

Zoning Board of Adjustment Annual Report

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (CPED)

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



2020

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
Annie Wang	City Council	1/1/2020	2
John Finlayson	City Council	8/27/1999	13
Adam Hutchens	City Council	9/13/2019	5
Eric Johannessen	City Council	3/7/2013	12
Taylor Cooper	City Council	1/1/2018	6
Richard Sandberg	City Council	5/2/2008	7
Daniel Ogiba	City Council	7/1/2011	1

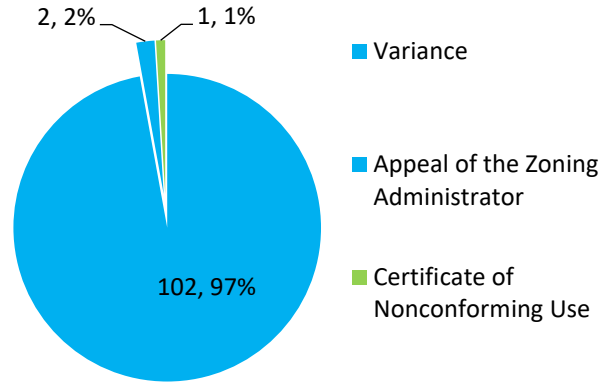
*Membership as of 12/31/2020

2022 Land Use Applications

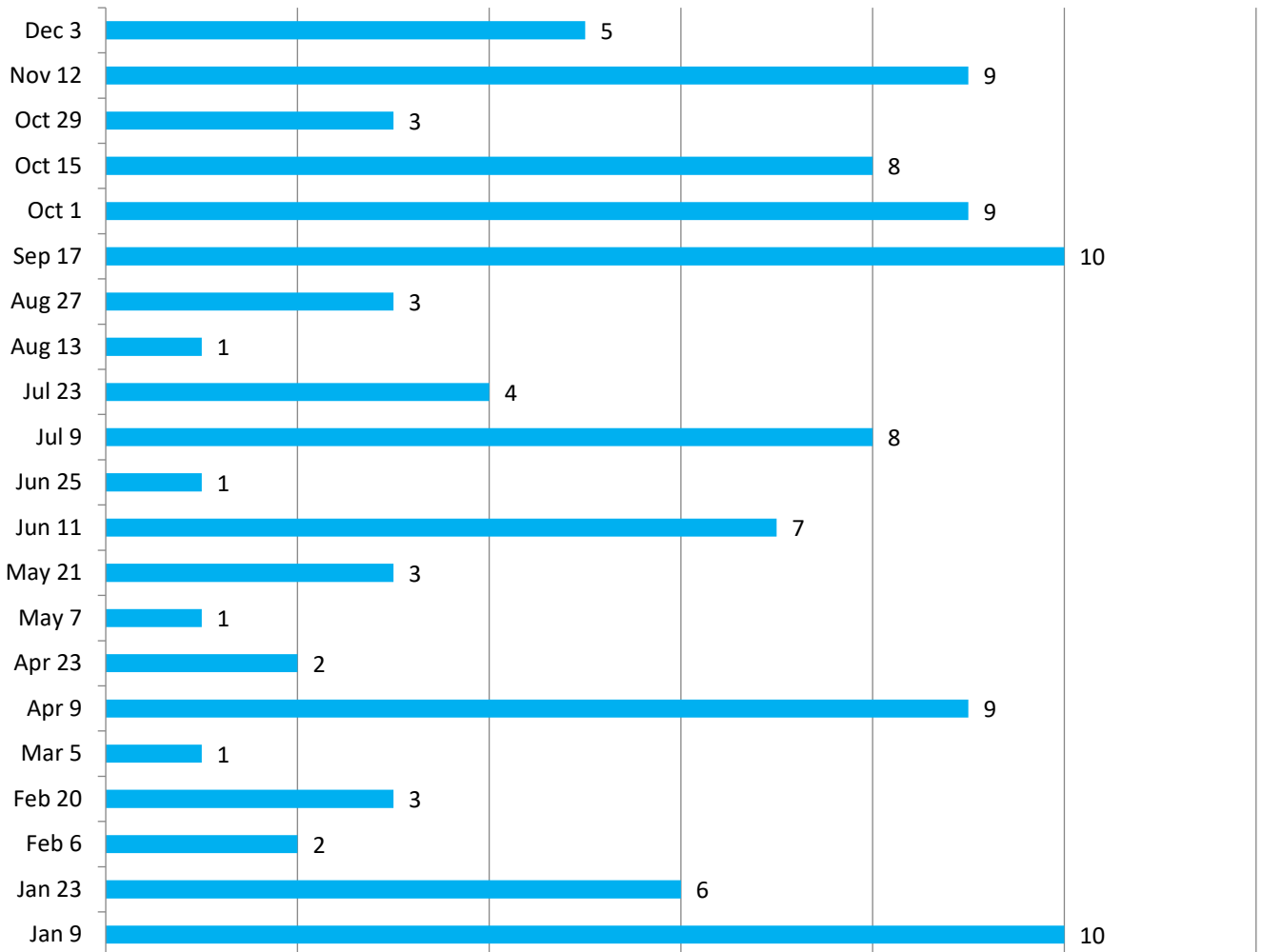
Total number of action items

105

Average
5 items / hearing
8.75 items / month

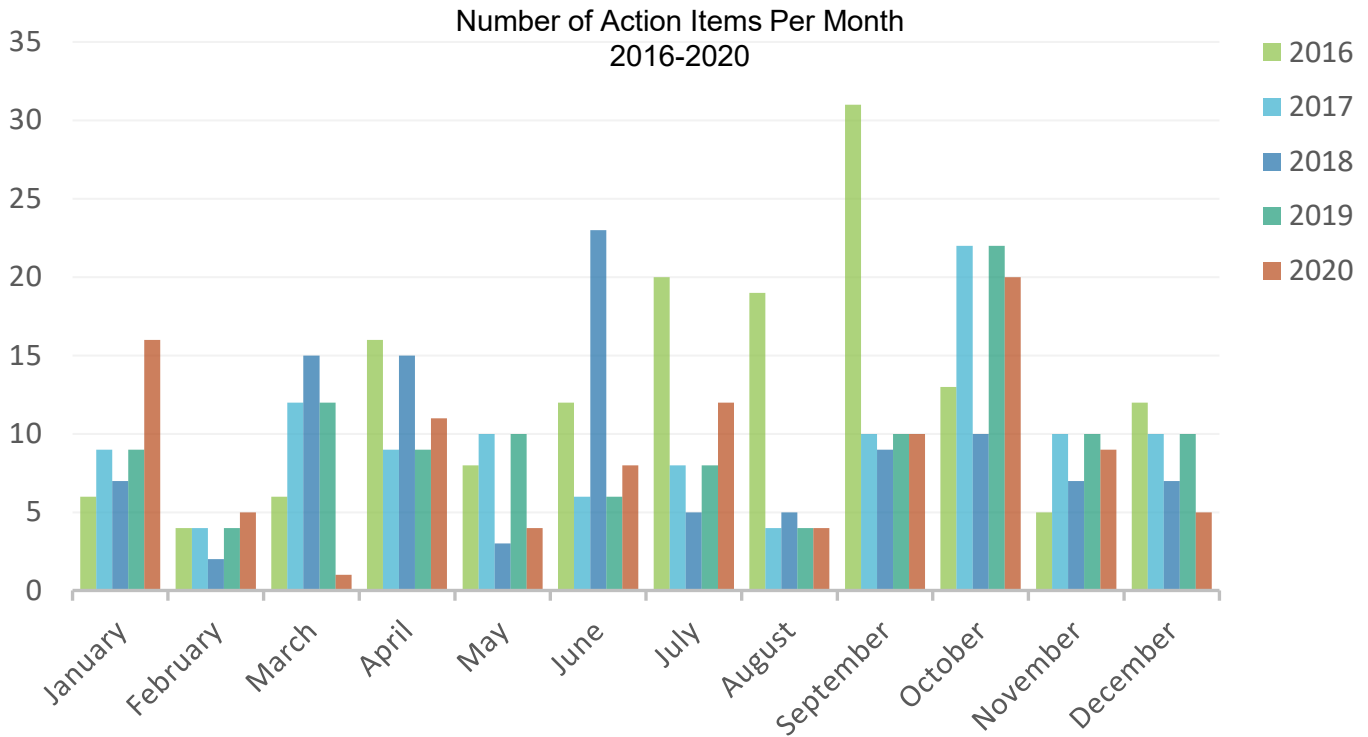


Number of Action Items



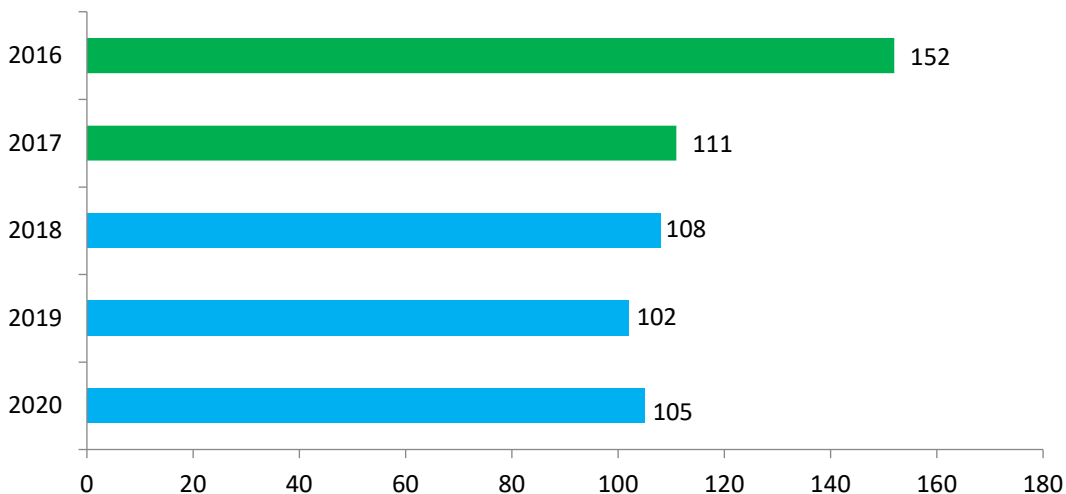
