

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

2016



Photo by Anja Drescher

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*

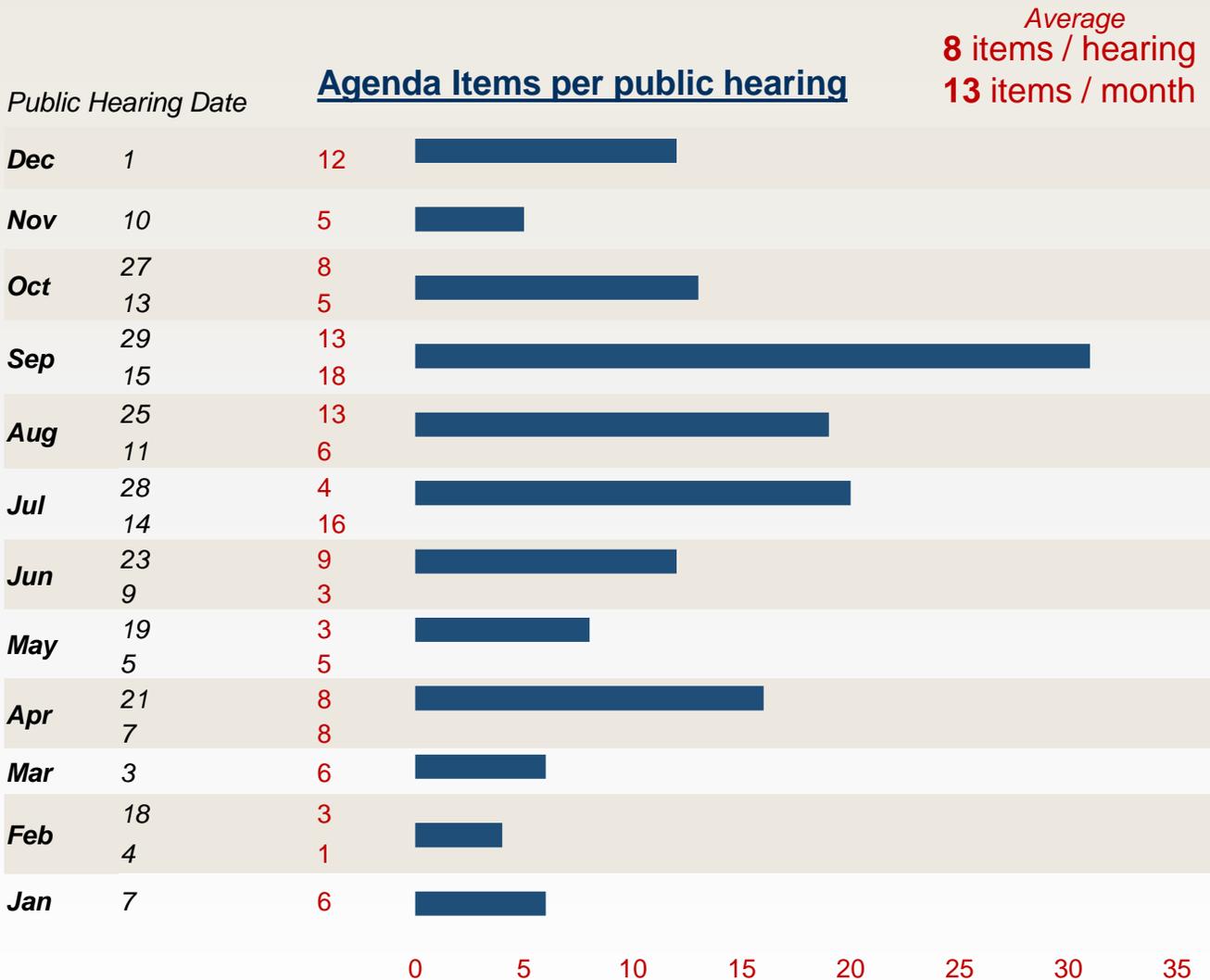
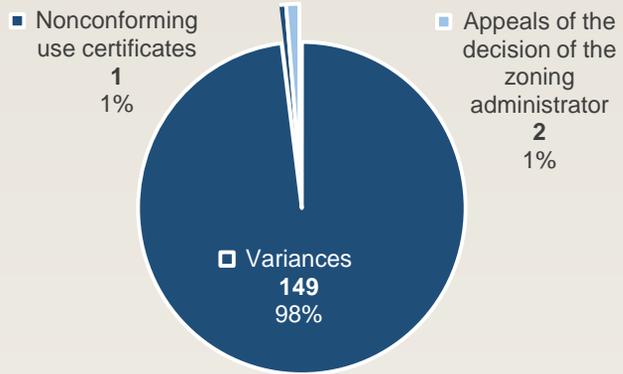
Name	Appointing Agency	Date of Original Appointment	Current Term	Ward
Matt Perry (Chair)	City Council	6/17/2005	Fifth	13
Sean Cahill (Vice Chair)	City Council	5/28/2010	Fourth	11
Anja Drescher	City Council	2/27/2015	First	2
John Finlayson	City Council	8/27/1999	Seventh	13
Eric Johannessen	City Council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

