

**CITY OF HANOVER  
PLANNING COMMISSION MEETING  
NOVEMBER 25, 2013 – OFFICIAL MINUTES**

**Call to Order/Pledge of Allegiance**

Chair Spraugel called the November 25, 2013 Planning Commission Meeting to order at 7:10 p.m. Members present were Chair Dawn Spraugel, Jim Schendel, Reid Rabon, Chris Zanetti, Julie Smola, and Council Liaison Doug Hammerseng. Also present were Administrative Assistant Brian Hagen, City Planner Cindy Nash, Mayor Chris Kauffman, Adam Price from Price Custom Homes, and Neil and Lynnae Karsten.

**Approval of Agenda**

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

**Approval of Minutes from October 28, 2013 Regular Meeting**

Spraugel wanted the sentence in the reports section stating she was not clear on how the new zoning ordinance fit into the existing ordinances stricken from the Official Minutes.

**MOTION** by Schendel to approve the amended minutes, seconded by Rabon. Motion carried unanimously.

**Citizen's Forum**

None

**Public Hearing**

None

**Unfinished Business**

**Wetland Setback Variance – 707 Kalea Court**

Nash outlined the memo included in the packet. She explained that after doing further research on the Ecological Resources Map, which is in the Comprehensive Plan, she does not feel like the area in question falls within the high sensitivity area discussed at the previous meeting. Further, Nash stated the proposed house is in the area where the building pad was set during development. Nash explained it is still staff's recommendation to approve the variance request.

Spraugel referenced an information memo created by the League of Minnesota Cities on Land Use Variances. The memo outlines steps taken when granting a variance. It also outlines the need to show practical difficulties when granting a variance. Spraugel read what criteria is needed to show reasonableness. Reasonableness means the landowner would like to use the property in a particular way but cannot do so under the rules of the ordinance. Spraugel felt the request is not reasonable because a smaller home could be constructed on the lot. Hammerseng asked how much of the home would have to be eliminated in order to meet the setback. Price responded that an additional five feet would need to be removed. This would total 250 sq. ft. and bring the main floor square footage less than 1000 total sq. ft. Price stated this makes for a small house. Hammerseng asked what the aerial photo shows the Planning Commission. Hagen stated that at the previous meeting it was requested that distance of features on adjacent properties be presented. He stated the adjacent properties both have features present in their rear yards that do not conform to the 30 ft. wetland setback. Schendel asked what the adjacent properties house square footage was. Hagen stated the outside foundations including the garage area are all smaller than the lot in question, however, it was determined the lot in question was not considerably larger.

Spraugel went on to the next practical difficulty. She explained that uniqueness must be determined. Uniqueness is present when the landowner's problem is due to circumstances unique to the property not caused by the landowner. This generally relates to physical characteristics of the property such as sloping topography or other features like wetlands or trees. Spraugel stated she again feels the size of the home is the reason the variance is being requested. She feels a smaller home would not need this request, therefore, not making the

property unique. Hammerseng asked the members how this property is not unique given there is a wetland shown on the plat. Spraungel stated the wetland is present but a shallow home would fit. Price stated the home is not a deep home to begin with and by making the home shallower, it would be difficult to build and have it desirable to a future owner.

At this point Nash informed the members that this lot was created and approved before the wetland setback existed. Lynnae Karsten asked when the final plat was approved. Nash answered the question by stating the final plat was approved after the setback was implemented. Nash further stated that the preliminary plat was approved before the setback. The preliminary plat guides the future additions of the development and is used in setting the lot sizes and house pad locations. This development also had a lawsuit that allowed the development to conform to the ordinances which were in effect at time of the preliminary plat. Those ordinances did not have a wetland setback requirement.

Hammerseng asked how the proposed house compared to other homes in the neighborhood. Price responded that Crow River Heights has a mixture of homes. Kalea Court specifically has a few split level homes so his proposed house would fit the mixed use. Spraungel turned the discussion towards the Comprehensive Plan. The plan focuses on protecting the environmental characteristics of Hanover. Hammerseng questioned the Planning Commission's motive on whether the members want to oppose building on lots near wetlands or if the members want to encourage homes that fit the neighborhood. Rabon suggested moving the home forward to encroach on the front yard setback instead of the wetland setback. This would protect the environmental characteristic, but it would also change the neighbor's front yard views. It was discussed that on this road it may work given the homes are not in a straight line.

Smola stated the Planning Commission is here for when people have issues like this. We need to think broader and how we can build our community so it is complete versus having empty lots. Schendel agreed with Smola, he also stated when the home is moved off of the building pad there may be added expenses during construction. Schendel explained to the members that developers correct the soil in the building pad location only in order to sustain the weight of a home. Hammerseng asked what the Ecological Resources Map shows us. Nash stated the map shows us areas of sensitivity. Nash further explained the data used for this map was an estimate based on the 2003 Natural Resources Inventory and was not field tested. This information is not scientific to this specific map and cannot be deemed reliable.

Mayor Kauffman addressed the Planning Commission by stating in the last 11 months it has been Council and Staff's goal to clean up past issues. We have done so to the best of our ability, and our focus is to not have these same issues happen in the future. What we need to do is solve problems when they come to us the best way we can. Schendel stated it is Nash's responsibility to give us a recommendation based on her expertise. It is what she is expected to do as a consultant and we should follow her recommendation.

Hammerseng suggested raising the additional escrow amount to ensure the builder uses extra precaution to protect the wetland. Members agreed this should be raised to \$2,500. Smola asked if moving the house would change any drainage concerns. Nash stated the actual home does not worry her for drainage concerns; it is what happens in the rear yards like gardens and fertilizing near the wetland.

**MOTION** by Schendel to recommend to Council, approval of variance with staff recommendations with the following amendments:

- Additional escrow of \$2500 instead of \$1500
- Steps of deck to go towards the Northeast and future patio be no closer than 13 ft. from wetland.

Seconded by Smola. Schendel, Rabon, Zanetti, and Smola voting in favor. Spraungel opposed.

## **New Business**

None

## **Reports**

Hammerseng

- Council is focusing on how to better Hanover as a city. Currently discussing how to improve the infrastructure.
- Hennepin County Trail is moving forward. It is expected to have construction start in 2014.
- Beebe Lake Trail was put on hold for the winter due to weather delays. Hagen stated a federal grant was received and construction has a deadline to meet so the construction will resume first thing in the spring.
- Senior housing continues to be a focus, and the City is in discussion with the Bridges community for a driveway easement.

Smola stated her baby is doing great and is five months old. She is also glad to be back.

Rabon stated he hopes the Bridges can be included in a future trail discussion in order to connect the neighborhood to the Hanover trail system.

Spraungel

- Provided suggestions in how to make the City's website better for residents by offering more information
- Suggested meetings are not cancelled if there is not an agenda item. Hagen stated he asks members prior to canceling meetings if anyone has an agenda item. He further stated he is open for ideas on topics and would be willing to hold meeting if they are provided. Nash stated that members need to remember staff needs time to prepare content for the meeting so allow time to gather the information.
- Suggested to not cancel the December meeting, but instead hold it to discuss future issues that may be presented to the board. A suggestion was to discuss remaining lots which may request variances on the wetland setbacks.

Hagen stated staff is beginning to become educated of the history of Hanover now that we have been working here for a year. We have a lot to learn but it is becoming easier the longer we are here. Council also have given staff tools to make our jobs more efficient and to provide better service to the residents.

## **Adjournment**

**MOTION** by Zanetti to adjourn at 9:52 p.m., seconded by Schendel. Motion carried unanimously.

ATTEST:

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Brian Hagen, Administrative Assistant