

Zoning Board of Adjustment Annual Report

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (CPED)

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



2023

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.

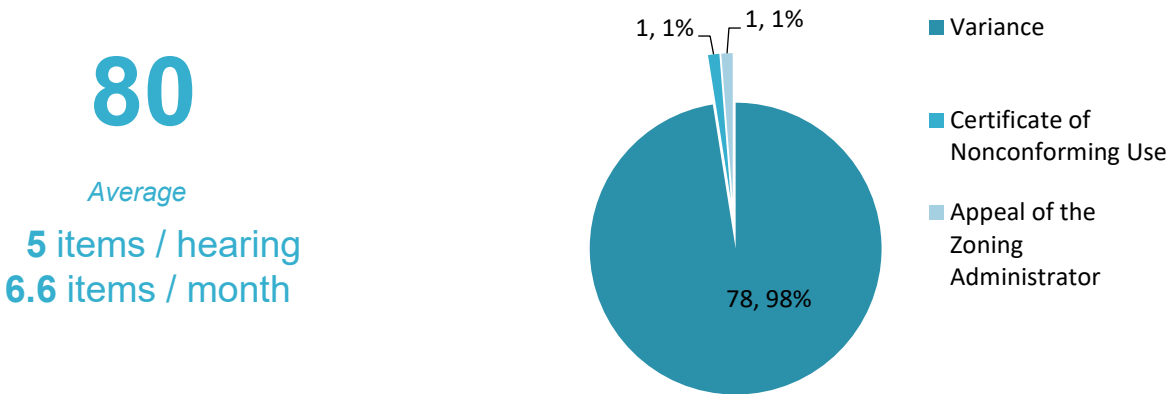
Board of Adjustment Members*

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
Anna Callahan	City Council	1/1/2023	3
Sally Grans Korsh	City Council	1/1/2023	3
Adam Hutchens	City Council	9/13/2019	5
Peter Ingraham	City Council	1/1/2022	10
Eric Johannessen	City Council	3/7/2013	12
Taylor Smrikarova	City Council	3/9/2018	6
Annie Wang	City Council	1/1/2020	2

