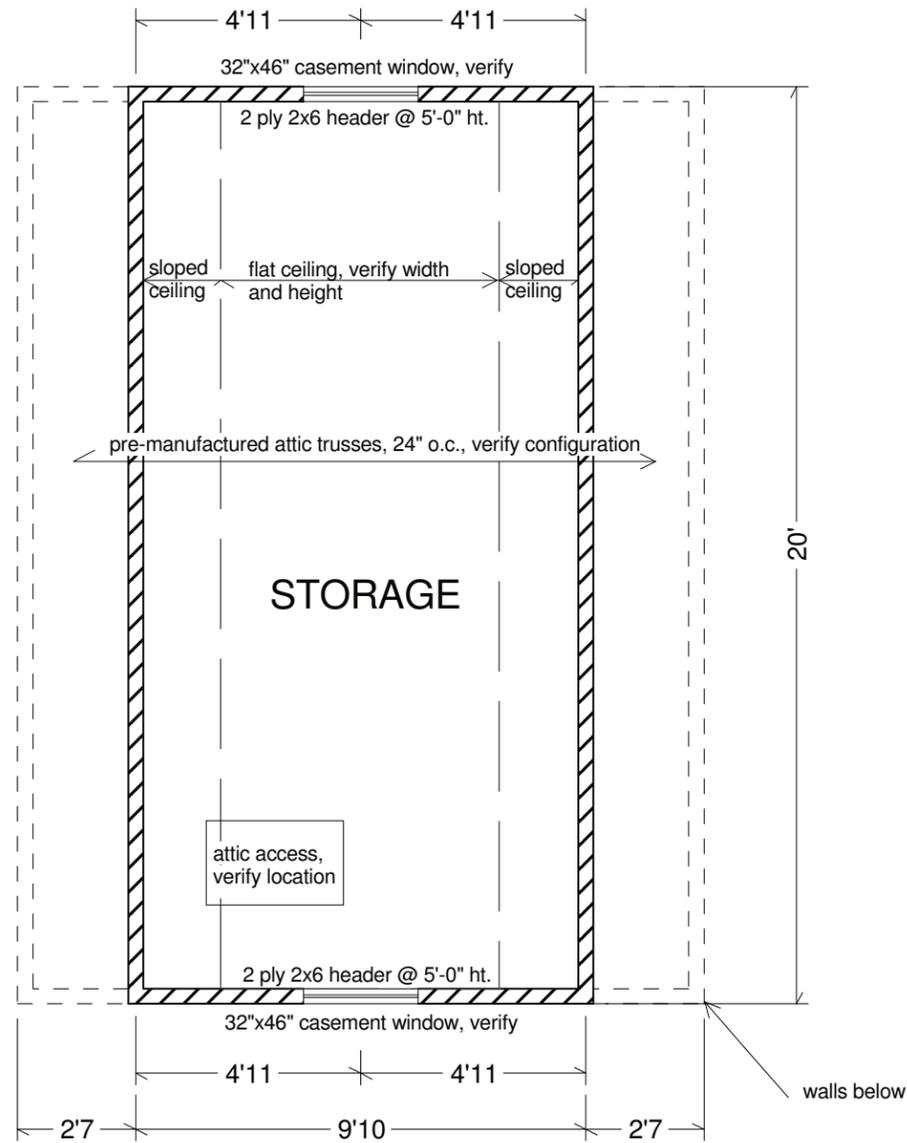
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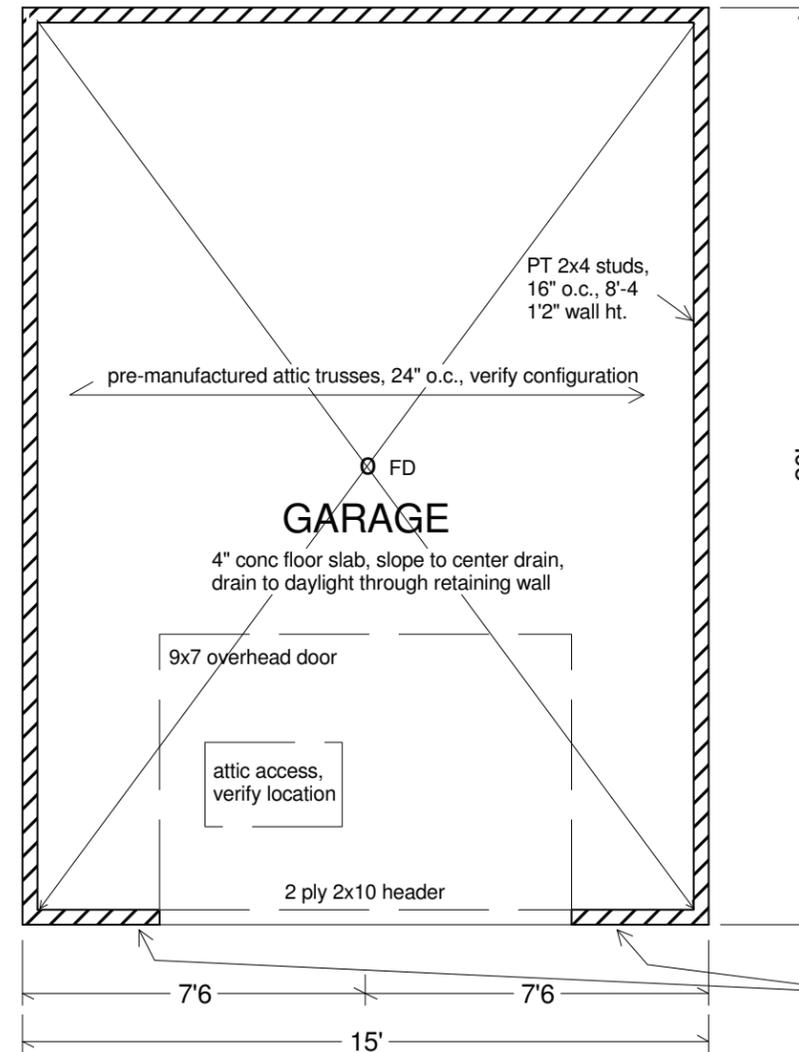
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garage  
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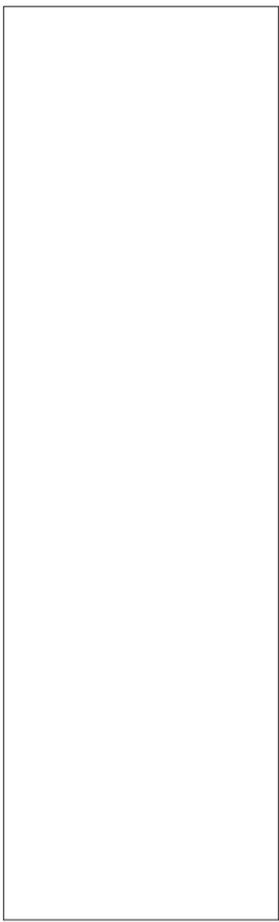


