

Zoning Board of Adjustment Annual Report

COMMUNITY PLANNING & ECONOMIC DEPARTMENT (CPED)

250 South 4th Street
Minneapolis, MN 55415
www.minneapolismn.gov/cped



Minneapolis
City of Lakes

2017



Board of Adjustment

The Board of Adjustment shall have the following powers and duties in connection with the administration of this zoning ordinance:

(1) To hear and decide applications for variances from the provisions of this zoning ordinance pursuant to the procedures and standards set forth in the zoning ordinance.

The City's principal means of controlling land use is the zoning ordinance, which divides the City into different zoning districts. The individual districts determine required lot size, building height and setbacks, required parking and various other standards. The Board of Adjustment may grant variances from these requirements, when the applicant can demonstrate that practical difficulties exist because of conditions or circumstances unique to an individual property.

(2) To hear and decide appeals from any order, requirement, decision, determination or interpretation made by the zoning administrator, planning director or other official in the administration or the enforcement of the zoning ordinance.

The Zoning Administrator is charged with interpreting and administering the zoning ordinance. The Board of Adjustment hears and determines appeals from any order, requirement, decision, determination or interpretation made by the zoning administrator, planning director or other official in the administration or the enforcement of the zoning ordinance.

(3) To hear and decide applications for certificates of nonconforming use pursuant to the procedures and standards set forth in the zoning ordinance.

Zoning districts determine where uses are permitted in the City. When the City changes the zoning district of an area, some uses may no longer be permitted under the new zoning district. However, if they were legally established before the change, then in general they can continue to exist as long as they are not expanded or abandoned. They become legal nonconforming uses. The Board of Adjustment may determine if a property has retained or has lost nonconforming rights and the extent of these rights by approving a nonconforming use certificate to define these rights.

Board of Adjustment Members*

Name	Appointing Agency	Date of Original Appointment	Current Term	Ward
Matt Perry (Chair)	City Council	6/17/2005	Fourth	13
Ami Thompson(Vice Chair)	City Council	5/28/2010	Third	2
Anja Drescher	City Council	2/27/2015	First	2
John Finlayson	City Council	8/27/1999	Seventh	13
Eric Johannessen	City Council	3/7/2013	Second	12
Dan Ogiba	City Council	7/1/2011	Third	7
Dick Sandberg	City Council	5/2/2008	Fourth	7
Jacob Sausley	City Council	12/13/2013	Second	10
Sean Cahill	City Council	5/28/2010	Third	11

