City of Minneapolis Zoning Board of Adjustment 2012 Annual Report

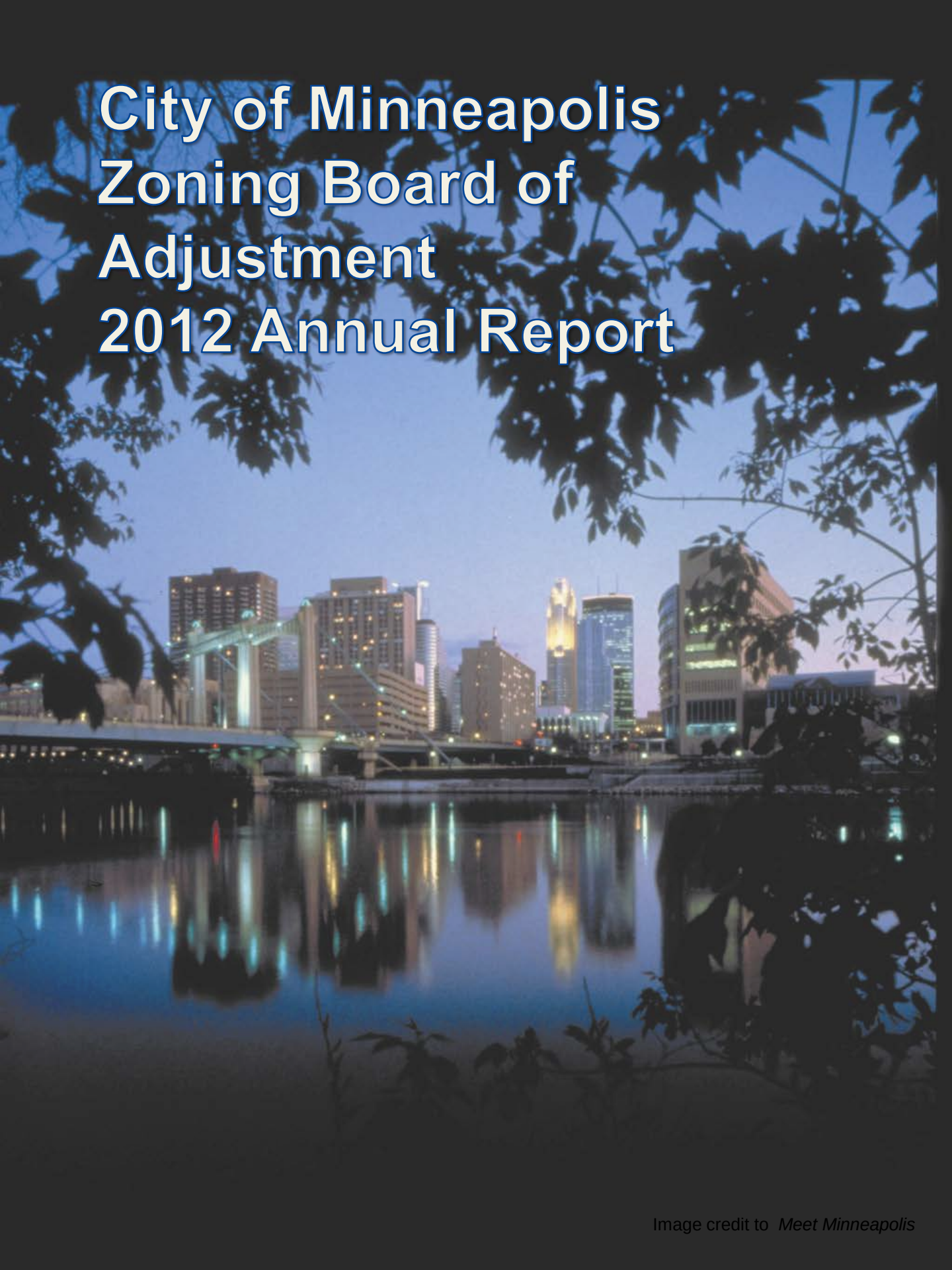


Image credit to *Meet Minneapolis*

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	Fifth	13
Dick Sandberg	City Council	5/2/2008	Second	7
James Nutt	City Council	05/28/2010	First	1
Sean Cahill	City Council	05/28/2010	First	10
Ami Thompson	City Council	07/01/2011	First	9
Dan Ogiba	City Council	07/01/2011	First	7
Pam Meier	City Council	02/10/2012	First	13

*Membership as of 12/31/2012

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 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, building and parking setbacks, required parking and various other standards. The Board of Adjustment may grant a variance from these requirements, when the applicant can demonstrate that strict adherence to the zoning code would cause an undue hardship because of conditions or circumstances unique to the 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, director of regulatory services, planning director or other official in the administration or the enforcement of this zoning ordinance.