**Membership as of 12/31/16*

2016 Land Use Applications

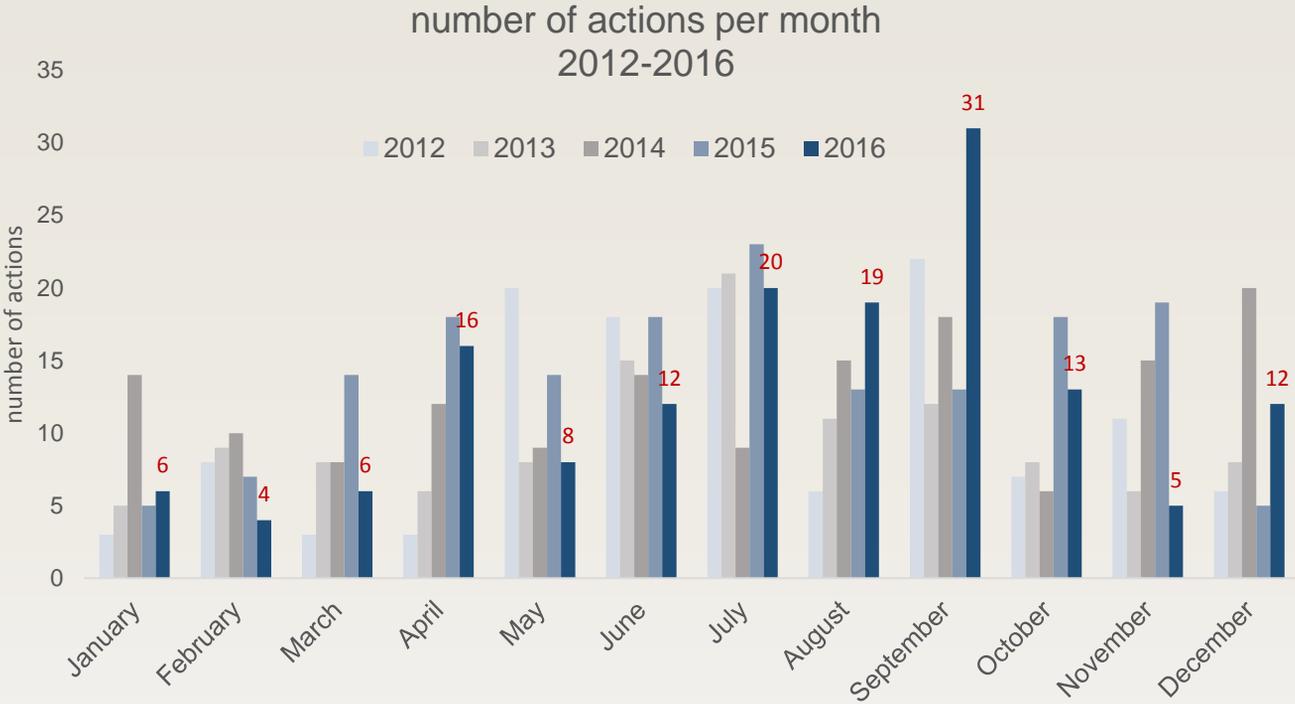
Total number of agenda items acted on

152



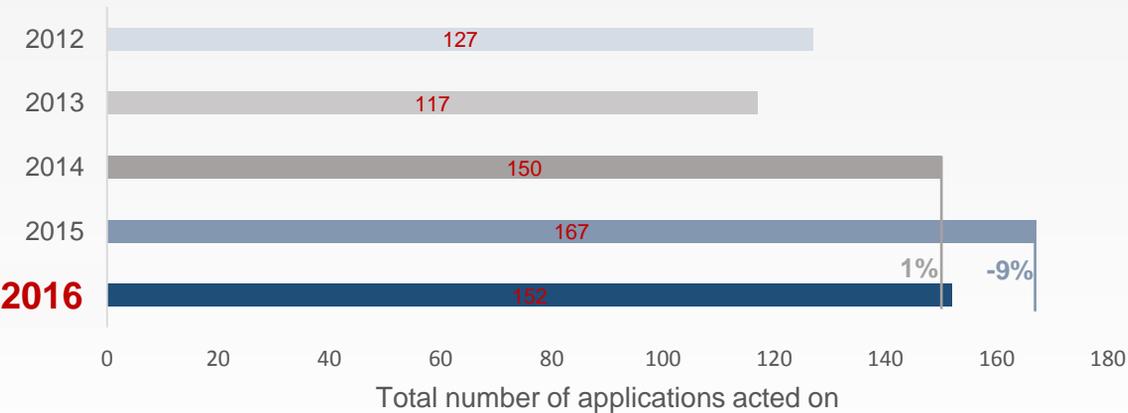
2016 Land Use Applications