**Membership as of 12/31/17*

2017 Land Use Applications

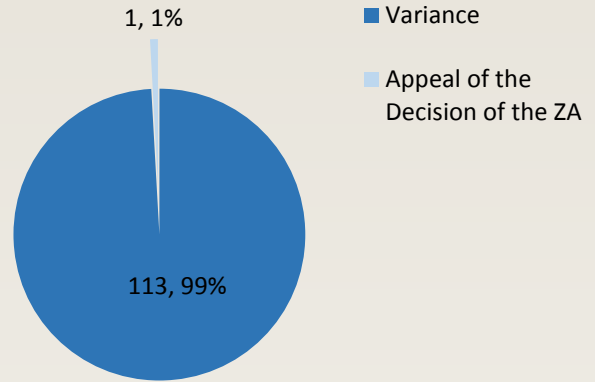
Total number of agenda items acted on

114

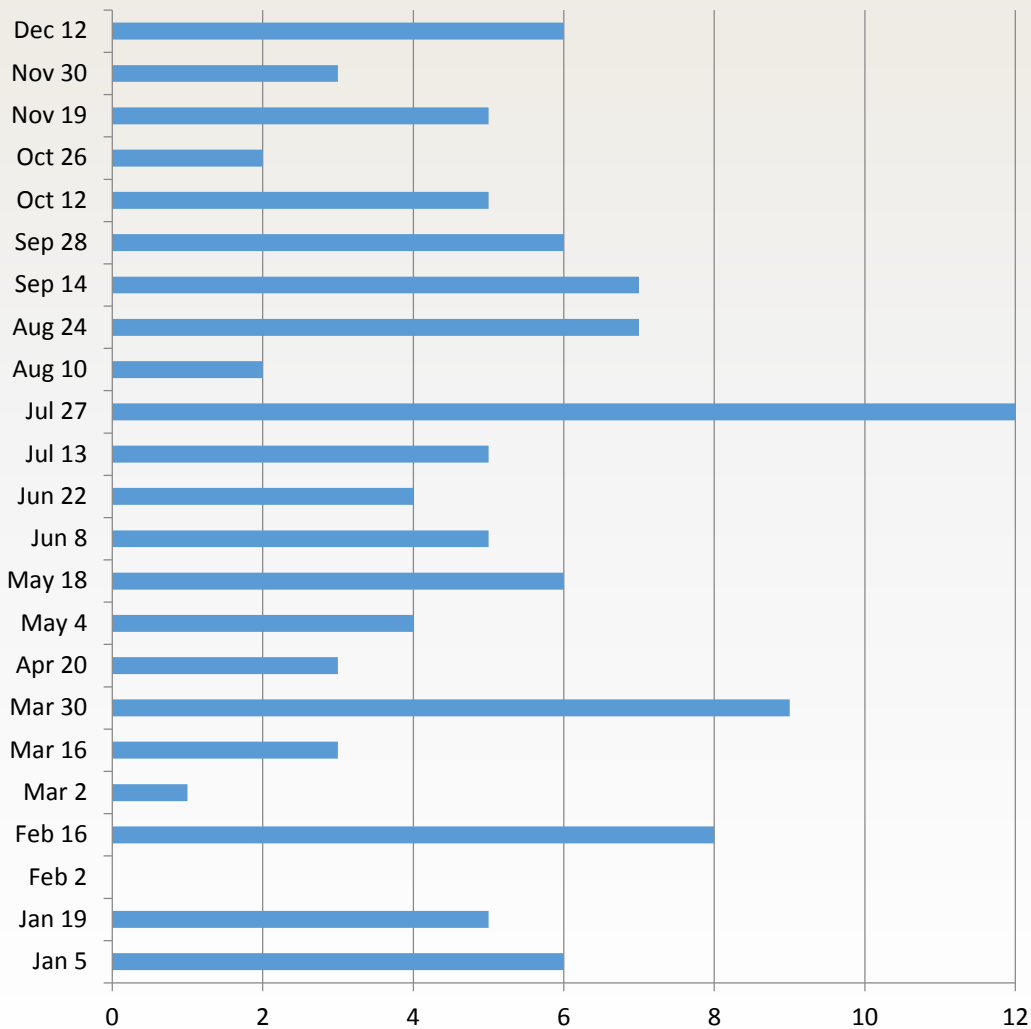
Average

5 items / hearing