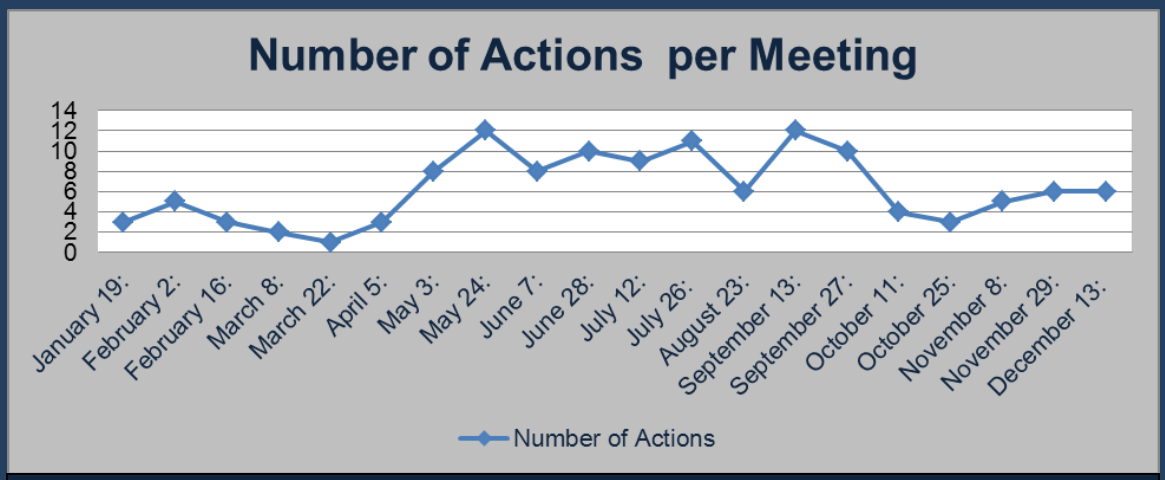
(3) To hear and decide applications for certificates of nonconforming use pursuant to the procedures and standards set forth the zoning ordinance.

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 abandoned or destroyed. They become legal nonconforming uses. The Board of Adjustment may determine if a property has nonconforming rights and the extent of these rights by approving a nonconforming use certificate to define these rights.

2012 Land Use Applications

Total number of agenda items acted upon:	
Variances:	118
Nonconforming use certificates:	2
Appeals of the decision of the zoning administrator:	3
Withdrawn applications:	4

Agenda items per public hearing:			
January 19:	3	July 12:	9
February 2:	5	July 26:	11
February 16:	3	August 9:	0
March 8:	2	August 23:	6
March 22:	1	September 13:	12
April 5:	3	September 27:	10
April 19:	0	October 11:	4
May 3:	8	October 25:	3
May 24:	12	November 8:	5
June 7:	8	November 29:	6
June 28:	10	December 13:	6



The number of land use applications reviewed by the Board of Adjustment follow the general trend lines with construction season in Minnesota. 70% of the land use applications were reviewed in the 2nd and 3rd Quarters.

Number of items acted upon by Community:			
Camden	2	Phillips	1
Near North	4	Southwest	53
Northeast	13	Powderhorn	5
Central	5	Nokomis	7
University	2	Longfellow	11
Calhoun-Isles	24	Citywide	0

Number of items acted upon by Ward:			
1st	12	8th	5
2nd	6	9th	6
3rd	4	10th	9
4th	3	11th	10
5th	2	12th	1
6th	6	13th	45
7th	18	Citywide	0

Applications acted upon (all types) where CPED Department staff recommended:	
Approval of entire application	72.5%
Approval of part of application	4%
Denial	20.5%
No recommendation	0%
Withdrawn	3%

Applications acted upon (all types) where the Board of Adjustment:	
Granted entire request	83%
Granted partial approval	11%
Denied	3%
Withdrawn	3%

Variance applications where the Board of Adjustment:	
Granted entire request	86%
Granted partially	3%
Denied	9%
Withdrawn	2%

Nonconforming use certificates where the Board of Adjustment:	
Granted entire request	100%
Denied	0%
Withdrawn	0%

