

Department of Community Planning and Economic Development
Appeal of the Decision of the Zoning Administrator
BZZ-5978

Date: April 4, 2013

Applicant: Mark Thieroff, Siegel Brill P.A. on behalf of Nathan and Katie Bard

Address of Property: 5240 West Lake Nokomis Parkway

Project Name: Appeal of the determination of the Zoning Administrator

Contact Person and Phone: Mark Thieroff, (612) 337-6102

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

Date Application Deemed Complete: March 4, 2013

End of 60-Day Decision Period: May 2, 2013

End of 120-Day Decision Period: July 1, 2013 (*Staff sent an extension letter on March 21, 2013*)

Ward: 11 **Neighborhood Organization:** Field Regina Northrup Neighborhood Group

Existing Zoning: R1 Single Family District, SH Shoreland Overlay District and the AP Airport Overlay District.

Zoning Plate Number: 38

Legal Description: Not applicable for this application

Proposed Use: Detached garage accessory to a single-family dwelling.

Appeal of the decision of the Zoning Administrator: Application by Mark Thieroff, on behalf of Nathan and Katie Bard, for an appeal of the Zoning Administrator's determination that chapter 525 of the Minneapolis Code of Ordinances does not authorize a variance for a detached accessory structure in excess of sixteen (16) feet in height or sixty (60) percent of the height of the principal residential structure for the property located at 5240 West Lake Nokomis Parkway in the R1 Single Family District, SH Shoreland Overlay District and the AP Airport Overlay District.

§ 525.170. Appeals of decisions of the zoning administrator.

All findings and decisions of the zoning administrator, director of regulatory services, 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

Background and Analysis: On October 31, 2011, Mark White with Northrup Remodeling received a building permit and administrative zoning approvals (BZZ 5398) to construct a garage located at 5240 West Lake Nokomis Parkway. In November of 2012, a zoning inspector issued a notice of non-compliance for construction of a detached garage in excess of the permitted height. Shortly after receiving a notice of non-compliance, the contractor contacted zoning staff to discuss the steps necessary for compliance and explore the options for a variance application. On February 15, 2013, the appellant, on behalf of the homeowner, submitted a letter to the Zoning Administrator requesting an official determination as to whether the zoning code would allow a variance for a detached garage in excess of sixteen (16) feet in height. The Zoning Administrator's response, dated February 25, 2013, stated that the ordinance does not authorize a variance to the height of a detached garage in excess of sixteen (16) feet or sixty (60) percent of the height of the principal structure.

However, upon further review of the as-built plans and the site plan, the Zoning Administrator has determined that the garage was constructed within the parameters of the approved building permit and that the notice of non-compliance has been administratively dismissed. As a result, the appellant has requested withdrawal of the appeal.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development recommends that the Board of Adjustment Board of Adjustment accept the **withdrawal** the appeal of the Zoning Administrator's determination that Chapter 525 of the Minneapolis Code of Ordinances does not authorize a variance for a detached accessory structure in excess of sixteen (16) feet in height or sixty (60) percent of the height of the principal residential structure for the property located at 5240 West Lake Nokomis Parkway in the R1 Single Family District, SH Shoreland Overlay District and the AP Airport Overlay District.

Attachments:

- 1) Zoning map
- 2) Applicant's request to withdraw the application