9 items / month

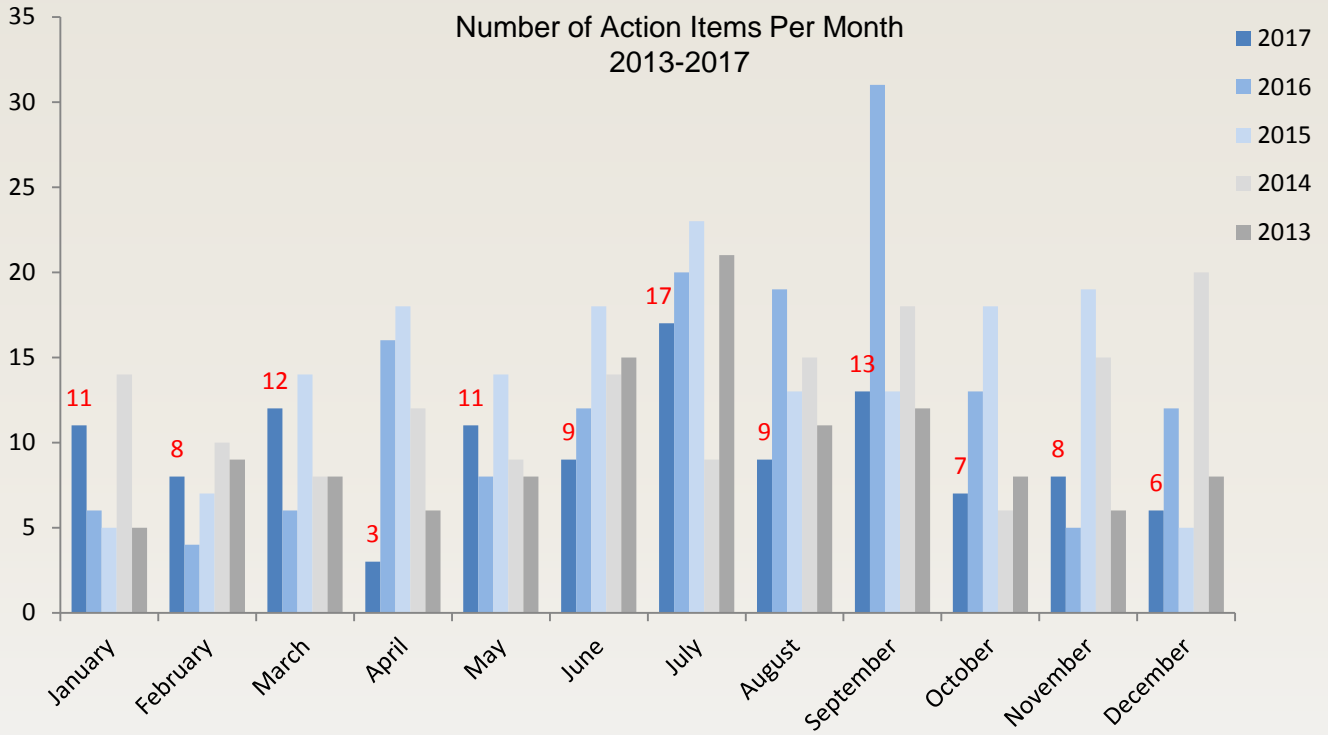


Number of Agenda Items



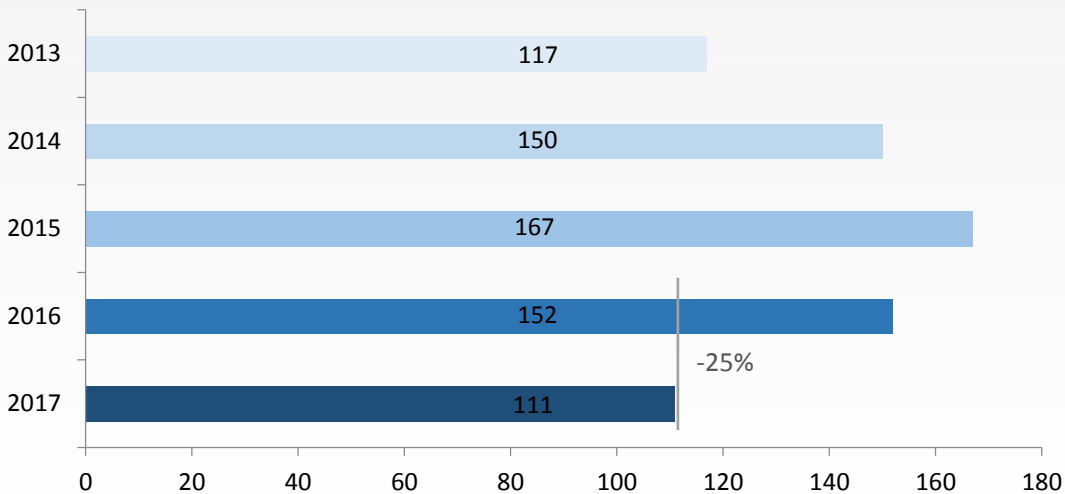
2017 Land Use Applications

Total number of agenda items acted on | 2013-2017