Total number of agenda items acted on | 2012-2016



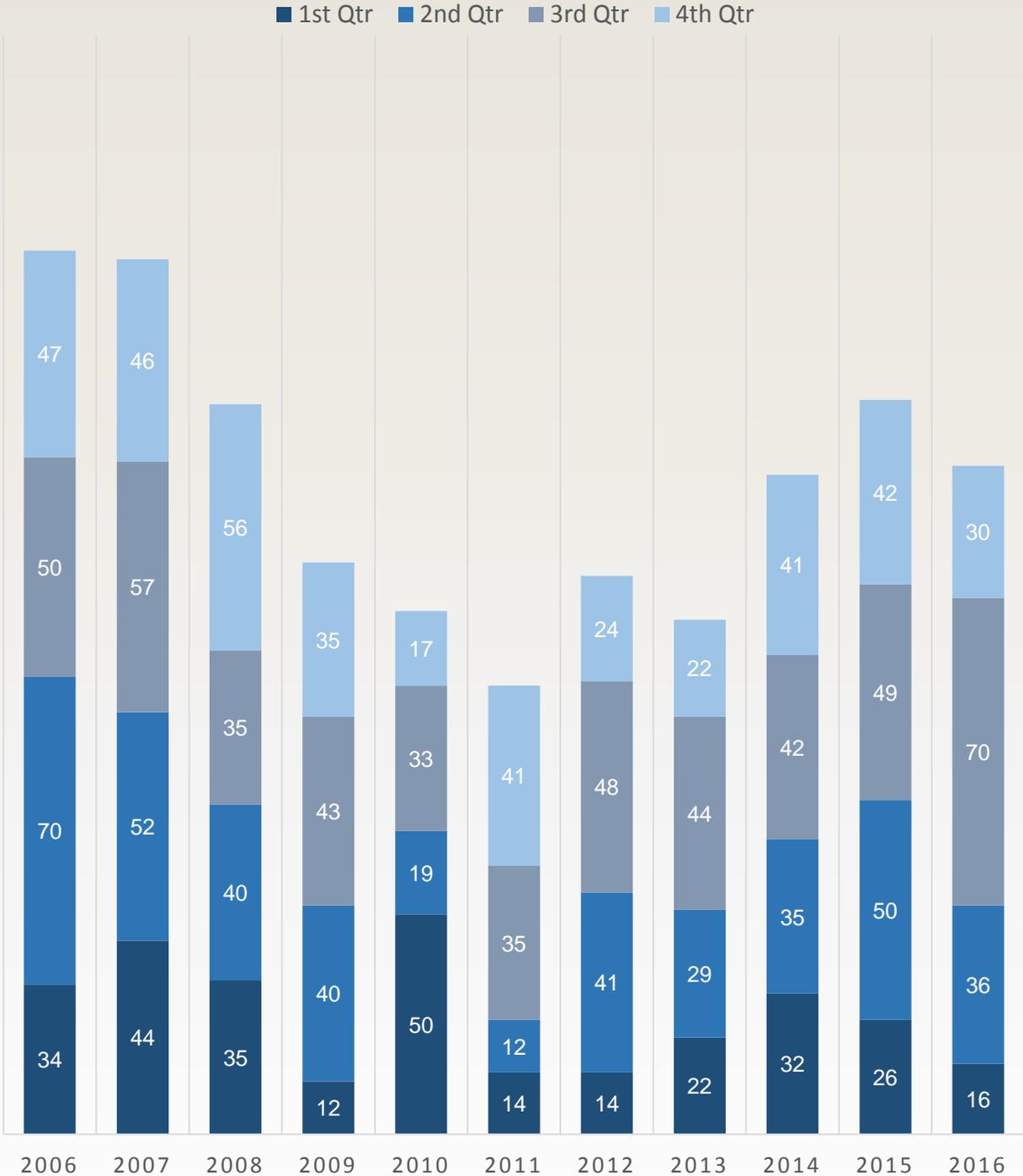
There was a 9 percent reduction in the number of applications acted on in 2016 as compared to 2015. The number applications in 2016 is comparable to 2014.

