

A nighttime photograph of a city skyline reflected in water. On the right side, a large stone bridge structure is visible, illuminated from below. The city lights in the background are reflected in the water. The sky is a deep blue.

Minneapolis Zoning Board of Adjustment

2013 Annual Report

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 districts. The individual districts determine 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 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	Fourth	13
Matt Ditzler (Vice Chair)	City Council	06/17/2005	Fourth	10
John Finlayson	City Council	08/27/1999	Sixth	13
Dick Sandberg	City Council	5/2/2008	Second	7
Sean Cahill	City Council	05/28/2010	Third	10
Ami Thompson	City Council	07/01/2011	Second	9
Dan Ogiba	City Council	07/01/2011	Second	7
Eric Johannessen	City Council	03/07/2013	First	9
Jacob Saufley	City Council	12/13/2013	First	6

*Membership as of 12/31/2013

2013 Land Use Applications

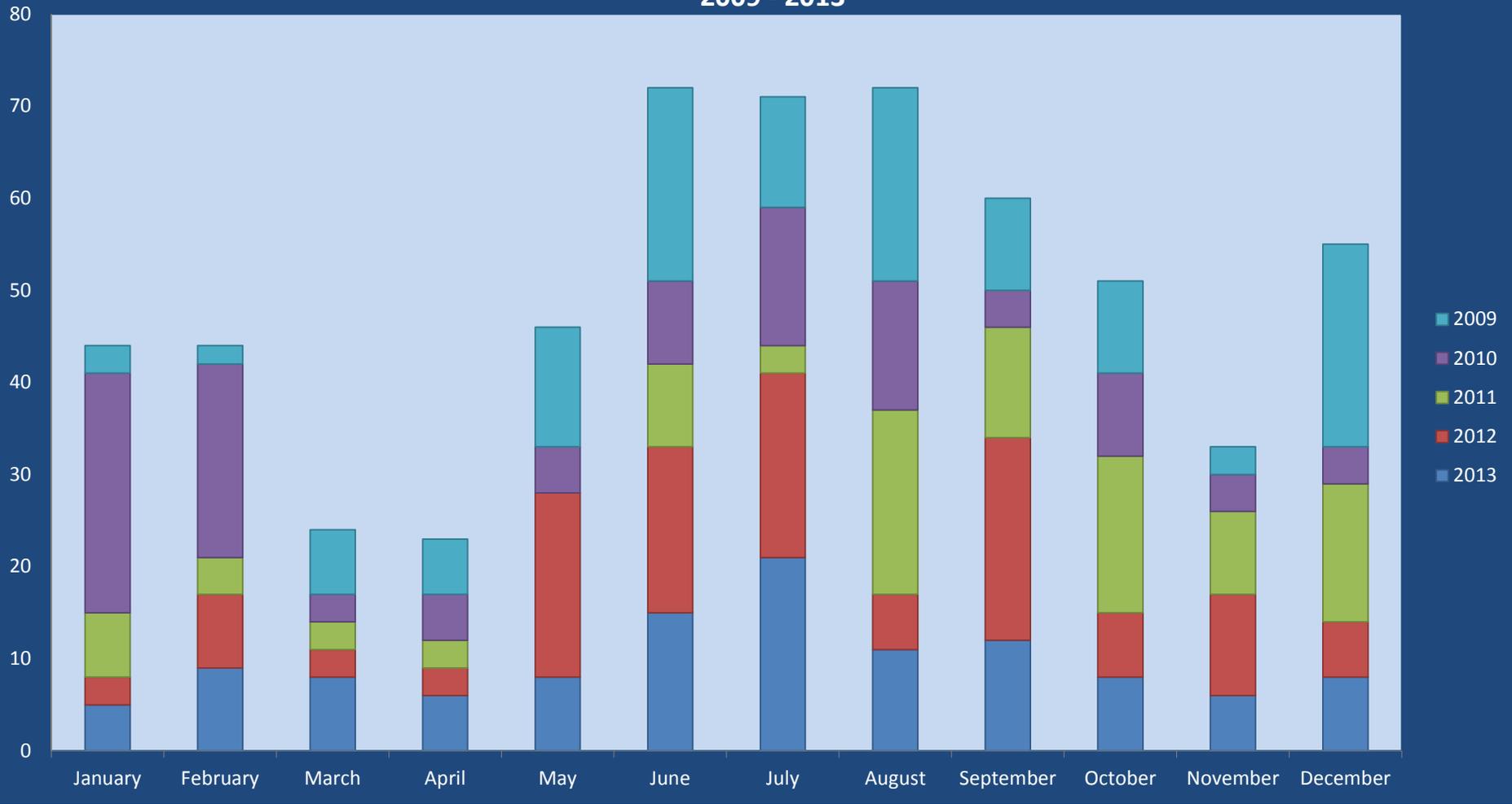
Total number of agenda items acted upon:

