

A photograph of the Minneapolis skyline at sunset. The sky is filled with soft, pink and orange clouds. The city skyline is visible in the background, with several tall buildings. In the foreground, there are some lower buildings and a highway with a few cars.

*City of Minneapolis*  
*Zoning Board Of Adjustment*  
*2014 Annual Report*

# 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 districts. The individual districts determine 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 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      | 06/17/2005                   | Fourth       | 13   |
| Matt Ditzler (Vice Chair) | City Council      | 06/17/2005                   | Fourth       | 10   |
| John Finlayson            | City Council      | 08/27/1999                   | Sixth        | 13   |
| Dick Sandberg             | City Council      | 5/2/2008                     | Second       | 7    |
| Sean Cahill               | City Council      | 05/28/2010                   | Third        | 10   |
| Ami Thompson              | City Council      | 07/01/2011                   | Second       | 2    |
| Dan Ogiba                 | City Council      | 07/01/2011                   | Second       | 7    |
| Eric Johannessen          | City Council      | 03/07/2013                   | First        | 12   |
| Jacob Saufley             | City Council      | 12/13/2013                   | First        | 10   |

\*Membership as of 12/31/2014

## 2014 Land Use Applications

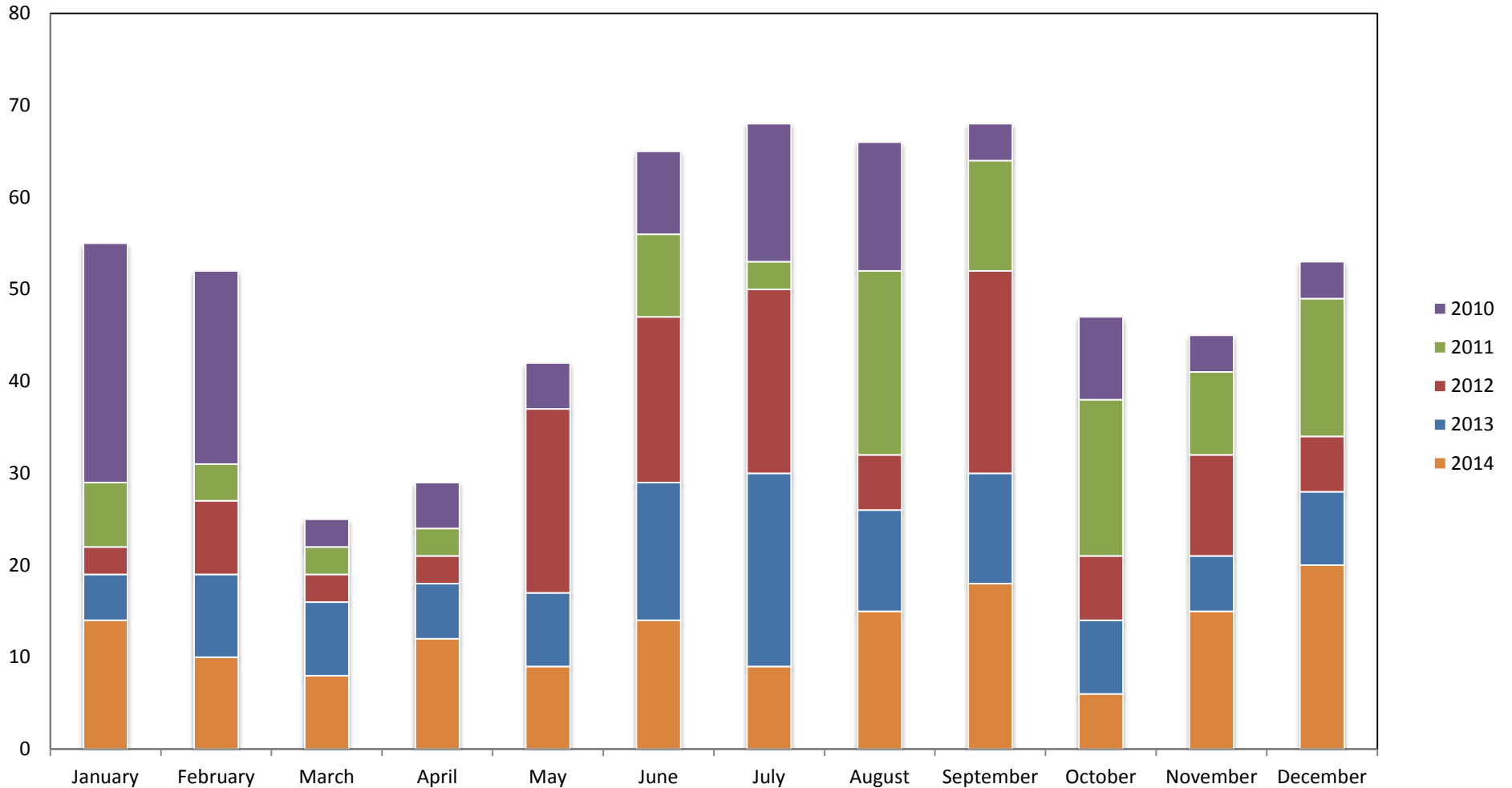
### *Total number of agenda items acted upon:*

