

Zoning Board of Adjustment Annual Report

COMMUNITY PLANNING & ECONOMIC DEPARTMENT (CPED)

250 South 4th Street
Minneapolis, MN 55415
www.minneapolismn.gov/cped



Photo Credits: Michael Wee and Chris Vrchota, CPED

2019

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 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, 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 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*

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	5/28/2010	3rd	10
Taylor Cooper	City Council	1/1/2018	1 st	6
John Finlayson	City Council	8/27/1999	7 th	13
Adam Hutchens	City Council	9/26/2019	1 st	5
Eric Johannessen	City Council	3/7/2013	2 nd	12
Dan Ogiba	City Council	7/1/2011	3 rd	7
Dick Sandberg	City Council	5/2/2008	4 th	7
Vacant				

**Membership as of 12/31/19*

2019 Land Use Applications

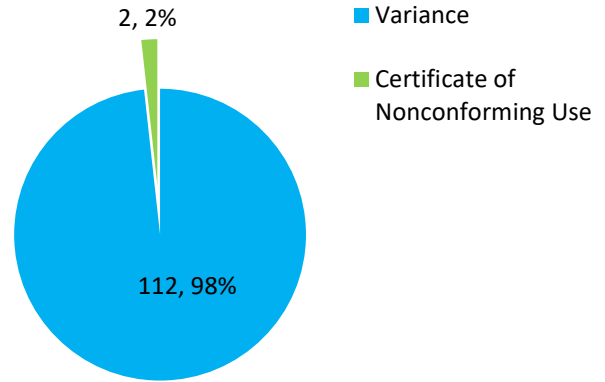
Total number of agenda items

114

