



Minneapolis Zoning Board of Adjustment

2010 Annual Report



Board of Adjustment Members*

Name	Appointing Agency	Date of original appointment	Term currently being served	Ward
Matt Perry (Chair)	City Council	06/17/2005	Third	13
Bruce Manning (Vice Chair)	City Council	11/29/2007	First	13
Matt Ditzler	City Council	06/17/2005	Third	5
John Finlayson	City Council	08/27/1999	Fourth	13
Chris Koch	City Council	11/29/2007	First	4
Dick Sandberg	City Council	05/01/2008	Second	7
James Nutt	City Council	05/28/2010	First	1
Souliyahn Keobounpheng	City Council	05/28/2010	First	5
Sean Cahill	City Council	05/28/2010	First	7

*Membership as of 12/31/2010

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.

2010 Land Use Applications

<i>Total number of agenda items acted upon:</i>	
Variances:	110
Nonconforming use certificates:	3
Appeals of the decision of the zoning administrator:	2
Withdrawn applications:	4

<i>Agenda items per public hearing:</i>			
January 14:	15	July 1:	9
January 28:	11	July 15:	6
February 11:	7	August 5:	7
February 25:	14	August 19:	7
March 11:	3	September 2:	0
March 25:	0	September 16:	4
April 8:	2	October 7:	5
April 22:	3	October 21:	4
May 6:	2	November 4:	3
May 20:	3	November 18:	1
June 13:	2	December 9:	4
June 17:	7	December 16:	0

Number of items acted upon by Community:			
Camden	1	Phillips	2
Near North	4	Southwest	30
Northeast	14	Powderhorn	12
Central	10	Nokomis	8
University	2	Longfellow	13
Calhoun-Isles	22	Citywide	1

Number of items acted upon by Ward:			
1 st	8	8 th	3
2 nd	12	9 th	2
3 rd	9	10 th	9
4 th	1	11 th	9
5 th	1	12 th	3
6 th	8	13 th	25
7 th	28	Citywide	1

Applications acted upon (all types) where Planning Department staff recommended:	
Approval of entire application	57%
Approval of part of application	17%
Denial	24%
No recommendation	0%
Withdrawn	2%

Applications acted upon (all types) where the Board of Adjustment:	
Granted entire request	66.4%
Denied	30.2%
Withdrawn	0.77%

Variance applications where the Board of Adjustment:	
Granted entire request	60.5%
Granted partially	7.9%
Denied	28%
Withdrawn	3.5%

Nonconforming use certificates where the Board of Adjustment:	
Granted entire request	33%
Granted partially	0%
Denied	66%

Appeals of the Zoning Administrator's Decision where the Board of Adjustment:	
Granted entire request	0%
Granted partially	0%
Denied	100%

Of the applications that were approved, the Board of Adjustment:	
With conditions	52.30%
Without conditions	47.70%

Variance requests and board approvals, by type:¹²	
525.520(1). To vary the yard requirements, including permitting obstructions into required yards	
Requested:	60 Applications
Approved	71.6% (one application withdrawn)
525.520(2). To vary the lot area or width requirements...	
Requested:	6 Application
Approved	50%
525.520(3). To vary the gross floor area, floor area ratio and seating requirements of a structure or use	
Requested:	4 Applications
Approved	25%
525.520(5). To permit an increase in the maximum height of a fence	
Requested:	3 Applications
Approved	100%
525.520(6). To reduce the applicable off-street parking or loading requirements by up to one hundred (100) percent	
Requested:	2 Application
Approved	100% (one application was withdrawn)
525.520(8). To permit parking that cannot comply with the location requirements for on-site parking...	
Requested:	4 Applications
Approved	50%
525.520(12). To reduce the minimum width of a single-family dwelling...	

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.

