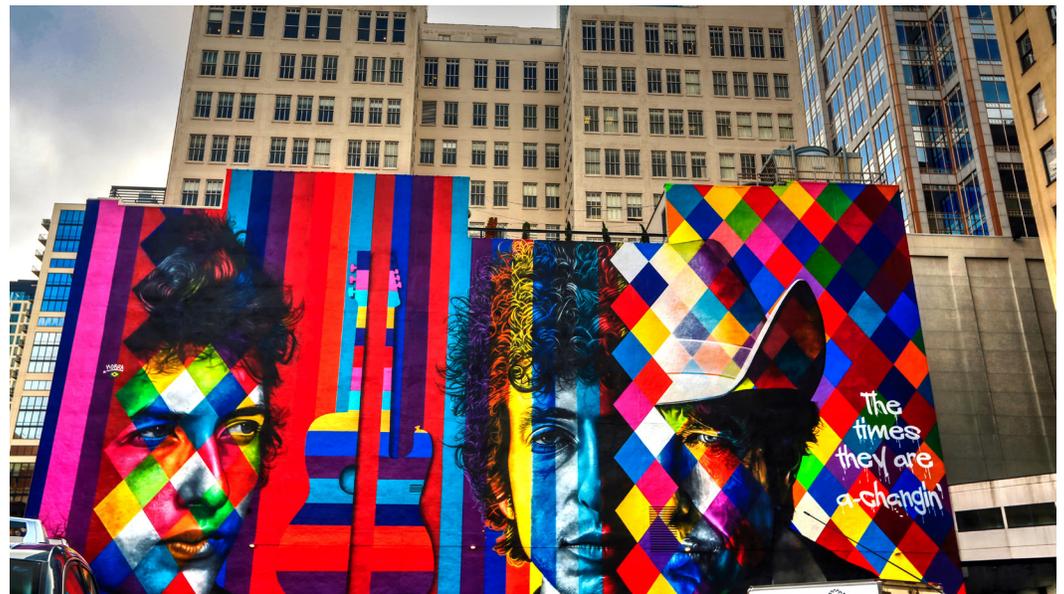


Zoning Board of Adjustment Annual Report

2018




Minneapolis
City of Lakes

**Community Planning and
Economic Development**
250 South 4th Street
Minneapolis, MN 55415
www.minneapolismn.gov/cped

Photo credits: Michael Wee

Board of Adjustment

The Board of Adjustment shall have the following powers and duties in connection with the administration of this 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, director of regulatory services, planning director or other official in the administration or the enforcement of this 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 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 Chapter 531, Nonconforming Uses and Structures.