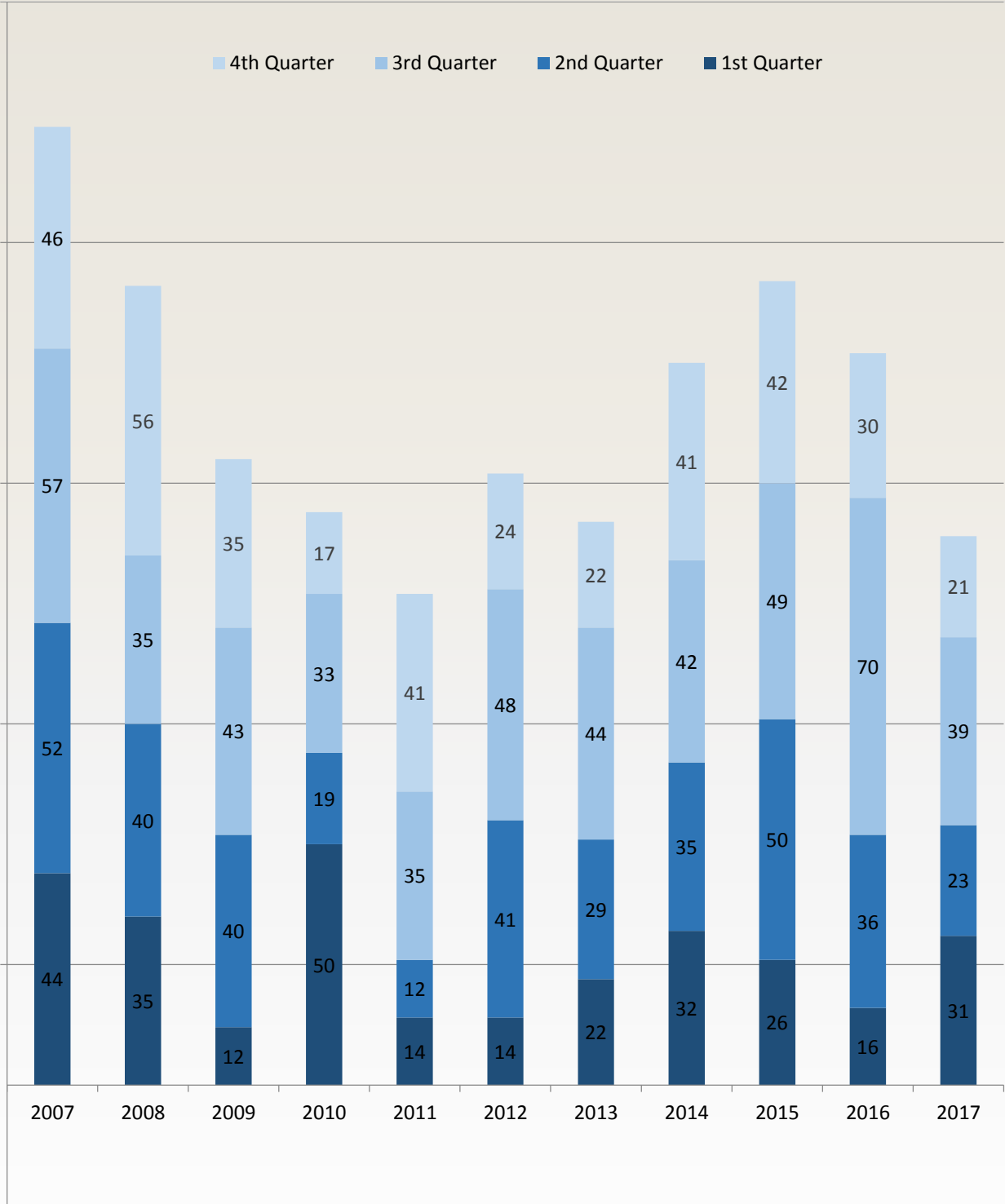
There was a 25 percent reduction in the number of applications acted on in 2017 as compared to 2016. The number applications in 2017 is comparable to 2013.

