

Zoning Board of Adjustment Annual Report

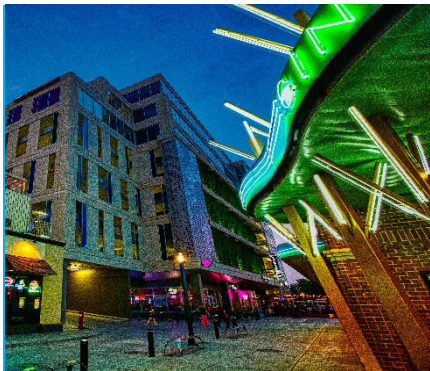
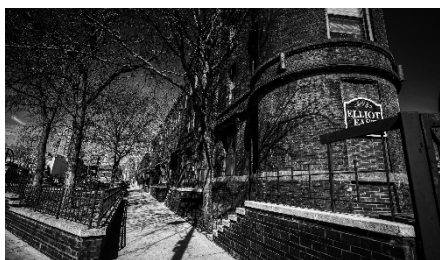
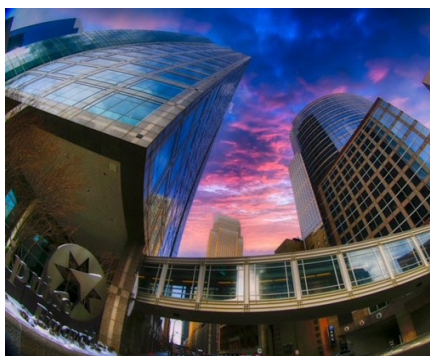
COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (CPED)

505 Fourth Avenue South – Room 320
Minneapolis, MN 55415
www.minneapolismn.gov/cped



Minneapolis

City of Lakes



2021

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 primary districts determine allowed uses, required lot size, and various other standards. The Built Form Overlay Districts, adopted in 2020, determine the bulk standards for structures including building height and setbacks. 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	Ward
Matt Perry (Chair)	City Council	6/17/2005	13
Jacob Saufley (Vice Chair)	City Council	12/13/2013	10
Taylor Smrikarova	City Council	3/9/2018	6
John Finlayson	City Council	8/27/1999	13
Adam Hutchens	City Council	9/13/2019	5
Eric Johannessen	City Council	3/7/2013	12
Joann Wang	City Council	1/1/2020	2
Richard Sandberg	City Council	5/2/2008	7
Jasmine Frias	City Council	4/19/2021	1