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

as of December 31, 2018

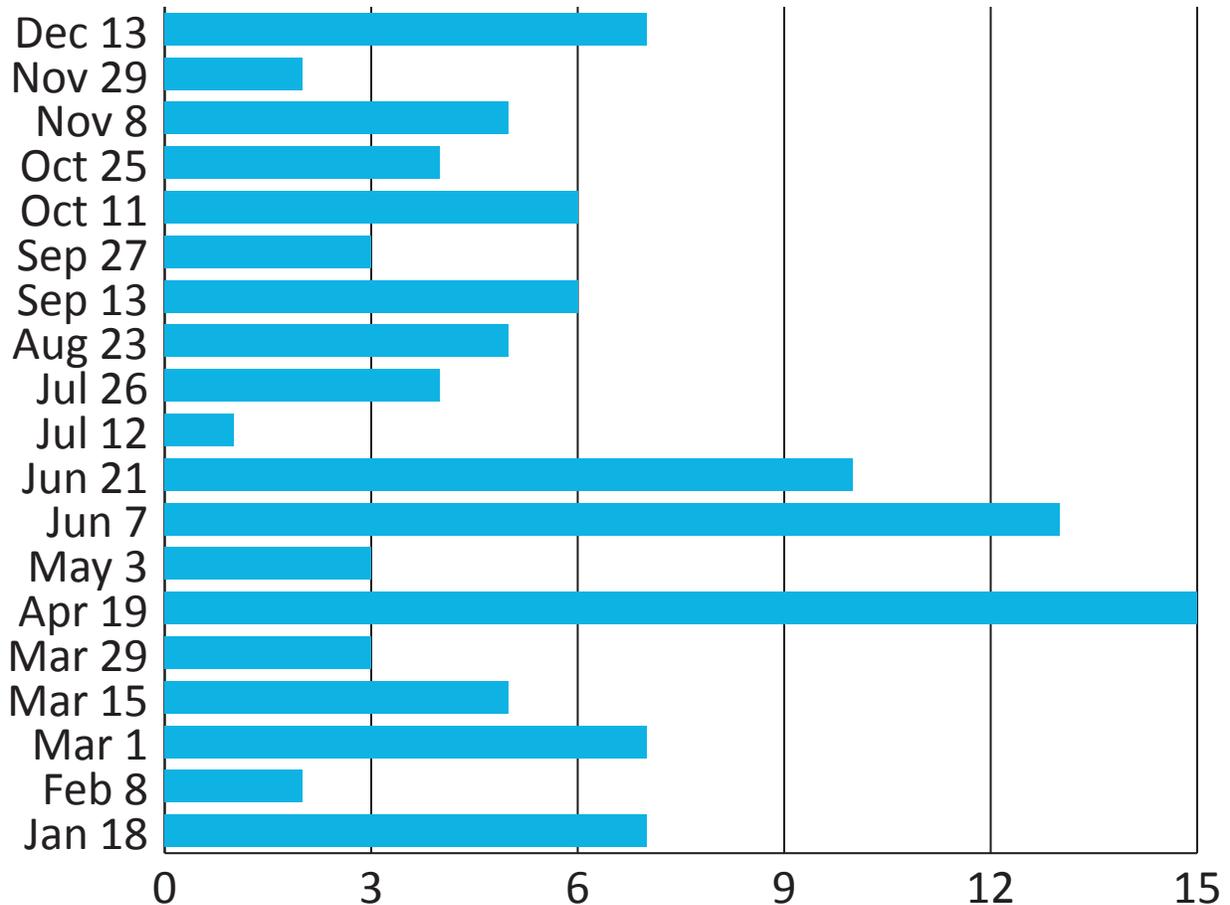
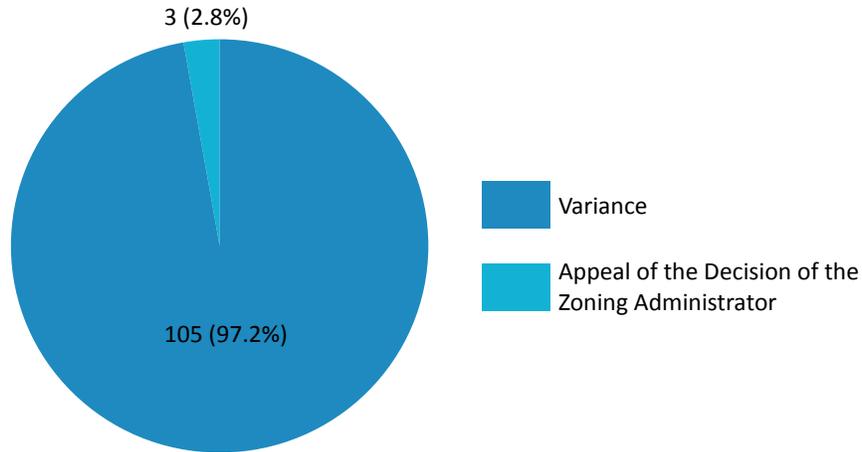
Name	Appointing Agency	Date of Original Appointment	Current Term	Ward
Matt Perry (Chair)	City Council	6/17/2005	5th	13
Jacob Saufley (Vice Chair)	City Council	12/13/2013	3rd	10
Sean Cahill	City Council	5/28/2010	3rd	11
Taylor Cooper	City Council	1/1/2018	1st	6
John Finlayson	City Council	8/27/1999	7th	13
Eric Johannessen	City Council	3/7/2013	2nd	12
Dan Ogiba	City Council	7/1/2011	3rd	7
Dick Sandberg	City Council	5/2/2008	4th	7
<i>Vacant</i>				