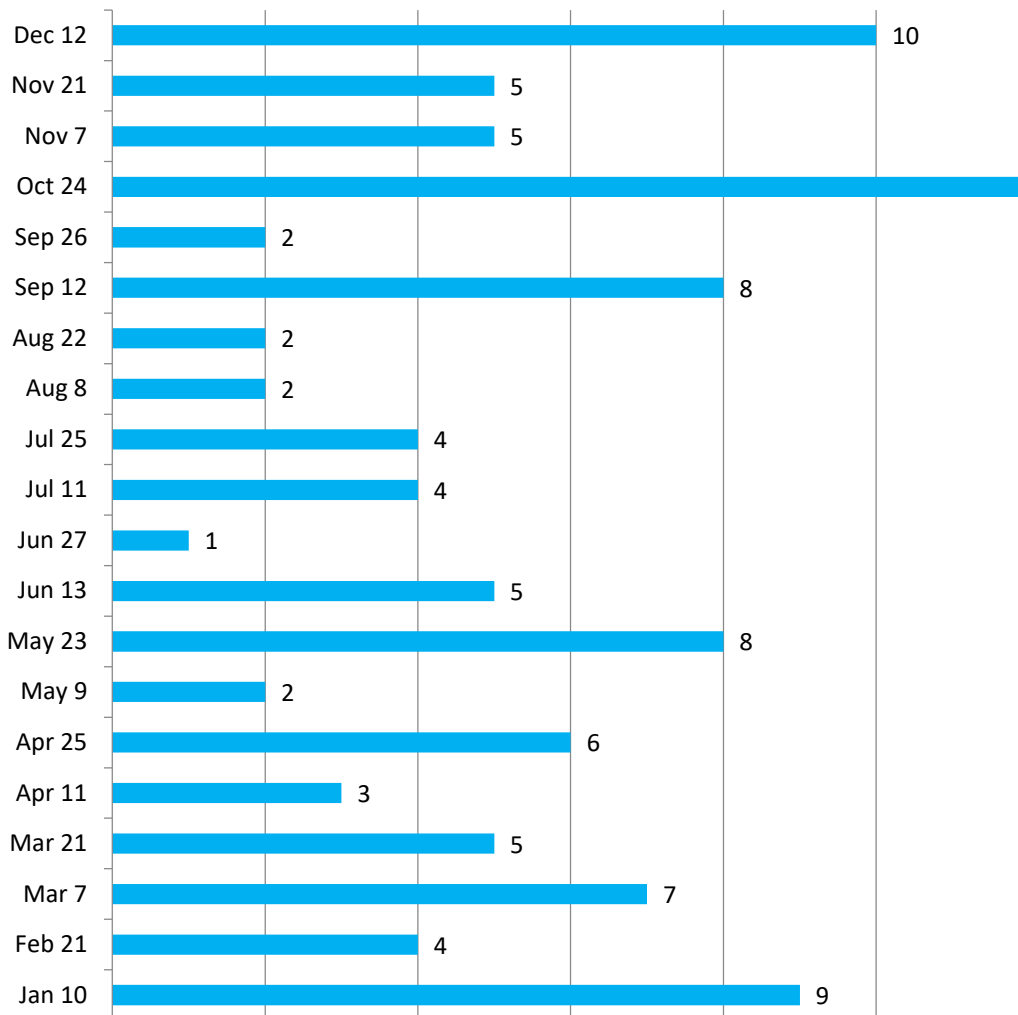
Average

5.7 items / hearing

9.5 items / month

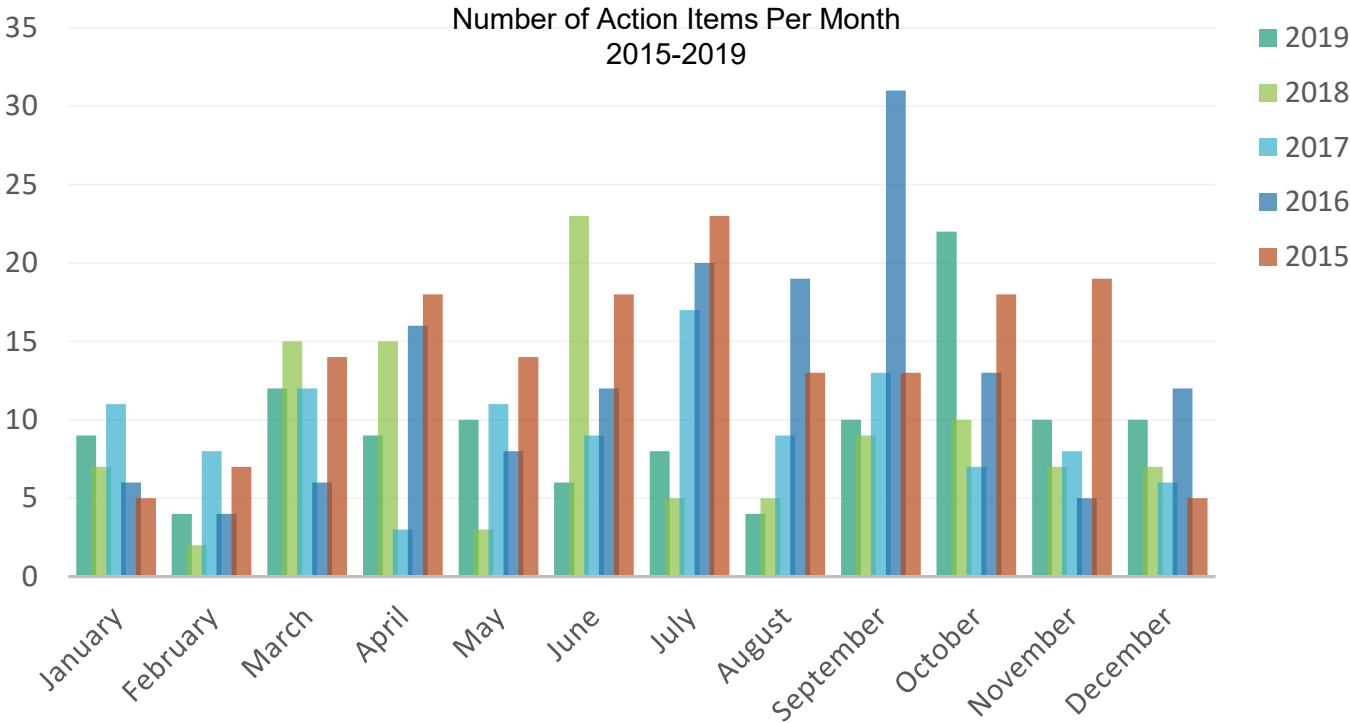


Number of Agenda Items



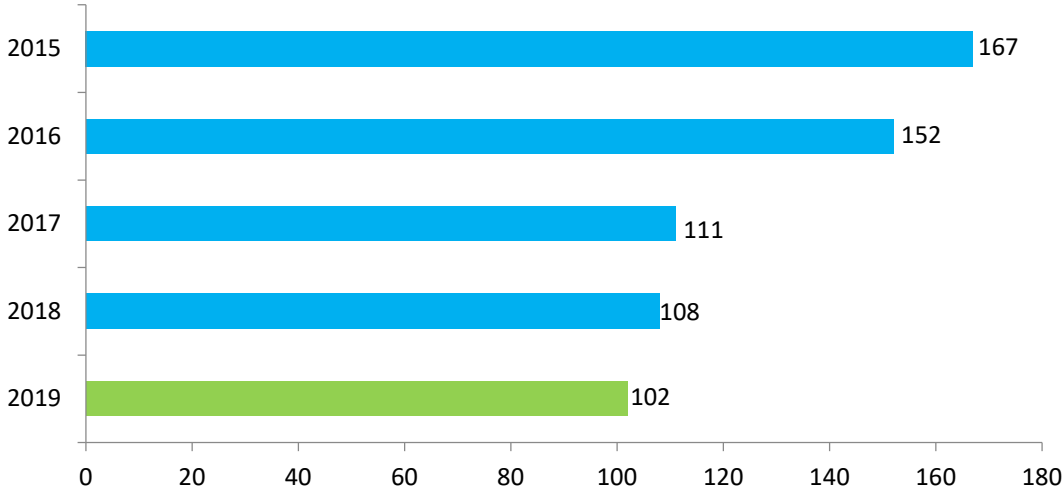
2019 Land Use Applications

Total number of agenda items acted on | 2015-2019



There was a five percent reduction in the number of applications acted on in 2019 as compared to 2018. The number of applications has been relatively consistent over the last three years.