**Membership as of 12/31/21*

2021 Land Use Applications

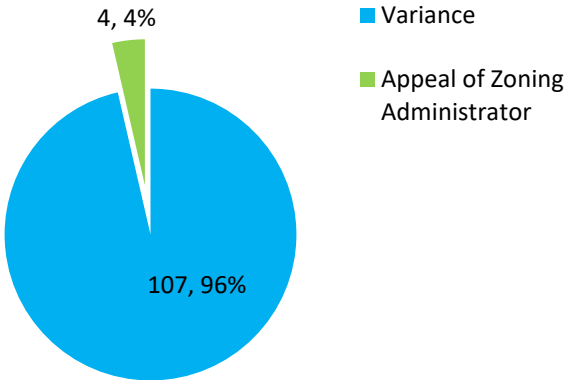
Total number of action items

111

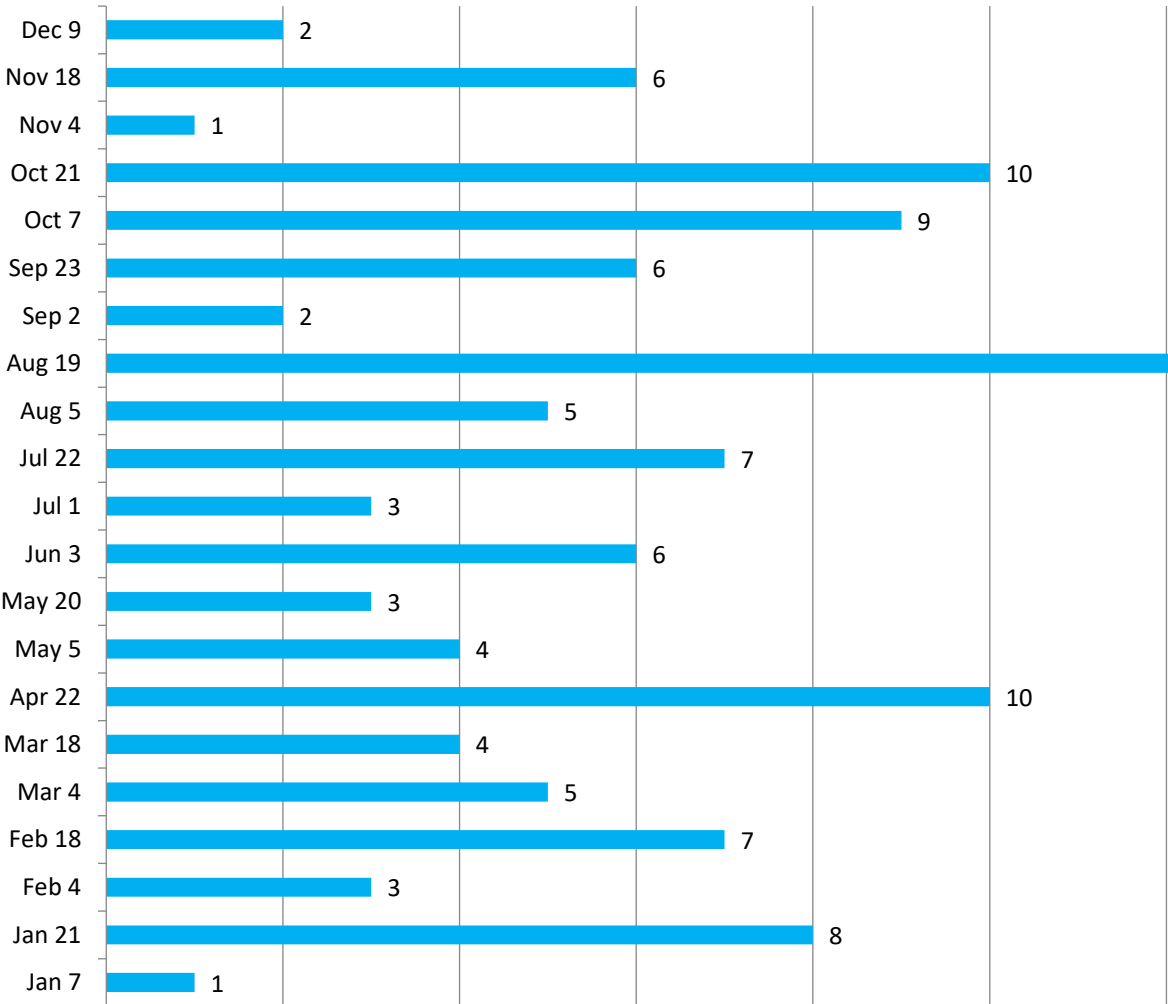
Average

5.3 items / hearing

9.3 items / month

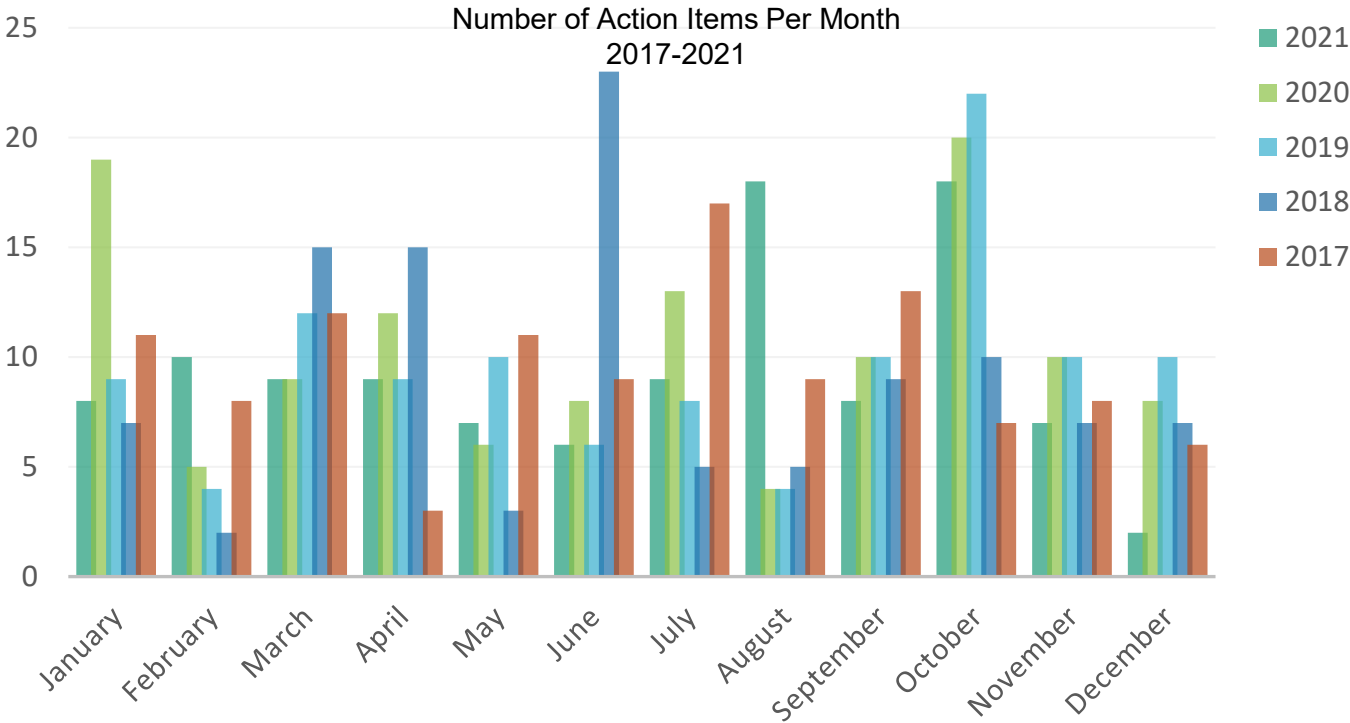


Number of Action Items



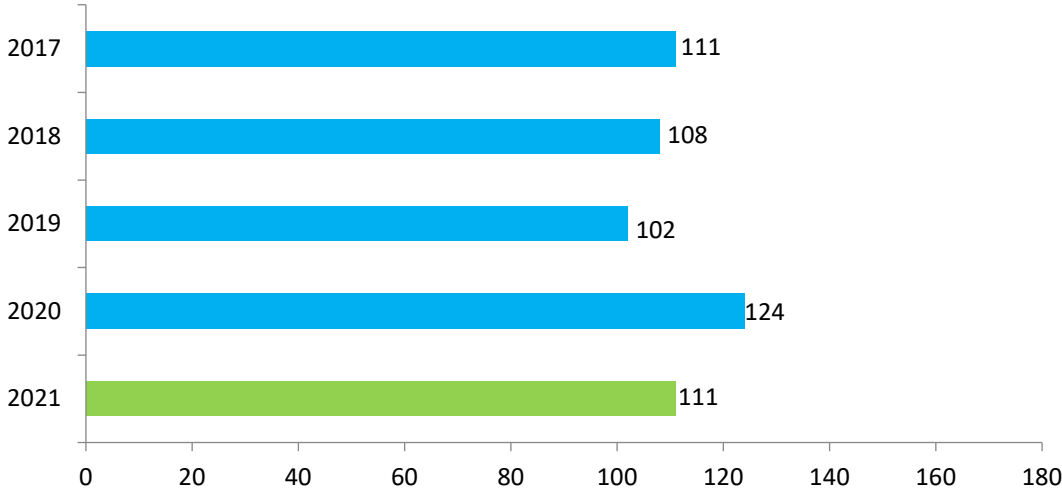
2021 Land Use Applications

Total number of items acted on | 2017-2021



There was a nine percent reduction in the number of applications acted on in 2021 as compared to 2020. The number of applications has been relatively consistent over the last three years in spite of the Covid-19 pandemic.