Total number of application changes between 2012-2016



2016 Land Use Applications

Total number of agenda items acted on | 2006-2016 | by quarter

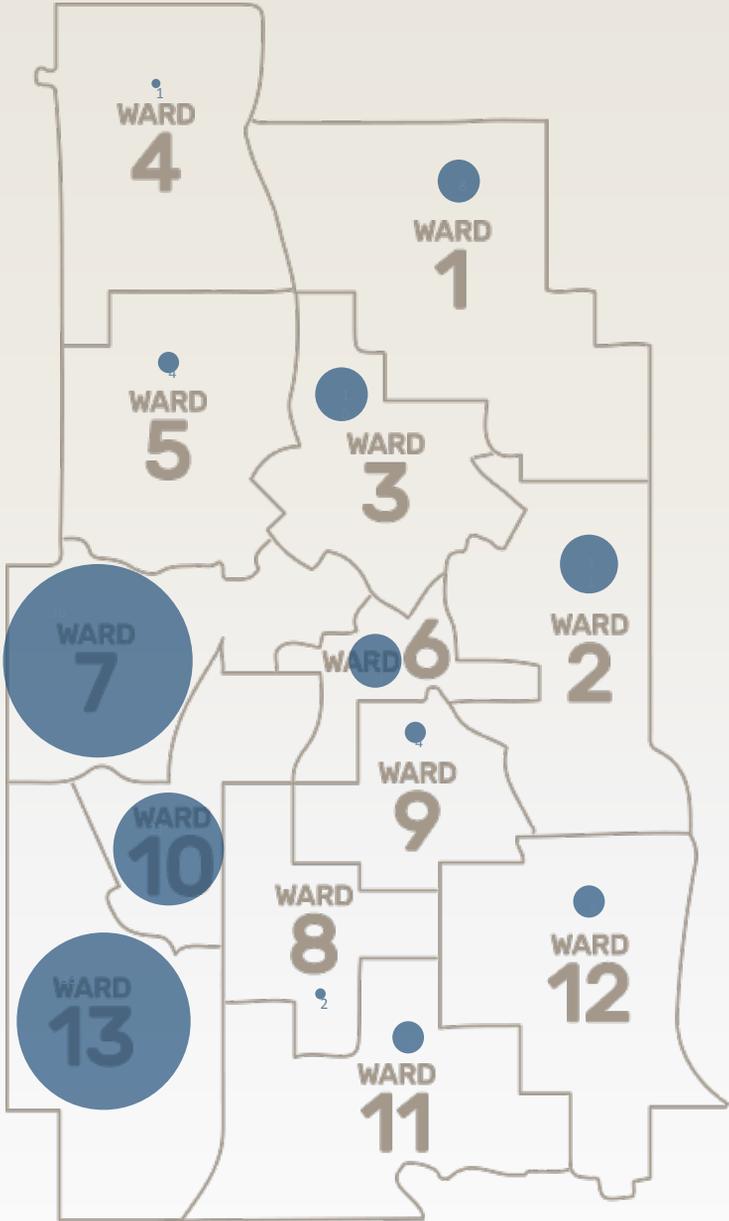


2016 Land Use Applications

Total number of agenda items acted on | by ward | by community

Ward	number of items
7th	36
13th	33
10th	21
2nd	11
3rd	10
6th	10
1st	8
11th	6
12th	6
5th	4
9th	4
8th	2
4th	1
Total	152

