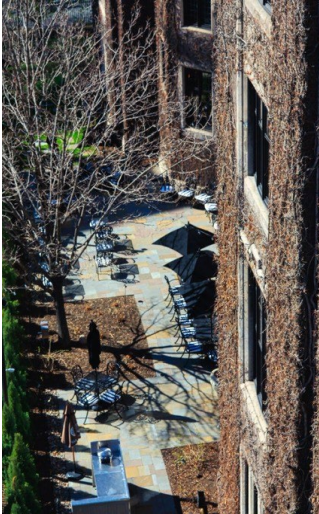


Zoning Board of Adjustment Annual Report

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (CPED)

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



2022

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 12/31/22*

2022 Land Use Applications

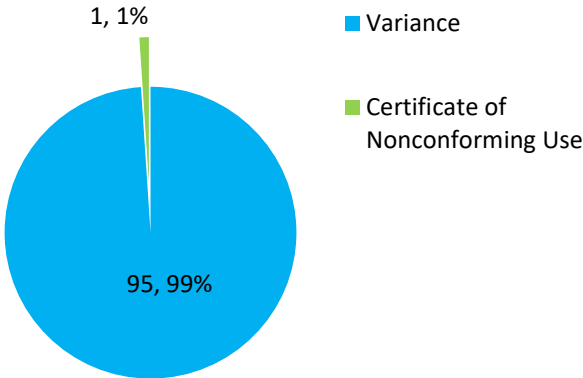
Total number of action items

96

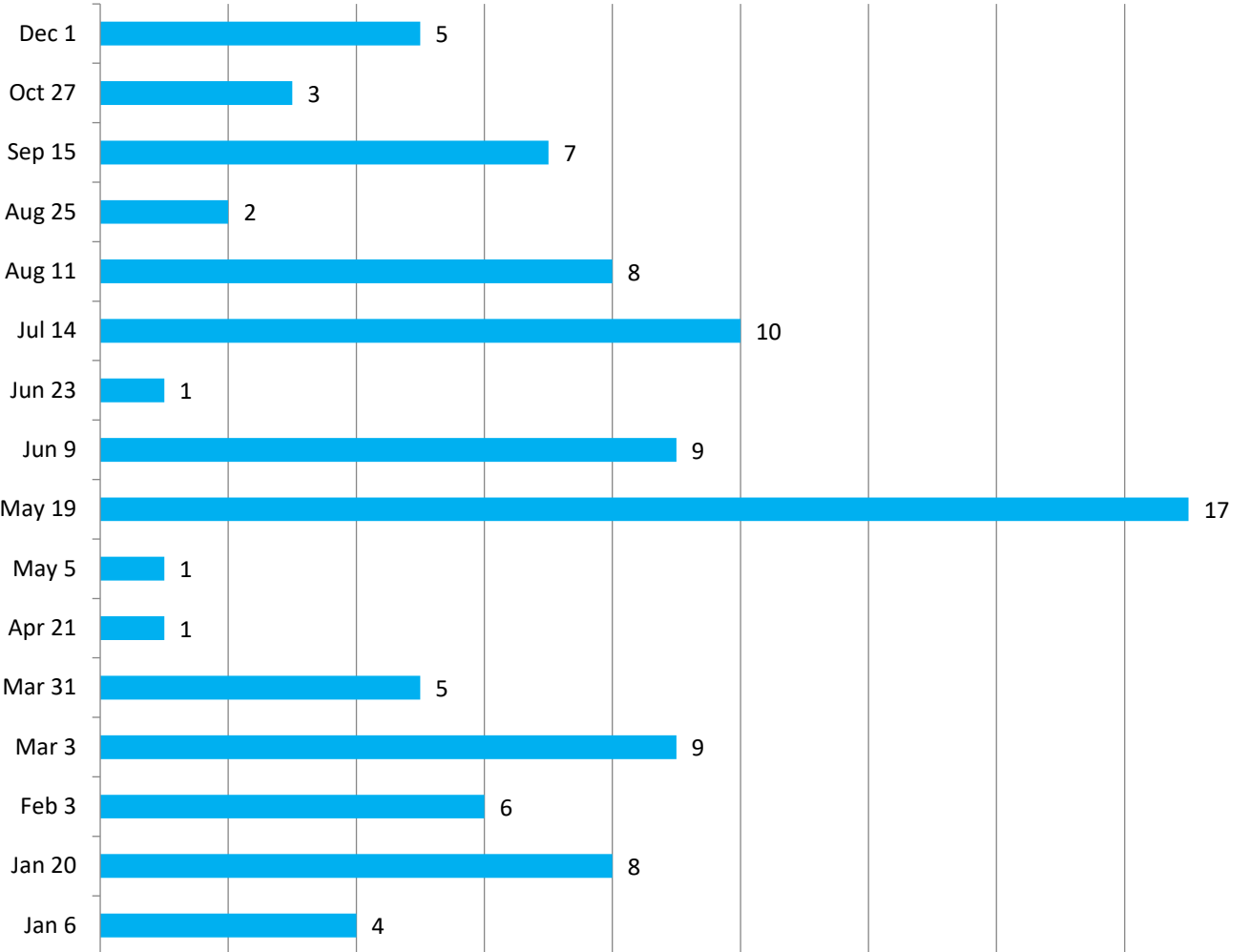
Average

6.6 items / hearing

8.8 items / month

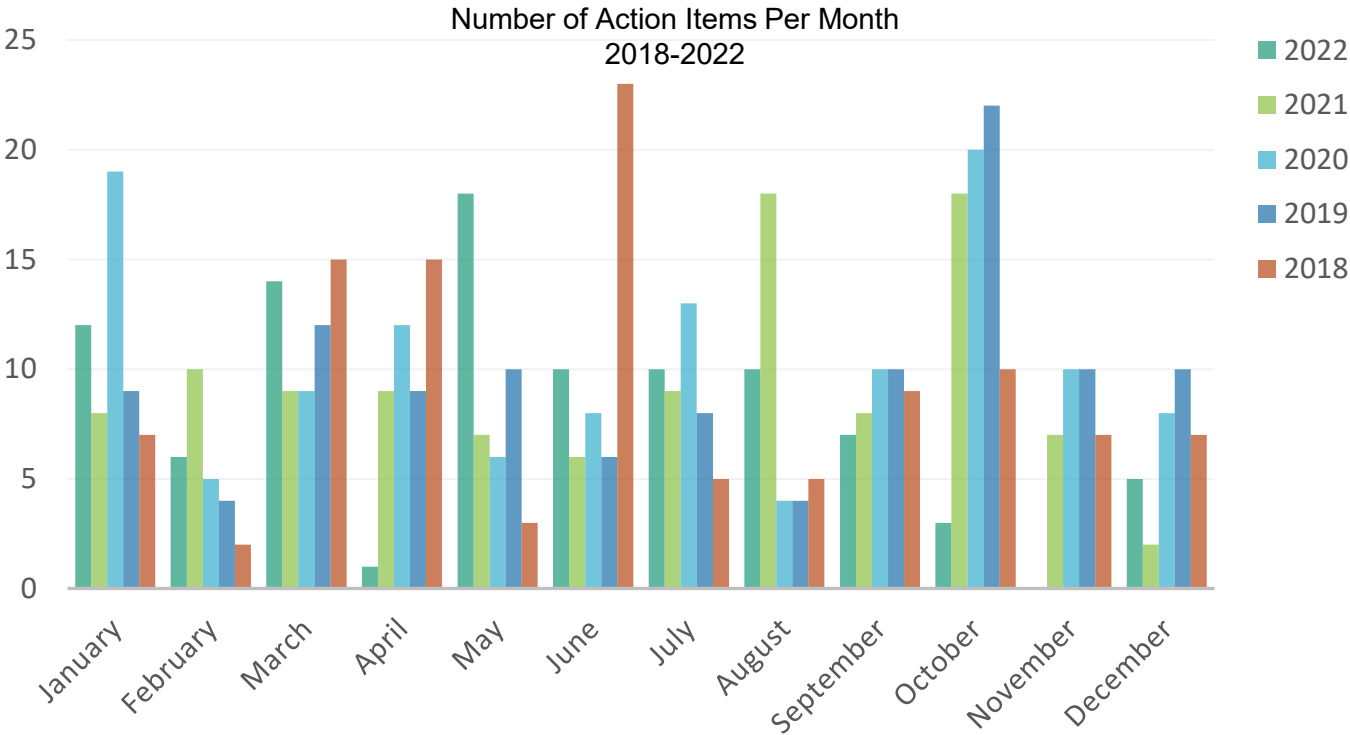


Number of Action Items



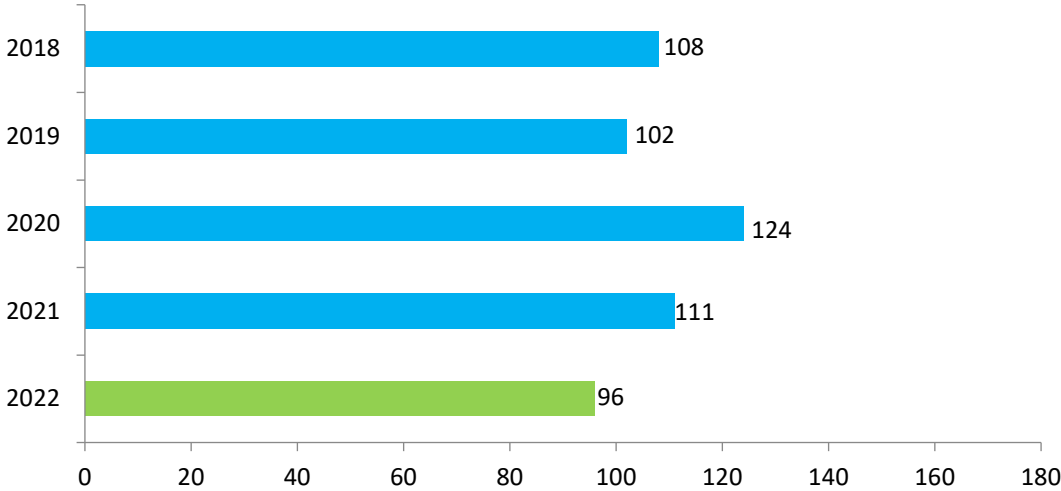
2022 Land Use Applications

Total number of items acted on | 2018-2022



There was a 13.5% reduction in the number of applications acted on in 2022 as compared to 2021. The number of applications has been relatively consistent over the last five years, including the timespan of the Covid-19 pandemic.

