

**CITY OF HANOVER
PLANNING COMMISSION MEETING
FEBRUARY 28, 2022
OFFICIAL MINUTES**

Call to Order/Pledge of Allegiance

Stan Kolasa called the February 28, 2022, Planning Commission Meeting to order at 7:02 pm. Members present were Stan Kolasa, Jim Schendel, Dean Kuitunen, Gretchen Barrett, and John Ganfield. Also present City Planner Cindy Nash, City Engineer Nick Preisler, Alternate Council Liaison Tom Dierberger and Administrative Assistant Amy Biren. Council Liaison Jim Zacijek was absent. Guests were present.

Approval of Agenda

MOTION by Schendel to approve the amended agenda, seconded by Kuitunen.

Motion carried unanimously.

Approval of Minutes from the January 24, 2022, Regular Meeting

MOTION by Schendel to approve the January 24, 2022, minutes, seconded by Kuitunen.

Motion carried unanimously.

Citizen's Forum

None

Public Hearing

Conditional Use Permit and Variance at 10718 Jonquil Lane

Kolasa closed the Planning Commission meeting at 7:04 pm and opened the Public Hearing.

Nash informed the Board that the applicants, Joe and Wendi Morin, had submitted an updated survey along with a narrative explaining why they believed the barn should be built in the front yard. Nash asked Joe Morin to present his narrative to the Board.

Joe Morin, 10718 Jonquil Lane, read through the narrative and pointed out items on the maps. He stated they were trying to find the most level area of the property that would not impact the natural drainage. He explained how the land slopes toward the ravine located in the northeast corner of the property. Included in the narrative were several maps from Hennepin County showing ecological areas, two-foot contours, and permeability of the property. Morin showed photos of his previous home and its landscaping. He also said that he wanted to avoid excavating too much of the property and that would occur if the barn had to be in the rear yard and also pointed out the swales in the rear yard. He asked that their request to have the barn in the front yard be approved.

Nash explained to the Board that staff did not make a recommendation regarding the variance and the conditional use permit, instead requesting that the Board discuss each item and make their decision.

Kolasa stated that a variance needed to prove a hardship and asked for confirmation from Nash. Nash directed the Board to page two (2) of her memo which outlined the questions that needed to be addressed for the variance: Is the request a reasonable use of the land? Is the plight of the landowner due to circumstance unique to the property and not created by the landowner? If the variance is granted, would it alter the essential character of the locality? Nash also said that practical difficulties needed to be present as the language for a variance had been changed from hardship to practical difficulties. She added that an economic difficulty does not constitute a practical difficulty.

Maribeth Olson, 10825 Jonquil Lane, stated that Joe and Wendi have been good neighbors and she is in favor of the barn being built in the front yard. She would like to see it approved.

Lynnae Karsten, 10680 Jonquil Lane, stated she lives south of the property and that it is not impossible to build a barn in the rear yard. She did say that one side may be higher and fill would need to be brought in during the construction of the barn. She explained that she had to do that when their barn was constructed as well as another neighbor.

Dierberger asked about the permeability of the property as shown on one of the maps provided by Morin. Preisler explained that permeability is how well the surface water infiltrates the soil. Barrett asked if a barn could be built and Preisler responded yes, there shouldn't be any reason why it couldn't be constructed.

Kolasa closed the Public Hearing at 7:20 pm and re-opened the Planning Commission meeting.

Nash reminded the Board that two items were being considered tonight: a conditional use permit for the size of the barn and a variance for the location of the barn in the front yard.

Kuitunen said that he is not worried about the size of the barn and Barrett agreed.

Barrett asked for reconfirmation about the setbacks since the applicant has said animals would not be housed in the barn, but she is concerned about future owners possibly housing animals. Nash replied that the 75-foot setback is the required when animals are involved, otherwise the side yard setback is 20 feet.

Kuitunen asked about the determination of the number of animal units. Nash replied that animal units are based on the productive acres of the property. Biren added that the former city administrator had determined that four (4) animal units were eligible on this property.

Kuitunen said he had driven to the property and it appears tighter than what is portrayed on the survey. He asked the Board if they had driven to the property and several confirmed they had done so.

Ganfield indicated that a pasture is needed and would like to know where the pastures would be located. He is concerned about the impact the pasture location might have to the neighboring properties. Morin pointed out that the pastures would be located on the southern side of the property.

Schendel asked about a shelter for the horses as they were not being housed in the barn. Morin stated he is having lean-to shelters. Olson indicated that Morin has already moved in a couple of shelters.

Schendel said that he has driven past the property and it does appear that the front yard location may be the best location for the barn.

Kuitunen explained that the Board needs to be very careful in their decision tonight as it will be setting a precedent. He reminded the Board that in previous applications and public hearings, there was very little feedback and very little impact being created. He said that the Board has to look at how it will affect the property and how it may adversely impact the neighboring properties.

Schendel did agree that a precedent would be set if the barn is in the front of the property instead of the rear.