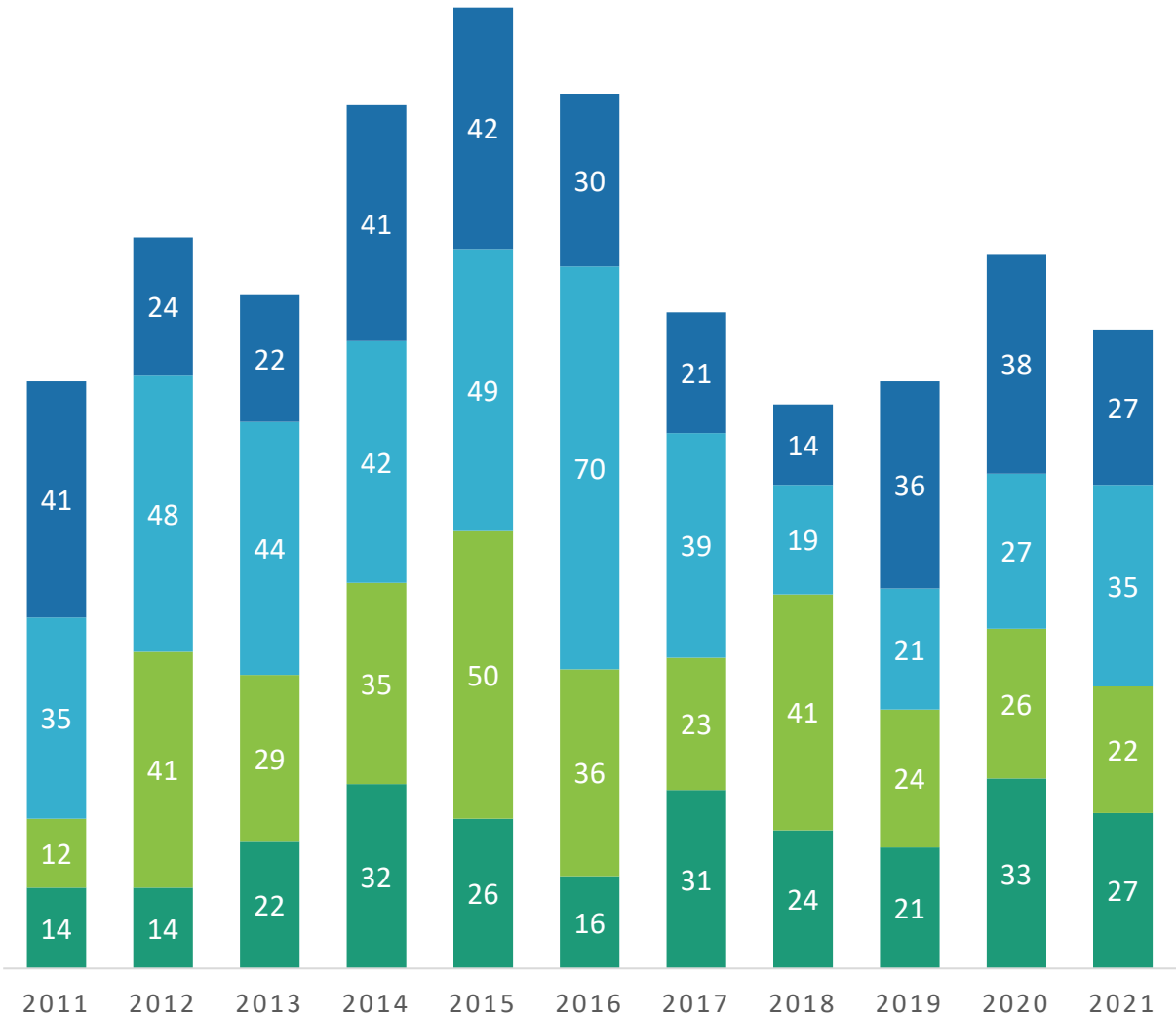
Total number of application changes | 2017-2021