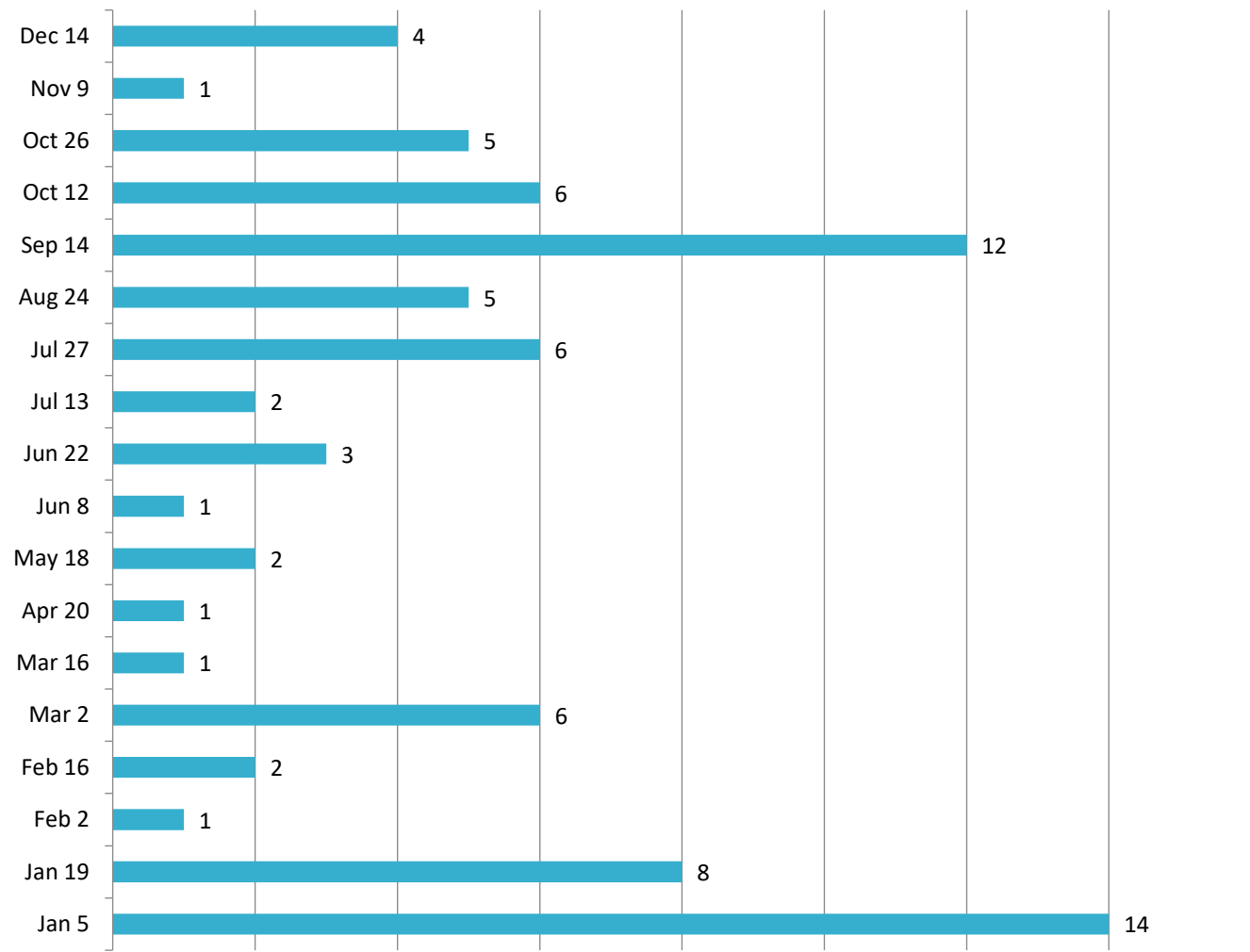
**Membership as of 12/31/23*

2023 Land Use Applications

Total number of action items

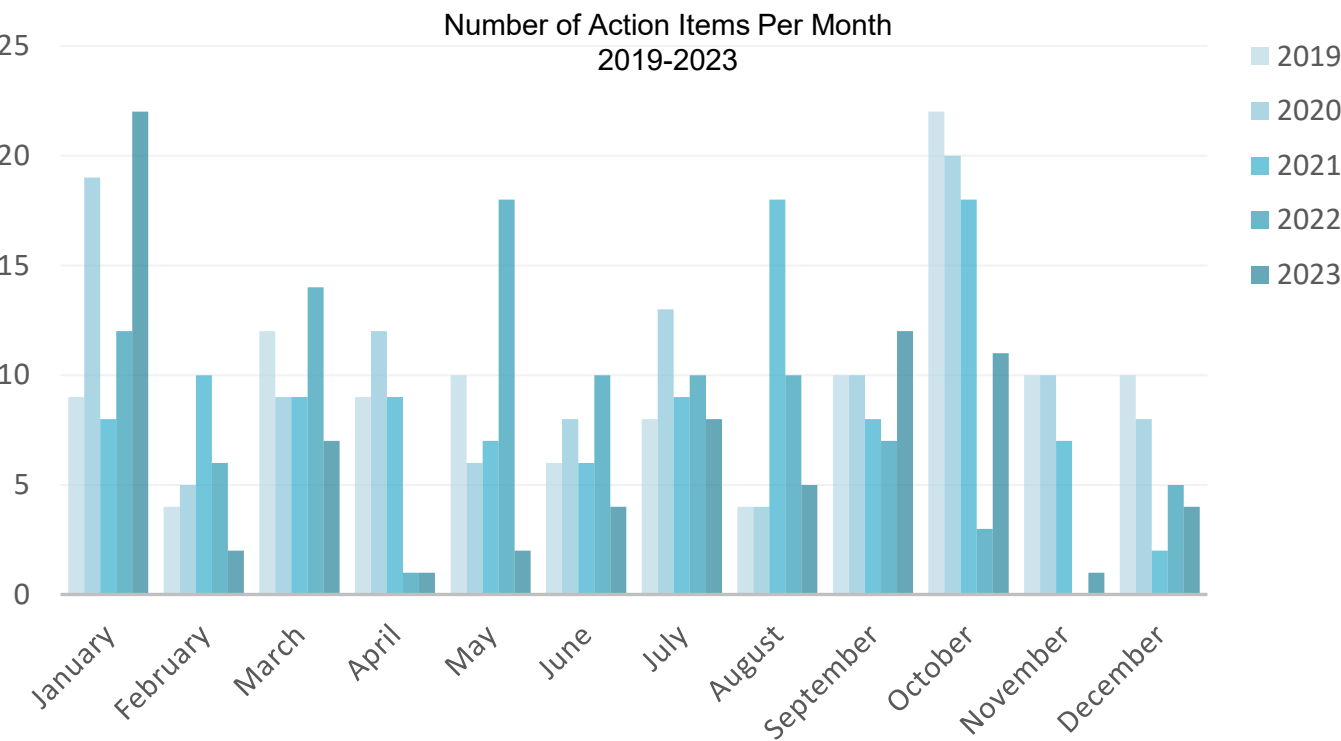


Number of Action Items



