

# City of Minneapolis

## Request for Committee Action

**To:** Transportation & Public Works  
**Date:** 10/11/2016  
**Referral:** N/A  
**From:** Public Works Department  
**Lead Staff:** Dennis Morris, Right of Way Supervisor, Transportation Engineering & Design  
**Presented by:** Dennis Morris, Right of Way Supervisor, Transportation Engineering & Design  
**File Type:** Action  
**Subcategory:** Permit

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**Subject:**

Appeal of the denial of an Encroachment Permit for Balconies over the public right-of-way at 315 7th Av North.

**Description:**

1. Denying an appeal submitted by Josh Brandsted of Greco Properties, LLC regarding the decision of the Public Works Department denying an encroachment permit for balconies over the public right-of-way at 317 7th Ave N.
2. Adopting the staff findings that the requested encroachment exceeds the distance allowable under the City Building Code.

**Previous Actions:**

None.

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**Ward/Address:**

Ward 3

**Background/Analysis:**

On June 27, 2016 the Right of Way staff of Transportation Engineering & Design received an application for an encroachment permit at 315 7<sup>th</sup> Avenue North to allow for the extension of balconies over the public right of way of 6<sup>th</sup> Avenue North. A review of the site location, building design and the Minneapolis Code of Ordinance was conducted. The City Building Code, Chapter 95.70, Balconies and stairs, limits the projection of balconies over the public right of way to 2 feet. The application was for a projection of 3 feet 4 inches.

The applicant was informed of the noncompliance of the request prior to submitting the encroachment permit application. They have chosen to apply for the encroachment permit with the information that Public Works Right-of-Way Section would administratively deny the encroachment permit application, due to non-conformance with City Building Code.

If an encroachment permit is denied, the applicant has the right to appeal, per City Ordinance, Chapter 95.13 ... "to the Transportation and Public Works Committee which shall make its recommendation concerning the application to the full city council. The city council shall have the authority to consider any previously denied application and may order the issuance of an encroachment permit."

**Financial Review:**

**No financial impact.**

**Attachments:**

1. Letter of Denial of Encroachment Permit.
2. Letter of Appeal.