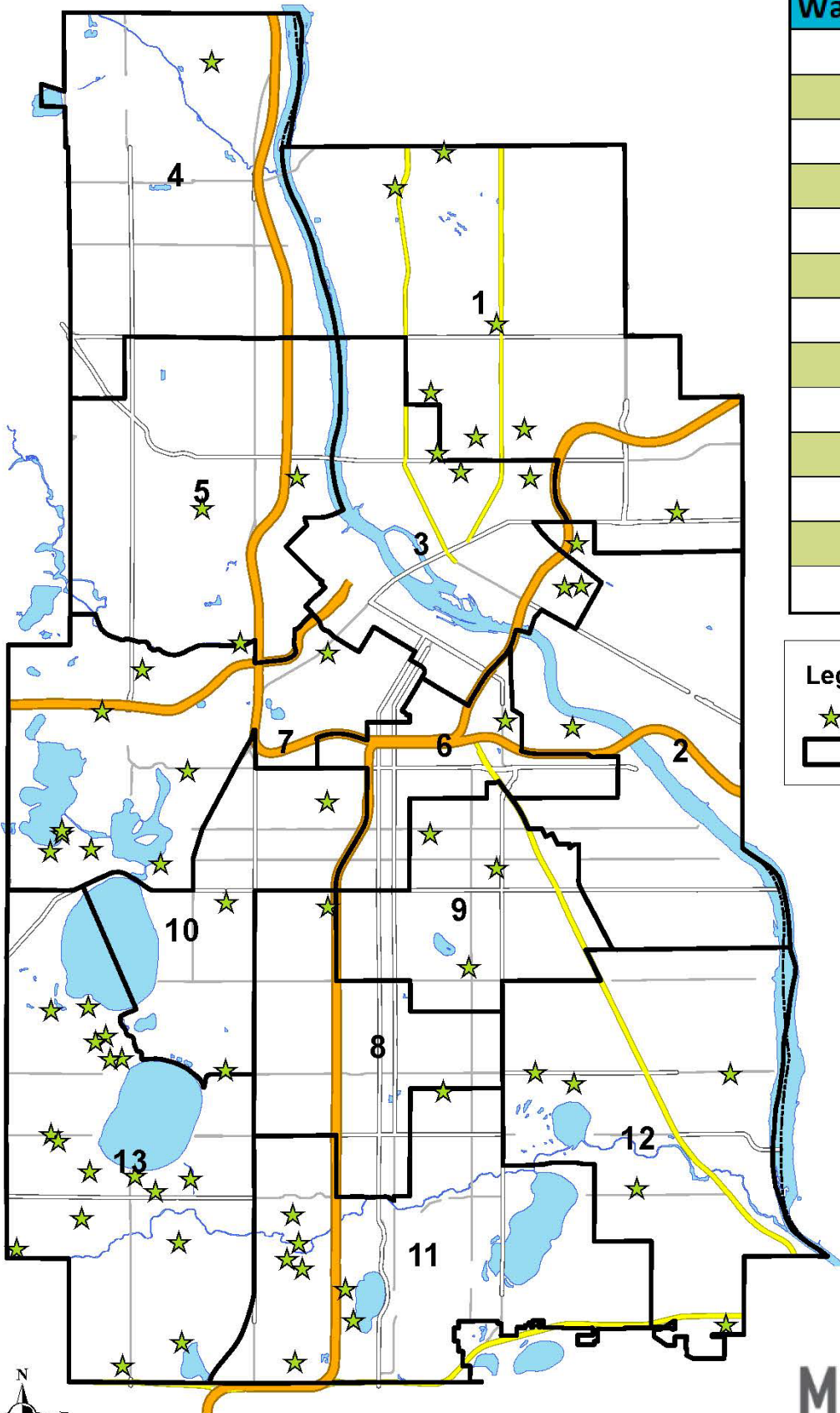
2021 Land Use Applications

Total number of items acted on | 2011-2021 | by quarter

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



Board of Adjustment Applications 2021



Ward	# of acted items
1	11
2	5
3	9
4	1
5	3
6	1
7	19
8	1
9	3
10	10
11	16
12	8
13	23

Legend

- ★ Location of Application(s)
- ▭ City Council Ward Boundaries



0 0.75 1.5 3 Miles

2021 Land Use Applications

Total number of items acted on | decisions

	Approval	Denial	No recommendation	
Applications acted on (all types) where CPED Department staff recommended:	68%	32%	0	
<i>number of applications</i>	76	35	0	111
	Granted	Denied		
Applications acted upon (all types) where the Board of Adjustment:	76%	24%		
<i>number of applications</i>	84	27		111
Variance applications where the Board of Adjustment:	77%	23%		
<i>number of applications</i>	82	25		107
Appeals of Zoning Administrator where the Board of Adjustment:	25%	75%		
<i>number of applications</i>	1	3		4

[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.