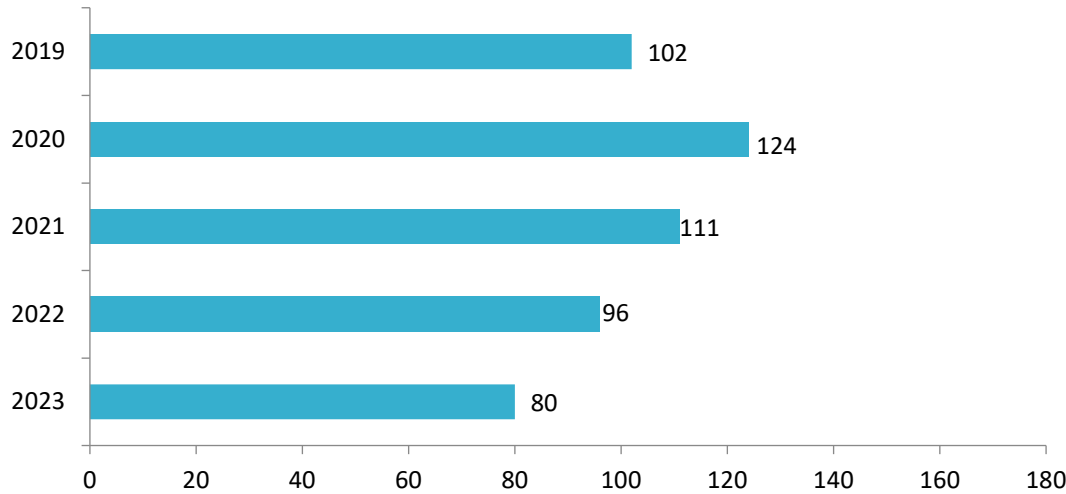
2023 Land Use Applications

Total number of items acted on | 2019-2023



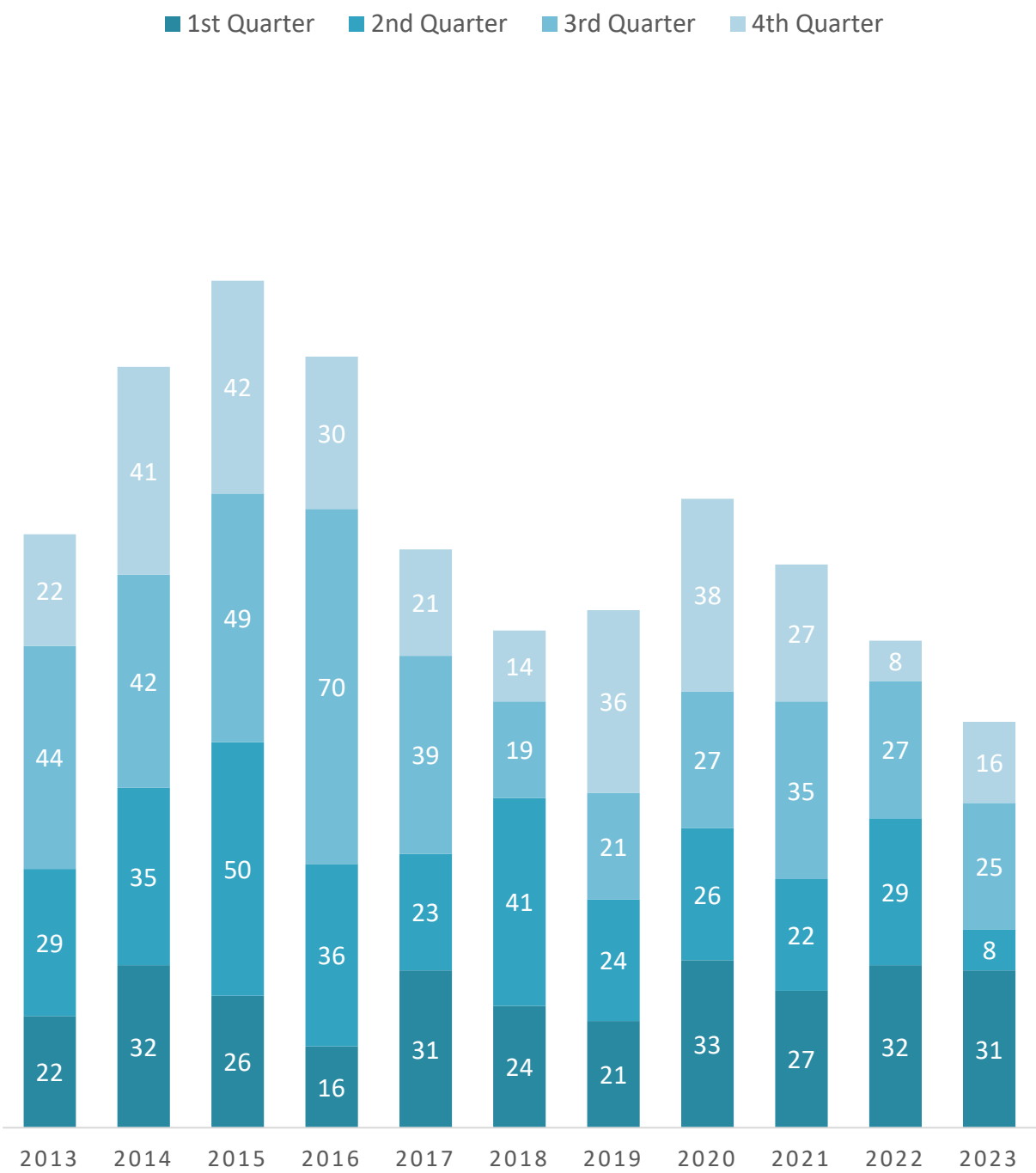
There was a 16.7% reduction in the number of applications acted on in 2023 as compared to 2022. The number of applications has been relatively consistent over the last five years, including the timespan of the Covid-19 pandemic.