**second floor plan** scale is 1/4" = 1'-0" when printed on 11x17 paper



**first floor plan** scale is 1/4" = 1'-0" when printed on 11x17 paper

STRUC NOTE:  
Frame these 2 wall  
segments  
according to MN  
Residential Code  
2015 using Method  
ABW in Table  
R602.10.5 and  
Figure 602.10.6.1,  
which require hold  
down devices.



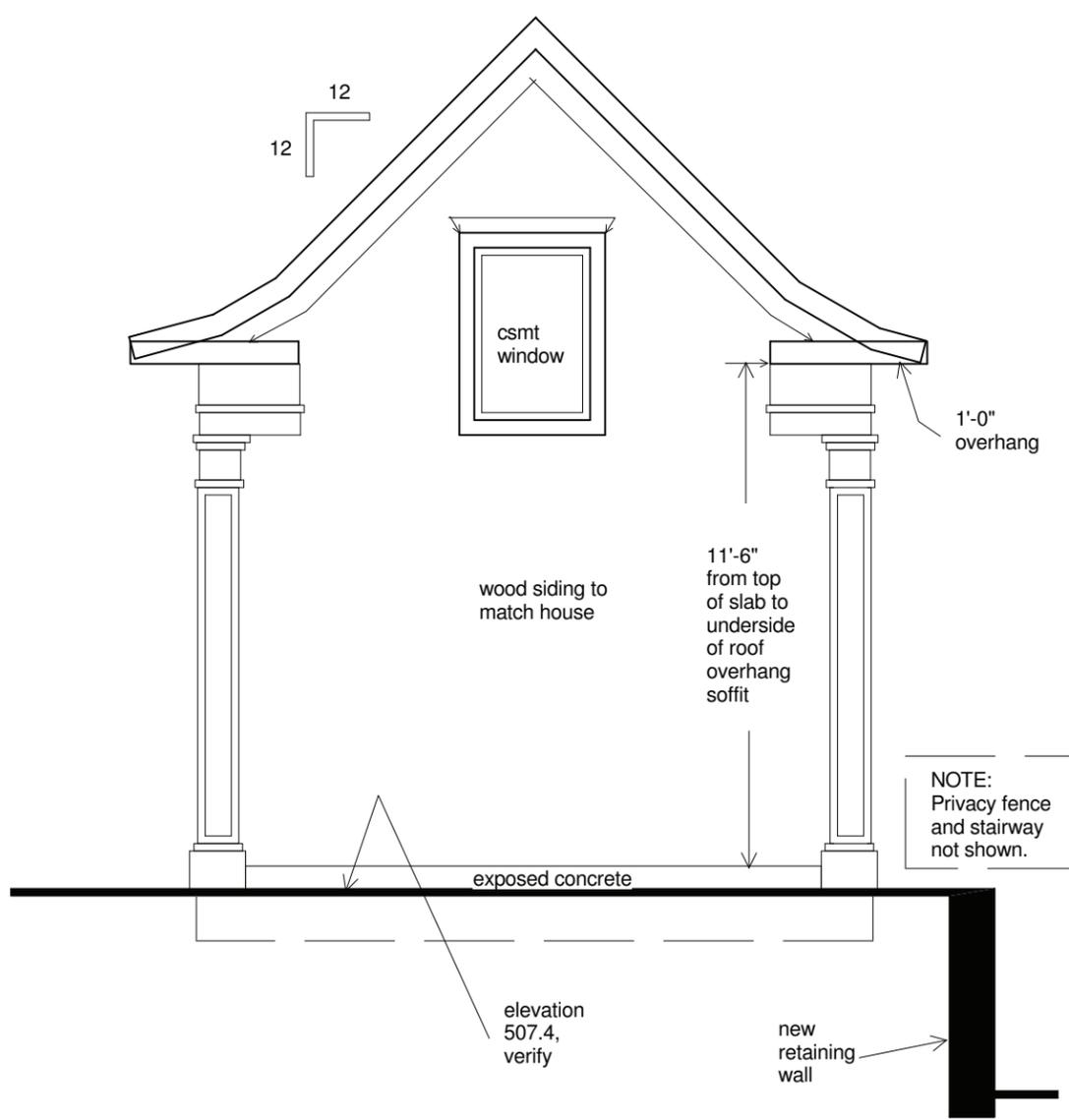
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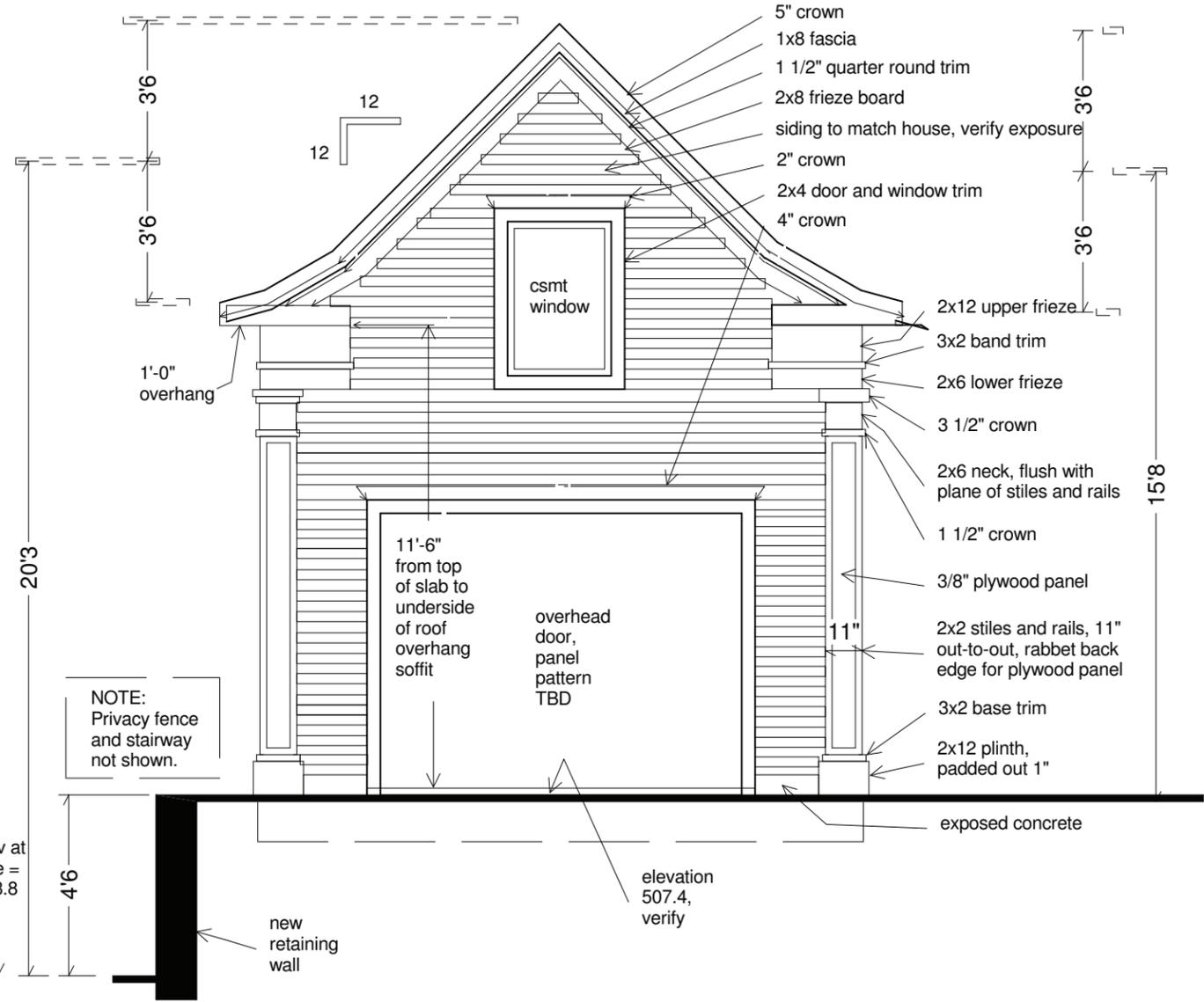
garage  
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north elevation