2018 Land Use Applications

Total number of agenda items acted on: **108**

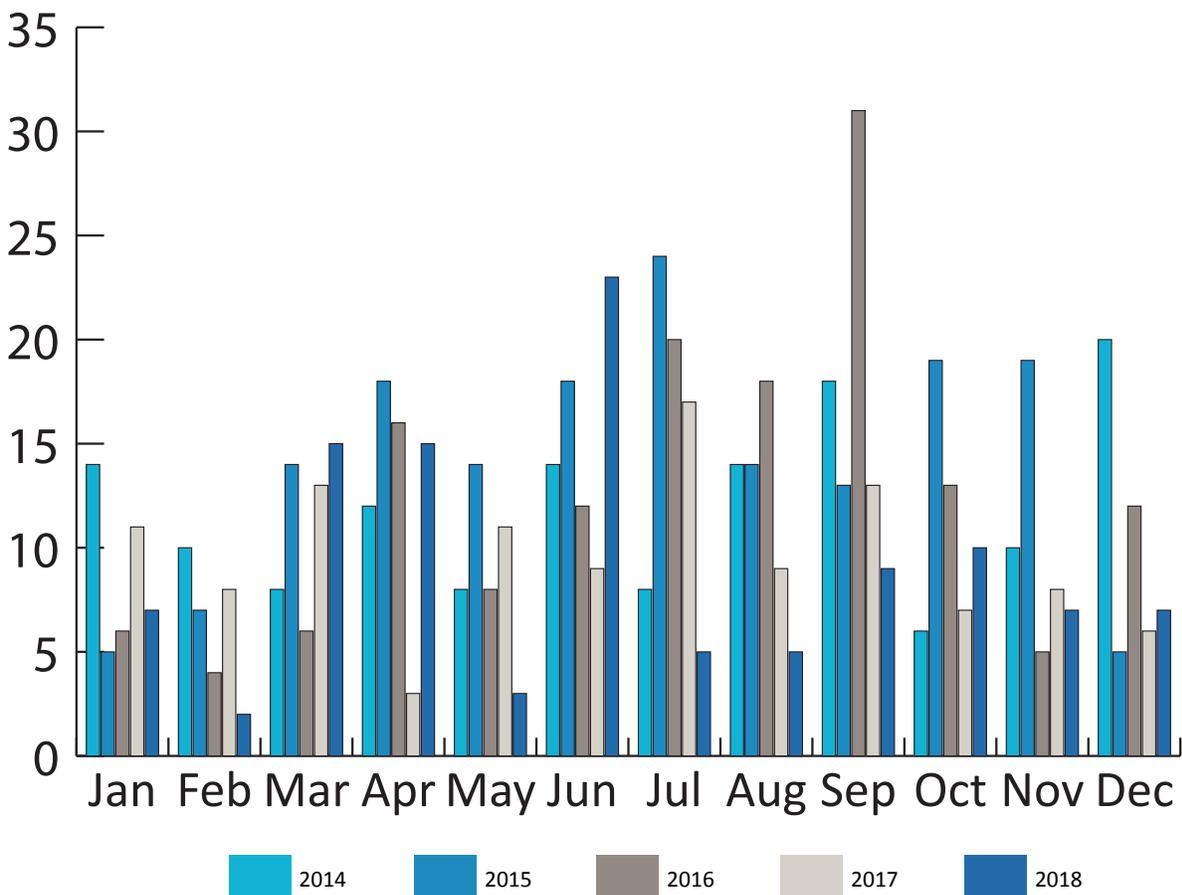
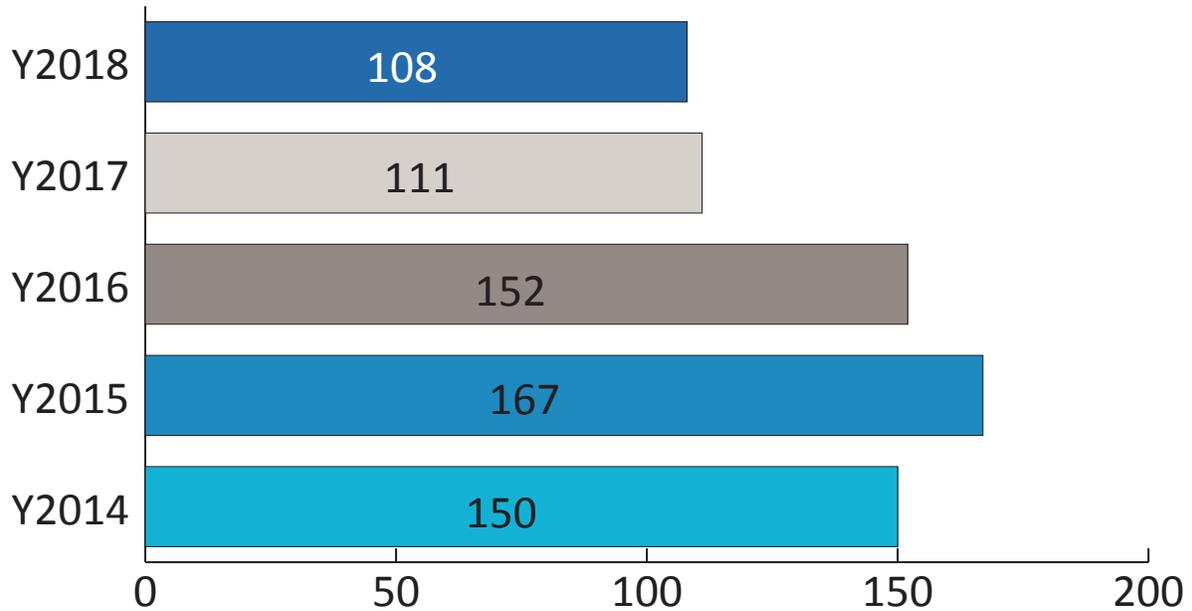
5.7 items per hearing