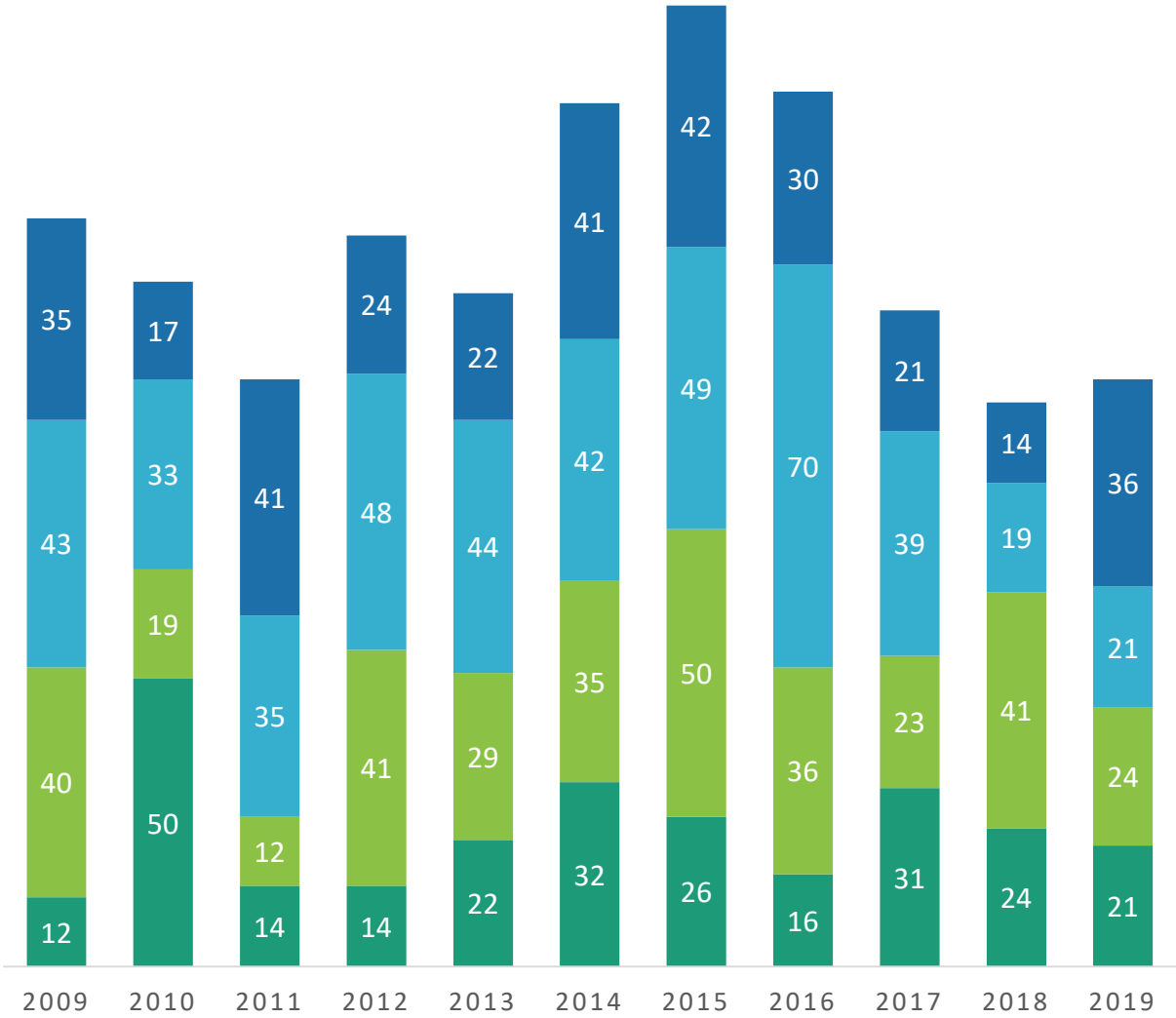
Total number of application changes | 2015-2019



