



## Legislation Details (With Text)

**File #:** ABZA 14-3      **Version:** 1

**Type:** Appeal-BZA      **Status:** Archived

**In control:** City Council

**Final action:** 7/9/2014

**Title:** Public hearing to consider the appeal of McClay-Alton, PLLP of a decision by the Board of Zoning Appeals (BZA) upholding a decision by the Zoning Administrator that the proposed use of the property at 1338 Bayard Avenue for Getten Credit Co., a state licensed regulated lender, is an alternative financial establishment not permitted to operate in the R4 one family residential zoning district and, further, that Getten Credit Co. is not an "office use" as allowed under the 2007 nonconforming use permit.

**Sponsors:** Chris Tolbert

**Indexes:**

**Code sections:** Sec. 60.104. - Construction of language., Sec. 61.701. - Administrative appeals., Sec. 65.511. - Business sales and services.

**Attachments:** 1. Getten City - City Council application for appeal.pdf, 2. Getten City - BZA application for appeal.pdf, 3. Getten City - BZA staff report, minutes & Resolution.pdf, 4. Getten City - Opposition documents1.pdf, 5. Getten City - Opposition documents2.pdf, 6. Getten City - Opposition documents3.pdf, 7. Getten City - Opposition documents4.pdf, 8. Getten City - Enforcement Notice.pdf, 9. Getten City - Area maps.pdf, 10. Getten City - Additional info.pdf, 11. 1338 Bayard.pdf, 12. Kempffer Email, 13. letters re Getten BZA appeal, 14. Barton letter, 15. Highland District Council Resolution re Getten Credit Co, 16. Goneau letter, 17. letters supporting Getten, 18. Borer support

Date	Ver.	Action By	Action	Result
7/9/2014	1	City Council	Denied	Pass

Public hearing to consider the appeal of McClay-Alton, PLLP of a decision by the Board of Zoning Appeals (BZA) upholding a decision by the Zoning Administrator that the proposed use of the property at 1338 Bayard Avenue for Getten Credit Co., a state licensed regulated lender, is an alternative financial establishment not permitted to operate in the R4 one family residential zoning district and, further, that Getten Credit Co. is not an "office use" as allowed under the 2007 nonconforming use permit.

Getten Credit Co. was issued an enforcement notice by the Department of Safety and Inspections (DSI) in response to a complaint regarding the use of the property at 1338 Bayard Avenue as an Alternative Financial Establishment, a use not permitted in the R4 residential zoning district. The appellant, McClay - Alton PLLP, filed an administrative appeal of the enforcement action to the Board of Zoning and Appeals (BZA). A public hearing was held on May 28, 2014. Staff recommended that the BZA find that the Zoning Administrator did not err in determining that Getten Credit Co. is an Alternative Financial Establishment not permitted to operate in the R4 zoning district and, further, that Getten Credit Co. is not an "office use" as allowed under the 2007 nonconforming use permit. After hearing testimony, the BZA moved to uphold the decision of the Zoning Administrator and denied the appeal. The applicant is appealing the denial.

The appellant, McClay- Alton, submitted an application for appeal and supporting documentation attached to this file.

Does this issue fall within the 60 day rule? Yes

If yes, when does the 60 days expire? June 24, 2014

Has an extension been granted? Yes

If so, to what date? August 25, 2014

The application for appeal was submitted on April, 25, 2014. A deadline for action letter (per MN Statute 15.99) has been sent to the applicant (dated June 9, 2014) indicating that the deadline to make a final decision has been extended to August 25, 2014.

Yaya Diatta 651-266-9080