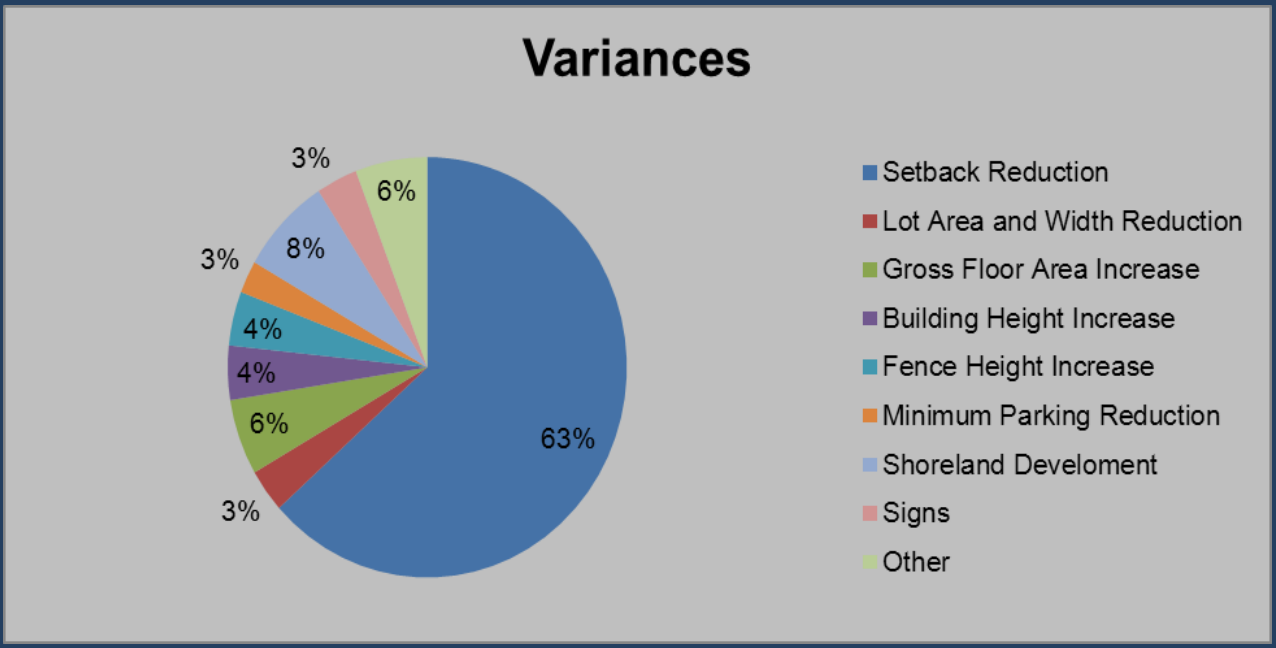
Appeals of the Zoning Administrator's Decision where the Board of Adjustment:	
Granted	0%
Denied	60%
Withdrawn	40%

Of the applications that were approved, the Board of Adjustment:	
With conditions	23%
Without conditions	77%

Variance requests and board approvals, by type:[1][2]	
525.520(1). To vary the yard requirements, including permitting obstructions into required yards	
Requested:	76 Applications
Approved	91% (2 applications withdrawn)
525.520(2). To vary the lot area or width requirements…	
Requested:	4 Applications
Approved	100%
525.520(3). To vary the gross floor area, floor area ratio and seating requirements of a structure or use	
Requested:	7 Applications
Approved	71%
525.520(4). To vary the height requirements of any structure, except signs, …	
Requested:	5 Applications
Approved	100%
525.520(5). To permit an increase in the maximum height of a fence	
Requested:	5 Applications
Approved	20%
525.520(6). To reduce the applicable off-street parking or loading requirements by up to one hundred (100) percent	
Requested:	3 Applications
Approved	100%
525.520(8). To permit parking that cannot comply with the location requirements for on-site parking…	
Requested:	2 Applications
Approved	100%
525.520(16). To vary the surfacing requirements of Chapter 541, Off-Street Parking and Loading…	
Requested:	2 Applications
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:	9 Applications
Approved:	100%

[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(20). To vary the standards of any overlay district, other than the SH Shoreland Overlay District or the FP Floodplain Overlay District…	
Requested:	1 Application
Approved	100%
525.520(21). To vary the number, type, height, area or location of allowed signs…	
Requested:	4 Applications
Approved	100%
525.520(26). To vary the enclosed building requirements	
Requested:	2 Applications
Approved	100%



The Zoning Board of Adjustment reviewed 125 applications in 2012, 118 of which were requests for variance. Variance to reduce required setbacks were the most frequent application reviewed in 2012. These variances comprised 63% of the total variance requests and 60% of the total applications reviewed in 2012.

2012 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 of the Zoning Board of Adjustment regarding land use applications were appealed in 2012.