9 items per month



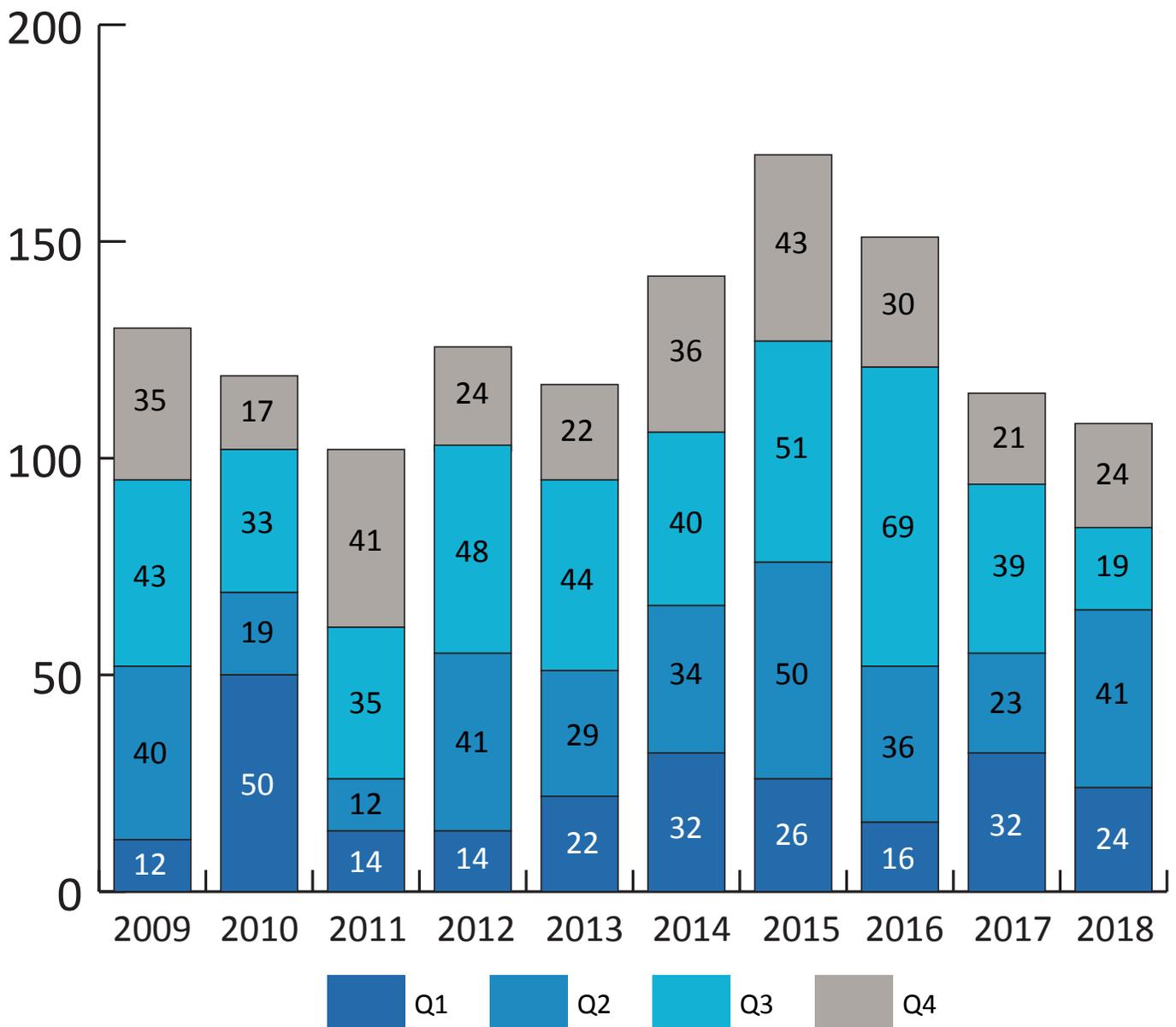
2018 Land Use Applications

Total number of agenda items acted on, 2014-2018



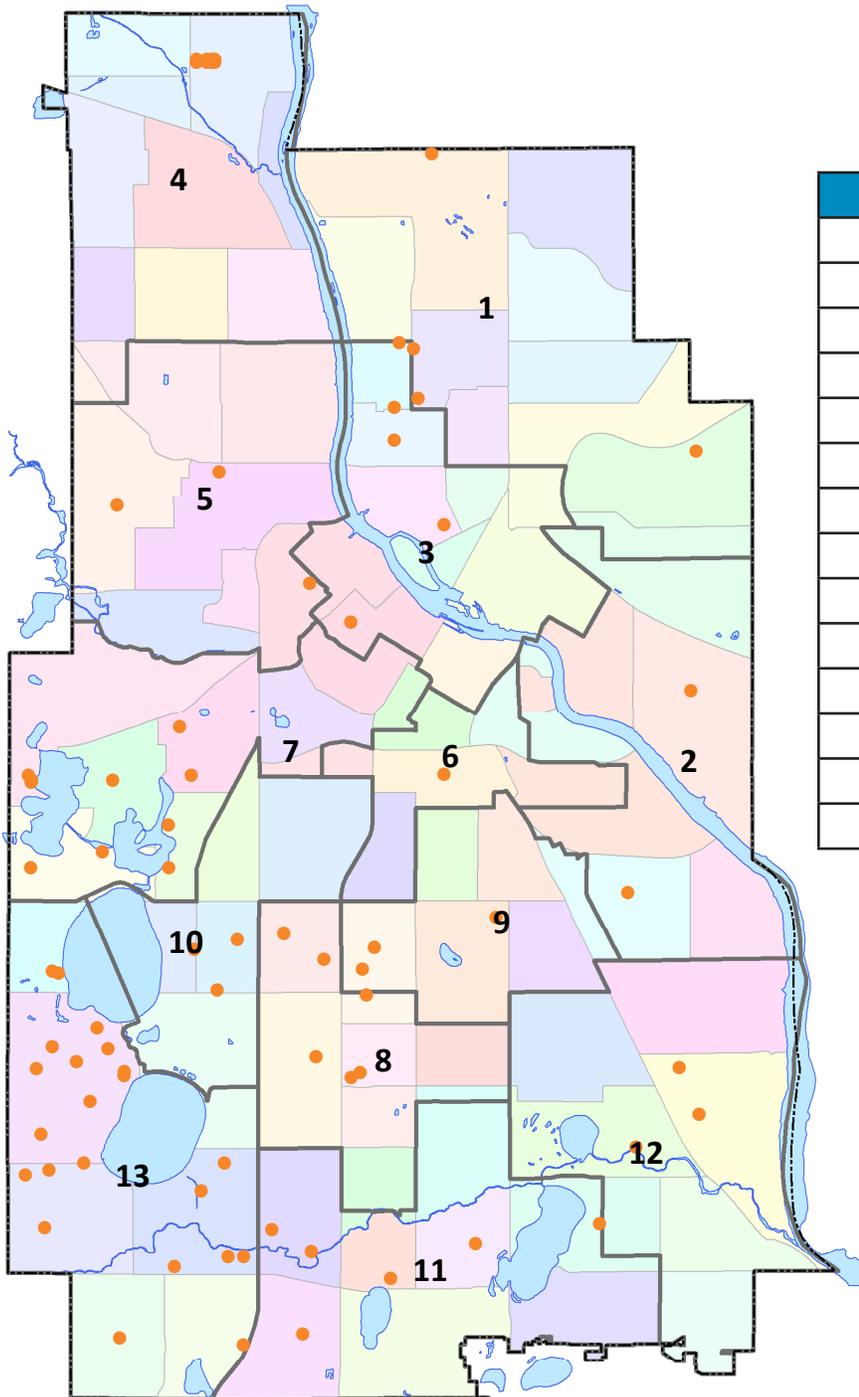
2018 Land Use Applications

Total number of agenda items acted on per quarter, 2009-2018



2018 Land Use Applications

Agenda item addresses map, 2018



Ward	# of items
13	29
7	13
3	11
8	10
4	8
11	8
10	7
1	6
12	6
9	4
5	3
2	2
6	1
Total	108



2018 Land Use Applications

Total number of agenda items by decision, 2018

	Approval	Denial
All actions where CPED Department staff recommended:	91 (84.3%)	17 (15.7%)
	Granted	Denial
All actions where the Board of Adjustment:	101 (93.5%)	7 (6.5%)
Variations where the Board of Adjustment:	99 (94.3%)	6 (5.7%)
Appeals of the Zoning Administrator's decision where the Board of Adjustment:	2 (66.7%)	1 (33.3%)
	With conditions ¹	Without conditions ²
All applications where the Board of Adjustment approved:	31 (28.7%)	77 (71.3%)

¹ Not including 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.

