

Planning Commission Item

March 21, 2023



Item	746 Carver Beach Road - Consider a request for a variance to build a pool, fence, and retaining walls	
File No.	Planning Case 2023-06	Item No: B.1
Agenda Section	<u>PUBLIC HEARINGS</u>	
Prepared By	MacKenzie Young-Walters, Associate Planner	
Applicant	Suzette Belgarde	
Present Zoning	Single Family Residential District (RSF)	
Land Use	Residential Low Density	
Acerage	.51 Acres	
Density	NA	
Applicable Regulations	Chapter 1, General Provisions Section 1-2, Rules of Construction and Definitions Chapter 20. Article II, Division 3, Variance. Chapter 20, Article II, Division 4, Nonconforming Uses Chapter 20. Article XII. Single-Family Residential District. Chapter 20. Article XXVIII. Bluff Protection.	

SUGGESTED ACTION

"The Chanhassen Board of Appeals and Adjustments approves the variance request to construct a swimming pool, retaining walls, and fence within the required bluff setback and impact zone, subject to the conditions of approval and adopts the attached Findings of Facts and Decision."

SUMMARY

The applicant is requesting a variance to replace an existing concrete patio with a pool and fence and to rebuild failing retaining walls within the property's bluff setback and impact zone. All work will occur

within the property's existing distributed area with minimal impact to the bluff.

BACKGROUND

The neighborhood was platted in 1927.

The home was constructed in 1985.

The city's bluff ordinance was passed in 1991.

DISCUSSION

The applicant's home was constructed prior to the adoption of the city's bluff ordinance and the property has numerous non-conforming features including the home, a patio, fence, shed, and retaining walls that are located within the bluff setback and/or impact zone. The applicant is proposing reconfiguring one of these non-conforming area, a yard area with a patio crated by a series of retaining walls, into a pool area. This project would entail disturbing approximately 10 square feet of new area within the bluff setback and adding approximately 35 square feet of new impervious area within the bluff setback. In addition to the pool, the applicant will replace the property's failing retaining walls and install a pool fence meeting the requirements of the City Code.

The applicant worked extensively with city staff to create a proposal that would allow for the installation of a modest pool with minimal impact to the bluff. Given that the majority of the rear yard is encumbered by the bluff and that area in question has already been distributed, staff believes the request is reasonable and that it has its genesis in the circumstances associated with the home's age and the property's topography.

A full discussion can be found in the attached staff report.

RECOMMENDATION

Staff recommends the Planning Commission, acting as the Board of Appeals and Adjustments, approve the variance request to construct a swimming pool, retaining walls, and fence within the required bluff setback and impact zone, subject to the conditions of approval and adopts the attached Findings of Facts and Decision.

1. Required zoning and building permits must be obtained before beginning any construction.
2. The location and configuration of the fence, pool, and retaining walls must substantially conform to what is shown on the preliminary site plan prepared by NRD Landscape, design, and build dated February 8th, 2023, and submitted to the city as part of Planning Case No. 2023-06.
3. Retaining walls 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.
4. The rebuilt fence must be located entirely on the applicant's property and the property's fencing must conform to Section 20-1021 of the City Code.

ATTACHMENTS

[Staff Report](#)

Findings of Fact and Decision

Variance Document

Application for Development review 746 Carver Beach Road

Application Narrative 746 Carver Beach Road

Proposed Site Layout dated February 8, 2023

Existing Condition Survey (With Revised Bluff Information) Suzette Belgard 746 Carver Beach Road

Letter from Neighbor

Affidavit of Mailing