2019 Land Use Applications

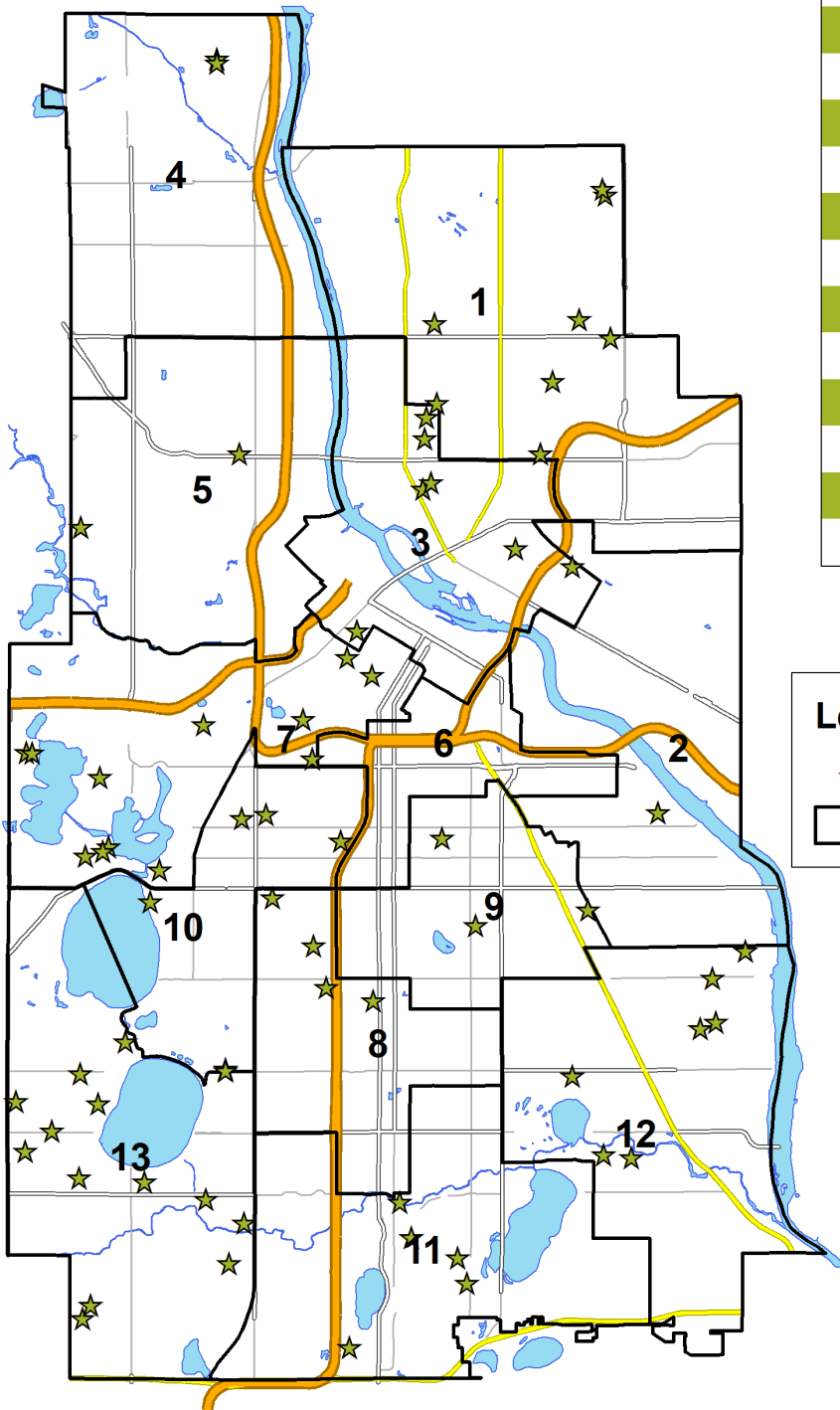
Total number of agenda items acted on | 2009-2019 | by quarter

■ 1st Quarter ■ 2nd Quarter ■ 3rd Quarter ■ 4th Quarter



Board of Adjustment Applications 2019

Ward	# of Acted Items
1	17
2	1
3	8
4	2
5	5
6	0
7	18
8	5
9	5
10	8
11	7
12	8
13	18



Legend

- ★ Location of Application(s)
- City Council Ward Boundary



2019 Land Use Applications

Total number of agenda items acted on | decisions

	Approval	Denial	No recommendation	
--	----------	--------	-------------------	--

Applications acted on (all types) where CPED Department staff recommended:	82.3%	17.7%	0	
<i>number of applications</i>	84	18	0	102

	Granted	Denied	
--	---------	--------	--

Applications acted upon (all types) where the Board of Adjustment:	88.2%	11.8%	
<i>number of applications</i>	90	12	102

Variance applications where the Board of Adjustment:	90%	10%	
<i>number of applications</i>	90	10	100

Certificates of Nonconforming use where the Board of Adjustment:	0.0%	100.0%	
<i>number of applications</i>	0	2	2

	With conditions [1]	Without conditions [2]
--	---------------------	------------------------

Of the applications that were approved, the Board of Adjustment approved:	30%	70%
---	-----	-----

[1] Not including any of 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.