|                                                      |            |
|------------------------------------------------------|------------|
| Variances:                                           | 138        |
| Nonconforming use certificates:                      | 0          |
| Appeals of the decision of the zoning administrator: | 4          |
| Withdrawn applications:                              | 8          |
| <b>Total</b>                                         | <b>150</b> |

### *Agenda items per public hearing:*

|                              |    |                               |            |
|------------------------------|----|-------------------------------|------------|
| <a href="#">January 9:</a>   | 9  | <a href="#">July 10:</a>      | 4          |
| <a href="#">January 23:</a>  | 5  | <a href="#">July 24:</a>      | 5          |
| <a href="#">February 6:</a>  | 5  | <a href="#">August 7:</a>     | 6          |
| <a href="#">February 20:</a> | 5  | <a href="#">August 21:</a>    | 9          |
| <a href="#">March 20:</a>    | 8  | <a href="#">September 11:</a> | 18         |
| <a href="#">April 3:</a>     | 3  | <a href="#">October 9:</a>    | 3          |
| <a href="#">April 17:</a>    | 9  | <a href="#">October 23:</a>   | 3          |
| <a href="#">May 1:</a>       | 2  | <a href="#">November 6:</a>   | 11         |
| <a href="#">May 15:</a>      | 7  | <a href="#">November 20:</a>  | 4          |
| <a href="#">June 5:</a>      | 4  | <a href="#">December 11:</a>  | 20         |
| <a href="#">June 19:</a>     | 10 | <b>Total:</b>                 | <b>150</b> |

## Number of Actions per Month 2010 - 2014



The number of land use applications reviewed by the Board of Adjustment in 2014 included a 28 percent increase over the number reviewed in 2013. It was also higher than each of the previous 5 years. The City experienced a record year in terms of development, with construction permits valued at over \$2 billion. Given this level of activity, it is to be expected that the City would experience an increase in the number of requests for relief from strict adherence to certain zoning code provisions.

| <i>Number of items acted upon by Community:</i> |    |  |              |            |
|-------------------------------------------------|----|--|--------------|------------|
| Calhoun-Isles                                   | 19 |  | Northeast    | 15         |
| Camden                                          | 1  |  | Phillips     | 4          |
| Central                                         | 13 |  | Powderhorn   | 6          |
| Longfellow                                      | 10 |  | Southwest    | 55         |
| Near North                                      | 1  |  | University   | 16         |
| Nokomis                                         | 9  |  | <b>Total</b> | <b>150</b> |

| <i>Number of items acted upon by Ward:</i> |    |  |                  |            |
|--------------------------------------------|----|--|------------------|------------|
| 1 <sup>st</sup>                            | 8  |  | 8 <sup>th</sup>  | 7          |
| 2 <sup>nd</sup>                            | 17 |  | 9 <sup>th</sup>  | 8          |
| 3 <sup>rd</sup>                            | 14 |  | 10 <sup>th</sup> | 5          |
| 4 <sup>th</sup>                            | 1  |  | 11 <sup>th</sup> | 7          |
| 5 <sup>th</sup>                            | 1  |  | 12 <sup>th</sup> | 5          |
| 6 <sup>th</sup>                            | 2  |  | 13 <sup>th</sup> | 49         |
| 7 <sup>th</sup>                            | 26 |  | <b>Total</b>     | <b>150</b> |