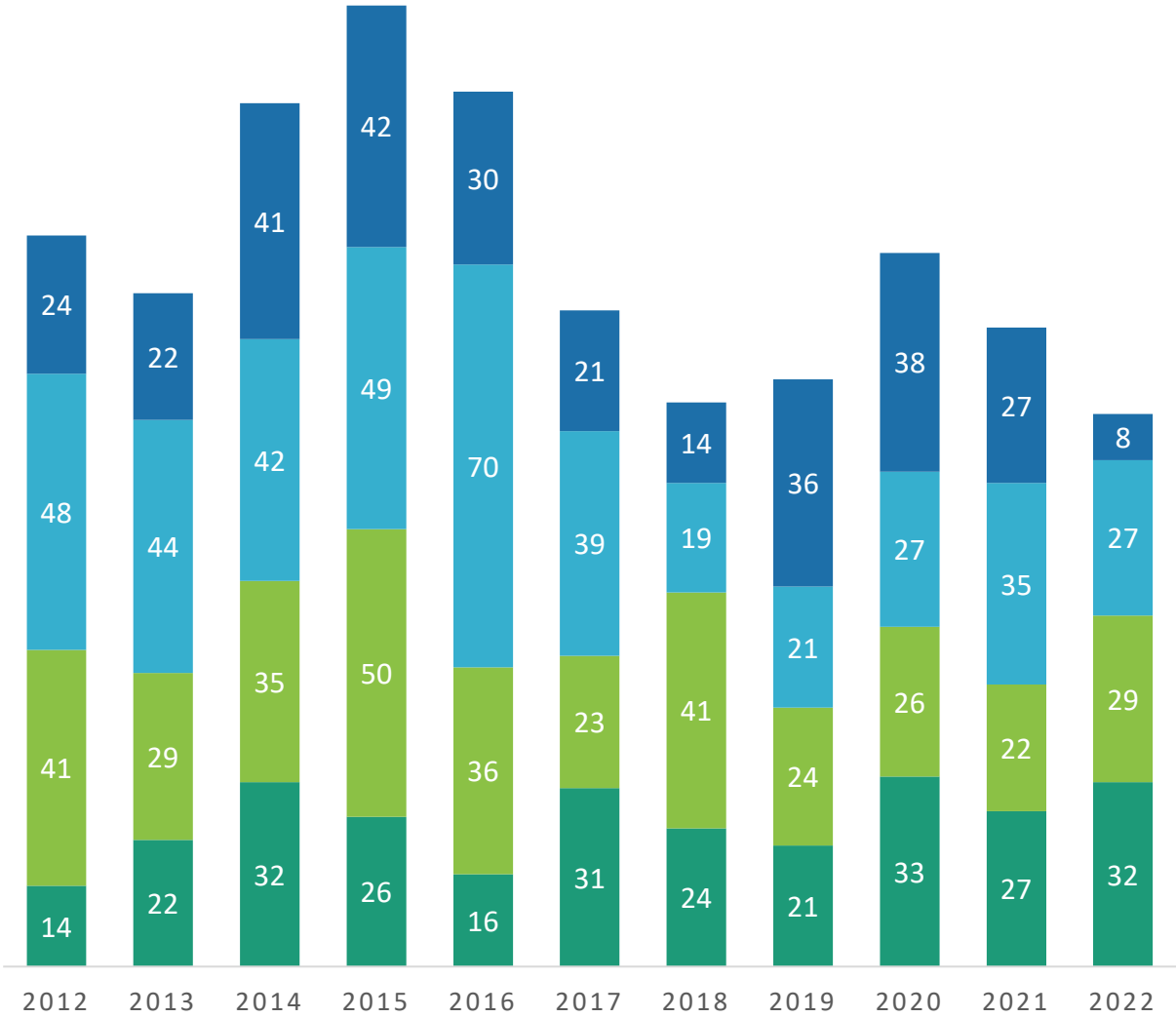
Total number of application changes | 2018-2022



