Zoning Board of Adjustment Annual Report

COMMUNITY PLANNING & ECONOMIC DEPARTMENT (CPED)
250 South 4th Street
Minneapolis, MN 55415
www.minneapolismn.gov/cped

2015

Minneapolis
City of Lakes

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.

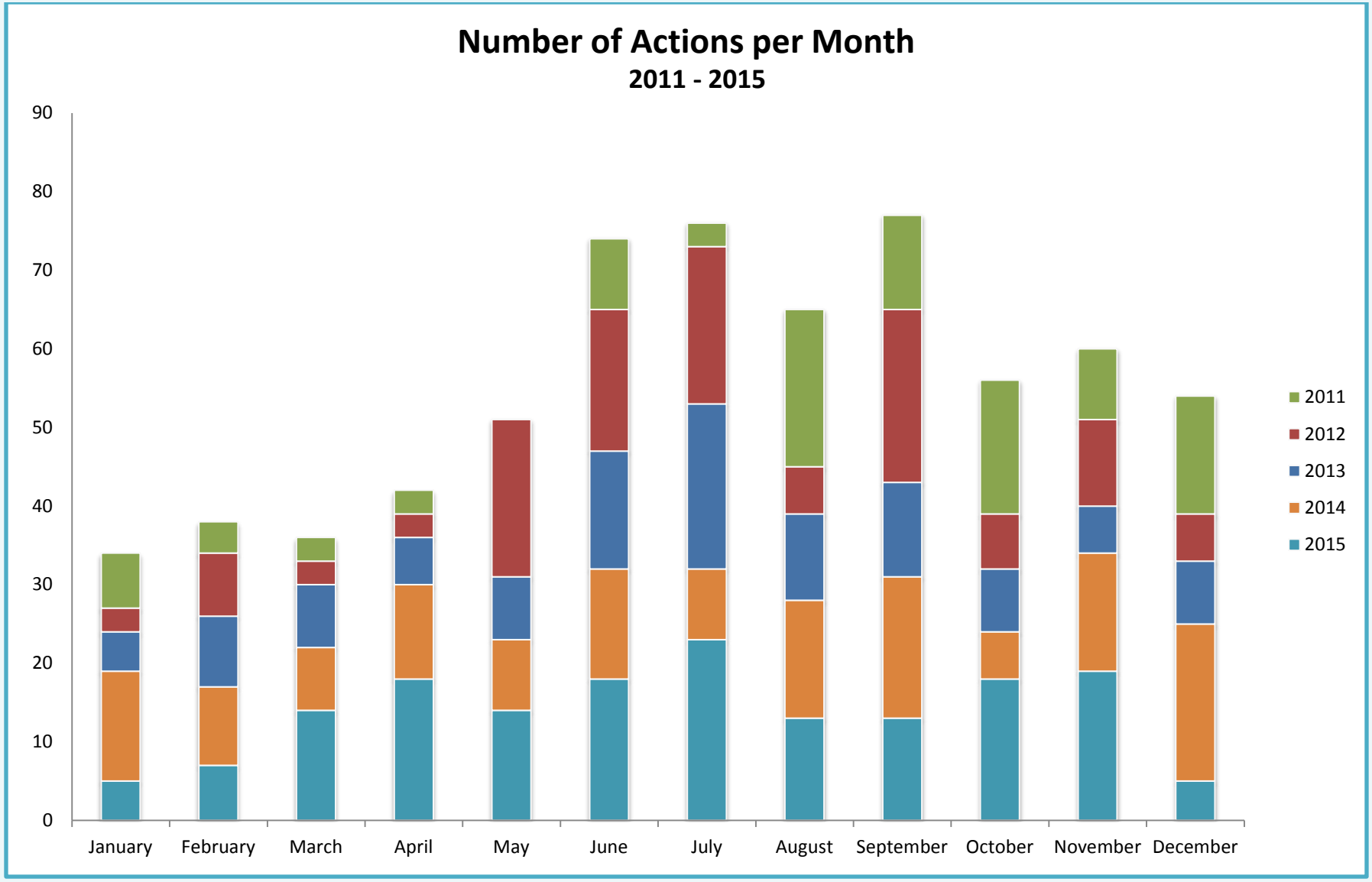
Board of Adjustment Members*				
Name	**Appointing Agency**	**Date of Original Appointment**	**Current Term**	**Ward**
Matt Perry (Chair)	City Council	06/17/2005	Fifth	13
Sean Cahill (Vice Chair)	City Council	5/28/2010	Third	10
Anja Drescher	City Council	02/27/2015	First	2
John Finlayson	City Council	08/27/1999	Sixth	13
Eric Johannessen	City Council	03/07/2013	First	12
Dan Ogiba	City Council	07/01/2011	Second	7
Dick Sandberg	City Council	5/2/2008	Second	7
Jacob Saufley	City Council	12/13/2013	Second	10
Ami Thompson	City Council	5/28/2010	Second	2

