

**CITY OF HANOVER  
PLANNING COMMISSION MEETING  
JUNE 22, 2015**

**CHAIR**  
**STAN KOLASA**

**COUNCIL LIAISON**  
**DOUG HAMMERSENG**

**BOARD MEMBERS**  
**JIM SCHENDEL**  
**REID RABON**  
**MICHELLE ARMSTRONG**  
**DEAN KUITUNEN**

- 1. Call to Order and Pledge of Allegiance: 7:00 p.m.**
- 2. Approval of Agenda**
- 3. Approval of Minutes from April 27, 2015, Regular Meeting**
- 4. Citizen's Forum**
- 5. Public Hearings**
  - a. 935 LeBeaux Avenue--Variance for Home Occupation**
- 6. Unfinished Business**
- 7. New Business**
- 8. Reports and Announcements**
  - a. Planning Commission Reports**
  - b. Liaison Report**
  - c. Staff Reports**
- 9. Adjournment**

**CITY OF HANOVER  
PLANNING COMMISSION MEETING  
APRIL 27, 2015**

**Call to Order/Pledge of Allegiance**

Chair Kolasa called the April 27, 2015, Planning Commission Meeting to order at 7:00 pm. Members present were Chair Stan Kolasa, Jim Schendel, Reid Rabon, Michelle Armstrong, and Dean Kuitunen. Also present were City Council Liaison Doug Hammerseng, City Planner Cindy Nash, City Engineer Justin Messner, and Administrative Assistant Amy Biren. Also present were members of the public.

**Approval of Agenda**

**MOTION** by Armstrong to approve the agenda as presented, seconded by Schendel. **Motion carried unanimously.**

**Approval of Minutes from the March 23, 2015, Regular Meeting**

**MOTION** by Schendel to approve the March 23, 2015, minutes as presented, seconded by Armstrong. **Motion carried unanimously.**

**Citizen's Forum**

None.

**Public Hearing**

**675 Kadler Circle—Variance from Wetland Setback**

Kolasa closed the regular meeting and opened the Public Hearing at 7:01 pm. City Engineer Justin Messner presented information regarding the lots in Crow River Heights. Messner reviewed each lot's grading plat explaining how each lot is buildable and then showed it on the aerial picture of said lot.

Residents Clark Lee, David and Jamie Bury, and Scott Wallace reiterated their concerns expressed at the previous meeting. They also expressed the desire for new wetland delineations made by a wetland expert to be conducted by the City. Wallace also expressed concern regarding the enforcement of erosion control methods in relationship to the wetlands. Resident Lynnae Karsten reminded the Board and the audience that in 2008, Hanover became the first Conservation Design City in Minnesota.

Kolasa closed the public hearing at 7:55 pm and reopened the regular meeting.

Rabon asked about the legal history of variances. City Planner Cindy Nash replied that the Board needs to focus on the sections of the code that speaks to keeping with feel of the neighborhood and what can fit on the lot, as well as making sure there is a use for the land.

Council Liaison Doug Hammerseng inquired whether or not the Board took action, who would purchase the lots and pay taxes as it is the responsibility of the City to ensure growth. If action was not taken, would it be possible for all of the lots to have the wetland delineation all at once? Messner replied that these lots are constructible by engineering standards, but that wetland delineation needs to be done individually at the time of proposed construction, not as a group.

**MOTION** by Kuitunen to recommend denial of the variance for 675 Kadler Circle, seconded by Armstrong. It was suggested that a front yard variance may be option to pursue and move the proposed house forward and have a shorter driveway. **Motion carried unanimously.**

**Unfinished Business**

None

**New Business**

**The Green House Updated Concept Review**

Nash gave a brief history of the senior living site and the proposed Green House Concept. She stated that the copies included in the packet were very preliminary at this time, but the developer was planning a single, two-story building in keeping with the area around it and housing 24 residents. A second building mirroring the first would be a possibility in the future. While the Single Family Residential zoning of the

area allows for senior housing, a Conditional Use Permit (CUP) would be necessary in addition to the site plan review.