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Variances:	107
Nonconforming use certificates:	2
Appeals of the decision of the zoning administrator:	1
Withdrawn applications:	7
Total	117

Agenda items per public hearing:

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January 17:	2	July 11:	12
January 31:	3	July 25:	9
February 14:	0	August 8:	6
February 28:	9	August 22:	5
March 21:	8	September 12:	4
April 4:	2	September 26:	8
April 18:	4	October 10:	4
May 2:	4	October 24:	4
May 23:	4	November 7:	2
June 6:	9	November 11:	4
June 20:	6	December 12:	8

Number of Actions per Month 2009 - 2013



The number of land use applications reviewed by the Board of Adjustment follow the general trend lines with construction season in Minnesota in 2009, 2012 and 2013. In 2010 and 2011, The Board of Adjustment experienced a higher than average first quarter in 2010 and fourth quarter in 2011. Applications significantly decreased between the third quarter of 2010 and 2011, due to the Minnesota Supreme Court opinion on Krummenacher v. City of Minnetonka issued on June 24, 2010.

Number of items acted upon by Community:

Camden	0	Phillips	3
Near North	12	Southwest	30
Northeast	8	Powderhorn	5
Central	7	Nokomis	11
University	9	Longfellow	5
Calhoun-Isles	24	Citywide	0

Number of items acted upon by Ward:

1 st	7	8 th	3
2 nd	5	9 th	6
3 rd	8	10 th	5
4 th	0	11 th	7
5 th	9	12 th	8
6 th	5	13 th	31
7 th	23	Citywide	0

Applications acted upon (all types) where CPED Department staff recommended:

Approval of entire application	80%
Approval of part of application	3%
Denial	11%
No recommendation	0%
Withdrawn	6%

Applications acted upon (all types) where the Board of Adjustment:

Granted entire request	79%
Granted partial approval	2%
Denied	13%
Withdrawn	6%

Variance applications where the Board of Adjustment:

Granted entire request	79%
Granted partially	2%
Denied	13%
Withdrawn	6%

Nonconforming use certificates where the Board of Adjustment:

Granted entire request	50%
Denied	50%
Withdrawn	0%

Appeals of the Zoning Administrator's Decision where the Board of Adjustment:

Granted	50%
Denied	0%
Withdrawn	50%

Of the applications that were approved, the Board of Adjustment:

With conditions	11%
Without conditions	89%

Variance requests and board approvals, by type:¹²

525.520(1). To vary the yard requirements, including permitting obstructions into required yards

Requested:	56 Applications
Approved	95% (1 application withdrawn)

525.520(2). To vary the lot area or width requirements...

Requested:	6 Applications
Approved	66%

525.520(3). To vary the gross floor area, floor area ratio and seating requirements of a structure or use

Requested:	3 Applications
Approved	33%(1 application withdrawn)

525.520(4). To vary the height requirements of any structure, except signs, ...

Requested:	1 Application
Approved	100%

525.520(5). To permit an increase in the maximum height of a fence

Requested:	6 Applications
Approved	100% (2 applications withdrawn)

¹ Approvals, in this section, refer to requests that were granted entirely or partially.

² There were no applications for the variances that are authorized by the zoning code but are not shown below.

525.520(6). To reduce the applicable off-street parking or loading requirements by up to one hundred (100) percent

Requested: 7 Applications
Approved 71%

525.520(8). To permit parking that cannot comply with the location requirements for on-site parking...

Requested: 6 Applications
Approved 100%

525.520(10). To vary the location of off-site parking as specified in Table 541-5 Location of Off-Site Parking...

Requested: 1 Application
Approved 100%

525.520(11). To increase the maximum number of vehicles permitted to be parked outdoors.

Requested: 1 Application
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: 7 Applications
Approved 100%

525.520(19). To permit alternative forms of flood protection for uses and structures Located in the FP Floodplain Overlay District...

Requested: 1 Application
Approved 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...