2020 Land Use Applications

Total number of items acted on | 2016-2020



There was a 1% increase in the number of applications acted on in 2020 as compared to 2019. The number of applications has been relatively consistent over the last five years, including the start of the Covid-19 pandemic in 2020.

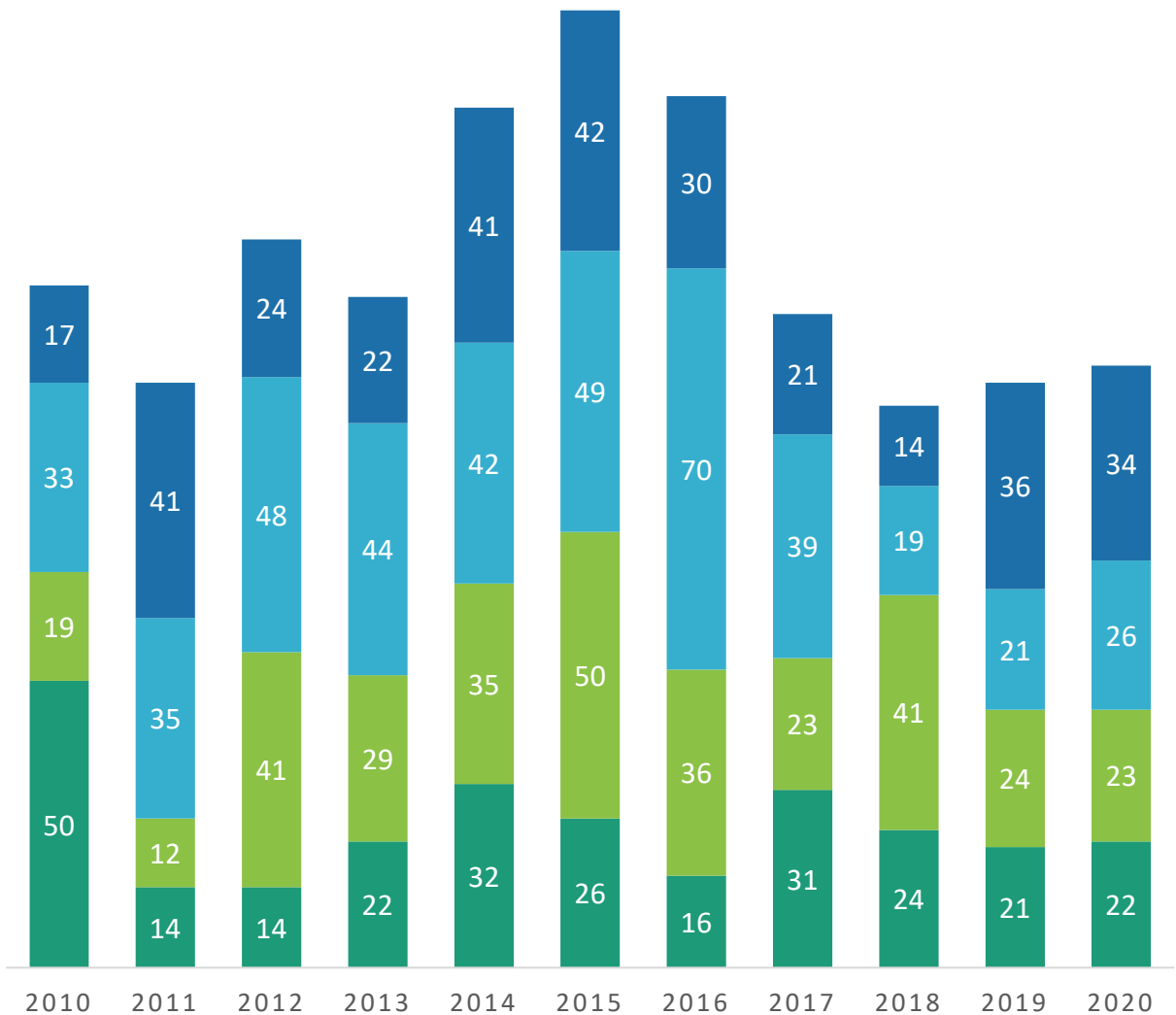
Total number of application changes | 2016-2020