Total number of application changes | 2019-2023

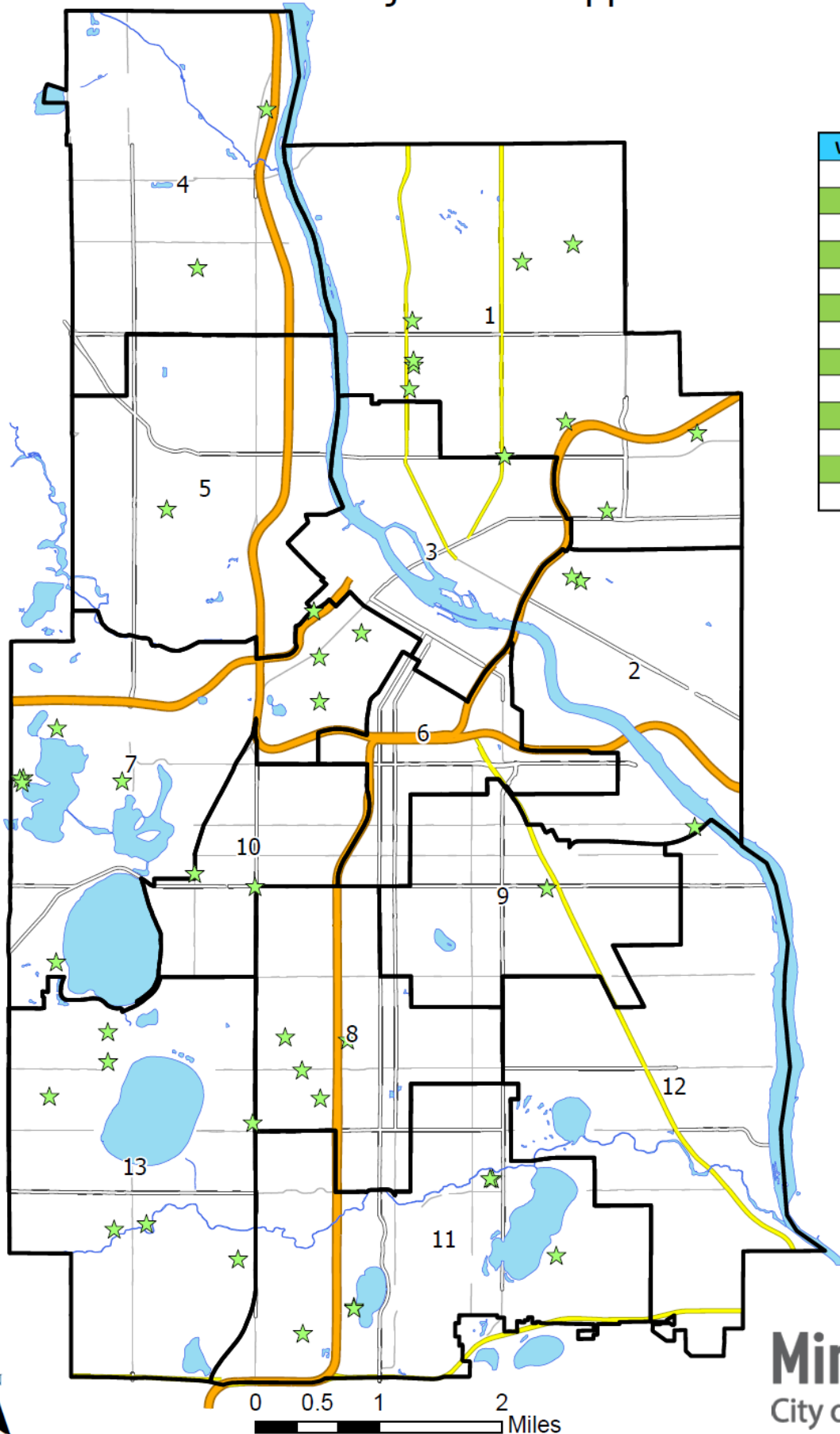


2023 Land Use Applications

Total number of items acted on | 2013-2023 | by quarter



Board of Adjustment Applications 2023



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

2023 Land Use Applications

Total number of items acted on | decisions

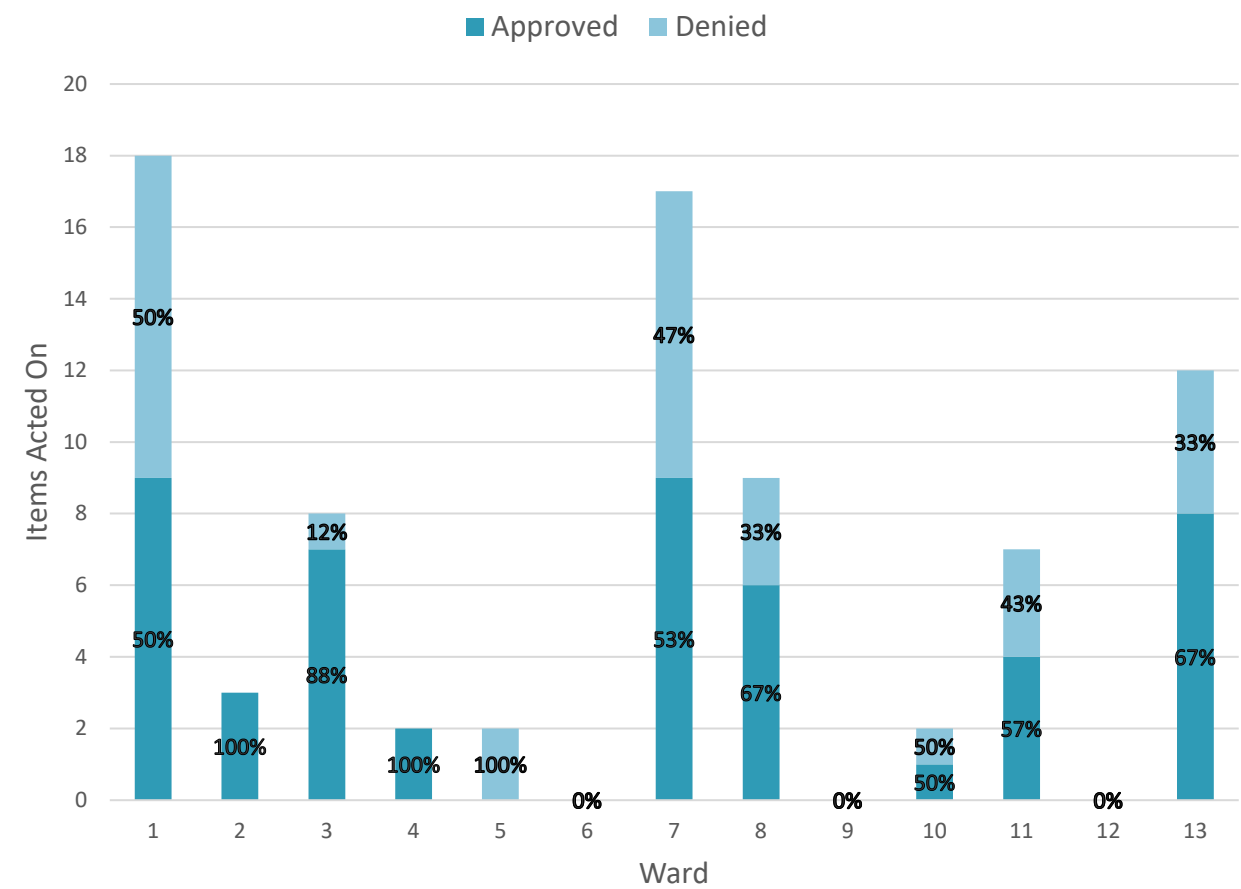
	Approval	Denial	
Applications acted on (all types) where CPED Department staff recommended:	59%	41%	
number of applications	47	33	80
	Granted	Denied	
Applications acted upon (all types) where the Board of Adjustment:	74%	26%	
number of applications	59	21	80
Variance applications where the Board of Adjustment:	89%	11%	
number of applications	59	19	78
Certificate of Nonconforming Use where the Board of Adjustment:	0%	100%	
number of applications	0	1	1
Appeal the Decision of the Zoning Administrator where the Board of Adjustment:	0%	100%	
number of applications	0	1	1
	With Conditions ¹	Without Conditions ²	
All applications where the Board of Adjustment approved	19	61	

[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.