2018 Land Use Applications

Total number of agenda items by decision and type, 2018

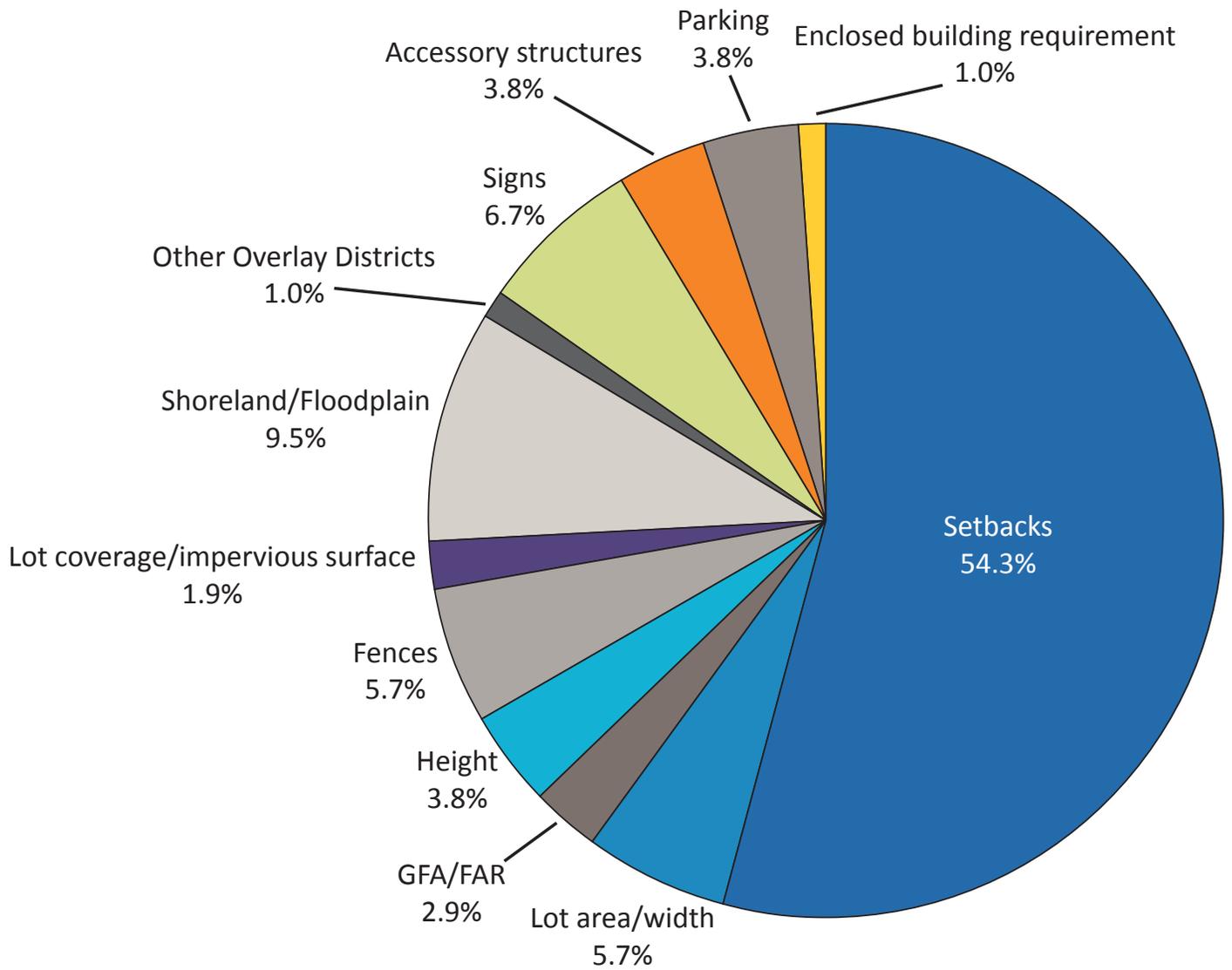
		Number of Requests	Approved
525.520(1)	To vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.	57	93%
525.520(17)	To permit development in the SH Shoreland Overlay District on a steep slope or bluff, or within forty (40) feet of the top of a steep slope or bluff.	10	100%
525.520(21)	To vary the number, type, height, area or location of allowed signs on property [...]	7	100%
525.520(2)	To vary the lot area or lot width requirements [...]	6	100%
525.520(5)	to permit an increase in the maximum height of a fence.	6	83.3%
525.520(4)	[...] to vary the height requirements for any structure, except signs [...]	4	100%
525.520(22)	To vary the development standards of Chapter 536, Specific Development Standards and Chapter 537, Accessory Uses and Structures [...]	4	75%
525.520(3)	To vary the gross floor area, floor area ratio and seating requirements of a structure or use.	3	100%
525.520(6)	To vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces.	2	100%
525.520(8)	To permit parking or accessory structures that cannot comply with the location requirements for on-site parking, or the minimum distance from a dwelling [...]	2	100%
525.520(15)	To vary the maximum lot coverage and impervious surface requirements.	2	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(26)	To vary the enclosed building requirements of this ordinance.	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 above.