scale is 1/4" = 1'-0" when  
printed on 11x17 paper



south elevation

scale is 1/4" = 1'-0" when  
printed on 11x17 paper

WOOD TRIM / DETAIL NOTE: These drawing show a simplified representation of the garage character on a small scale drawing but, for actual construction, field verify and copy cosmetic details from the existing house.

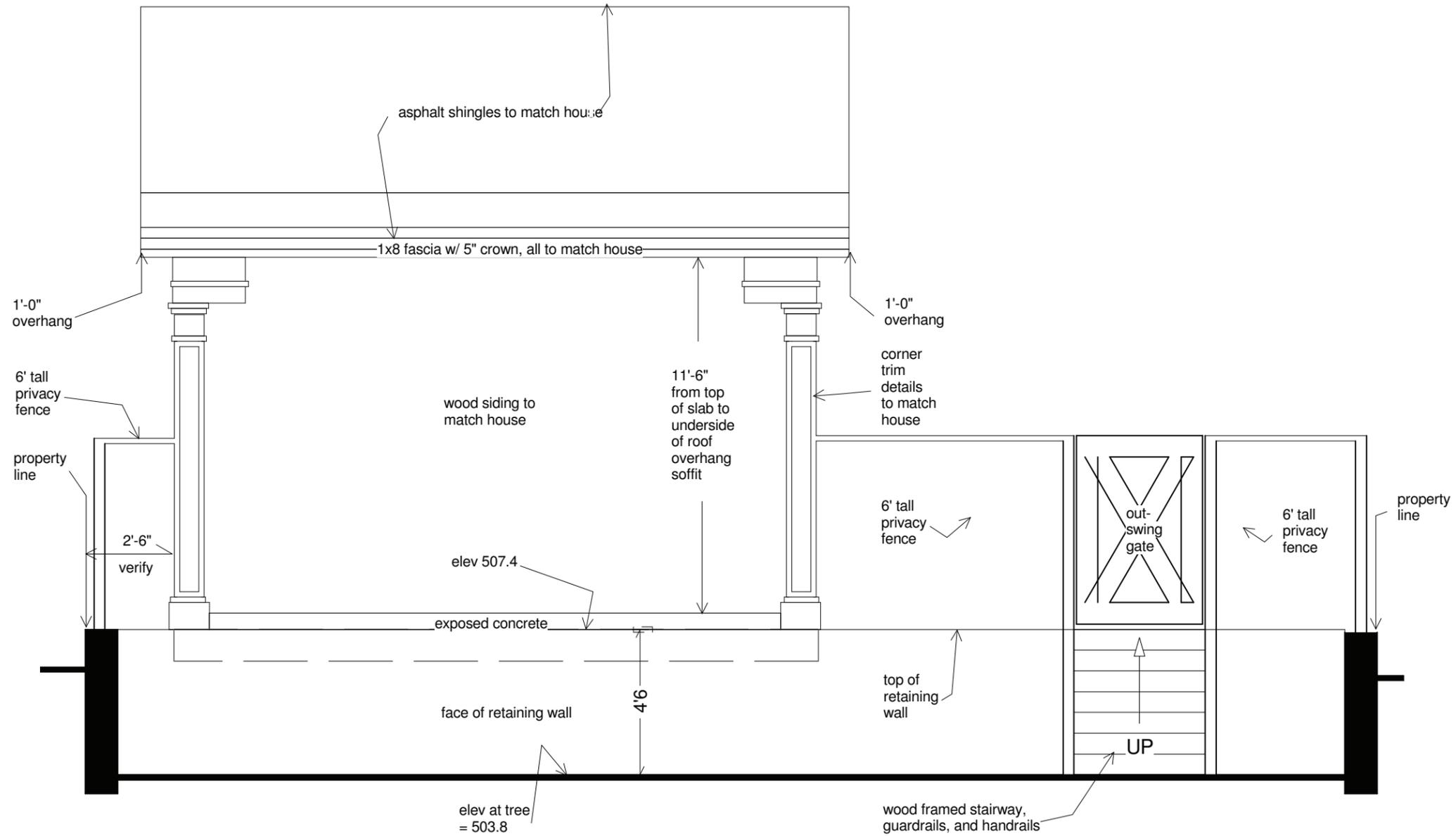
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west elevation

scale is 1/4" = 1'-0" when  
printed on 11x17 paper

FENCE & GATE DESIGN: Actual  
design TBD via future discussion  
between owner and landscape  
designer.

prelim 4-18-16

sheet no.