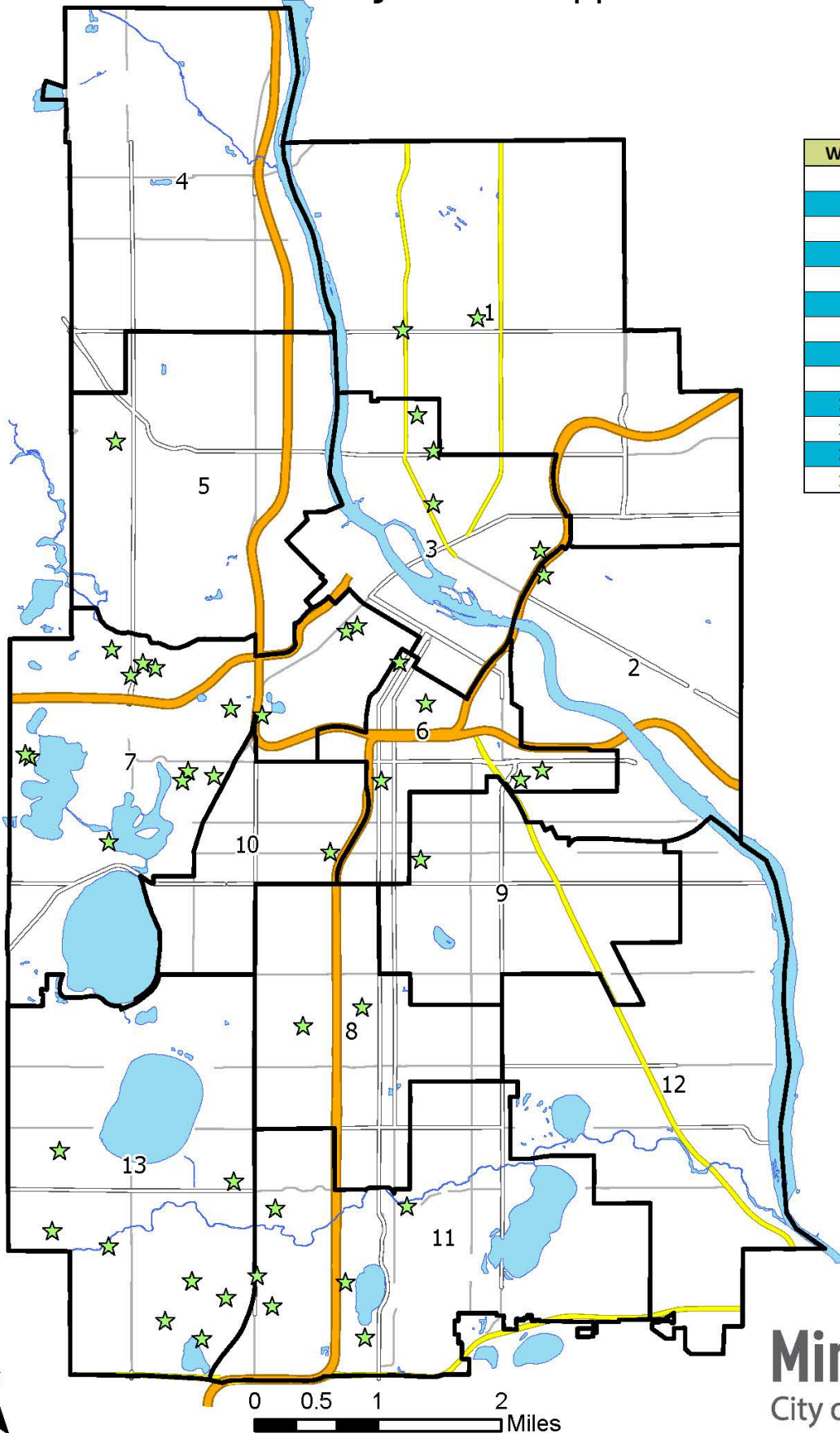
2020 Land Use Applications

Total number of items acted on | 2010-2020 | by quarter

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



Board of Adjustment Applications 2020



Ward	# of Applications
1	8
2	1
3	11
4	0
5	2
6	11
7	29
8	4
9	3
10	4
11	9
12	2
13	21

2020 Land Use Applications

Total number of items acted on | decisions

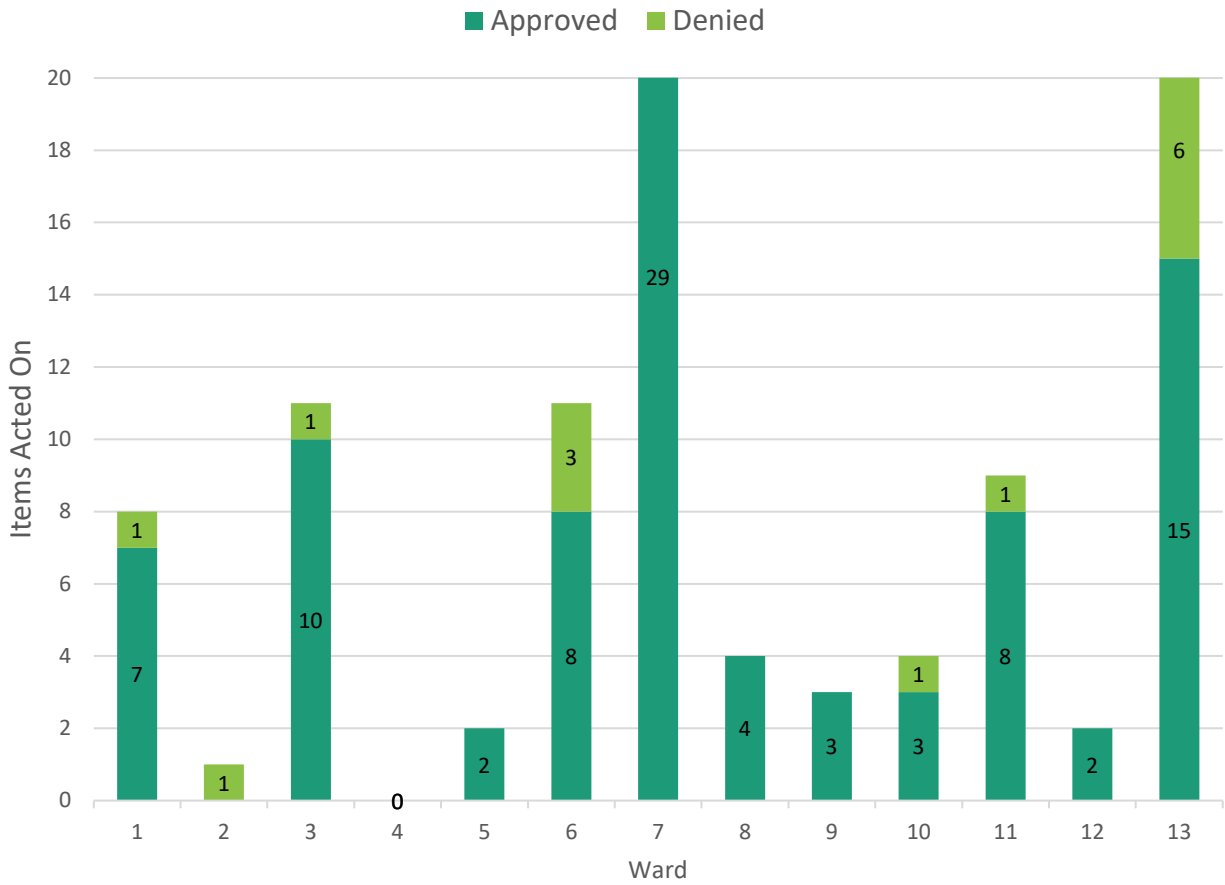
	Approval	Denial	No recommendation	
Applications acted on (all types) where CPED Department staff recommended:	79%	21%	0	
<i>number of applications</i>	83	22	0	105
	Granted	Denied		
Applications acted upon (all types) where the Board of Adjustment:	88%	12%		
<i>number of applications</i>	92	13		105
Variance applications where the Board of Adjustment:	90%	10%		
<i>number of applications</i>	92	10		102
Certificate of Nonconforming Use where the Board of Adjustment:	0	100%		
<i>number of applications</i>	0	1		1
Certificate of Nonconforming Use where the Board of Adjustment:	0	100%		
<i>number of applications</i>	0	2		2