2018 Land Use Applications

Percentage of variances acted on by type, 2018



2018 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. Four decisions of the Zoning Board of Adjustment regarding land use applications were appealed in 2018. Three of the appeals were granted (including one with conditions), none were denied, and one was withdrawn.

Nancy Aleksuk, on behalf of 3 Degrees Ministries, appealed the decision of the Zoning Board of Adjustment overturning the determination of the Zoning Administrator that 3 Degrees Ministries is a Religious Institution Place of Assembly and therefore does not affect the spacing requirements for a sexually oriented use.

The City Council granted the appeal as amended on April 13, 2018.

Alissa Luepke Pier, on behalf of David Potter and Darwin Lookingbill, appealed the decision of the Zoning Board of Adjustment denying a yard variance to reduce the required corner side yard from 8 feet to 1 foot $2\frac{3}{4}$ inches to allow an open covered front porch extending 9 feet from the house at 1800 4th Street Northeast.

The City Council granted the appeal on May 25, 2018.

Sam Nestingen appealed the decision of the of the Zoning Board of Adjustment denying the following variances to allow the expansion of an outdoor dining area at 4357 Minnehaha Avenue:

- 1. A variance to reduce the front yard setback adjacent to Minnehaha Avenue from 20 feet to 0 feet.**
- 2. A variance to allow outdoor dining within 20 feet of a residential district boundary.**

The City Council granted the appeal on November 16, 2018, subject to the following conditions:

2018 Appeals of the Decisions of the Board of Adjustment

1. Screening of three (3) feet in height and at least ninety-five (95) percent opacity shall be maintained between the outdoor dining area and the adjacent residential use as required by MCO 548.180(b)(1) and 530.160(b).
2. Screening of six (6) feet in height and at least ninety-five (95) percent opacity shall be maintained along the north property line to the rear of the building.
3. Lighting shall be arranged so as not to cause illumination or glare in excess of one-half (1/2) footcandle measured at the property line of the residential use to the north and lighting fixtures in excess of two thousand (2,000) lumens shall be shielded from the property line of the residential use to the north as required by MCO 535.590(b).
4. Lighting specific to the outdoor dining area shall not be run outside of the regular operating hours of the business. Security and pedestrian lighting unassociated with the outdoor dining and in compliance with MCO 535.590(b) shall not be subject to this condition.

Gary Dachis, on behalf of Rule Breaker Three, LLC, appealed the November 29, 2018 decision of the Board of Adjustment upholding the determination of the Zoning Administrator to deny a building permit for an alternative financial institution at 1100 Franklin Avenue East based on the fact that the use does not meet the 1,000 foot spacing from all existing alternative financial establishments, pawnshops, and missions.

This appeal of the decision of the Board of Adjustment was submitted in December 2018. This item was scheduled to be heard by the Zoning & Planning Committee of the City Council on January 24, 2019, but the appeal was withdrawn following a Statement of Clarification issued by the Zoning Administrator on January 22, 2019.

2018 Zoning Code Amendments that impacted applications reviewed by the Board of Adjustment

Chapter 543, On-Premises Signs was amended to revise requirements including but not limited to size, location, duration for various sign types and eliminate, modify, and clarify various sign definitions. This amendment was adopted on August 3, 2018.