Requested: 2 Applications

Approved 50% (1 application withdrawn)

525.520(21). To vary the number, type, height, area or location of allowed signs...

Requested: 14 Applications

Approved 50%(1 application withdrawn)

525.520(22). To vary the specific development standards...

Requested: 1 Application

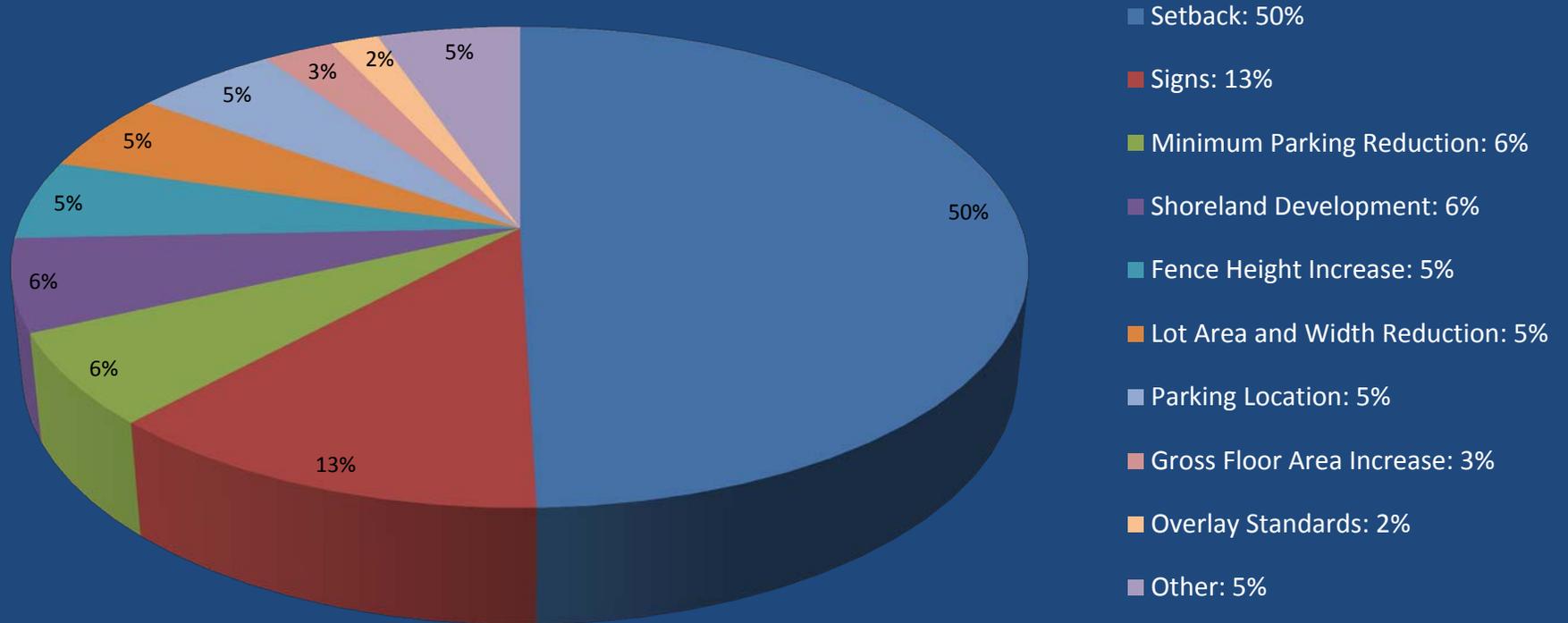
Approved 100%

525.520(25). To vary the landscaping and screening requirements

Requested: 1 Applications

Approved 0%

Variances by Type



The Zoning Board of Adjustment reviewed 117 applications in 2013, 107 of which were requests for variance. Variances to reduce required setbacks were the most frequent application reviewed in 2013. These variances comprised 50% of the total variance requests and 48% of the total applications reviewed in 2013.

2013 Appeals of the Decision 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 (2.7%) of the Zoning Board of Adjustment regarding land use applications were appealed in 2013. The following land use applications were appealed to the City Council in 2013:

903 Washington Partners, LLC, appealed the decision of the Zoning Board of Adjustment granting the appeal of the Zoning Administrator's determination that bus passenger loading and unloading at the property located at 247 Chicago Avenue South is classified as a *Bus Turnaround*, under the Minneapolis Code of Ordinances, thus requiring a conditional use permit (Ward 7).