2023 Land Use Applications

Total number of items acted on | decision by ward



2023 Land Use Applications

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

Code Citation ^[5]	Variance Requests and Board Approvals by Type	Number of Requests	Approved
525.520(1)/ 525.470(1)	To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations.	25	76%
525.520(2)/ 525.470(2)	To vary the lot area or lot width requirements ...	1	100%
525.520(3)/ 525.470(4)	To vary the gross floor area, floor area ratio and seating requirements of a structure or use.	3	0%
525.520(4) / 525.470(6)	To vary the height requirements for any structure, except signs, ...	1	0%
525.520(5) / 525.470(7)	To permit an increase in the maximum height of a fence.	7	100%
525.520(8) / 525.470(11)	To permit parking or accessory structures that cannot comply with the location requirements for on-site parking, or the minimum distance from a dwelling...	3	100%
525.520(15) / 525.470(5)	To vary the maximum lot coverage and impervious surface coverage requirements.	4	75%
525.520(17) / 525.470(21)	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.	9	100%
525.520(21) / 525.470(25)	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/To vary the number, type, height, area, or location of allowed on-premises signs on property located in a residential mixed-use, commercial mixed-use, downtown, production, or transportation district, pursuant to Chapter 560, Signs	19	100%
525.520(22) / 525.470(13) (14)	To vary the development standards of Chapter 536, Specific Development Standards and Chapter 537, Accessory Uses and Structures...	2	50%
525.520(25) / 525.470(8)	To vary the screening and landscaping requirements.	1	100%
525.520(28) / 525.470(12)	To vary the width and location restrictions on attached garages facing the front lot line for residential uses.	1	0%
525.520(30) / 525.470(20)	To vary the building/storage enclosure requirements	2	50%
525.170/ 525.330	Appeal of a decision of the Zoning Administrator	1	0%
531.30/ 545.920	Certificate of nonconforming Use	1	0%

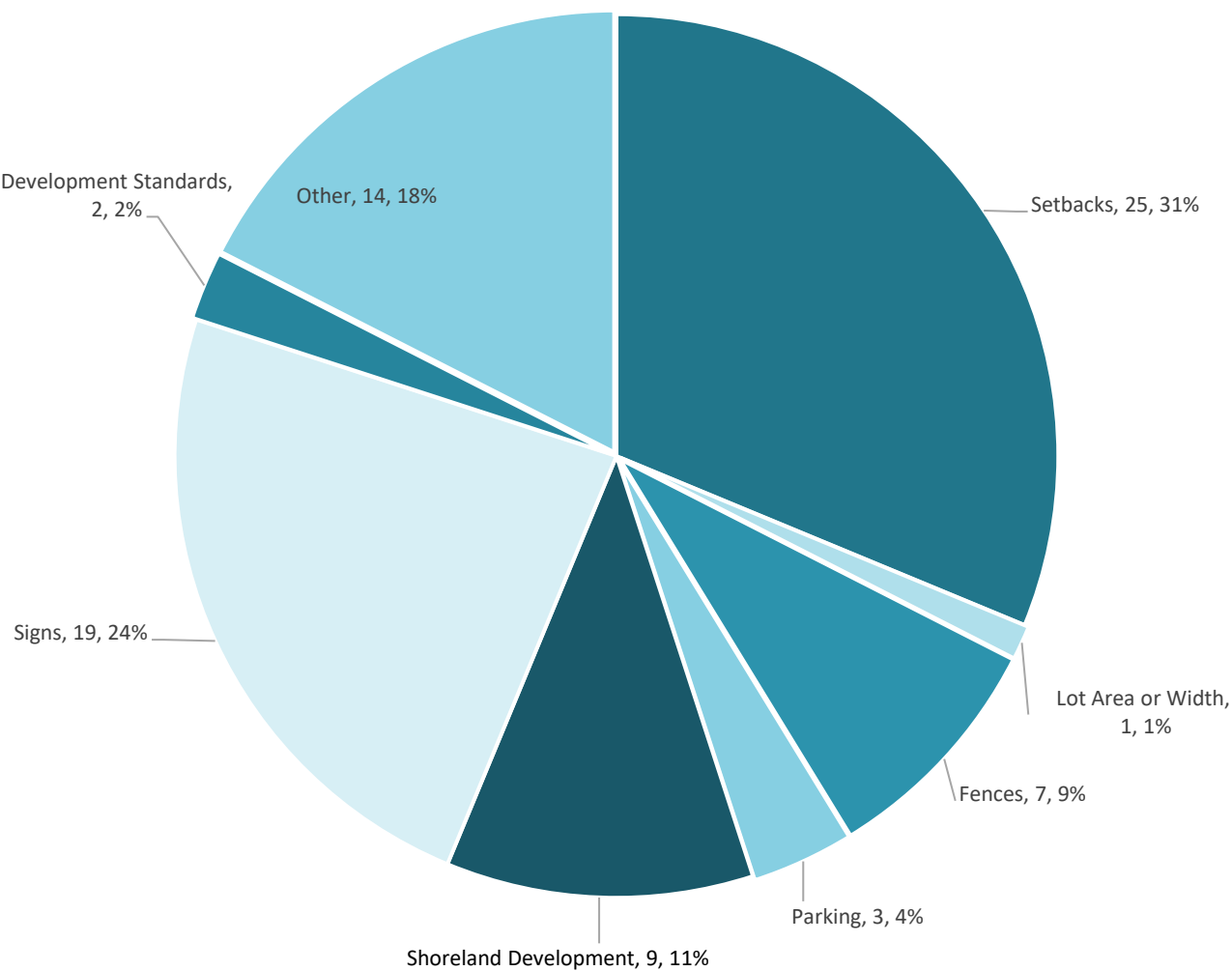
[3] In this section, approvals to requests that were granted entirely or partially.