Community	number of items
Calhoun-Isles	46
Southwest	36
Northeast	14
University	10
Phillips	9
Powderhorn	9
Longfellow	9
Central	8
Nokomis	6
Near North	4
Camden	1
Total	152



2016 Land Use Applications

Total number of agenda items acted on | decisions

	Approval	Denial	No recommendation
Applications acted on (all types) where CPED Department staff recommended:	85.5%	14.5%	0.0%
<i>number of applications</i>	130	22	152
	Granted	Denied	
Applications acted upon (all types) where the Board of Adjustment:	94.1%	5.9%	
<i>number of applications</i>	143	9	152
Variance applications where the Board of Adjustment:	96.0%	4.0%	
<i>number of applications</i>	143	6	149
Nonconforming use certificate applications where the Board of Adjustment:	0.0%	100.0%	
<i>number of applications</i>	0	1	1
Appeals of the Zoning Administrator's decision where the Board of Adjustment:	0.0%	100.0%	
<i>number of applications</i>	0	2	2
	With conditions [1]	Without conditions [2]	
Of the applications that were approved, the Board of Adjustment approved:	40.4%	59.6%	

[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.

2016 Land Use Applications

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

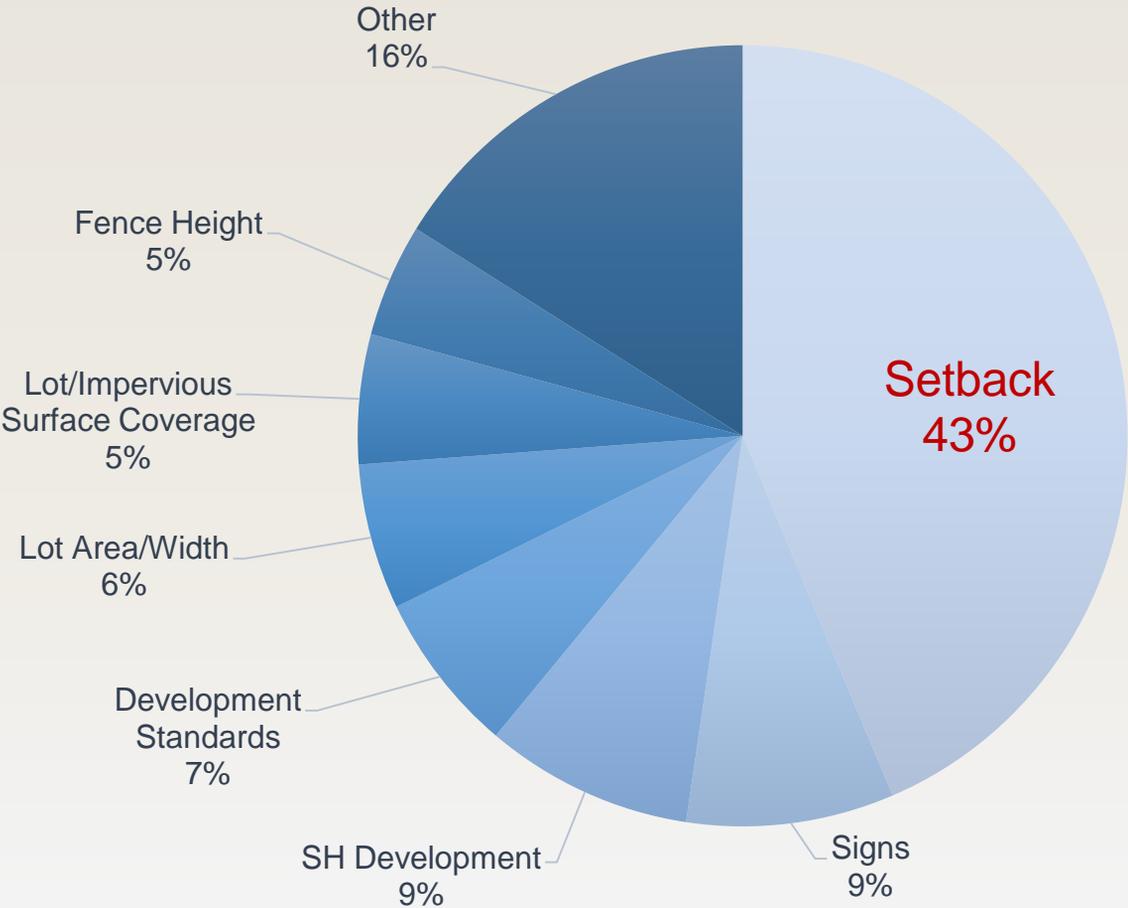
Variance requests and Board approvals by type: ^{[3][4]}		number of requests	approved
525.520(1).	To vary the yard requirements , including permitting obstructions into required yards not allowed by the applicable regulations.	65	95.40%
525.520(2).	To vary the lot area or width requirements....	9	100%
525.520(3).	To vary the gross floor area, floor area ratio and seating requirements of a structure or use.	2	100%
525.520(4).	To vary the height requirements of any structure, except signs....	5	100%
525.520(5).	To permit an increase in the maximum height of a fence .	7	100%
525.520(6).	To reduce the applicable off-street parking or loading requirements by up to 100 percent...	3	100%
525.520(8).	To permit parking that cannot comply with the location requirements for on-site parking, as specified in Chapter 541...	4	100%
525.520(12).	To vary the minimum width of... dwelling s...	1	100%
525.520(14).	To reduce the minimum required width of parking aisles or to increase the maximum width of driveways ...	1	100%
525.520(15).	To vary the maximum lot coverage and impervious surface coverage requirements.	8	100%
525.520(16).	To vary the surfacing requirements of Chapter 541....	1	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...	13	100%
525.520(18).	To permit development in the SH Shoreland Overlay District within 50 feet of a protected water.	1	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.	1	100%
525.520(21).	To vary the number, type, height, area or location of allowed signs ...	13	100%
525.520(22).	To vary the development standards of Chapter 536, Specific Development Standards and Chapter 537, Accessory Uses and Structures ...	10	100%
525.520(25).	To vary the landscaping and screening requirements of this ordinance.	1	100%
525.520(26).	To vary the enclosed building requirements of this ordinance.	1	100%
525.520(27).	To vary the minimum sign spacing standards and nonconforming sign area credits requirements of Chapter 544....	1	100%
525.520(31).	To permit curb cut access to the street for properties with an alley...	1	100%