2019 Land Use Applications

Total number of agenda items acted on | decisions | by type ^{[3], [4]}

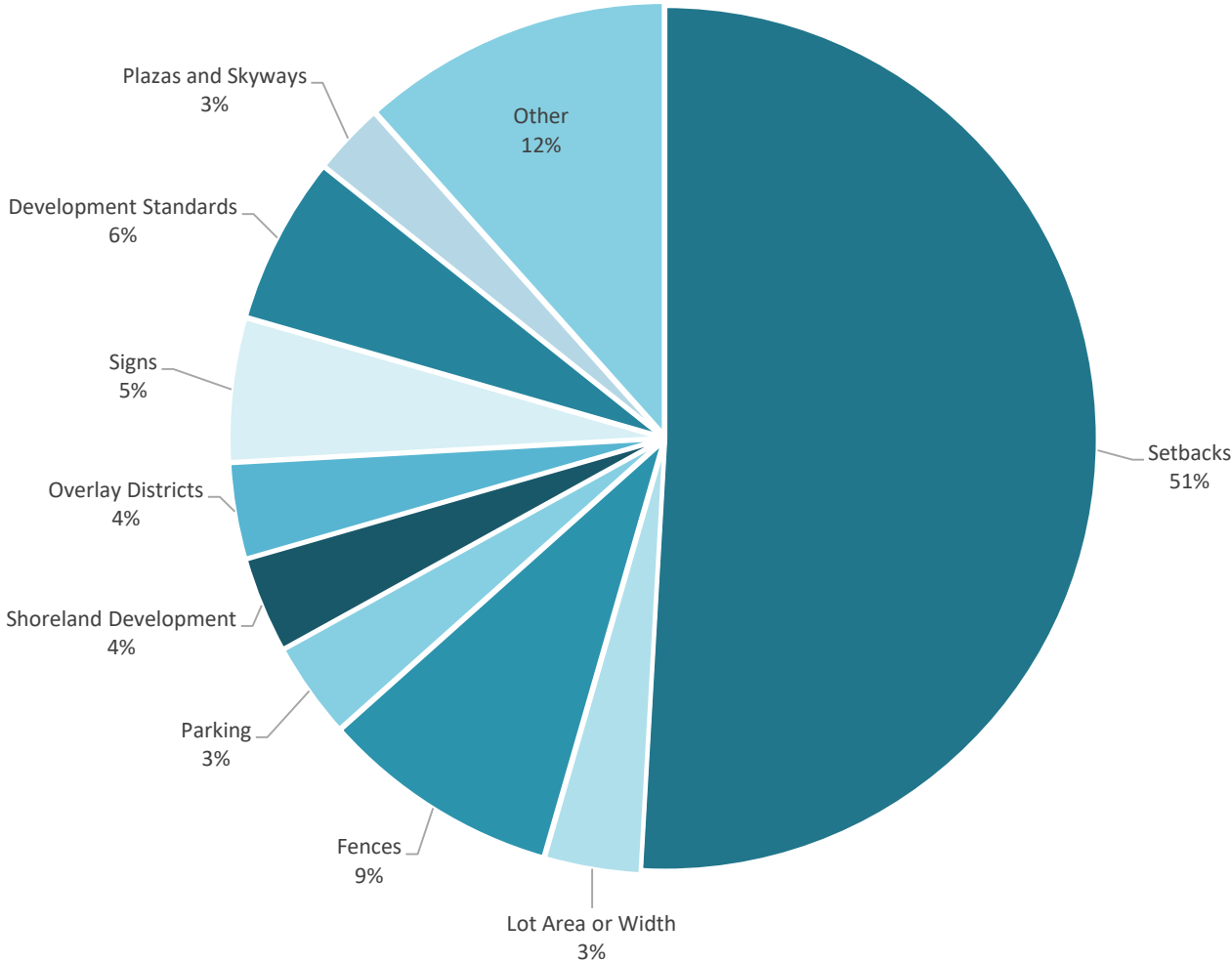
	Variance Requests and Board Approvals by Type	Number of Requests	Approved
525.520(1)	To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations.	57	86%
525.520(2)	To vary the lot area or lot width requirements ...	4	75%
525.520(3)	To vary the gross floor area, floor area ratio and seating requirements of a structure or use.	2	100%
525.520(4)	To vary the height requirements for any structure, except signs, ...	2	0%
525.520(5)	To permit an increase in the maximum height of a fence.	10	60%
525.520(6)	To vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces.	4	50%
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	50%
525.520(12)	To vary the minimum width of single- or two-family dwellings...	2	100%
525.520(15)	To vary the maximum lot coverage and impervious surface coverage requirements.	1	100%
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.	4	75%
525.520(20)	To vary the standards of any overlay district, other than the SH Shoreland Overlay District or the FP Floodplain Overlay District.	4	75%
525.520(21)	To vary the number, type, height, area or location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown or industrial district, pursuant to Chapter 543, On-Premise Signs.	6	33%
525.520(22)	To vary the development standards of Chapter 536, Specific Development Standards and Chapter 537, Accessory Uses and Structures...	7	57%
525.520(28)	To vary the width and location restrictions on attached garages facing the front lot line for residential uses.	2	100%
525.520(29)	To vary the development standards of Chapter 535, Plazas and Skyways.	3	100%
525.520(30)	To vary the requirement for enclosed storage for new single-, two-, and three-family dwellings.	1	100%
525.520(31)	To permit curb cut access to the street for properties with an alley that serves a single-, two-, or three-family dwelling.	1	0%