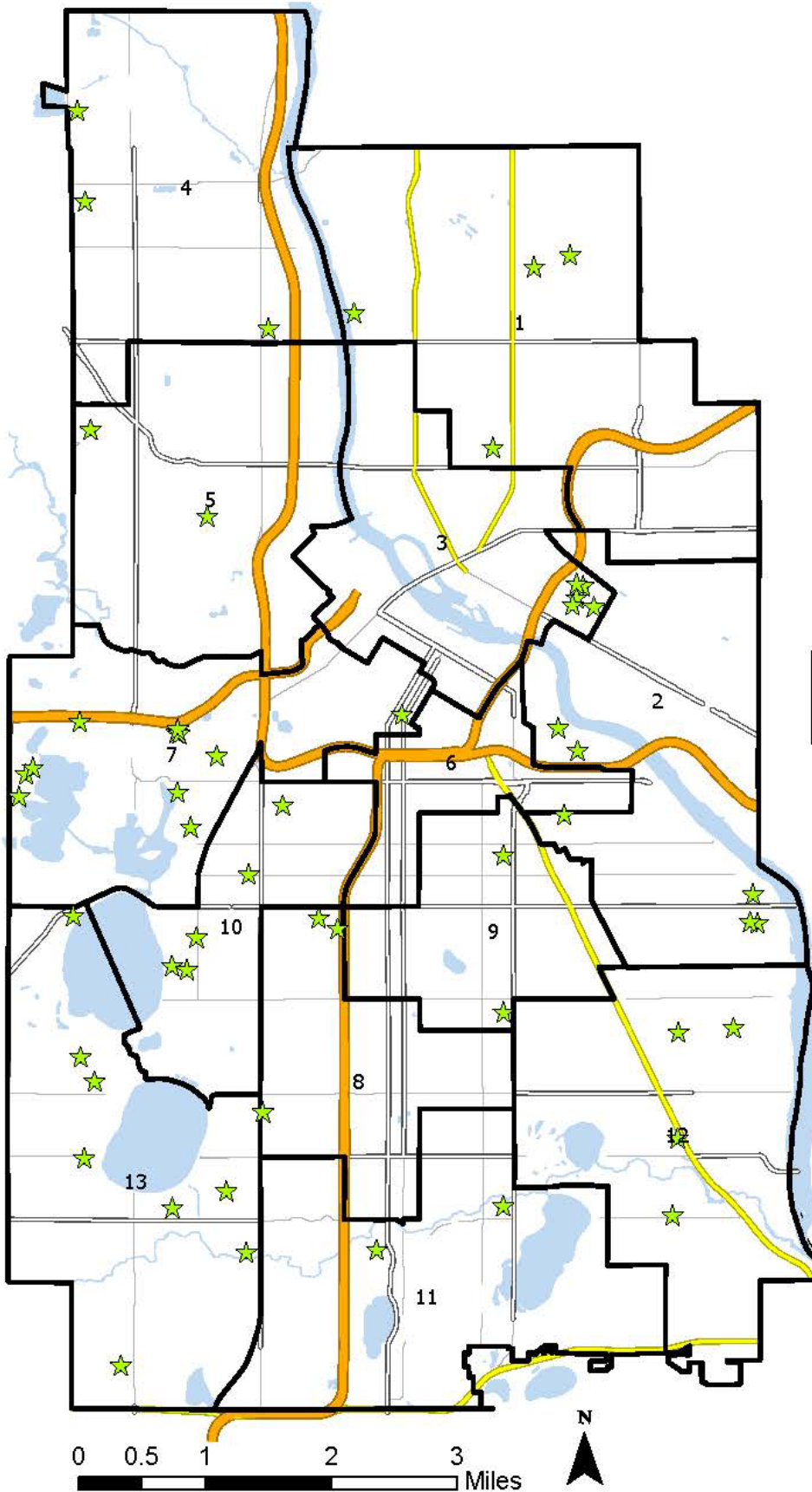
2022 Land Use Applications

Total number of items acted on | 2012-2022 | by quarter



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



Board of Adjustment Applications 2022



	# of acted items
Ward 1	6
Ward 2	11
Ward 3	13
Ward 4	6
Ward 5	3
Ward 6	1
Ward 7	26
Ward 8	5
Ward 9	2
Ward 10	11
Ward 11	2
Ward 12	7
Ward 13	18