*Membership as of 12/31/15

2015 Land Use Applications

Total number of agenda items acted on:	
Variances	166
Nonconforming use certificates	0
Appeals of the decision of the zoning administrator	1
Total	**167**

Agenda items per public hearing:			
January 8	2	June 25	7
January 22	3	July 16	11
February 5	4	July 30	12
February 19	3	August 13	2
March 5	5	August 27	11
March 26	9	September 10	13
April 9	5	October 1	12
April 23	13	October 15	6
May 7	6	November 5	6
May 21	8	November 19	13
June 11	11	December 3	5



The number of land use applications reviewed by the Board of Adjustment in 2015 included an 11.3 percent increase over the number reviewed in 2014. It was also higher than each of the previous 6 years.

Number of items acted on by community:			
Camden	0	Phillips	5
Near North	9	Southwest	57
Northeast	13	Powderhorn	14
Central	9	Nokomis	8
University	8	Longfellow	15
Calhoun-Isles	29	**Total**	**167**

Number of items acted on by ward:			
1st	8	8th	8
2nd	16	9th	8
3rd	16	10th	8
4th	0	11th	13
5th	9	12th	4
6th	4	13th	44
7th	29	**Total**	**167**

Applications acted on (all types) where CPED Department staff recommended:	
Approval	85%
Denial	15%
No recommendation	0%

Applications acted upon (all types) where the Board of Adjustment:	
Granted	84.4%
Denied	15.6%

Variance applications where the Board of Adjustment:	
Granted	84.9%
Denied	15.1%

Nonconforming use certificate applications where the Board of Adjustment:	
Granted	0%
Denied	0%

Appeals of the Zoning Administrator's decision where the Board of Adjustment:	
Granted	0%
Denied	100%

Of the applications that were approved, the Board of Adjustment approved:	
With conditions[1]	47.5%
Without conditions[2]	52.5%

[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.