[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.

2022 Land Use Applications

Total number of items acted on | decision by ward



2020 Land Use Applications

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

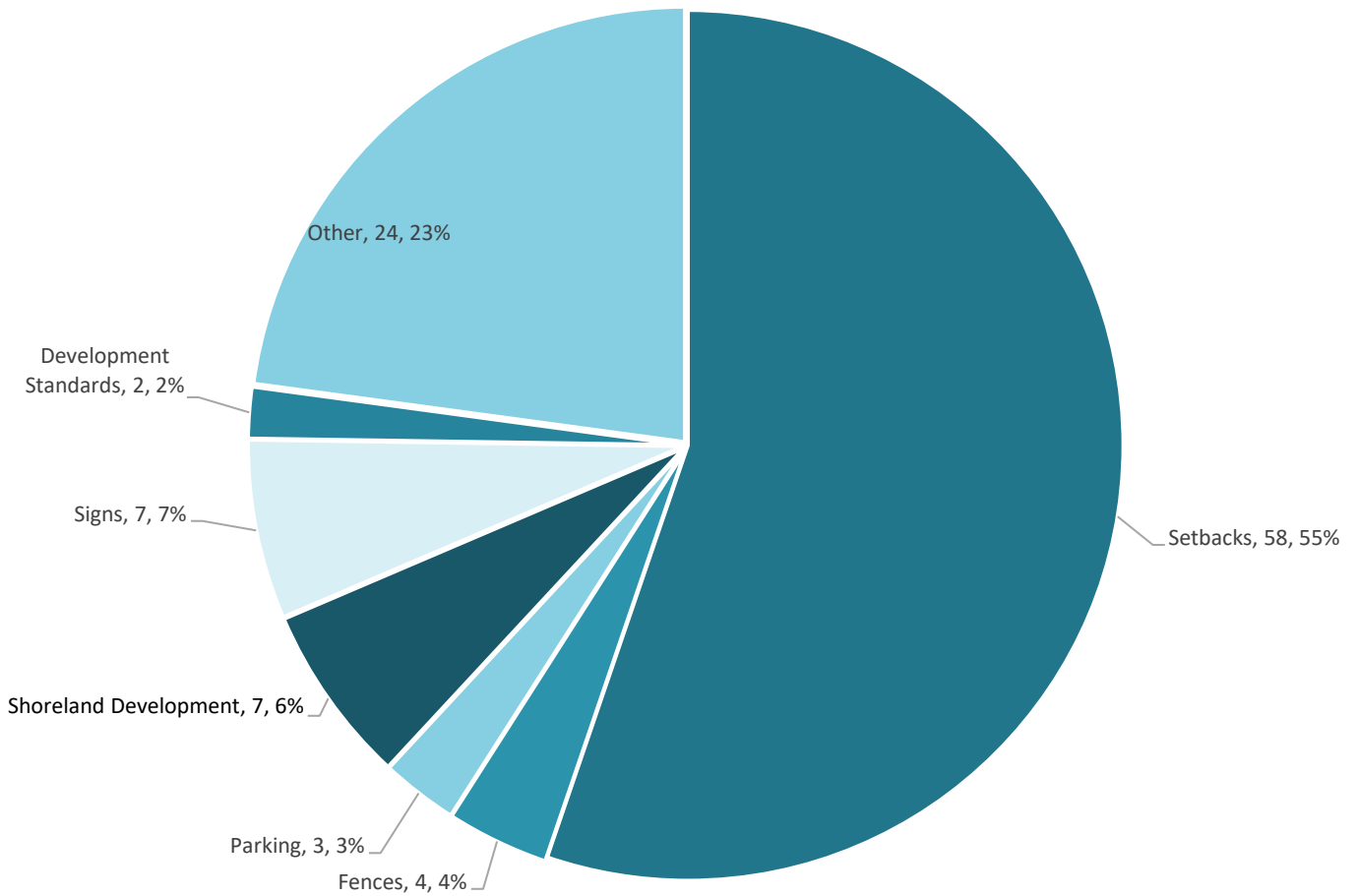
	Variance Requests and Board Approvals by Type	Number of Requests	Approved
525.520(1)	To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations.	58	95%
525.520(2)	To vary the lot area or lot width requirements ...		
525.520(3)	To vary the gross floor area, floor area ratio and seating requirements of a structure or use.	3	33%
525.520(4)	To vary the height requirements for any structure, except signs, ...	2	100%
525.520(5)	To permit an increase in the maximum height of a fence.	4	75%
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...	1	100%
525.520(15)	To vary the maximum lot coverage and impervious surface coverage requirements.	1	100%
525.520(16)	To vary the surfacing requirements of Chapter 541, Off-Street Parking, Loading and Mobility.	2	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.	7	100%
525.520(18)	To permit development in the SH Shoreland Overlay District within fifty (50) feet of a protected water.		
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.	7	100%
525.520(22)	To vary the development standards of Chapter 536, Specific Development Standards and Chapter 537, Accessory Uses and Structures...	2	100%
525.520(25)	To vary the screening and landscaping requirements.		
525.520(28)	To vary the width and location restrictions on attached garages facing the front lot line for residential uses.	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.		

[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.

2020 Land Use Applications

Total number of items acted on | variance by type



As in previous years, variances to reduce required setbacks were the most frequent application type in 2020.