2021 Land Use Applications

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

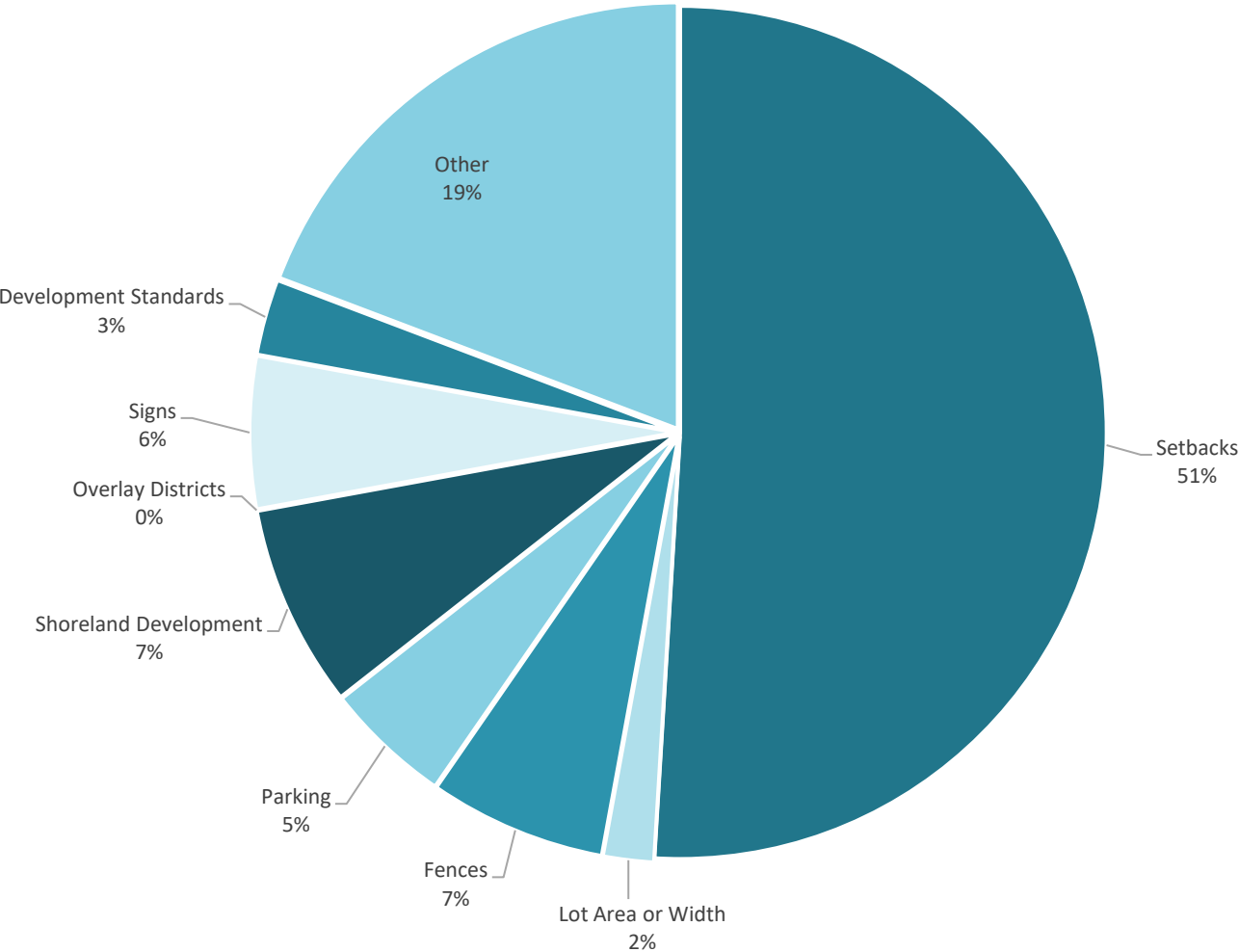
	Variance Requests and Board Approvals by Type	Number of Requests	Approved
525.520(1)	To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations.	53	74%
525.520(2)	To vary the lot area or lot width requirements ...	2	100%
525.520(3)	To 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, ...	3	66%
525.520(5)	To permit an increase in the maximum height of a fence.	7	57%
525.520(6)	To vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces.		
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...	5	100%
525.520(12)	To vary the minimum width of single- or two-family dwellings...		
525.520(15)	To vary the maximum lot coverage and impervious surface coverage requirements.	6	83%
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.	8	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.		
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	83%
525.520(22)	To vary the development standards of Chapter 536, Specific Development Standards and Chapter 537, Accessory Uses and Structures...	3	66%
525.520(25)	To vary the enclosed building requirements	5	60%
525.520(28)	To vary the width and location restrictions on attached garages facing the front lot line for residential uses.	3	100%
525.520(30)	To vary the requirement for enclosed storage for new single-, two-, and three-family dwellings.		
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.

2021 Land Use Applications

Total number of items acted on | variance by type



As in years past, variances to reduce required setbacks were the most frequent application type in 2021. The variety of other variance types decreased slightly over 2020 applications.