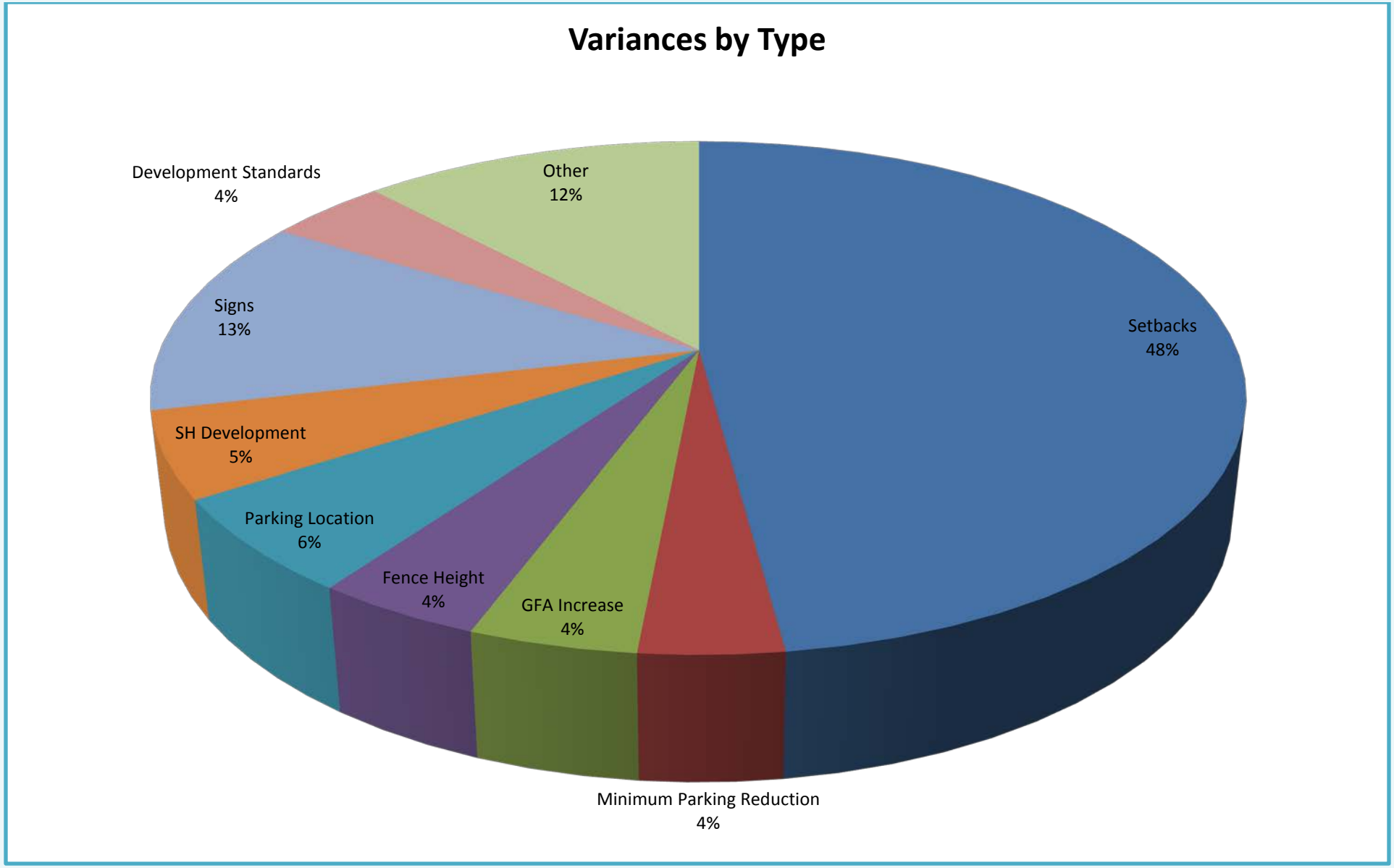
[2] Those with no conditions or only the aforementioned standard conditions.

Variance requests and Board approvals by type:[3][4]
525.520(1). To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations. Requested 80 Approved 88.8%
525.520(2). To vary the lot area or width requirements…. Requested 5 Approved 100%
525.520(3). To vary the gross floor area, floor area ratio and seating requirements of a structure or use. Requested 7 Approved 85.7%
525.520(4). To vary the height requirements of any structure, except signs…. Requested 5 Approved 40%
525.520(5). To permit an increase in the maximum height of a fence. Requested 7 Approved 85.7%
525.520(6). To reduce the applicable off-street parking or loading requirements by up to 100 percent… Requested 6 Approved 100%
525.520(8). To permit parking that cannot comply with the location requirements for on-site parking, as specified in Chapter 541… Requested 10 Approved 80%

[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.

525.520(14). To reduce the minimum required width of parking aisles or to increase the maximum width of driveways… Requested 1 Approved 0%
525.520(15). To vary the maximum lot coverage and impervious surface coverage requirements. Requested 1 Approved 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… Requested 9 Approved 100%
525.520(18). To permit development in the SH Shoreland Overly District within 50 feet of a protected water. Requested 2 Approved 100%
525.520(20). To vary the standards of any overlay district, other than the SH Shoreland Overly District or the FP Floodplain Overlay District. Requested 1 Approved 0%
525.520(21). To vary the number, type, height, area or location of allowed signs… Requested 21 Approved 76.2%
525.520(22). To vary the development standards of Chapter 536, Specific Development Standards and Chapter 537, Accessory Uses and Structures… Requested 7 Approved 71.4%
525.520(28). To vary the width and location restrictions on attached garages facing the front lot line for residential uses. Requested 4 Approved 100%



Variances to reduce required setbacks were the most frequent application type reviewed in 2015. Compared to 2014, the number of setback variances was similar. The increase in applications reviewed in 2015 is therefore attributed to other types of variances requested.