Total number of application changes | 2013-2017



2017 Land Use Applications

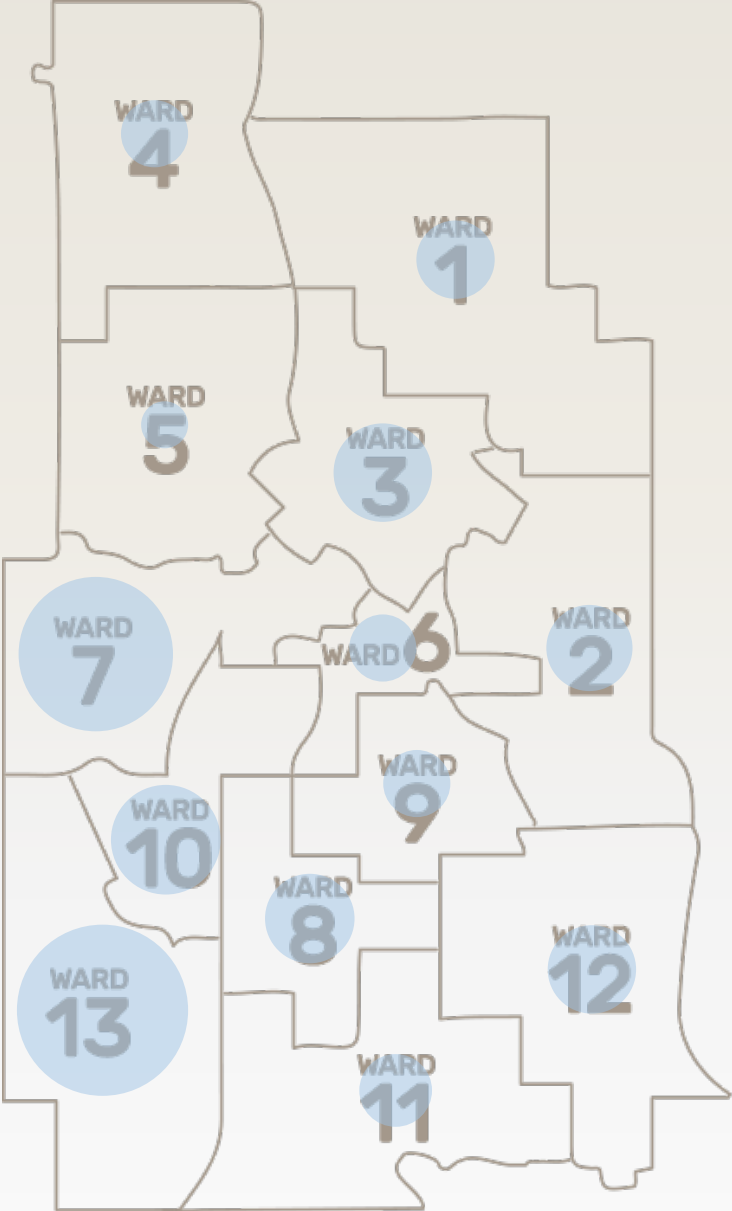
Total number of agenda items acted on | 2007-2017 | by quarter



2017 Land Use Applications

Total number of agenda items acted on by ward

Ward	number of items
13 th	27
7 th	21
10 th	11
3 rd	9
2 nd	7
8 th	7
12 th	7
1 st	6
11 th	5
4 th	4
6 th	4
9 th	4
5 th	2
Total	114



As in 2017, Wards 13, 7 and 10 produced the most applications.

2017 Land Use Applications

Total number of agenda items acted on | decisions

	Approval	Denial	No recommendation	
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Applications acted on (all types) where CPED Department staff recommended:	80.7%	19.3%	0	
<i>number of applications</i>	92	22	0	114

	Granted	Denied	
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Applications acted upon (all types) where the Board of Adjustment:	88.6%	11.4%	
<i>number of applications</i>	101	13	114

Variance applications where the Board of Adjustment:	89.4%	10.6%	
<i>number of applications</i>	101	12	113

Appeals of the Zoning Administrator's decision where the Board of Adjustment:	0.0%	100.0%	
<i>number of applications</i>	0	1	1

	With conditions [1]	Without conditions [2]
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Of the applications that were approved, the Board of Adjustment approved:	22.8%	77.2%
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[1] Not including any of the following standard 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 [month/day/year], unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance; 3. Approval of the lot division by the Department of Community Planning and Economic Development; 4. Approval of the sign permit by the Department of Community Planning and Economic Development.