Barrett agreed that having the barn in the front yard is adversely affecting others. She went on to say that there is a way to put the barn in a spot that does meet the ordinance. She went on saying that it is not a hardship or practical difficulty.

Ganfield said he is struggling with the barn in the front yard as the elevation is similar in the rear yard.

Kolasa said he did drive past the property and was familiar with it from past owners. He said there are alternative locations for the barn.

Barrett reiterated that the size of the barn is not the issue, rather it is the location.

Kuitunen asked Nash if reasons were need for the variance when making the motion. Nash replied yes, reasons for approval or denial. She continued saying that she is sensing that the Board is leaning towards approving the conditional use permit and denying the variance. If the variance is denied, the site location outlined in the conditional use permit is missing. A location of some sort would need to be included in the conditional use permit.

Board members discussed possible locations. They asked Nash for specifications outlined in the accessory building ordinance. Nash responded that an accessory building needs to be in the rear yard with the exception of the Agricultural district allowing it to be in the side yard with a conditional use permit. If the Board chooses, they could have a condition which would allow the barn to be located in the side yard.

Schendel said that if the barn is located in the southern side yard and in line with the house and does not extend west of the house, it would be more cost effective. Ganfield also said they could access the driveway, too.

Nash asked the Board if they would like an updated survey brought back to them or if parameters could be put in the conditional use permit that would allow staff approval at the time of building permit. Board members agreed that it did not need to return to Planning Commission.

Nash revised the possible conditions to include the possible side yard location along with staff approval at time of the building permit. Other conditions were the 75-foot setback from the property line; the architecture of the barn would be similar to what was presented in application and not exceed 7800 square feet; and the barn would be used for personal use, not business use, and will not house animals.

MOTION by Kuitunen to recommend denial of the variance for the construction of an accessory building at 10718 Jonquil Lane because the building should be in the rear yard per the ordinance, seconded by Barrett.

Motion carried unanimously.

MOTION by Kuitunen to recommend approval of the conditional use permit of an accessory building at 10718 Jonquil Lane that is larger than the home along with the conditions provided and revised by staff, seconded by Barrett.

Motion carried unanimously.

Nash explained that both of these recommendations will be on the agenda at the March 15, 2022, Council Meeting.

Unfinished Business

None

New Business

Final Plat for Crow River Heights West 6th Addition

Nash said that the final plat for Crow River Heights West 6th Addition is before the Board tonight and that it is in conformance with the preliminary plat approved earlier this year. The addition will have a through connection to the Whitetail Preserve neighborhood as planned.

Preisler agreed with the Board that there were a lot of engineering notes and that it is very typical. He is making sure that the developer is in conformance with City standards. Preisler said that there are some challenges in this addition that have not been present in previous additions as it has not had any work done as the others. None of the challenges would be of issue.

MOTION by Barrett to recommend approval of the Crow River Heights West 6th Addition Final Plat with staff recommendation from the packet, seconded by Ganfield.

Motion carried unanimously.

Reports and Announcements

Preisler informed the Board that this would be his last meeting with them as he has accepted an engineering position with the City of St. Michael. He thanked the Board for allowing him to work with them and said he has enjoyed the experience. Preisler indicated that Justin Messner would be attending the meetings until WSB appointed someone else. He said that the Board is familiar with Messner as he was the prior engineer.

Nash said that Rivers Edge will be bringing another addition to next month's meeting and that the Hilltop may also be on the agenda. The Hilltop owners just submitted new plans at the end of the previous week. Nash gave a brief history of the submissions related to the Hilltop for the newer members.

Biren told the Board that the first set of plans for twin home townhouses in the Bridges at Hanover townhomes was submitted. All of the detached townhomes have been permitted and will be finished this spring. Only the twin home townhouses are left to be constructed.

Kolasa asked about an update for the CSAH 19 project. Preisler said that WSB has been working in the background preparing for a year's worth of public engagement which will start in the spring. The open houses and other public engagement will continue through the summer and then the final design will be determined during the fall and winter. Construction is planned for 2024.

Kolasa also asked about the Schirmer property that had been discussed at the previous meeting. Nash responded that the triangular section of the property is being incorporated into the development on the Anderson Farm.

Schendel expressed concern about the parking in downtown and how people are parking wherever they want and disregarding signage and striping. He asked if patrols could be increased during the weekends.

Kuitunen asked about the process for the first addition of Rivers Edge. Biren said that there are only about 15 properties that have not been permitted, otherwise all of the properties were in some stage of construction. Also, properties in future additions are already being spoken for and deposits being made.

Dierberger thanked the Board for making Council's job easier.

Barrett asked about how Council responded to the concept plan for the Anderson Farm. Dierberger said that they reinforced the need for larger lot widths. Nash showed a concept plan that the developer had submitted after receiving feedback from Planning Commission and Council.

Adjournment

MOTION by Schendel to adjourn, seconded by Kuitunen.

Motion carried unanimously.

Meeting adjourned at 8:18 pm.

ATTEST:

Amy L. Biren
Administrative Assistant