| <i>Applications acted upon (all types) where CPED Department staff recommended:</i> |     |
|-------------------------------------------------------------------------------------|-----|
| Approval                                                                            | 80% |
| Denial                                                                              | 15% |
| No recommendation                                                                   | 0%  |
| Withdrawn                                                                           | 5%  |

| <i>Applications acted upon (all types) where the Board of Adjustment:</i> |     |
|---------------------------------------------------------------------------|-----|
| Granted                                                                   | 83% |
| Denied                                                                    | 12% |
| Withdrawn                                                                 | 5%  |

| <i>Variance applications where the Board of Adjustment:</i> |     |
|-------------------------------------------------------------|-----|
| Granted                                                     | 89% |
| Denied                                                      | 10% |
| Withdrawn                                                   | 1%  |

| <i>Nonconforming use certificates where the Board of Adjustment:</i> |    |
|----------------------------------------------------------------------|----|
| Granted entire request                                               | 0% |
| Denied                                                               | 0% |
| Withdrawn                                                            | 0% |

| <i>Appeals of the Zoning Administrator's Decision where the Board of Adjustment:</i> |     |
|--------------------------------------------------------------------------------------|-----|
| Granted                                                                              | 0%  |
| Denied                                                                               | 36% |
| Withdrawn                                                                            | 64% |

| <i>Of the applications that were approved, the Board of Adjustment:</i> |     |
|-------------------------------------------------------------------------|-----|
| With conditions                                                         | 76% |
| Without conditions                                                      | 24% |

## ***Variance requests and board approvals, by type:<sup>12</sup>***

### ***525.520(1). To vary the yard requirements, including permitting obstructions into required yards***

|            |                               |
|------------|-------------------------------|
| Requested: | 85 Applications               |
| Approved   | 99% (1 application withdrawn) |

### ***525.520(2). To vary the lot area or width requirements...***

|            |                |
|------------|----------------|
| Requested: | 9 Applications |
| Approved   | 78%            |

### ***525.520(3). To vary the gross floor area, floor area ratio and seating requirements of a structure or use***

|            |                |
|------------|----------------|
| Requested: | 5 Applications |
| Approved   | 40%            |

### ***525.520(4). To vary the height requirements of any structure, except signs, ...***

|            |               |
|------------|---------------|
| Requested: | 3 Application |
| Approved   | 100%          |

### ***525.520(5). To permit an increase in the maximum height of a fence***

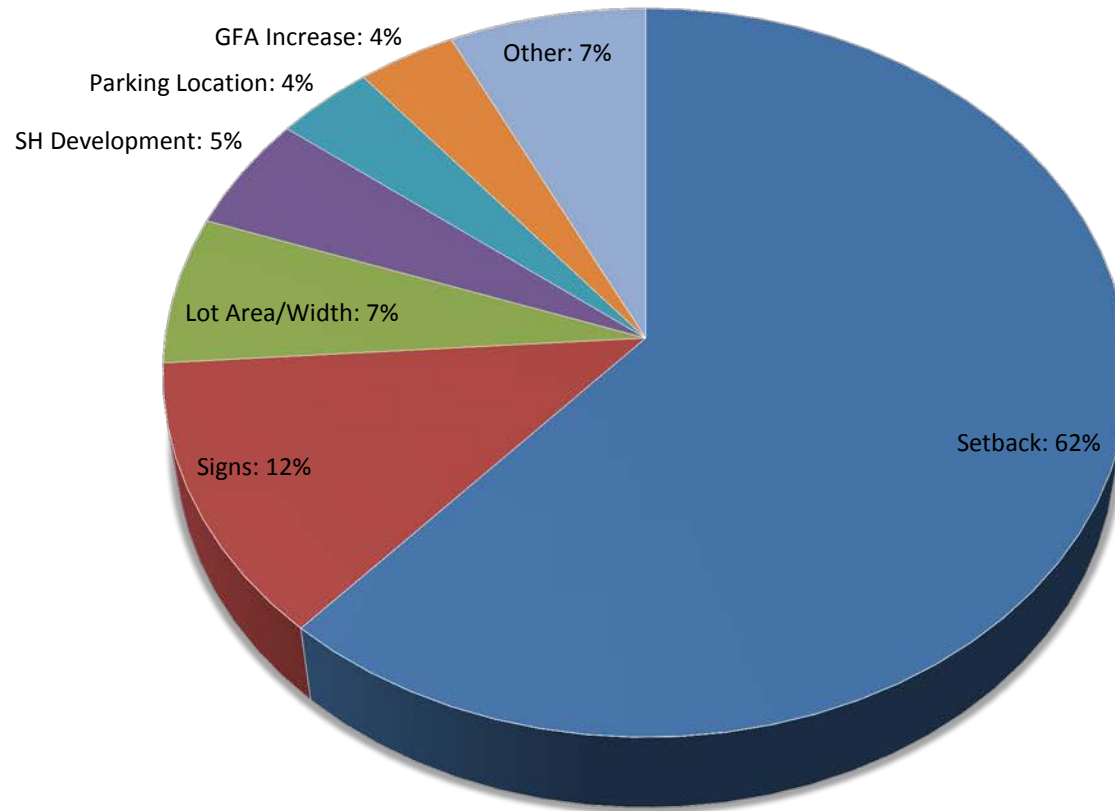
|            |                |
|------------|----------------|
| Requested: | 2 Applications |
| Approved   | 100%           |