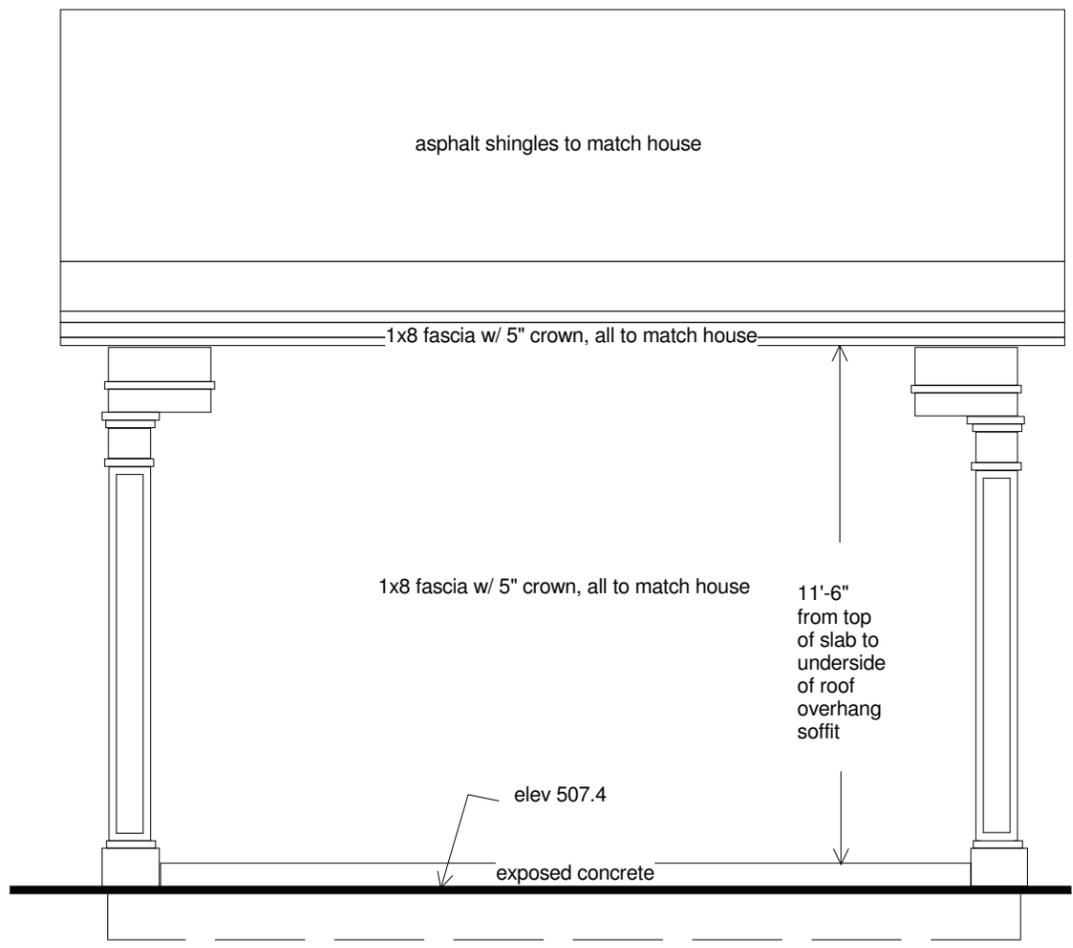
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