Rabon brought forth some concerns from the residents of the Bridges at Hanover: Initially, the plan was for a single story building housing 12 residents and there is concern with the height of the building being situated on a higher elevation and not fitting in with the neighborhood. Concern was also raised regarding the amount of parking spaces and the parking location. Another concern was the amount of increased traffic on the trails maintained by the Bridges at Hanover. Rabon had spoken with people in Jaynesville, MN, where a similar Green House was being constructed. He would like more interaction with Brad Bass to learn about the Jaynesville project as well as the proposed Hanover project. The residents of the Bridges at Hanover appreciated City Administrator Brian Hagen's letter notifying them of the discussion to be held at tonight's meeting.

Schendel stated that he would rather see a two-story building as there is a definite need for this type of housing as Albertville and St. Michael's senior housing sites are full and have waiting lists.

Hammerseng inquired what would happen if the second building was not constructed. Nash replied that there could be contingencies reflecting such a situation and that they would not be able to resell it for other uses.

**MOTION** by Rabon to recommend that the Green House be a one story building instead of a two-story building with parking in the rear of the building, seconded by Armstrong. **Voting aye: Rabon, Armstrong and Kuitunen. Voting nay: Kolasa and Schendel.**

Nash asked for clarification whether the Nay votes were against the project itself or what had been recommended. Kolasa and Schendel replied that they believed the building should be two-story.

#### **May Meeting Date**

Biren stated that the next meeting falls on Memorial Day and state law prohibits meetings on a holiday. The Board decided to hold the next meeting on Thursday, May 28<sup>th</sup> at 7 pm. A notice will be published of the time and date change.

#### **Reports and Announcements:**

##### **Planning Commission:**

Rabon asked whether or not a large sign within the city limits was following the sign ordinance. Biren stated that she would check on it and notify the owner if needed.

##### **Liaison Report:**

Hammerseng brief the Board on status of the 10 acres on 5<sup>th</sup> Street and the possibility of having the new Public Works facility there in addition to another business.

##### **Staff Reports:**

Messner informed the Board that issues concerning the Beebe Lake Trail had been resolved and the contractor had given a verbal commitment to fog sealing and striping the trail to rectify the situation. He also said that the County Road 19 trail project on the Hennepin County side of Hanover had begun. Estimated timeframe is an eight week construction project.

Biren gave an update on building code changes that went into effect earlier this year. The change with the most impact on homeowners is related to decks and the new standards for securing the deck. One of the neighboring cities compiled a handout for homeowners and builders highlighting the changes to decks and shared it with areas cities. The building inspector has also been helpful to homeowners in explaining the changes.

#### **Adjournment**

**MOTION** by Schendel to adjourn, seconded by Rabon. **Motion carried unanimously.** Meeting adjourned at 9:10 pm.



## ***Collaborative Planning, LLC***

PO Box 251  
Medina, MN 55340  
763-473-0569

### Memorandum

Date: June 18, 2015  
To: Planning Commission  
From: Cindy Nash, City Planner  
RE: Variance for 935 LaBeaux

---

The City has received a Variance application for review and consideration.

#### **Overview of Request**

The subject property is a lot of record in Crow River Heights. A variance request is being made to permit a home occupation in an accessory building.

The property contains an existing Conditional Use Permit, which is attached for your reference. A CUP runs with the property and not the owner, however, the CUP was issued for a different type of business. The existing zoning ordinance does not permit a business as a CUP in this zoning district.

The cabinet business would be located within the building that is currently permitted under the CUP for an auto body repair.

The owner of the property will occupy the home and will also own the business.

#### **Legal Background on Variances**

Minnesota statutes on variances were amended in 2011 to reflect a "practical difficulties" standard, rather than the previously used "undue hardship" standard.