[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 below.

2016 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 2016. There was a slight increase in other types of variances requested from 2015.

2016 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. Three decisions (2%) of the Zoning Board of Adjustment regarding land use applications were appealed in 2016. All three were denied.

The following land use applications were appealed to the City Council in 2016:

Justin D. Ebel appealed the decision of the Board of Adjustment denying a certificate of nonconforming use for the sale of used vehicles at the property located at 2636-2638 West Broadway.

The City Council denied the appeal [5/27/2016](#).

David Wheeler, et al, appealed the decision of the Board of Adjustment approving the following variances for a new four-story residential building with four dwelling units at 3621 Bryant Avenue South:

- A variance to reduce the required north interior side yard setback from 11 feet to 10 feet.
- A variance to reduce the required south interior side yard setback from 11 feet to 10 feet.

The City Council denied the appeal [6/17/2016](#).

Recent zoning code amendments that impacted applications reviewed by the Board in 2016

[Revisions to the Accessory Dwelling Unit Text Amendment](#): The original amendment allowed accessory dwelling units citywide on lots with single or two-family dwellings, which was not generally allowed previously, and included development standards. Some of the development standards were revised in the recent amendment. The original amendment was adopted 12/5/2014. Revisions were adopted 9/2/2016.

[Single- and Two-family Dwelling Floor Area Text Amendment](#): This amendment changed the calculation of floor area ratio for single- and two-family dwellings and provides additional flexibility regarding the extent to which a basement may extend above natural grade before it is counted as gross floor area. This change is applicable in the residence and office residence districts. Adopted 5/15/2015.