 Location of Application(s)
 City Council Ward Boundaries

2022 Land Use Applications

Total number of items acted on | decisions

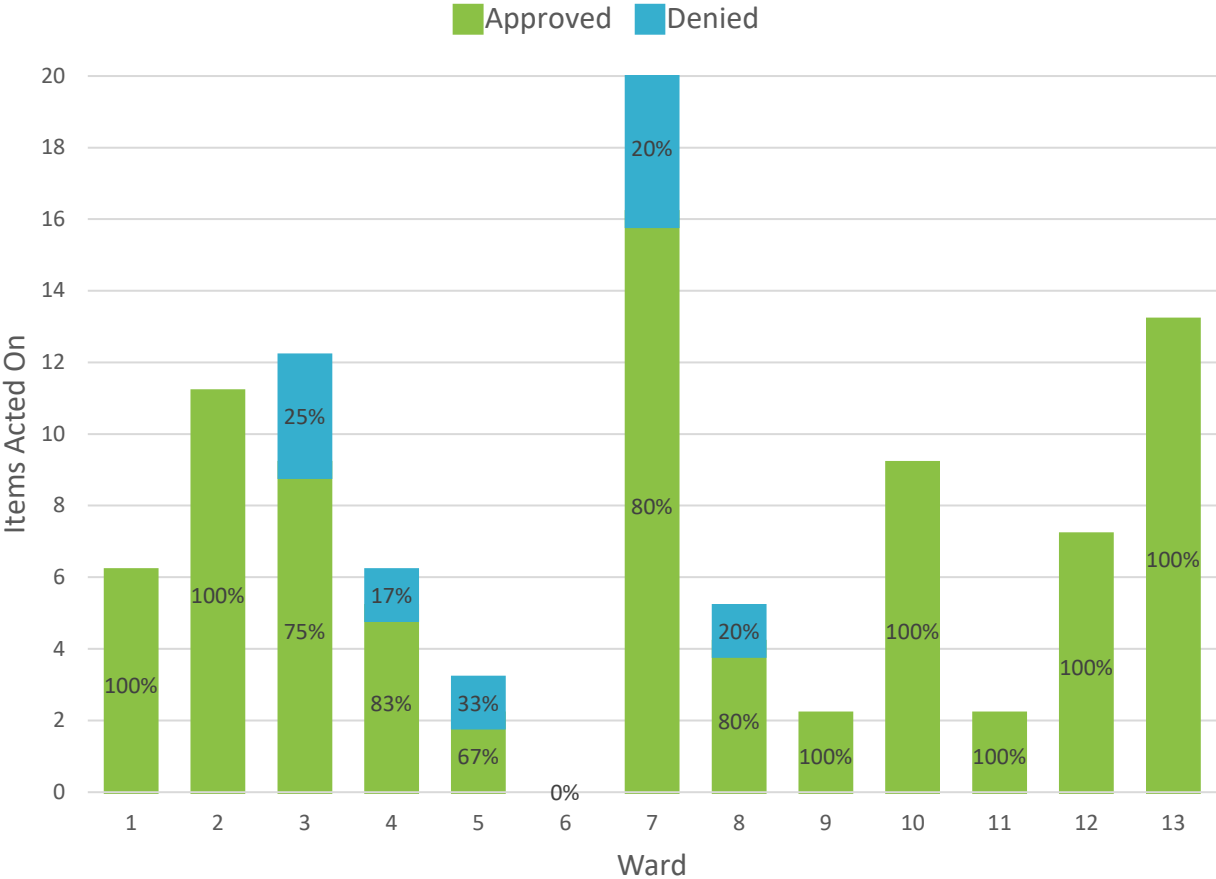
	Approval	Denial	No recommendation	
Applications acted on (all types) where CPED Department staff recommended:	83%	17%	0	
<i>number of applications</i>	80	16	0	96
	Granted	Denied		
Applications acted upon (all types) where the Board of Adjustment:	90%	10%		
<i>number of applications</i>	86	10		96
Variance applications where the Board of Adjustment:	89%	11%		
<i>number of applications</i>	85	10		95
Certificate of Nonconforming Use where the Board of Adjustment:	100%	0%		
<i>number of applications</i>	1	0		1