#### **Evaluation of Request**

In evaluating variance requests, the following questions should be considered:

1. Is the request a reasonable use of the land?  
Staff Note: The proposed variance is a reasonable use of the land. The building has an existing CUP and has been used for business purposes.
2. Is the plight of the landowner due to circumstances unique to the property not created by the landowner?  
Staff Note: The situation was not created by the landowner. The lot is existing and already has a CUP for a business.
3. Will the variance, if granted, alter the essential character of the locality?  
Staff Note: The variance will not alter the essential character of the locality.

#### **Recommendation**

The City Planner recommends approval of the variance with the following conditions:

1. The existing accessory building may be used for a cabinet shop. No additions to the building or construction of additional buildings is permitted.
2. The property must be in compliance with all other conditions of the City's regulations pertaining to home occupations.
3. The business must be in compliance with any other required permits.
4. The business shall be subject to meeting any changes to the building required by the Building Inspector for the proposed use.
5. Prior to conversion to the proposed use, a termination of the existing Conditional Use Permit shall be prepared by the City and executed by the property owner. Said document shall be recorded by the City in the Wright County Records office.

CITY OF HANOVER  
11250 - 5<sup>TH</sup> STREET NE  
HANOVER, MN 55341-0278  
763.497.3777 / 763.497.1873 FAX

**NOTICE OF PUBLIC HEARING  
FOR REQUESTED VARIANCE RELATED TO A HOME OCCUPATION**

**TO WHOM IT MAY CONCERN:**

**NOTICE IS HEREBY GIVEN** that the Planning Commission of the City of Hanover, Counties of Hennepin and Wright, State of Minnesota, will hold a public hearing on **Monday, June 22, 2015 at 7:00 p.m.** or as soon thereafter as possible, at Hanover City Hall for the purpose of receiving written and oral comments from the public on a Variance application to permit a home occupation in an accessory building on property located at 935 LaBeaux Avenue NE, Hanover, MN 55341.

Applicant: Brennan Torkelson  
555 Packer Avenue West  
Dassel, MN 55325

If you desire to be heard in reference to this matter, comments may be made at the public hearing or submitted to City Hall in writing prior to the hearing.

Dated this 5th day of June, 2015.

  
\_\_\_\_\_  
Brian Hagen, City Administrator  
City of Hanover

Published in the June 11, 2015 issue of the North Crow River News and posted at the Hanover City Hall and Hanover Post Office.

935 LADEAUX AVE NE



1 inch = 376 feet



Sec. 10.68 HOME OCCUPATIONS

Home Occupations are permitted by this Ordinance but must be established and maintained so as to comply with the provisions of the following standards:

- A. No Home Occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and State fire and police recommendations.
- B. Conduct of the Home Occupation does not generate more noise, vibration, glare, fumes, odors, or electrical interference than normally associated with residential occupancy in the neighborhood.
- C. The Home Occupation is not of a scale requiring the use of a commercial vehicle for the delivery of materials to or from the premises.
- D. The use shall not generate sewage of a nature or rate greater than that normally associated with residential occupancy nor shall it generate hazardous waste or solid waste at a rate greater than that normally associated with residential occupancy.
- E. The Home Occupation may increase vehicular traffic flow and parking by no more than one additional vehicle at a time and any need for parking generated by the conduct of a Home Occupation shall be met off the street, other than in a required front yard, and, if in a driveway, in such a manner that access to the garage is not eliminated.
- F. No more than one person other than those living in the residence may be employed in the Home Occupation.
- G. No outdoor display of goods or outside storage of equipment or materials shall be permitted.
- H. No accessory building may be used for operations, display of goods or the storage of equipment or materials used in the Home Occupation.
- I. No Home Occupation will be allowed that jeopardizes the health and safety of residents of the City.
- J. There shall be no renting of space in a residence for non-residential purposes.
- K. Retail is not a permitted home occupation.
- L. There shall be no exterior display or exterior signs or interior display or interior signs that are visible from outside the dwelling with the exception of one (1) directional or identification/business sign not to exceed two (2) square feet in area.