<sup>1</sup> Approvals, in this section, refer to requests that were granted entirely or partially.

<sup>2</sup> There were no applications for the variances that are authorized by the zoning code but are not shown below.

|                                                                                                                                                                |                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <b><i>525.520(6). To reduce the applicable off-street parking or loading requirements by up to one hundred (100) percent</i></b>                               |                 |
| Requested:                                                                                                                                                     | 2 Applications  |
| Approved                                                                                                                                                       | 100%            |
| <b><i>525.520(8). To permit parking that cannot comply with the location requirements for on-site parking...</i></b>                                           |                 |
| Requested:                                                                                                                                                     | 5 Applications  |
| Approved                                                                                                                                                       | 8%              |
| <b><i>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...</i></b> |                 |
| Requested:                                                                                                                                                     | 7 Applications  |
| Approved                                                                                                                                                       | 100%            |
| <b><i>525.520(21). To vary the number, type, height, area or location of allowed signs...</i></b>                                                              |                 |
| Requested:                                                                                                                                                     | 17 Applications |
| Approved                                                                                                                                                       | 76%             |
| <b><i>525.520(22). To vary the specific development standards...</i></b>                                                                                       |                 |
| Requested:                                                                                                                                                     | 3 Application   |
| Approved                                                                                                                                                       | 100%            |

## Variances by Type



The Zoning Board of Adjustment reviewed 150 applications in 2014, 138 of which were requests for variances. Variances to reduce required setbacks were the most frequent application reviewed in 2014. These variances represented 62% of the total variance requests and 57% of the total applications reviewed in 2014.

## 2014 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. Ten decisions (6.7%) of the Zoning Board of Adjustment regarding land use applications were appealed in 2014. The following land use applications were appealed to the City Council in 2014:

Robert D. Riskin with, on behalf of all property owners immediately adjacent to McDonald's, has filed an appeal of the decision of the Zoning Board of Adjustment granting a variance to increase the maximum number of freestanding signs from one to four, a variance to increase the maximum area for freestanding signs from 80 square feet to 330 square feet and a variance to increase the maximum height of freestanding signs from 8 feet to approximately 10 feet 3 inches and 10 feet 9 inches, for an existing fast food restaurant located at 1100-1118 University Avenue NE in the C2 Neighborhood Corridor Commercial District.

The application was withdrawn by the appellant on April 11, 2014.

Carol Lansing of Faegre Baker Daniels, on behalf of 1313 5<sup>th</sup> Street MN Owner, LLC, appealed the decision of the Zoning Board of Adjustment denying a variance to allow for a new wall sign located on a non-primary building wall, a variance to increase the maximum height of a wall sign from 28 feet to approximately 75 feet, and a variance to increase the maximum area of a wall sign from 0 square feet to approximately 113 square feet on an existing multiple-family dwelling located at 1313 5<sup>th</sup> Street Southeast in the C2 Neighborhood Corridor Commercial District, PO Pedestrian Oriented Overlay District and UA University Area Overlay District.

The City Council granted the appeal [October 3, 2014](#).

