

Department of Community Planning and Economic Development – Planning Division
Appeal of the Decision of the Zoning Administrator
BZZ-5319

Date: December 15, 2011

Applicant: Tower Lofts Association, c/o Gittleman Management

Address of Property: 700 Washington Avenue North

Project Name: Appeal of the ZA determination

Contact Person and Phone: Andy Gittleman, (952) 277-2700

Planning Staff and Phone: Jacob Steen, (612) 673-2264/Steve Poor (612) 673-5837

Date Application Deemed Complete: September 12, 2011

End of 60-Day Decision Period: November 14, 2011

End of 120 Day Decision Period: On October 25, 2011, staff sent a letter to the applicant extending the City’s decision period for an additional 60 days, to January 10, 2012. On November 11, 2011 staff received a letter from the applicant granting an additional extension to March 1, 2012. On December 8, 2011, staff received an additional letter from the applicant granting a further extension to April 1, 2012.

Ward: 7 **Neighborhood Organization:** North Loop Neighborhood Association

Existing Zoning: B4N Downtown Neighborhood District and DP Downtown Parking Overlay District

Zoning Plate Number: 19

Legal Description: Not applicable for this application

Proposed Use: Multiple Family Dwelling

Appeal of the decision of the Zoning Administrator: Determination that permanently locking of the pedestrian gate at 700 Washington Avenue North is in violation of the terms of the approved planned unit development for application BZZ-1647.

525.170. Appeals of decisions of the zoning administrator. All findings and decisions of the zoning administrator, planning director or other official involved in the administration or the enforcement of this zoning ordinance shall be final subject to appeal to the board of adjustment, except as otherwise provided by this zoning ordinance. Appeals may be initiated by any affected person by filing the appeal with the zoning

administrator on a form approved by the zoning administrator. All appeals shall be filed within ten (10) calendar days of the date of the decision. Timely filing of an appeal shall stay all proceedings in the action appealed, unless the zoning administrator certifies to the board of adjustment, with service of a copy to the applicant, that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed. The board of adjustment shall hold a public hearing on each complete application for an appeal as provided in section 525.150. All findings and decisions of the board of adjustment concerning appeals shall be final, subject to appeal to the city council as specified in section 525.180.

Continuance: The applicant was granted a continuance from the October 27, 2011, Zoning Board of Adjustment hearing to allow for sufficient time to review alternatives in an attempt to resolve the issue. Staff has received an additional request for time to allow the Tower Lofts Association to work with their representatives to resolve the issue. The applicant is requesting an additional continuance of one cycle, to the first meeting of the Board of Adjustment in January 2012.

The applicant has also provided staff with a letter granting an additional extension to April 1, 2012, per Minn. Stat. Sec. 15.99.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the appeal of the decision of the zoning administrator:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment **continue** the appeal of the decision of the zoning administrator's determination that permanently restricting public access to the pedestrian walkway at 700 Washington Avenue North is in violation of the terms of the approved planned unit development for land use application BZZ-1647, by one cycle to the first meeting of the Board of Adjustment in January 2012.

Attachments:

- 1) Zoning map
- 2) Request for continuance