# LAKEVIEW

## WOOD PRODUCTS

*Cabinets Tailored to Your Needs*

Kitchens, Bathrooms, Home Offices, Laundry Rooms, Entertainment Centers, Home Bars, Closet Systems, Laminate Countertops, Fireplace Surrounds, Crown Moulding, Curio, Gun Cabinets, Stain Matches.

**Brennan Torkelson, Owner**

**320.221.1343**

555 Parker Avenue West  
Dassel, Mn 55325  
lakeviewwoodproducts@gmail.com

### SUPPLEMENTAL APPLICATION - CONDITIONAL USE PERMIT

Name: BRENNAN TORKELSON

Phone: 320-221-1343

Address: 935 LABEAUX AVE NE

PID #: 108500362202

1. Present zoning of above described property: SINGLE FAMILY RESIDENTIAL

2. Application made for Conditional Use Permit to conduct: CABINET SHOP BUSINESS

3. Is the proposed use compatible with present and future land use(s) of the area? Please explain.  
YES. PROPERTY HAS A CONCEPT CUP

4. Will the proposed use depreciate the area in which it is proposed? Please explain.  
NO. THE BUILDING IS NOT VISIBLE FROM THE ROAD AND DAILY OPERATIONS WILL NOT EFFECT SURROUNDING NEIGHBORS

5. Can the proposed use be accommodated with existing City services without overburdening the system? Please explain. YES NO ADDITIONAL UTILITIES ARE NEEDED TO OPERATE THE BUSINESS.

6. Are local streets capable of handling traffic which is generated by the proposed use? Please explain. YES. 90% OF MEETINGS ARE CONDUCTED ON SITE SO VERY LITTLE TRAFFIC WILL BE GENERATED BY THE BUSINESS IN THE AREA.

7. Attach to this application a site plan illustrating curb cut locations, access to a public street, location of buildings and their square footage, location of easements, parking utilities and sidewalks.

8. Attach information specified in the "Required Material Submission Checklist" for CUP applications.

Applicant Signature: Brennan Torkelson

Date: 5-27-2015

X Owner Signature: [Signature]

Date: 5-27-2015



HOME ADDRESS:  
 17330 56<sup>TH</sup> ST NE  
 575660 MN 55374

For Office Use Only	
Case Number:	
Fee Paid:	928/15
Received by:	am
Date Filed:	5/28/15
Date Complete:	
Base Fee:	300
Escrow:	1000

Hanover, MN 55341-0278  
 Phone: 763.497.3777 fax: 763.497.1873  
 www.hanovermn.org  
 cityhall@ci.hanover.mn.us