[3] In this section, approvals to requests that were granted entirely or partially.

[4] There were no applications for other variances that are authorized by the zoning code but not shown above.

2019 Land Use Applications

Total number of agenda items acted on | variance by type



As in years past, variances to reduce required setbacks were the most frequent application type in 2019. The variety of other variance types increased over 2018 applications.

2019 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. Six decisions of the Zoning Board of Adjustment regarding land use applications were appealed in 2019. Five of those appeals were approved and one was withdrawn by the applicant:

Tim and Amy Eian appealed the decision of the Zoning Board of Adjustment denying a variance (PLAN9155) to reduce the required front yard setback to 21.9 feet for a carport for the property located at 3406 Benjamin Street NE.

The City Council granted the appeal on [September 13, 2019](#).

Larkin Hoffman, on behalf of Jon Nichols, appealed the decision of the Zoning Board of Adjustment denying a variance (PLAN9096) to allow a curb cut for a property served by an alley for the property located at 5420 Colfax Ave S.

The City Council granted the appeal on [September 13, 2019](#).

Brian Lipson, on behalf of Renaissance Square Owner LLC, appealed the decision of the Zoning Board of Adjustment denying a variance (PLAN9107) to the NM Nicollet Mall Overlay District street-level retail standards for the property located at 500 Nicollet Mall.

The appeal was withdrawn by the applicant.

Dalton Scott appealed the decisions of the Zoning Board of Adjustment denying the following land use (PLAN9761) for a new detached accessory dwelling unit for the property located at 1309 5th St NE::

1. Variance to increase the maximum permitted floor area to 774 square feet.
2. Variance to increase the maximum permitted height to 21.5 feet.

The City Council granted the appeal on [December 13, 2019](#).

Ugur Kocak, on behalf of Burger King Corporation, appealed the decision of the Zoning Board of Adjustment denying a certificate of nonconforming use (PLAN10085) for a fast-food restaurant with a drive-through facility at 3342 Nicollet Ave.

The City Council granted the appeal on [February 14, 2020](#).

Ugur Kocak, on behalf of Burger King Corporation, appealed the decision of the Zoning Board of Adjustment denying a certificate of nonconforming use (PLAN10084) for a fast-food restaurant with a drive-through facility at 818 West Broadway.

The City Council granted the appeal on [February 14, 2020](#).

Recent zoning code amendments impacting applications reviewed by the Board

[Regulation of drive-through facilities:](#) This amendment prohibits the establishment of new drive-through facilities and creates standards for maintenance and expansion of existing drive-through facilities, all of which are now legal non-conforming. The amendment was adopted on 8/8/2019.

[Three unit buildings in lower-intensity districts and related development standards:](#) This amendment allows for up to three-family dwellings in lower intensity zoning districts that previously allowed one or two family dwellings, a key initiative of the *Minneapolis 2040 Plan*. The amendment was adopted on 11/8/2019 and went into effect on 1/1/2020.