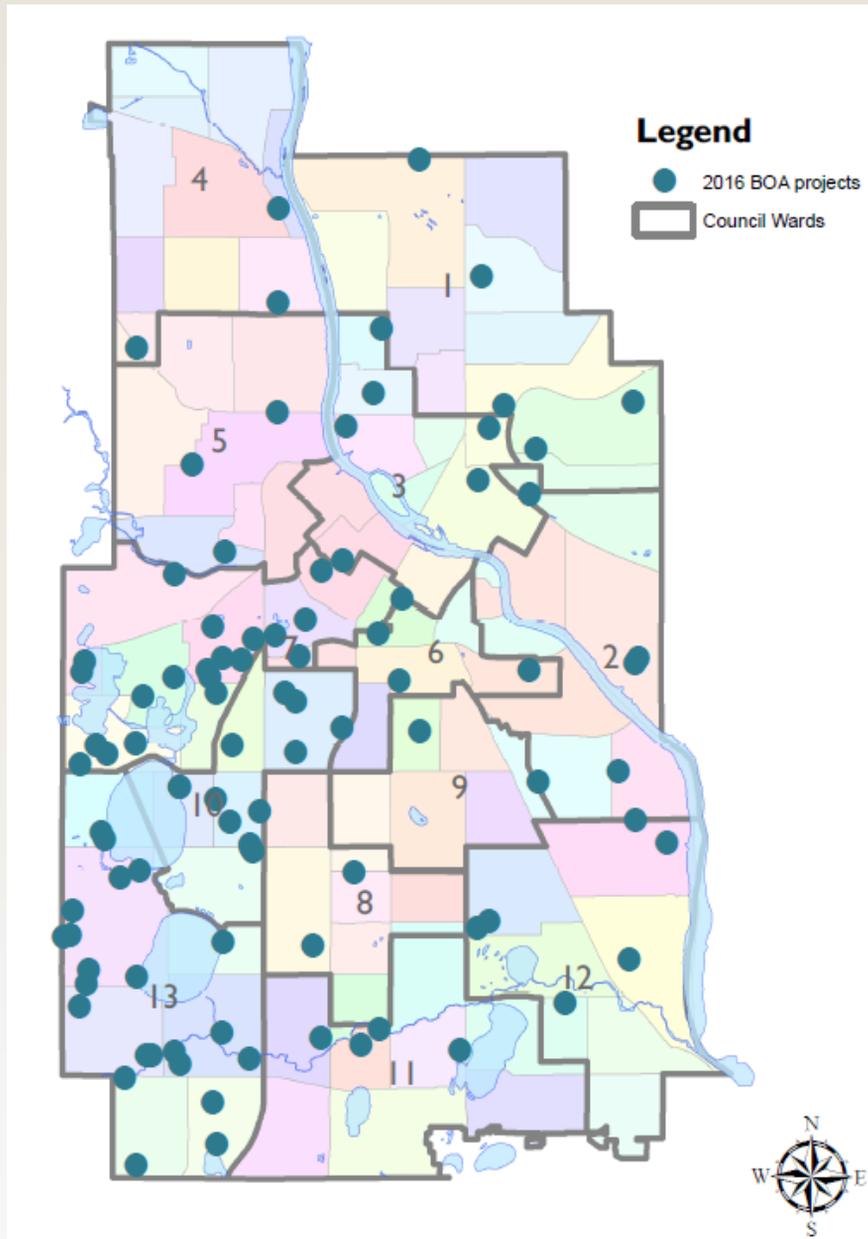
[Residential Parking Amendment](#): This amendment, in general, reduced the minimum parking requirement for multiple-family dwellings in close proximity to transit stops. Adopted 7/10/2015.

[Commercial Sizes Amendment](#): This amendment increased the maximum allowed size of commercial uses in several commercial districts. Adopted 12/11/2015.

[Duplex Text Amendment](#): This amendment reduced the minimum lot size requirement for duplexes in the R2 and R2B zoning districts. Adopted 7/22/2016.

[Half-story Definition Text Amendment](#): This amendment limits this type of story to structures of 2.5 stories or less. Adopted 8/19/2016.

2016 Project Map



2016 Zoning Board of Adjustment Projects

City of Minneapolis

Community Planning and Economic Development Department

Created on: March 27, 2017