[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



2022 Land Use Applications

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

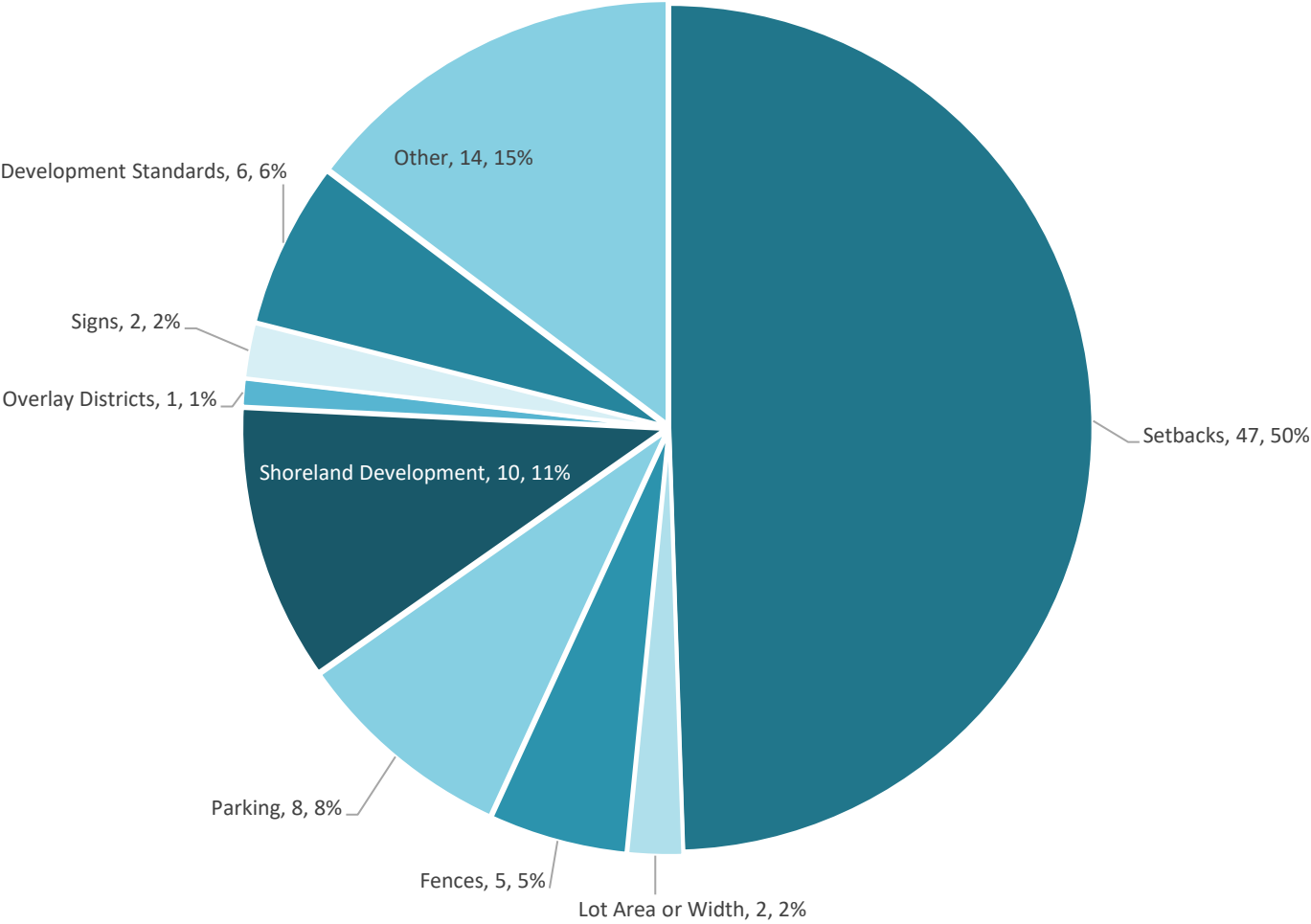
	Variance Requests and Board Approvals by Type	Number of Requests	Approved
525.520(1)	To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations.	47	91%
525.520(2)	To vary the lot area or lot width requirements ...	2	100%
525.520(3)	To 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, ...	2	100%
525.520(5)	To permit an increase in the maximum height of a fence.	5	80%
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...	8	75%
525.520(15)	To vary the maximum lot coverage and impervious surface coverage requirements.	4	100%
525.520(16)	To vary the surfacing requirements of Chapter 541, Off-Street Parking, Loading and Mobility.	1	0%
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.	9	100%
525.520(18)	To permit development in the SH Shoreland Overlay District within fifty (50) feet of a protected water.	1	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.	1	100%
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.	2	100%
525.520(22)	To vary the development standards of Chapter 536, Specific Development Standards and Chapter 537, Accessory Uses and Structures...	6	83%
525.520(25)	To vary the screening and landscaping requirements.	2	100%
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(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.

2022 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 2022.

2022 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. Three decisions of the Zoning Board of Adjustment regarding land use applications were appealed in 2022. Two of those appeals were granted, and one was denied

Timothy Harmsen appealed the decision of the Zoning Board of Adjustment denying three variances (PLAN14494) for a new off-street loading space accessory to a proposed multi-family dwelling located at 1329 6th Street SE.

The City Council granted the appeal on [June 30, 2022](#).

James Miller appealed the decision of the Zoning Board of Adjustment denying a variance (PLAN14630) to allow a new curb cut for a property with alley access at 4047 Vincent Avenue N.

The City Council granted the appeal on [July 21, 2022](#).

Varun Kharbanda appealed the decision of the Zoning Board of Adjustment denying variances (PLAN14249) to the required front yard setback for the construction of an in-ground pool, patio, pergolas and other site improvements located at 1218 Summit Avenue.

The City Council denied the appeal on [September 22, 2022](#).

Recent zoning code amendments impacting applications reviewed by the Board

There were no Zoning Code text amendments adopted in 2022 that are anticipated to have significant impacts on applications reviewed by the Board of Adjustment. The primary reason for this is that City staff spent the year putting extensive time and effort into the Land Use Rezoning Study. This project, which will result in a significantly overhauled Zoning Code, is intended to bring the code in line with the *Minneapolis 2040* comprehensive plan. The revised code will be adopted in 2023, and the Board will be briefed on changes that may impact Board applications as final adoption approaches.