The following applications were appealed to the City Council in 2012:

BZZ 5686 – 4053 11st Avenue South

Appeal filed by Duistin Endres, on behalf of Endres Custom Homes, from the decision of the Board of Adjustment denying the variance to reduce the south interior side yard setback from one foot to 9.6 inches to permit a detached garage accessory to a single-family dwelling located at 4053 11th Avenue South in the R1A Single-Family District.

The City Council granted the appeal November 16, 2012.

BZZ 5588 – 1920-2022 West Broadway Avenue

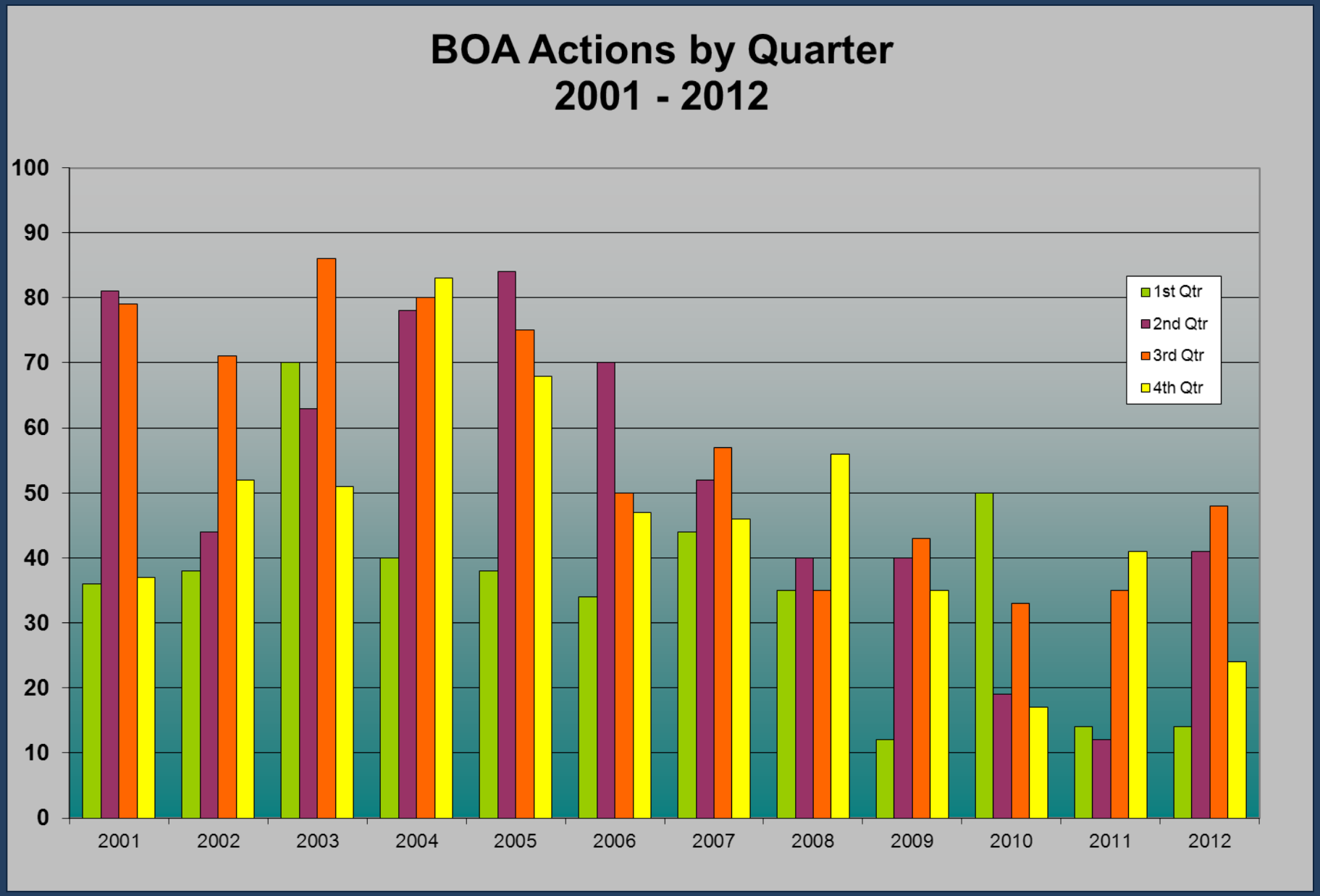
Appeal filed by Cynthia Lee, on behalf of CommonBond Communities for an appeal of the Zoning Administrator's determination that the proposed development (West Broadway Curve) project at 1920-2022 West Broadway Avenue is classified as a supportive housing use.

The City Council adopted a text amendment on December 14, 2012, amending definitions regarding supportive housing. The appeal was withdrawn by the applicant January 7, 2013.