2015 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. Nine decisions (5.4%) of the Zoning Board of Adjustment regarding land use applications were appealed in 2015. Six of the appeals were granted and three were denied.

The following land use applications were appealed to the City Council in 2015:

Ted Irgens appealed the decision of the Board of Adjustment granting reasonable accommodation pursuant to the 1988 Federal Fair Housing Act to waive the spacing requirement for a proposed supportive housing facility in the existing structure at 2118 Blaisdell Avenue.

The City Council denied the appeal 4/3/2015.

Nick Reimler appealed the decision of the Board of Adjustment denying the variance request to reduce the required corner side yard setback along West 59th Street for the construction of a new single-family dwelling located at 5857 Washburn Avenue South.

The City Council granted the appeal 7/24/2015.

Hillcrest Development LLLP, on behalf of 807 Broadway Revival LLC, appealed the decision of the Zoning Board of Adjustment approving a variance to reduce the minimum parking requirement for the property located at 1300 Quincy Street Northeast.

The City Council granted the appeal 8/21/2015.

John Fena and Edwin Schumacher appealed the decision of the Zoning Board of Adjustment denying a variance of the accessory dwelling unit standards to allow an exterior stair as the principal access to an accessory dwelling unit that is internal to the single-family dwelling located at the property of 1407 Emerson Avenue North.

The City Council granted the appeal 8/7/2015.

Tim Prinsen appealed the decision of the Zoning Board of Adjustment denying a variance of the accessory dwelling unit standards to increase the maximum size of a detached accessory dwelling unit, including area intended to be used for the parking of vehicles, for a single-family dwelling located at the property of 3213 East Lake Calhoun Parkway.

The City Council granted the appeal 8/7/2015.

Stephen Chan appealed the decision of the Zoning Board of Adjustment denying the following applications for the property located at 1101 7th Street Southeast to allow a driveway with two parking spaces for a single-family dwelling:

- Variance to reduce the interior side yard requirement adjacent to the east lot line.
- Variance to allow a parking area located less than 6 feet from habitable space of a dwelling.
- Variance of the UA University Area Overlay District standards.

The City Council denied the appeal 8/7/2015.

Mount Olivet Lutheran Church appealed the decision of the Zoning Board of Adjustment denying a variance of the front yard requirement adjacent to Logan Avenue South to allow a vehicle height barrier structure for a surface parking lot for the property located at 5025 Knox Avenue South.

The City Council denied the appeal 9/11/2015.

White Tree LLC appealed the decision of the Zoning Board of Adjustment denying the following applications for the property located at 3515 2nd Avenue South to allow a parking area:

- Variance to reduce the minimum drive aisle requirement.
- Variance to allow less than 6 feet separation between a parking area and habitable space of a dwelling.
- Variance to allow a parking area in a required interior side yard adjacent to the south lot line.

The City Council granted the appeal 11/20/2015.

Melisa Pollak appealed the decision of the Board of Adjustment denying the variance to increase the maximum permitted fence height to 6 feet in the established front yard setback located at 2012 Cedar Lake Parkway.

The City Council granted the appeal 1/15/2016.