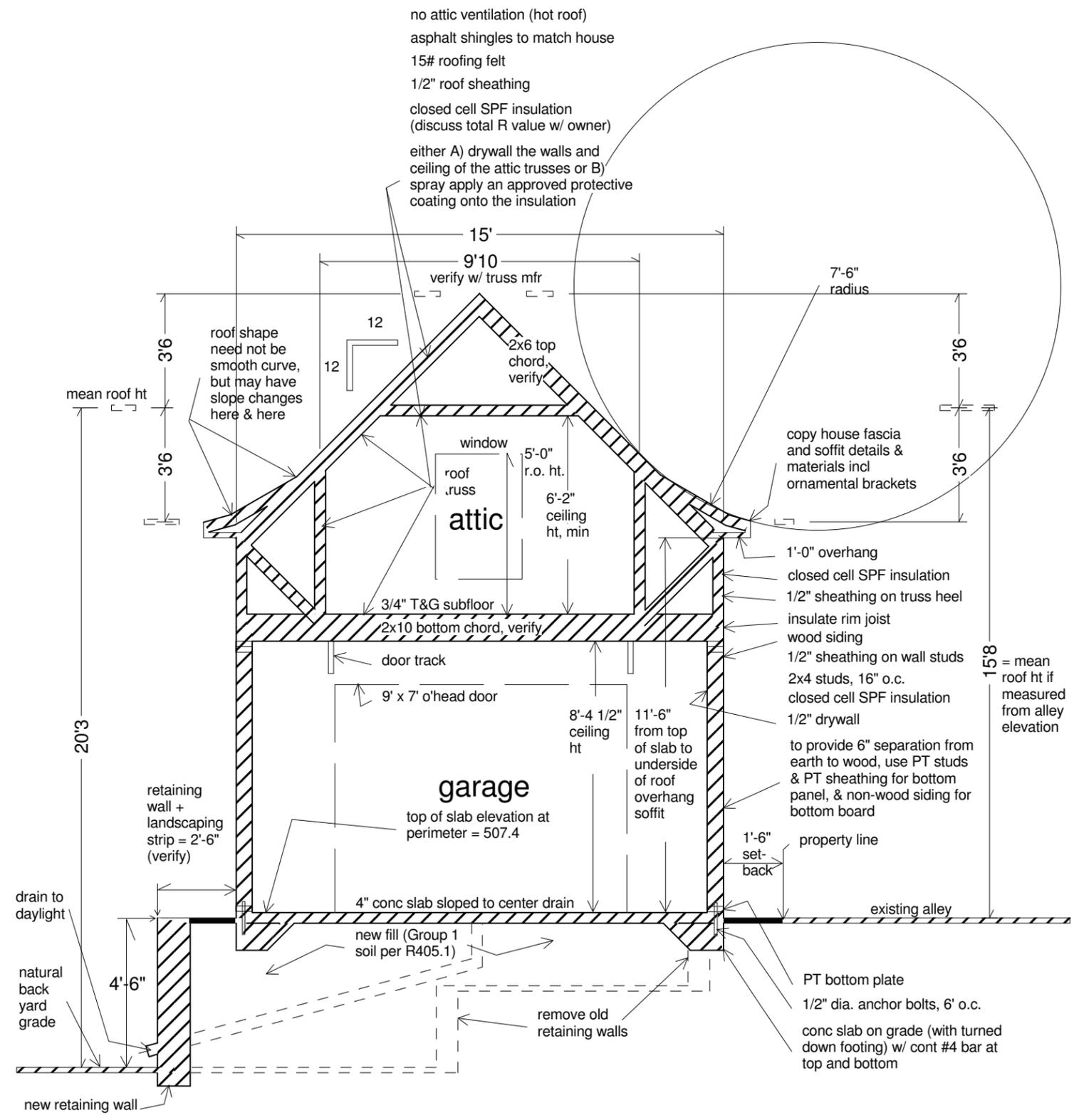
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east elevation