[2] Those with no conditions or only the aforementioned standard conditions.

2017 Land Use Applications

Total number of agenda items acted on | decisions | by type ^{[3], [4]}

	Variance requests and Board approvals by type: ^{[3][4]}	Number of Requests	Approved
525.520(1).	To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations.	58	82.7%
525.520(2).	To vary the lot area or width requirements....	7	100%
525.520(3).	To vary the gross floor area, floor area ratio and seating requirements of a structure or use.	3	100%
525.520(4).	To vary the height requirements of any structure, except signs....	3	100%
525.520(5).	To permit an increase in the maximum height of a fence.	4	100%
525.520(8).	To permit parking that cannot comply with the location requirements for on-site parking, as specified in Chapter 541...	1	100%
525.520(12).	To vary the minimum width of...dwellings...	1	100%
525.520(15).	To vary the maximum lot coverage and impervious surface coverage requirements.	2	100%
525.520(17).	To permit development in the SH Overlay District on a steep slope or bluff or within 40 ft. of the top of a steep slope or bluff...	12	100%
525.520(18).	To permit development in the SH Shoreland Overlay District within 50 feet of a protected water.	0	100%
525.520(20).	To vary the standards of any overlay district, other than the SH Shoreland Overlay District or the FP Floodplain Overlay District.	2	100%
525.520(21).	To vary the number, type, height, area or location of allowed signs...	14	92.8%
525.520(22).	To vary the development standards of Chapter 536, Specific Development Standards and Chapter 537, Accessory Uses and Structures...	6	67%

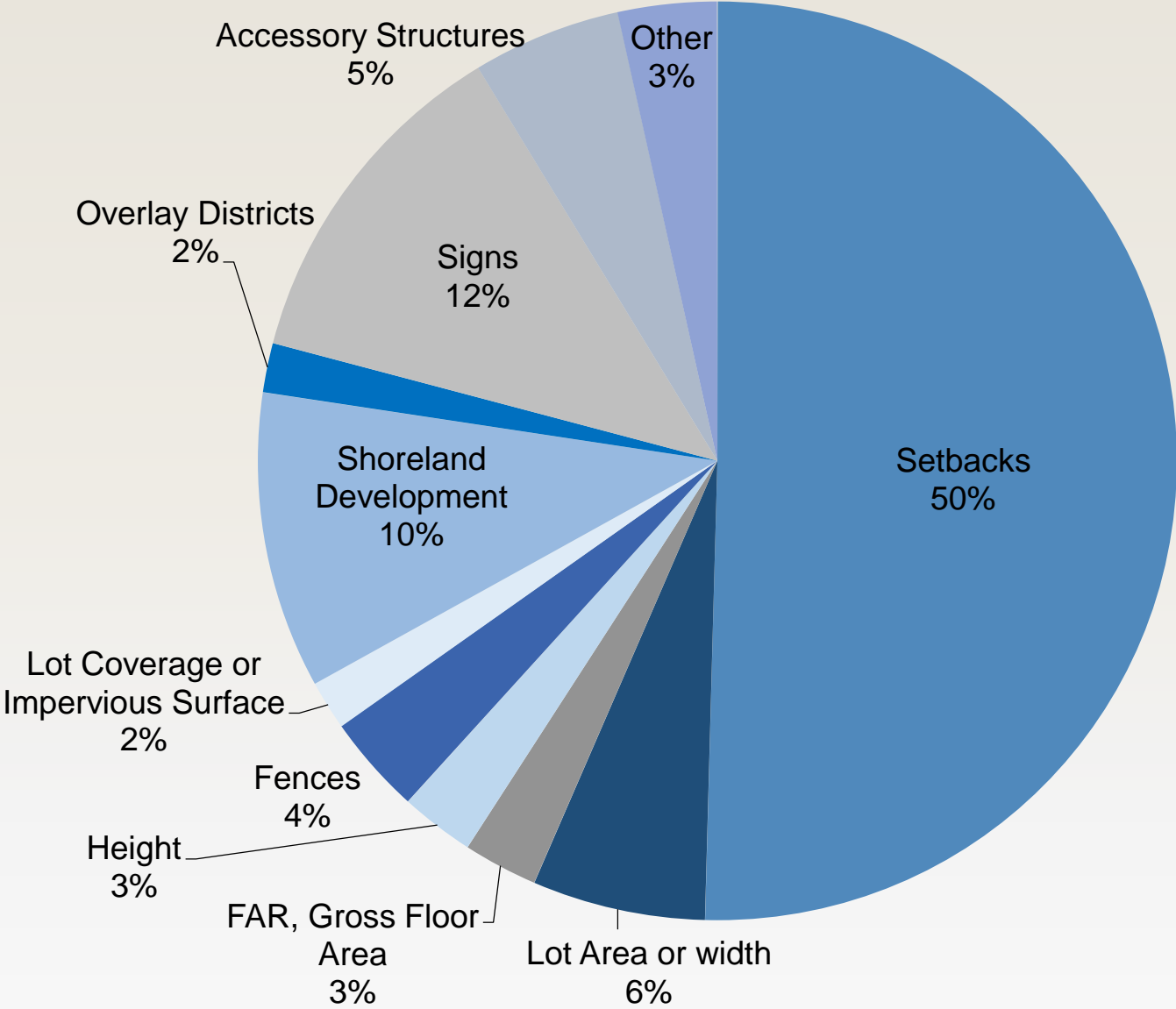
The Zoning Board of Adjustment did not consider any variances to decrease the minimum off-street parking requirement in 2017.