### DEVELOPMENT APPLICATION

TYPE OF APPLICATION		
<input type="checkbox"/> Annexation <input type="checkbox"/> Appeal <input type="checkbox"/> Comprehensive Plan Amendment <input type="checkbox"/> Ordinance Amendment (Text or Map) <input type="checkbox"/> Planned Unit Development (Concept/Gen)	<input type="checkbox"/> Site Plan & Building Plan <input type="checkbox"/> Sketch Plan <input type="checkbox"/> Conditional Use Permit <input checked="" type="checkbox"/> Variance <i>on Home Occupation</i> <input type="checkbox"/> Vacation	<input type="checkbox"/> Simple Land Division <input type="checkbox"/> Subdivision Sketch Plan <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plat <input type="checkbox"/> Other
PROPERTY INFORMATION		
Street Address: <u>935 LABEAUX AVE NE</u>		
Property Identification Number (PIN#): <u>108500362202</u>		
Legal Description (Attach if necessary): <u>ATTACHED</u>		
APPLICANT INFORMATION		
Name: <u>BRENNAN TORGERSON</u>		Business Name: <u>LAKEVIEW WOOD PRODUCTS LLC</u>
Address: <u>555 PARKER AVENUE WEST</u>		
City: <u>PASEO</u>	State: <u>MN</u>	Zip Code: <u>55325</u>
Telephone: <u>320-221-1343</u>	Fax: <u>N/A</u>	E-mail:
Contact: <u>BRENNAN</u>		Title: <u>OWNER</u>
OWNER INFORMATION (if different from applicant)		
Name: <u>MARK A. LADDA</u>		Business Name: <u>HANOVER AUTO BODY</u>
Address: <u>935 LABEAUX AVE NE</u>		
City: <u>ST MICHAEL</u>	State: <u>MN</u>	Zip Code: <u>55376</u>
Telephone: <u>763-497-2060</u>	Fax:	E-mail: <u>lynnladda@netscape.net</u>
Contact:		Title: <u>OWNER</u>
DESCRIPTION OF REQUEST (attach additional information if needed)		
Existing Use of Property: <u>AUTO BODY REPAIR</u>		mark.ladda@bomag.com
Nature of Proposed Use: <u>TO OPERATE CABINET BUSINESS ON THE PROPERTY</u>		
Reason(s) to Approve Request: <u>WE WOULD LIKE TO MOVE TO THE AREA AND OPERATE CABINET BUSINESS IN MINNOCHE.</u>		
PREVIOUS APPLICATIONS PERTAINING TO THE SUBJECT SITE		
Project Name: <u>HANOVER AUTO BODY</u>		Date of Application: <u>11/1991</u>
Nature of Request: <u>AUTO BODY REPAIR</u>		
<b>NOTE:</b> Applications only accepted with ALL required support documents. See Application Instructions and City Code		

**APPLICATION FEES AND EXPENSES:**

The City of Hanover required all applicants to reimburse the City for any and all costs incurred by the City to review and act upon applications.

The application fee includes administrative costs which are necessary to process the application. The escrow fee will include all charges for staff time by the City Planner, City Engineer, City Attorney, and/or any other consultants as needed to process the application.

The City will track all consultant costs associated with the application. If these costs are projected to exceed the money initially deposited to your escrow account, you will be notified in the manner that you have identified below that additional monies are required in order for your application process to continue. If you choose to terminate the application (notice must be in writing), you will be responsible for all costs incurred to that point. If you choose to continue the process you will be billed for the additional monies and an explanation of expenses will be furnished. Remittance of these additional fees will be due within thirty (30) days from the date the invoice is mailed. If payment is not received as required by this agreement, the City may approve a special assessment for which the property owner specifically agrees to be to be assessed for 100 percent per annum and waives any and all appeals under Minnesota Statutes Section 429.081 as amended. **All fees and expenses are due whether the application is approved or denied.**

With my signature below, I hereby acknowledge that I have read this agreement in its entirety and understand the terms herein. **I agree to pay to the City all costs incurred during the review process as set forth in this Agreement.** This includes any and all expenses that exceed the initial Escrow Deposit to be paid within 30 days of billing notification. I further understand that the application process will be terminated if payment is not made and application may be denied for failure to reimburse City for costs. I further understand that the City may approve a special assessment against my property for any unpaid escrows and that I specifically waive any and all appeals under Minnesota Statutes 429.081, as amended.

I wish to be notified of additional costs in the following manner:

E-mail lakeviewwoodproducts@gmail.com     Fax \_\_\_\_\_     USPS – Certified Mail

I, the undersigned, hereby apply for the considerations described above and declare that the information and materials submitted in support of this application are in compliance with adopted City policy and ordinance requirements are complete to the best of my knowledge.

I acknowledge that I have read the statement entitled "Application Fees and Expenses" as listed above.

I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes Section 15.99 as amended, at such time as it is determined to be complete. Pursuant to Minnesota Statutes Section 15.99, the City will notify the applicant within fifteen (15) business days from the filing date of any incomplete or other information necessary to complete the application. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Applicant: Brian Tolson Date: 5-27-2015

X Owner: Mark [Signature] Date: 5-27-15

**NOTE:** Applications only accepted with ALL required support documents. See Application Checklist and City Code