scale is 1/4" = 1'-0" when printed on 11x17 paper



cross section

scale is 1/4" = 1'-0" when printed on 11x17 paper

RETAINING WALL NOTE: Since decay of tree roots will cause soil collapse, retaining wall bridging capability is critical. Either use long blocks or reinforced courses or both.

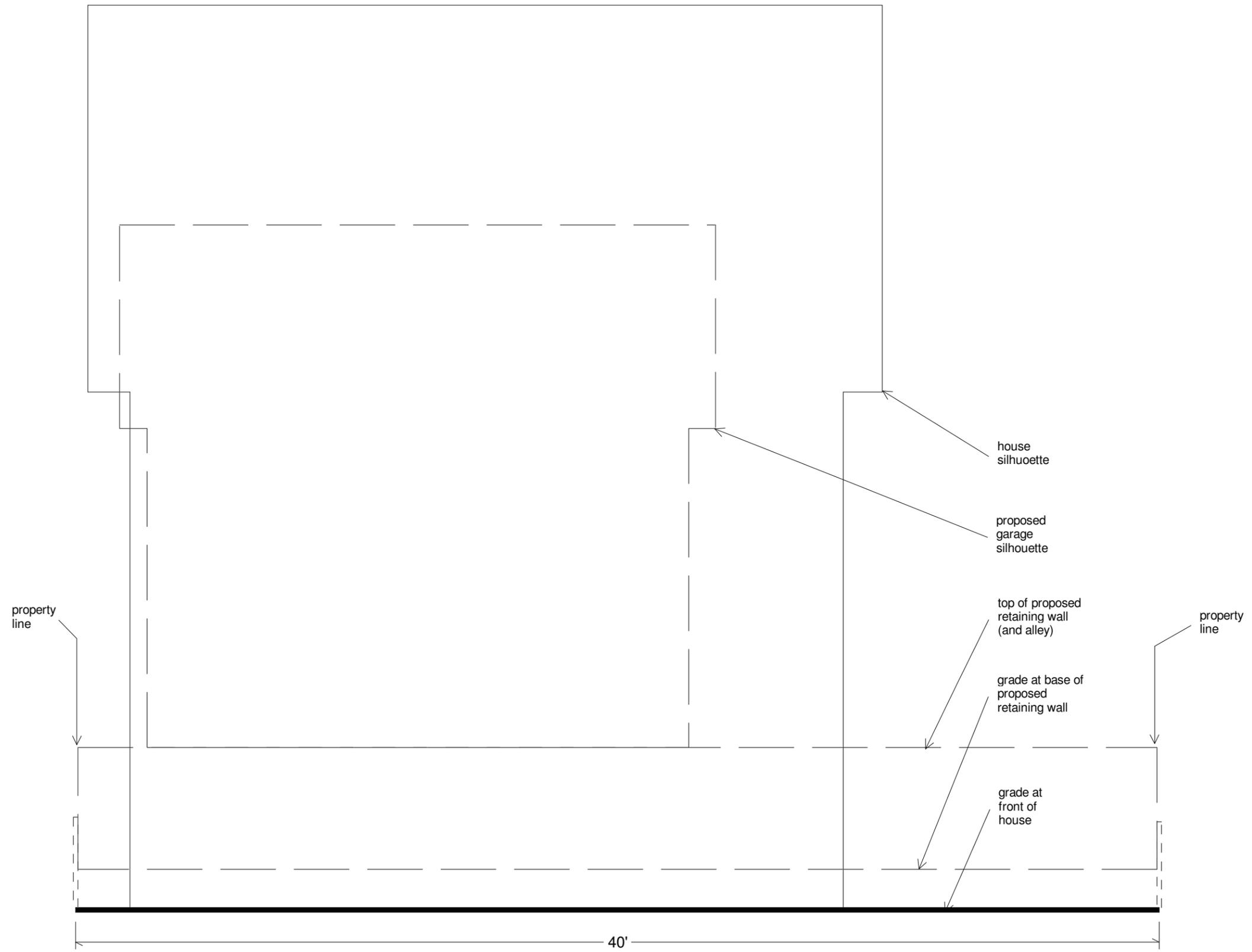
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sheet no.  
**A5**  
of 6