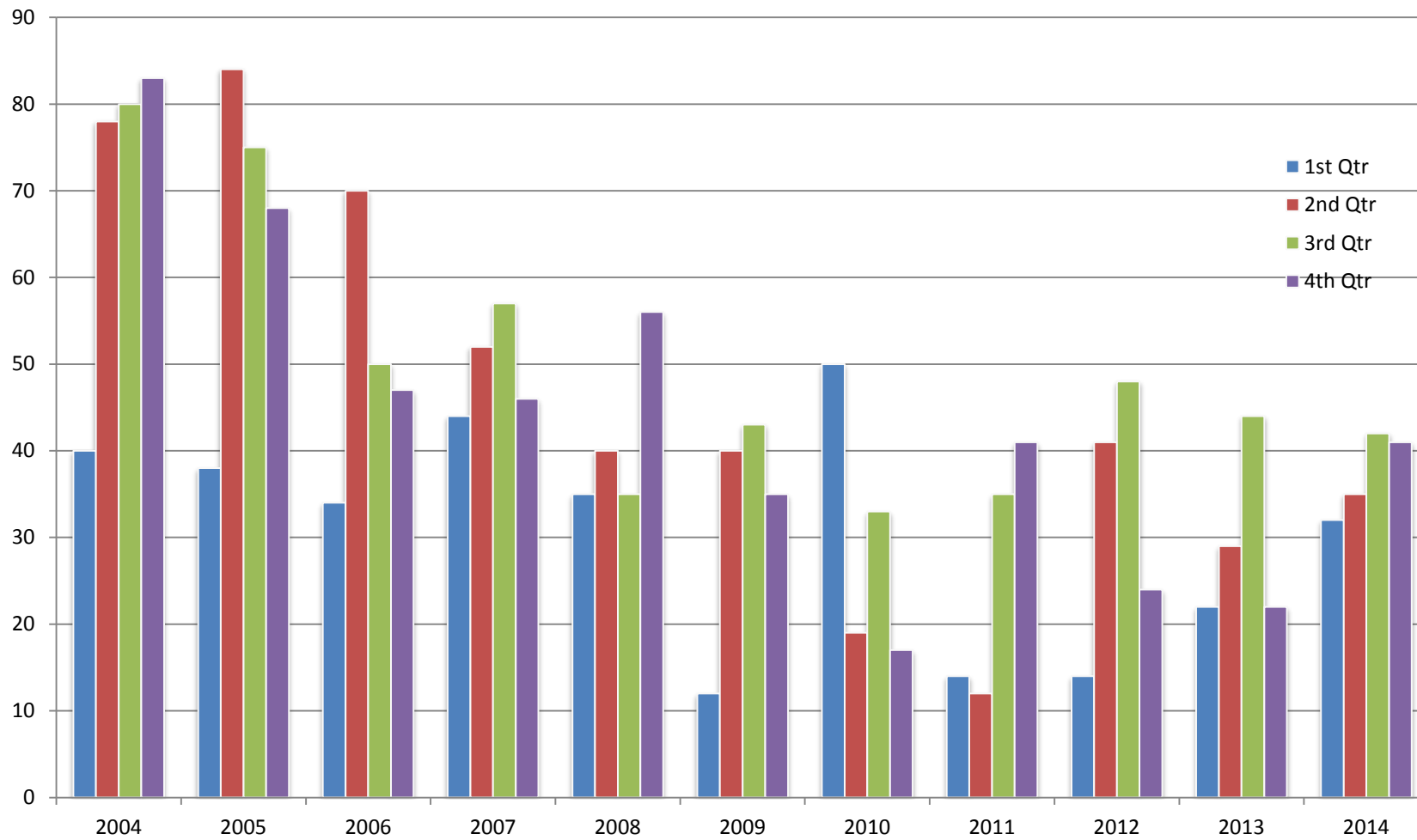
Joel Fischer appealed the decision of the Zoning Board of Adjustment denying a variance to increase the maximum floor area ratio to allow for the construction of a single-family home with attached garage for the property located at 2000 Fremont Avenue South.

