

Planning Commission Item

June 6, 2023



Item	Consider a request for a front yard setback and other variances to build a two-story home on property located at 3632 Hickory Road.	
File No.		Item No: B.1
Agenda Section	<u>PUBLIC HEARINGS</u>	
Prepared By	MacKenzie Young-Walters, Associate Planner	
Applicant	Chris Ahlbrecht Superior Contracting 22536 Aberdeen Ave Jordan, MN 55352 On behalf of Kristen Christianson, Homeowner.	
Present Zoning	Single Family Residential District (RSF)	
Land Use	Residential Low Density	
Acerage	.72	
Density	NA	

<p>Applicable Regulations</p>	<p>The city’s discretion in approving or denying a variance is limited to whether or not the proposed project meets the standards in the Zoning Ordinance for a variance. The city has a relatively high level of discretion with a variance because the applicant is seeking a deviation from established standards. This is a quasi-judicial decision.</p> <p>Chapter 1, General Provisions Section 1-2, Rules of Construction and Definitions Chapter 20, Article II, Division 3. Variances Chapter 20, Article II, Division 4. Nonconforming Uses Chapter 20, Article VII. Shoreland Management District. Chapter 20, Article XII, “RSF” Single-Family Residential District Section 20-615, Lot Requirements and Setbacks. Chapter 20, Article XXIII, Division 1, Generally Section 20-904, Accessory Structures Chapter 20, Article XXIV, Division 2, Parking and Loading Section 20-1122, Access and Driveways Chapter 20, Article XXVIII, Bluff Protection</p>
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SUGGESTED ACTION

"The Chanhassen Board of Appeals and Adjustments approves the requested 10-foot front yard setback variance for the construction of a home, subject to the conditions of approval, and adopts the attached Findings of Facts and Decision."

SUMMARY

The applicant is requesting a variance to replace a home with a nonconforming 17.5-foot front yard setback with a new home with a 20-foot front yard setback. Although the proposal increases the home’s distance from the road, the footprint of the structure within the required 30-foot front yard setback is increasing which requires a variance

BACKGROUND

County records indicate the home was built in 1916.

In July of 2020, the city issued a demolition permit the boathouse.

In October of 2020, the city issued a permit to replace the gravel parking pad.

In May of 2021, the city issued a permit to replace the demolished boathouse.

DISCUSSION

The applicant is proposing replacing an existing home with a 17.5-foot front-yard setback with a new

home that would have a 20-foot front yard setback. The lot is fairly unique in that it is bisected by a public street and then the homestead portion of the lot is further bisected by bluff. The presence of bluff and its associated 30-foot setback leaves the property with a shallow buildable area. The owner is requesting a 10-foot variance from the property's 30-foot front yard setback in order to accommodate the construction of a home with a more typical depth. The applicant has noted that numerous other properties in the neighborhood also have reduced front yard setbacks.

Staff believes that the proposed depth of the applicant's home is reasonable, and the encroachment into the front yard setback allows for the proposed structure to not encroach within the property's bluff setback. The requested front yard setback for the new home is less than the non-conforming front yard setback of the existing home and facilitates a long enough driveway to provide off street parking. Given the constrained nature of the site's buildable area and presence of numerous other reduced front yard setbacks in the neighborhood, staff supports the requested 10-foot front yard variance.

RECOMMENDATION

Staff recommends that the Planning Commission approve the requested 10-foot front yard setback variance, for the construction of a home, subject to the following conditions:

1. A building permit must be obtained prior to demolishing any structures on the site and before beginning any construction on the site.
2. Building plans must provide sufficient information to verify that proposed building meets all requirements of the Minnesota State Building Code, additional comments or requirements may be required after plan review
3. A building permit must be obtained before beginning any construction.
4. Retaining walls (if present) more than four feet high, measured from the bottom of the footing to the top of the wall, must be designed by a professional engineer and a building permit must be obtained prior to construction. Retaining walls (if present) under four feet in height require a zoning permit.
5. Any portion of the retaining wall on private property is to be owned and maintained by the property owner.
6. If any soil corrections are done on the property a final grading plan and soil report must be submitted to the Inspections Division before permits will be issued.
7. A permanent 10-foot native vegetated buffer adjacent to the lake with permanent buffer signs must be installed along the shoreline using species native to the ecotype. Buffer strip averaging may be used to achieve the total buffer area required. Alternative designs including the use of Best Management Practices (BMPs) such as rain gardens would also be considered for approval. The buffer or BMP design may be configured around the path and stairs. Design plans must be approved by the Water Resources Engineer.
8. A buffer and/or BMP agreement describing the precise location and extent of the buffer strip or BMP, as well as the restrictions and maintenance for activities within the buffer strip and/or BMP, shall be signed by the property owner and the city and shall be recorded against the property at the county recorder's office. The property owner shall be responsible for all costs and fees associated with the buffer strip dedication.
9. The installation of any improvements on the Site shall meet all applicable jurisdictional requirements, including but not limited to the Minnesota Department of Natural Resources and the Minnehaha Creek Watershed District, and all applicable permits shall be obtained prior to any site improvements.

ATTACHMENTS

Staff Report 3632 Hickory Road Variance

Findings of Fact

Variance Document

Water Resources Memo

Application for Development Review 23-09

Plans

Narrative 23-09

Letter from Applicant

Affidavit of Mailing 23-09