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

[5] 1999 code citation/2023 code citation.

2023 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 2023.

2023 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. Four decisions of the Zoning Board of Adjustment regarding land use applications were appealed in 2023. Two of those appeals were granted, and two were denied.

Christopher Ruiz appealed the decision of the Zoning Board of Adjustment denying a variance (PLAN15683) to increase the height of a fence on the property located at 223 40th St E. The City Council denied the appeal on [April 27, 2023](#).

Michael Margulies, on behalf of Armory Holdings, LLC, appealed the decision of the Zoning Board of Adjustment denying a variance (PLAN16059) to reduce the minimum glazing requirement on the property located at 2900-2910 Hennepin Ave. The City Council granted the appeal on [May 25, 2023](#).

John Thomason and Brittany Vickers appealed the decision of the Zoning Board of Adjustment denying variances (PLAN16005) increasing the maximum floor area and width of an attached, front-facing garage for construction of a proposed single-family dwelling located at 2110 4th St NE. The City Council denied the appeal on [September 7, 2023](#).

Mark Thieroff on behalf of Patrick and Lana Skahen appealed the decision of the Zoning Board of Adjustment denying variances (PLAN16856) for construction of a new two-story single-family dwelling on an existing foundation located at 5413 Woodlawn Boulevard. The City Council granted the appeal on [December 7, 2023](#).

Recent zoning code amendments impacting applications reviewed by the Board

2023 saw the adoption of the Land Use Rezoning Study. This project was a years long undertaking that resulted in the first large scale overhaul of the Zoning Code since 1999. The new code brings the ordinance language into line with the policies of the *Minneapolis 2040* comprehensive plan. The Land Use Rezoning Study was adopted by the City Council on May 25, 2023, and the new Zoning Code went into effect on July 1, 2023.

The new zoning code includes changes to several provisions that will impact the number and types of applications brought to the Board, including allowances for additions to structures nonconforming to front yard setbacks, allowance of small retaining walls in front and corner side yards, and increasing the maximum size of accessory structures.
