

CITY OF HANOVER  
PLANNING COMMISSION MEETING  
MAY 22, 2012 DRAFT MINUTES

Chairperson Zanetti called the May 22, 2012 Planning Commission Meeting to order at approximately 7:00 p.m.

**Call to Order**

Members present: Karsten, Schendel, Spraungel and Zanetti

Members absent: Smola

Staff present included City Council Liaison Malewicki, City Planner Cindy Nash, and Deputy Clerk Barker

Others present included Darlene Dixon, Gordy and Helen Bongaarts, Duane and Claudia Pingree, Robert Pingree, John Vajda, and Mayor Waters.

Chairperson Zanetti introduced the agenda for the Planning Commission Meeting.

**Approval of Agenda**

**MOTION** by Karsten, second by Spraungel, to approve the agenda.

Voting aye: Karsten, Schendel, Spraungel and Zanetti

Voting nay: none

Motion carried: 4:0

Chairperson Zanetti introduced the minutes from the February 13<sup>th</sup> Planning Commission meeting. Spraungel asked that the motion for the adjournment be corrected because she was not at the meeting.

**Approval of Minutes**

**MOTION** by Spraungel, second by Zanetti, to approve the minutes from the February 13, 2012 Planning Commission Meeting, as amended.

Voting aye: Karsten, Schendel, Spraungel and Zanetti

Voting nay: none

Motion carried: 4:0

**CITIZEN'S FORUM**

**Citizens Forum**

No citizens wished to be heard.

**PUBLIC HEARING**

**Public Hearing**

**Public Hearing to Consider Variance to Allow for Addition within 75 Foot Shoreland Setback and to Allow Alteration to Non-conforming Structure**

Public Hearing to Consider Variance to Allow for Addition within 75 Foot Shoreland Setback and to Allow Alteration to Non-conforming Structure

Zanetti recessed the Planning Commission meeting and opened the public hearing at 7:31 p.m. to consider Variance to Allow for Addition within 75 Foot Shoreland Setback and to Allow Alteration to Non-conforming Structure. Nash provided an overview of the variance application.

Nash recapped that the Minnesota statutes on variances were changed in 2011 to reflect a "practical difficulties" standard, rather than the previously used "undue hardship" standard. She stated that the "practical difficulties" standard was being used for the evaluation of this application.

Nash said in evaluating variance requests under the new law, the following questions should be considered, which she reviewed and responded.

1. Is the variance in harmony with the purposes and intent of the ordinance?

Staff Note: The proposed request is in harmony with the purpose and intent of the ordinance. The proposed addition is the minimal addition necessary to make the property suitable for one-level living for the

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property owners. The addition is 23 feet further from the OHWL of the river than the rest of the existing home. There is not a practical way to make the living spaces of the home more accessible while keeping the addition outside of the setback.

2. Is the variance consistent with the comprehensive plan?

Staff Note: The variance is consistent with the Comprehensive Plan in that it supports goals related to life-cycle housing and universal design concepts.

3. Does the proposal put property to use in a reasonable manner?

Staff Note: The building on the property had been constructed prior to the enactment of shoreland setback regulations, the adoption of which made the building a non-conforming structure. The proposed addition is the smallest reasonable addition that can be made to make the home accessible. The property cannot be reasonably used for its historic use as a single-family home without either maintaining its non-conforming status or being granted a variance.

4. Are there unique circumstances to the property not created by the landowner?

Staff Note: There are unique circumstances in that the building and lot existed prior to enactment of the shoreland ordinances. The living quarters of the home cannot be made accessible without encroaching in the shoreland. The owners have designed the addition to be the minimal addition necessary and have located it as far from the OHWL as practical.

5. 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. The addition is modest in size and is situated primarily in an open area that exists between the attached garage and the side of the home. The addition will not be visible from the Crow River.

Nash stated that staff recommended that the Planning Commission recommend approval of the variances to the City Council with the following condition to be included:

1. The addition to the home shall be constructed in substantial conformance with the Site Survey prepared by WSB & Associates dated May 2, 2012.

Karsten inquired how the variance could make it a conforming lot if the setback wasn't there. Malewicki replied the variance makes the addition permissible like it was prior to the enactment of the shoreland regulation.

Karsten stated that she had researched Minnesota Statutes, the City's ordinances, and other resources for related to non-conforming and asked for clarification. Nash replied that the application was for two variances: the addition to the existing non-conforming structure and the distance in setback.

Spraungel inquired if the City Attorney provided comment on the variance application. Mayor Waters replied that Squires had commented and reviewed

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the memo.

Claudia Pingree, 11711 Riverview Rd NE, stated that she and her husband had bought the house twenty-five years ago. She said they kept the house up and grew to love the community. She added their neighborhood was the heart of the town. She concluded that they can't age in the house without the addition to make it an accessible one-level livable house.

Karsten stated she wanted to make sure the City is complying with all the legal requirements.

Darlene Dixon, 11673 Riverview Rd NE, stated the Pingrees were fine neighbors and were only trying to update their house so they could stay in the community.

Spraungel stated that Claudia was a tremendous asset to the community and she was glad the Pingrees love Hanover.

Hearing no further public comment, Zanetti closed the public hearing at 8:02 p.m. and reconvened the Planning Commission meeting.

**MOTION** by Schendel, second by Spraugel, to recommend approval of the variances to the City Council with the following condition:

- The addition to the home shall be constructed in substantial conformance with the Site Survey prepared by WSB & Associates dated May 2, 2012.

Voting aye: Karsten, Schendel, Spraugel and Zanetti

Voting nay: none

Motion carried: 4:0

Spraungel said she would like to make a recommendation to the City Council for a workshop to resolve the non-conforming issue in the shoreland areas.

**UNFINISHED BUSINESS**

No unfinished business.

**NEW BUSINESS**

No new business.

**REPORTS**

Schendel

- No report.

Karsten

- Karsten inquired why the Planning Commission didn't receive the resolution in their packets. She stated that it was hard to research without all the information. Malewicki asked if she had gone to the site. She replied no.

Spraungel

- Spraugel inquired if Buchholtz had reviewed the CUP's. She said to put them on the next month's agenda or the following month's.

**Unfinished Business**

**New Business**

**Reports**

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Zanetti

- No report.

Smola

- Not present.

Malewicki

- No report.

Buchholtz

- Not present.

**MOTION** by Schendel, second by Spraungel, to adjourn the May 22, 2012  
Planning Commission meeting at 8:14 p.m.

**Adjournment**

Voting aye: Karsten, Schendel, Spraungel and Zanetti

Voting nay: none

Motion carried: 4:0

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Daniel Buchholtz, City Administrator