The appeal was withdrawn by the appellant on November 7, 2013.

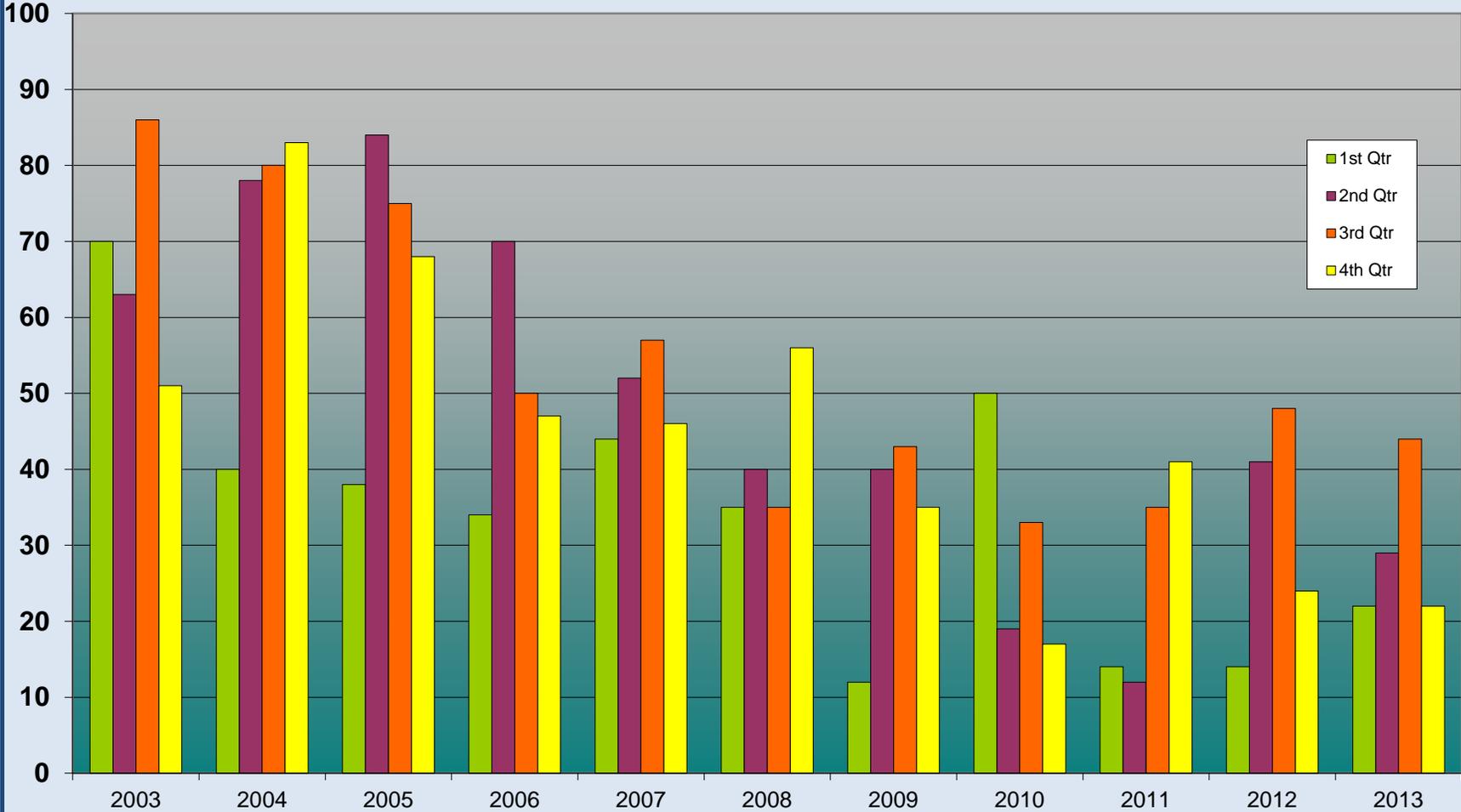
Mazel Properties, LLC, appealed the decision of the Zoning Board of Adjustment denying an application for a certificate of nonconforming use to establish legal nonconforming rights to a three-unit, multiple-family residence in an existing structure located at 2924 Grand Avenue South in the R2B Two-Family District (Ward 6).

The City Council denied the appeal on November 12, 2013.