2020 Appeals of the Decisions of the Board of Adjustment

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 the use of the property at 3342 Nicollet Ave:

- Nonconforming use certificate for a fast-food restaurant with a drive-through facility

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 the use of the property at 818 W Broadway:

- Nonconforming use certificate for a fast-food restaurant with a drive-through facility

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

Matthew Wolf of Taft Law, on behalf of Endeavor Investments I, LLC, appealed the decision of the Zoning Board of Adjustment denying a variance (PLAN10901) for the property at 525 10th Ave SE:

- Variance to reduce the off-street parking requirement from 19 to 11

The City Council **denied** the appeal on [July 17, 2020](#)

Erik Takeshita appealed the decision of the Zoning Board of Adjustment upholding the Zoning Administrator determination (PLAN19433) for the property at 4736-4740 Grand Ave S:

- Appeal the decision of the Zoning Administrator that the changes submitted by the application after the project received site plan review approval by the Planning Commission constitutes a minor change pursuant to Section 530.100 of the Minneapolis Code of Ordinances.

The City Council **denied** the appeal on [July 17, 2020](#)

Matt Abens appealed the following decisions of the Zoning Board of Adjustment (PLAN11231) to construct a detached garage for the properties at 2209 and 2211 Portland Ave; and adopting Findings of Fact:

- Denying a variance to reduce the required interior side yard from 5 feet to 0 feet.
- Denying a variance to permit a detached accessory structure not located entirely to the rear of the principal structure.

The City Council **granted** the appeal on [August 28, 2020](#)