

1st Reading

5/13/2011

Referred to (name of) Committee

ZCP

Public Hearing

2nd Reading and Final Passage

7-22-2011

2011-Or- 060
AN ORDINANCE
of the
CITY OF
MINNEAPOLIS

36

By Schiff

Amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to Zoning Code: Administration and Enforcement.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 525.460 of the above-entitled ordinance be amended to read as follows:

525.460. Purpose of variances. Variances are intended to provide a means of departure from the literal provisions of the zoning ordinance where ~~strict adherence would cause undue hardship~~ practical difficulties exist because of conditions or circumstances unique to an individual property.

Section 2. That Section 525.500 of the above-entitled ordinance be amended to read as follows:

525.500. Required findings. ~~The board of adjustment shall not vary the regulations of the zoning code, unless it~~ A variance may be granted from the regulations of the zoning code only when the applicable board, commission, or council makes each of the following findings based upon the evidence presented to it in each specific case:

- ~~(1) The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.~~
- ~~(2) The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.~~
- ~~(3) The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.~~
- ~~(4) The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.~~

- (1) Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.
- (2) The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.
- (3) The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Certified as an official action of the City Council: *ah*

RECORD OF COUNCIL VOTE (X INDICATES VOTE)													
COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN	COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN
Reich	X						Glidden	X					
Gordon	X						Schiff	X					
Hofstede	✓						Tuthill	X					
Johnson	X						Quincy	Y					
Samuels	X						Colvin Roy	X					
Lilligren	X						Hodges	X			X		
Goodman	Y												

JUL 22 2011

ADOPTED

DATE

ATTEST

[Signature]
CITY CLERK

APPROVED NOT APPROVED VETOED

MAYOR RYBAK

JUL 26 2011

DATE