2021 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. Nine decisions of the Zoning Board of Adjustment regarding land use applications were appealed in 2021. Three of those appeals were granted, five were denied, and one was withdrawn by the applicant:

Anthony Bender, on behalf of REEF kitchens appealed the decision of the Zoning Board of Adjustment denying a variance (PLAN12108) to the enclosed building requirement for the property located at 519 Cedar Ave.

The appeal was [withdrawn](#) by the applicant.

Bob Bailly and Mohagen Hansen appealed the decision of the Zoning Board of Adjustment denying a variance (PLAN12139) to the enclosed building requirements associated with Los Campeones Gym located at 1324 Quincy St NE.

The City Council denied the appeal on [March 26, 2021](#).

Heidi Nau appealed the decision of the Zoning Board of Adjustment denying a variance (PLAN12134) to the required interior side yard setback located at 3037 Dupont Ave S.

The City Council denied the appeal on [March 26, 2021](#).

John Wanniger, on behalf of Michael and Stephanie Stevenson, appealed the decision of the Zoning Board of Adjustment denying a variance (PLAN11633) to the required rear yard for lawful establishment of an existing detached garage for the property located at 5116 Vincent Ave S.

The City Council granted the appeal on [April 30, 2021](#).

Jacob Stewart, on behalf of Caring Paws Pet Cremation, appealed the decision of the Zoning Board of Adjustment upholding the determination of the Zoning Administrator that pet cremation is substantially similar to a crematory.

The City Council denied the appeal on [May 28, 2021](#).

Nick Elders appealed the decision of the Zoning Board of Adjustment denying a variance (PLAN12144) to reduce the minimum required front yard from 39.2 feet to 20.1 feet to construct a new single-family dwelling for the property located at 4933 32nd Ave S.

The City Council granted the appeal on [May 28, 2021](#).

2021 Appeals of the Decisions of the Board of Adjustment continued

Elliot Fisher appealed the decisions of the Zoning Board of Adjustment (PLAN12091) denying the following variances for an established fence for the property located at 3415 2 1/2 St NE:

- Variance to increase the maximum height of a fence in the required front yard.
- Variance to increase the maximum height of a fence in the required corner side yard.

The City Council granted the appeal on [July 23, 2021](#).

Ashii Vrohidis appealed the decisions of the Zoning Board of Adjustment approving the following variances (PLAN13119) to construct various improvements within the established front yard and interior side yard located at 3748 W Bde Maka Ska Pkwy:

- Variance to reduce the required front yard from 26 feet and 2 inches to 1 foot 2 inches for the construction of retaining walls that do not maintain natural grade.
- Variance to reduce the required interior side yard from 5 feet to 4 feet 1 inch for the construction of retaining walls that do not maintain natural grade.
- Variance to reduce the required front yard from 26 feet and 2 inches to 4 inches for the construction of raised planting beds.
- Variance to reduce the required interior side yard from 5 feet to 2 inches for the construction of raised planting beds.

The City Council denied the appeal on [October 08, 2021](#).

Nichol Dehmer Beckstrand, on behalf of Scottie Hall, appealed the decision of the Zoning Board of Adjustment denying a variance (PLAN12947) to increase the maximum combined floor area of all detached accessory structures for the property located at 2827 18th Ave S.

The City Council denied the appeal on [November 19, 2021](#).

Recent zoning code amendments impacting applications reviewed by the Board

[Striking the owner-occupancy requirement pertaining to accessory dwelling units:](#) This amendment removed the owner-occupancy requirement pertaining to detached and attached accessory dwelling units, allowing their establishment accessory to non-owner-occupied single- and two-family dwellings. The amendment was adopted on 3/6/2021.

[Amending regulations related to off-street parking and loading as well as travel demand management:](#) These amendments eliminated minimum parking requirements, introduced maximum parking requirements, increased bicycle parking requirements, and created a more consistent and robust travel demand management ordinance. These amendments directly addressed key goals of the *Minneapolis 2040 Plan*. The amendments were adopted on 5/17/2021 and went into effect on 5/22/2021.

[Regulation of rooming units and congregate living facilities ordinance:](#) This amendment created a regulatory framework to allow for new — and to better regulate existing — rooming houses, single room occupancy units, and congregate living facilities. The amendment was adopted on 7/28/2021.

[Regulation of amphitheaters ordinance:](#) This amendment formalized the amphitheater use within the zoning code and included it as a conditional use in select zoning districts. The amendment was adopted on 10/12/2021.