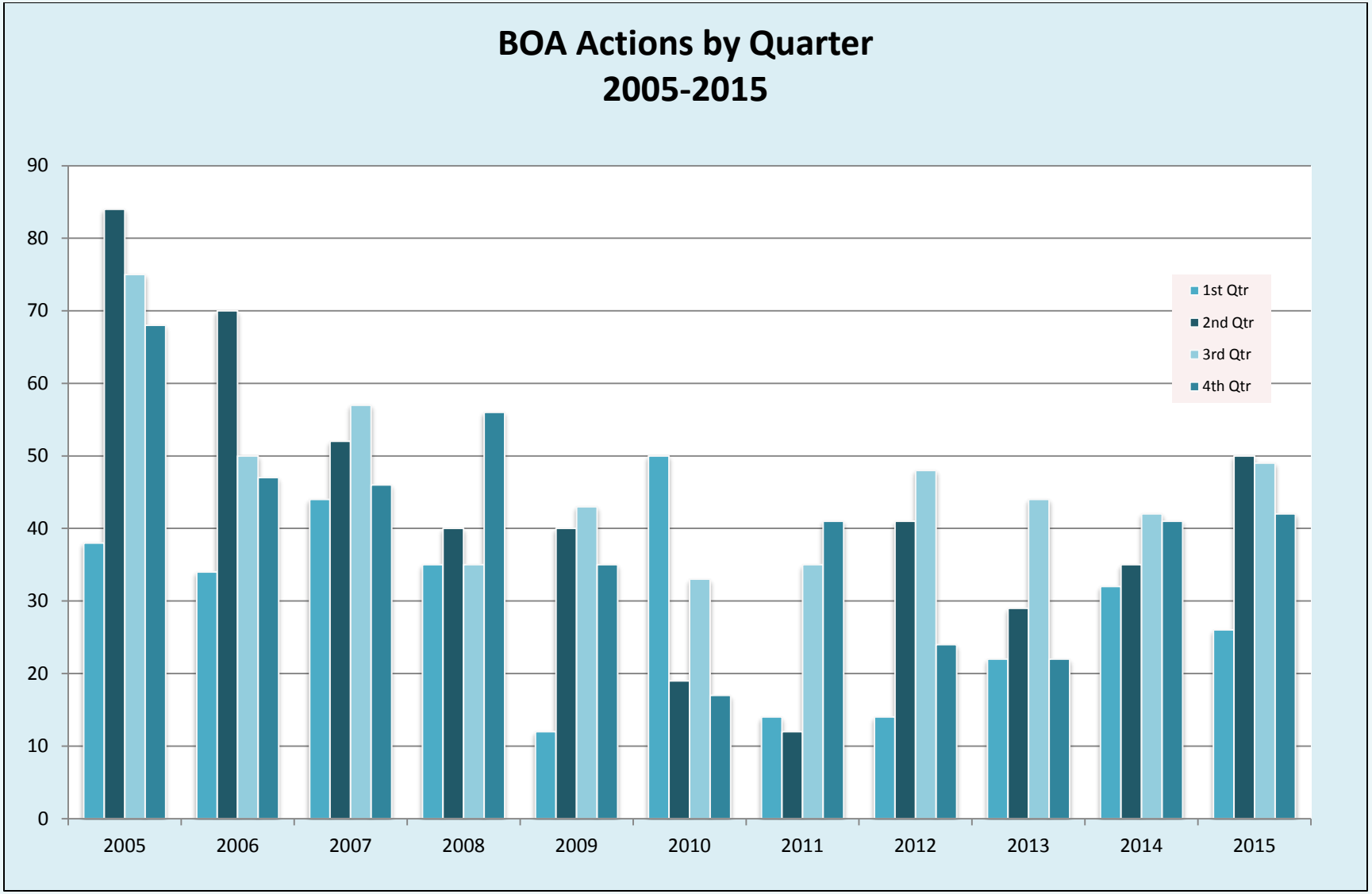
Recent zoning code amendments that impacted applications reviewed by the Board in 2015