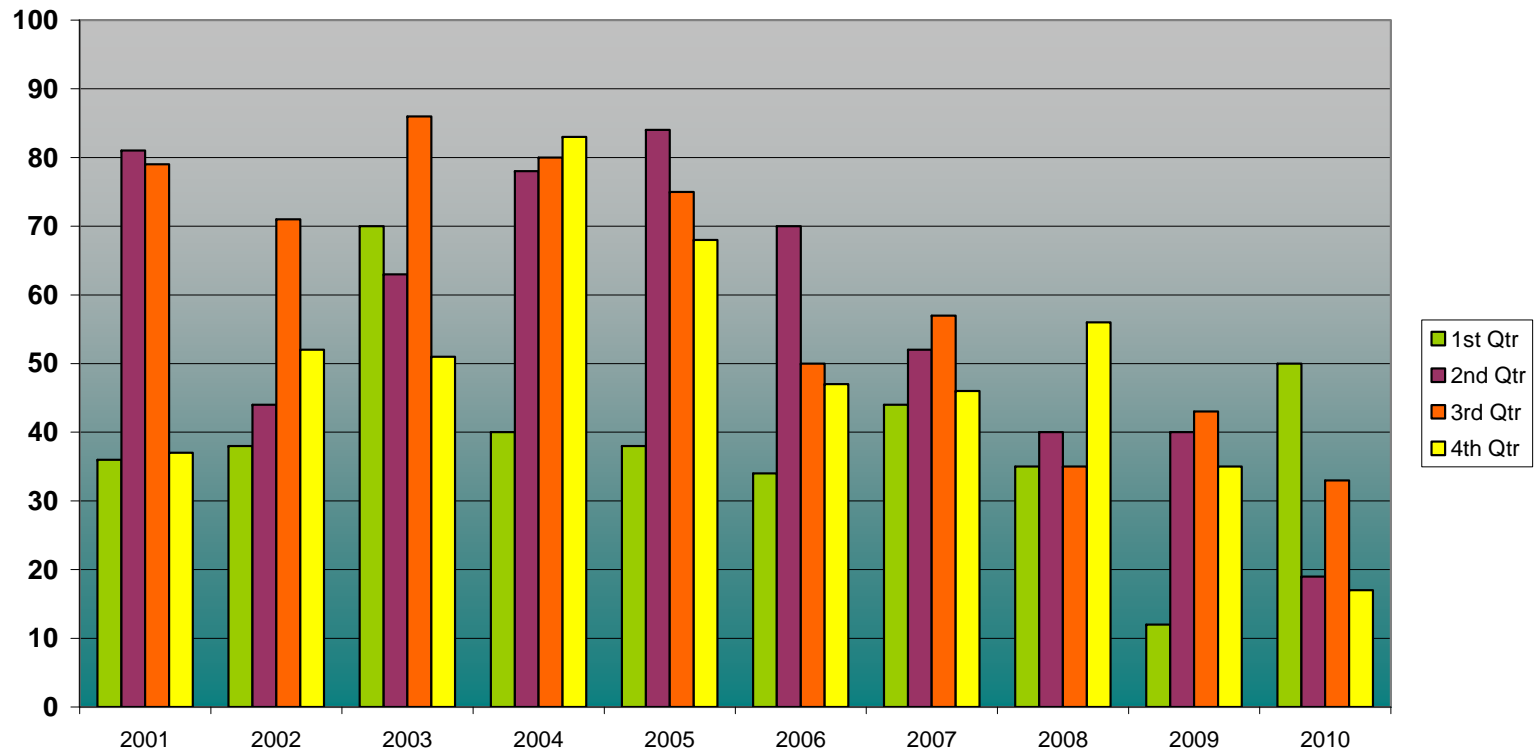
Requested:	1 Application
Approved	100%
525.520(13). To increase the maximum length of a recreational vehicle	
Requested:	1 Applications
Approved	0%
525.520(17). To permit development in the SH Overlay District on a steep slope or bluff or within 40 ft. of the top of a steep slope or bluff...	
Requested:	8 Applications
Approved	100%
525.520(21). To vary the number, type, height, area or location of allowed signs...	
Requested:	23 Applications
Approved	68% (one application was withdrawn)
525.520(26). To vary the enclosed building requirements	
Requested:	1 Application
Approved	100%
525.520(30). To vary the requirement for an enclosed off-street parking space for a new single family dwelling	
Requested:	1 Application
Approved	0%

On June 24, 2010, the State of Minnesota Supreme Court released its opinion in the case *Krummenacher vs. City of Minnetonka* that fundamentally altered the “undue hardship” showing required to grant a variance. Undue hardship is a legal standard set forth in law that cities must apply when considering applications.

The land use applications acted upon by the Board of Adjustment in 2010 represent an 8.5 percent decrease compared to the 130 application items acted upon in 2009. In particular, variance applications in the third and fourth quarters, after the *Krummenacher* decision, were reduced by 36 percent compared to 2009.

The Minnesota Legislature introduced a bill on January 10, 2011, as a result of *Krummenacher vs. City of Minnetonka* case and how cities address variances.

BOA Actions by Quarter 2001 - 2010



Board of Adjustment - 2010 Applications