[3] In this section, approvals to requests that were granted entirely or partially.

[4] There were no applications for the variances that are authorized by the zoning code but not shown above.

2017 Land Use Applications

Total number of agenda items acted on | variance by type



As in years past, variances to reduce required setbacks were the most frequent application type in 2017. The frequency of other types of variance applications largely went down from 2016.

2017 Appeals of the Decisions of the Board of Adjustment

All decisions and findings of the Zoning Board of Adjustment are final unless appealed to the City Council. Four decisions of the Zoning Board of Adjustment regarding land use applications were appealed in 2017. Three of those were approved and one was denied:

Basir and Mohiba Tareen appealed the decision of the Zoning Board of Adjustment denying the following yard variances to allow an addition that would connect the existing single-family home to the existing detached garage for the property located at 2707E Lake of the Isles Pkwy:

1. A variance to reduce the south interior side yard requirement adjacent to the south lot line from 10 feet to 1.4 feet.
2. A variance to reduce the east interior side yard requirement from 10 feet to L foot.

The City Council granted the appeal on [April 28, 2017](#).

Jason Meyer of Quality Sign Solutions appealed the decision of the Zoning Board of Adjustment denying a variance to increase the maximum sign height of an attached wall sign from 28 feet to 46 feet for the property located at 807 Broadway St NE. The City Council granted the appeal on [June 22, 2017](#).

Christopher Horthy of 2867 East Lake of the Isles Parkway appealed the decision of the Zoning Board of Adjustment approving development in the SH Shoreland Overlay District within 40 feet of a top of a steep slope as requested by Lars Peterssen located at 2863 East Lake of the Isles Parkway. The City Council denied the appeal on [July 27, 2017](#).

Ron Howard appealed the decisions of the Zoning Board of Adjustment denying the following land use applications for the property located at 4415 Fremont Ave S, to construct a 998 square foot detached garage accessory to a single family home:

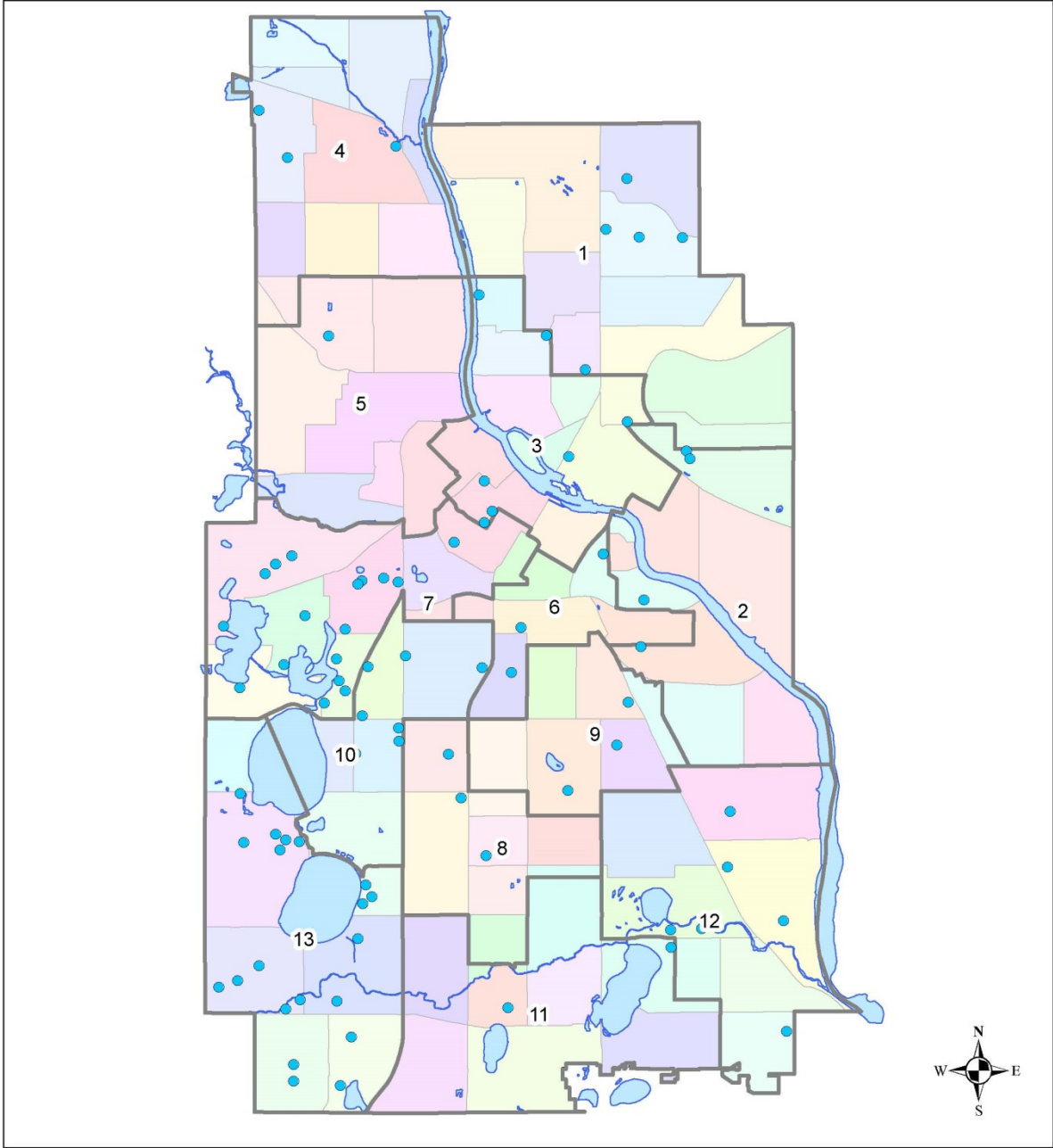
1. Variance to reduce the north interior side yard setback from 8 feet to 3.5 feet.
2. Variance to increase the maximum allowed height of a detached accessory parking structure from 12 feet to 12 feet 8 inches.

The City Council granted the appeal on [July 27, 2017](#).

Recent zoning code amendments that impacted applications reviewed by the Board in 2017

[Yard Setbacks in Non-Residential Districts:](#) This amendment reduces and, in some cases, eliminates side and rear yard setback requirements in commercial, industrial, and downtown zoning districts. The amendment was adopted on 8/14/2017.

2017 Project Map



2017 Zoning Board of Adjustment Projects

City of Minneapolis
Community Planning and Economic Development Department
Created on: February 16, 2018