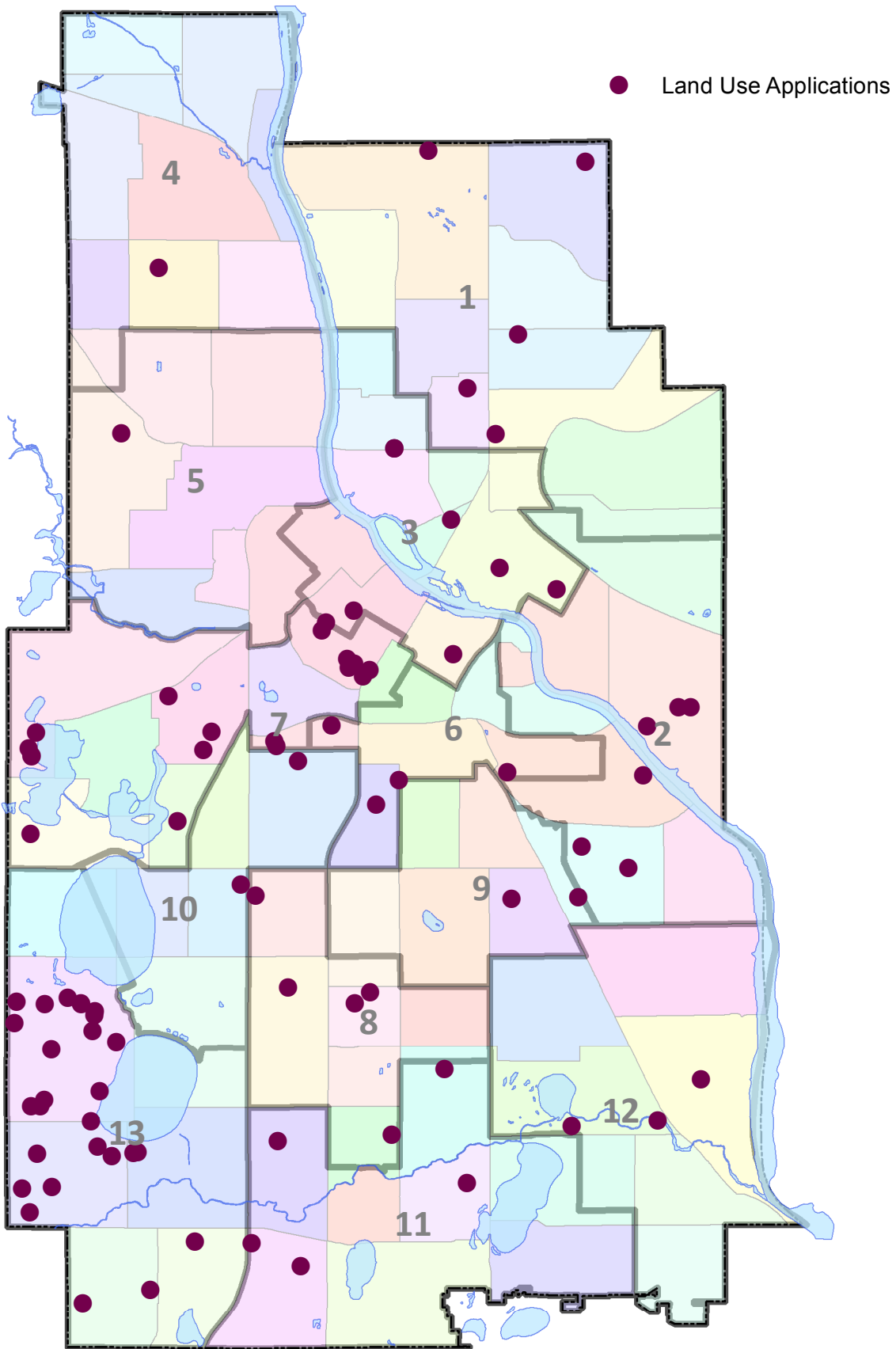
The City Council granted the appeal [January 16, 2015](#).

Ray Croaston Jr, on behalf of McDonald's, USA LLC, appealed the decision of the Zoning Board of Adjustment to uphold the determination of the Zoning Administrator regarding the height of two menu board signs, the height of the "Order Here" signs, and the height of the "Drive Thru" gateway sign at 1100 University Avenue Northeast.

The City Council denied the appeal [January 16, 2015](#).

## BOA Actions by Quarter 2004-2014





## 2014 Zoning Board of Adjustment

City of Minneapolis

Community Planning and Economic Development

Created on: March 24, 2015

[Click Here for Interactive Map](#)



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