2317  
grand av so  
mpls 55405

garage  
addition  
for greg  
& jenny  
sautter

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street silhouette (looking east)

scale is 1/4" = 1'-0" when  
printed on 11x17 paper

prelim 4-18-16

sheet no.  
**A6**  
of 6



2517





2317

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2317



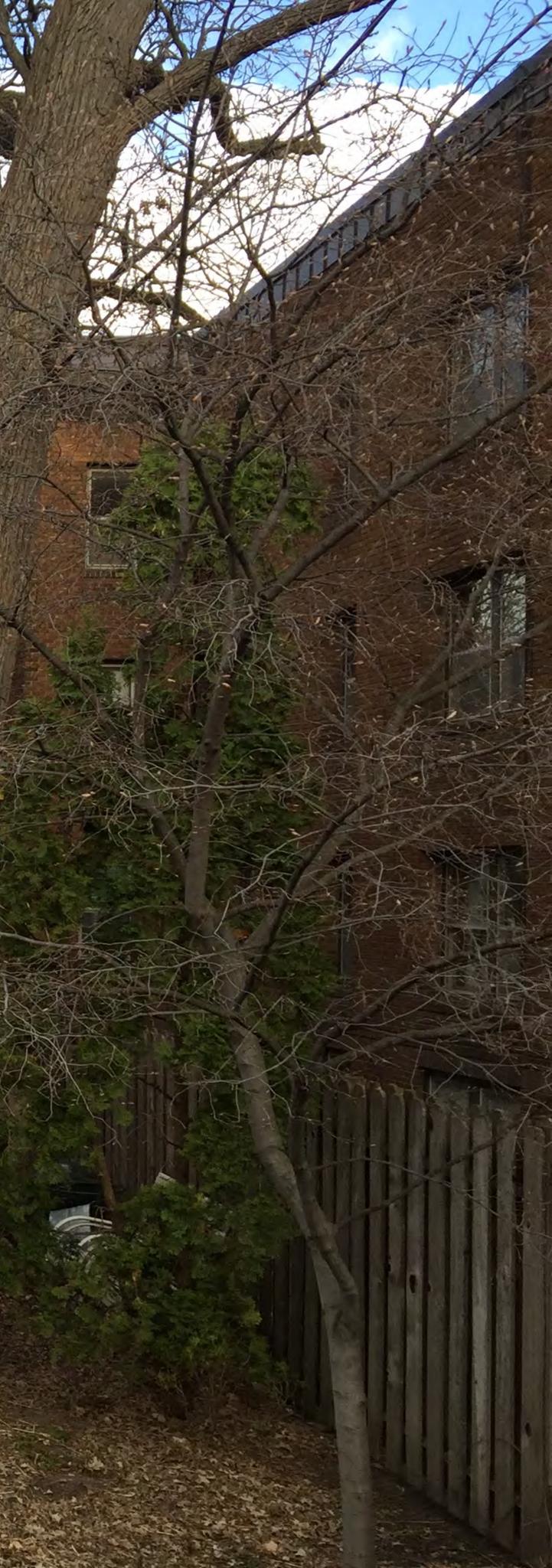


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