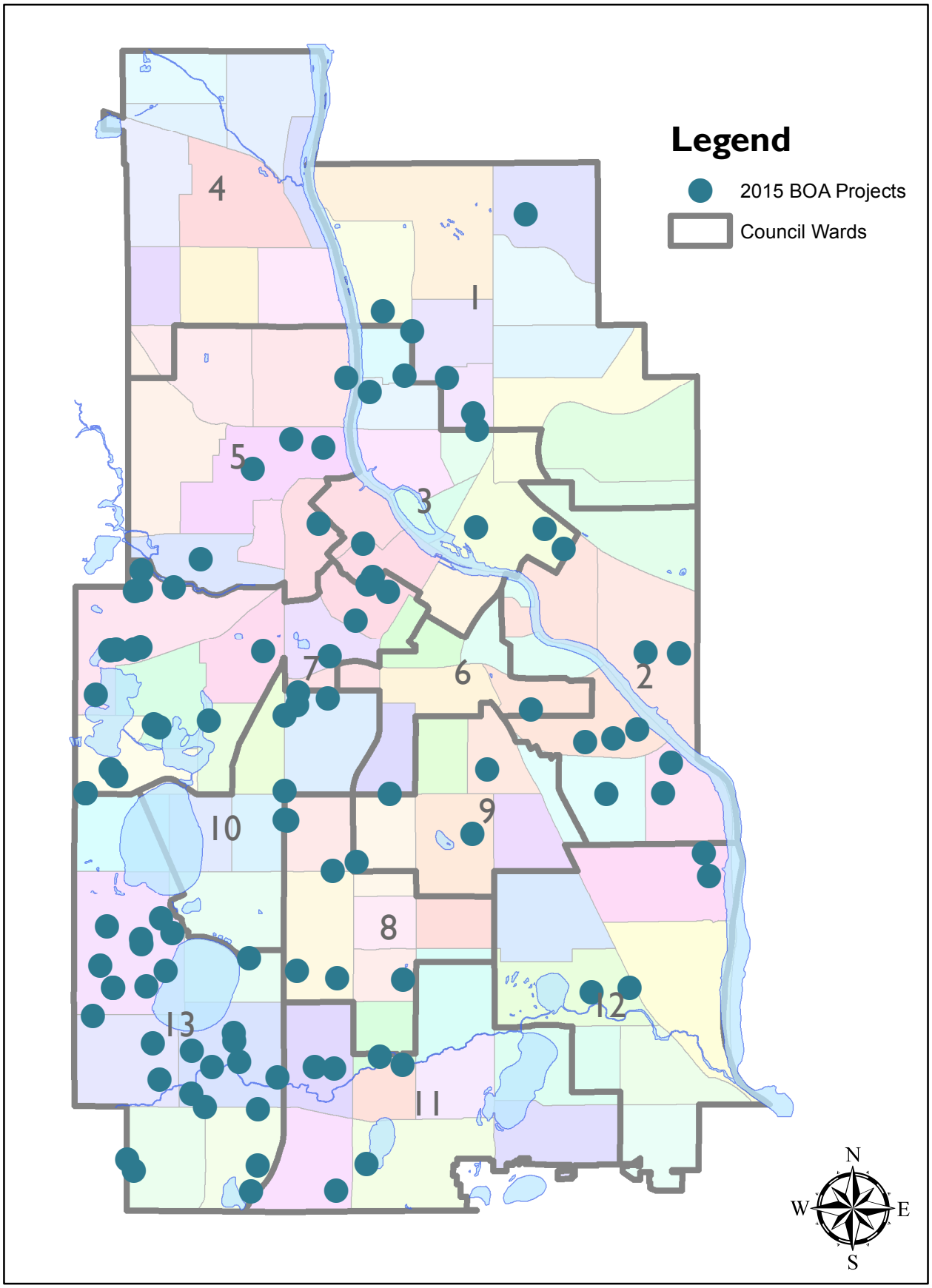
Residential Infill Text Amendment: This amendment revised existing standards that governed 1-4 unit residential construction, including but not limited to definitions, maximum impervious surface coverage, the established front yard requirement, interior side yard requirements, and maximum height of dwellings. Adopted 8/29/2014.

Accessory Dwelling Unit Text Amendment: This amendment allowed accessory dwelling units citywide on lots with single or two-family dwellings, which was not generally allowed previously. The amendment included development standards as well. Adopted 12/5/2014.

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.


BOA Actions by Quarter
2005-2015
90
80
70
60
50
40
30
20
10
0
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
1st Qtr
2nd Qtr
3rd Qtr
4th Qtr



2015 Zoning Board of Adjustment Projects

City of Minneapolis

Community Planning and Economic Development Department

Created on: December 22, 2015

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Minneapolis
City of Lakes

Data compiled from the best available sources.The Ciity of Minneapolis assumes no legal responsibility for the accuracy of this map.
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