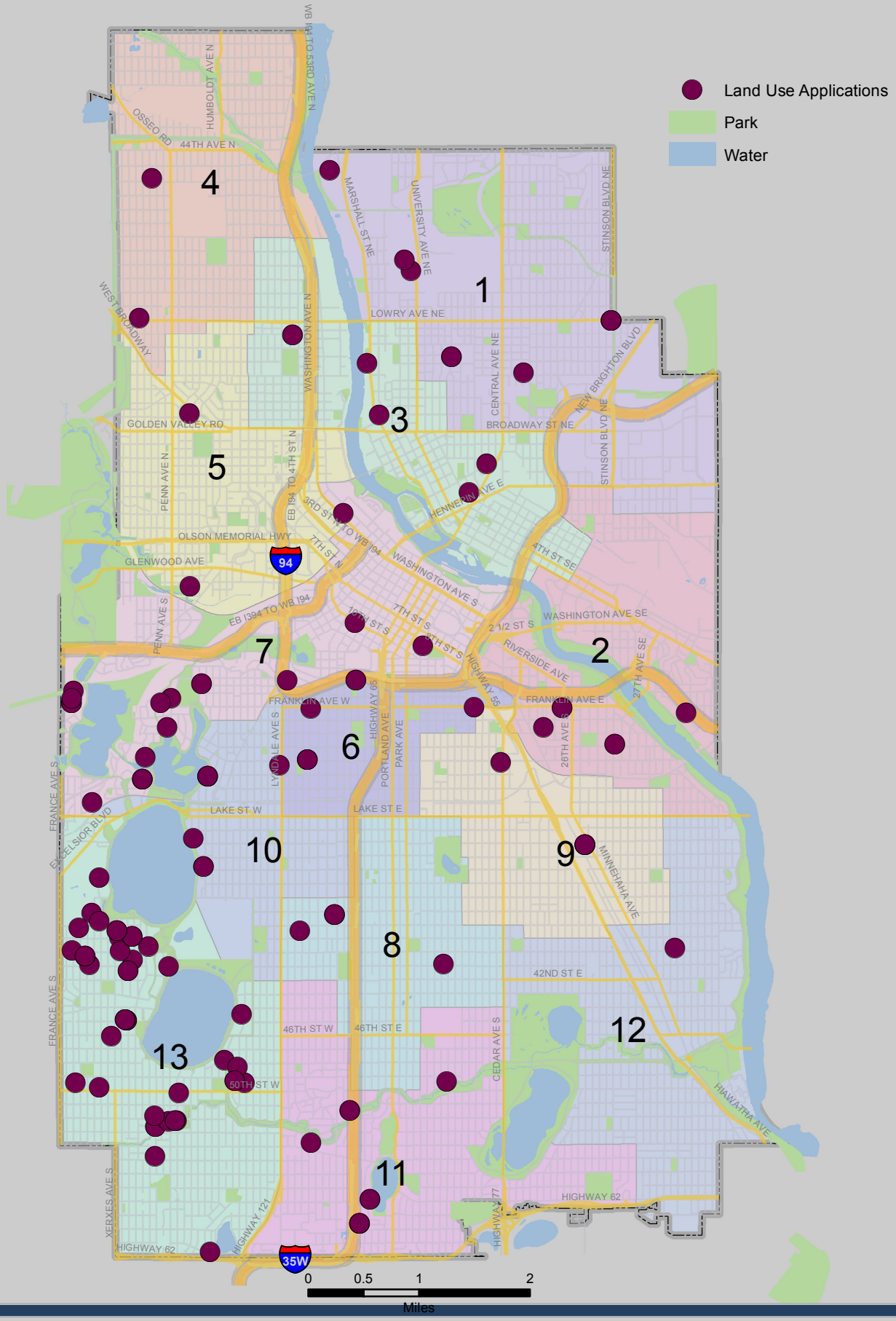
BZZ 5551 – 2380 West Lake of the Isles Parkway

Steven J. Wells has appealed the decision of the Zoning Board of Adjustment to deny an appeal of the Zoning Administrator's approval of a new single family dwelling located at 2380 West Lake of the Isles Parkway (BZZ 5396), on the contention that the front yard setback was improperly determined.

The City Council denied the appeal February 8, 2013.


BOA Actions by Quarter
2001 - 2012
100
90
80
70
60
50
40
30
20
10
0
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
1st Qtr
2nd Qtr
3rd Qtr
4th Qtr

Board of Adjustment - 2012 Land Use Applications



City of Minneapolis

Community Planning and Economic Development - Planning Division

Created on: December 17, 2012

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