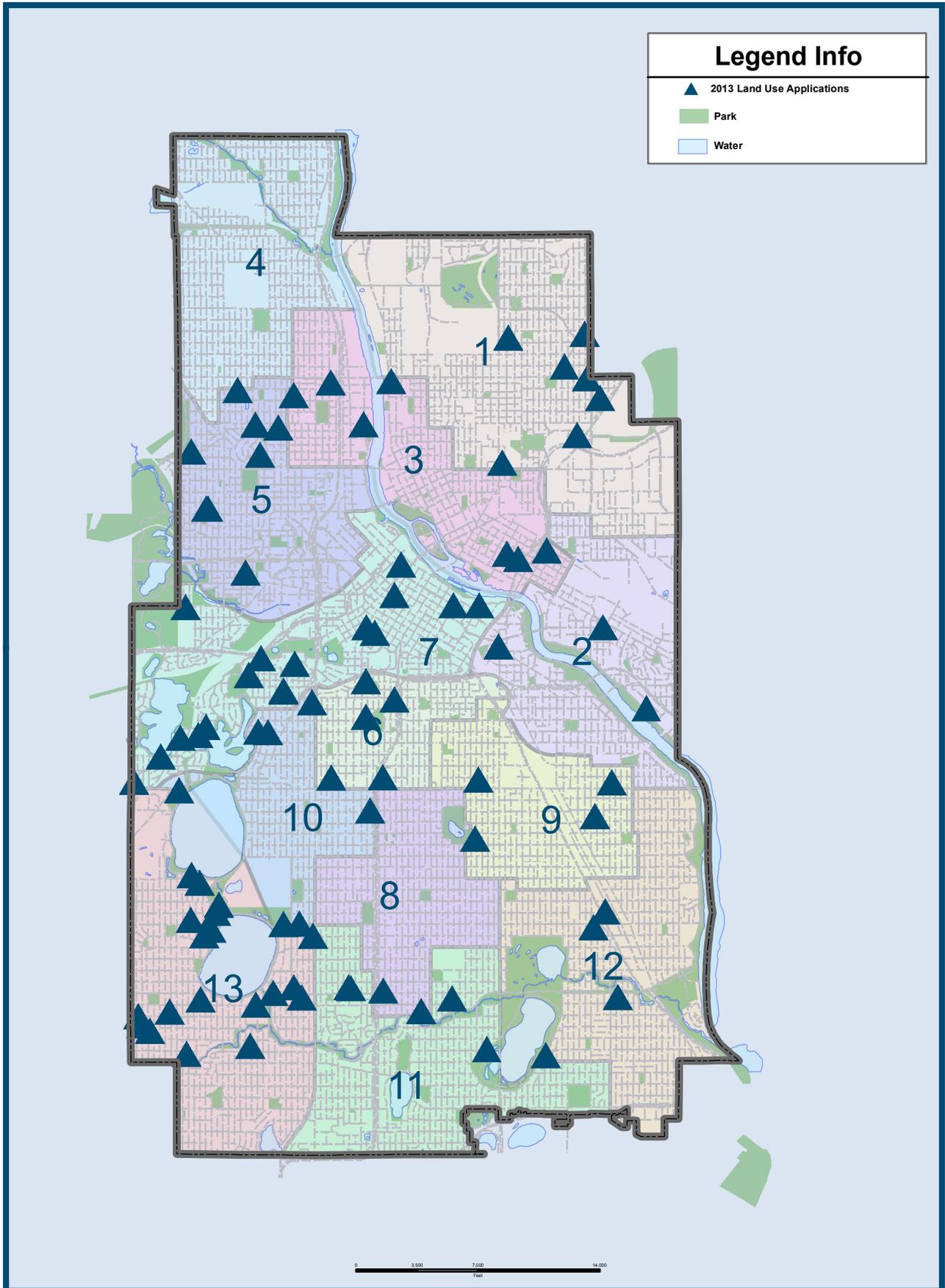
Don Gerberding of Master Properties, on behalf of Lake Ltd., appealed the decision of the Zoning Board of Adjustment denying a variance of the screening and landscaping requirement for a proposed accessory surface parking lot located at 3408 Lake Street East in the C2 Neighborhood Corridor Commercial District (Ward 9).

The City Council granted the appeal December 13, 2013.

BOA Actions by Quarter 2003 - 2013



Board of Adjustment - 2013 Land Use Applications



Data compiled from best available sources. The City of Minneapolis assumes no legal responsibility for the accuracy of this map. For illustrative purposes only.