

City Council Proceedings

State of Minnesota
Counties of Scott & Le Sueur
City of New Prague



City Council Meeting
Monday, November 6, 2006

Mayor Sindelar called the meeting to order with the following members present: Sindelar, Jirik, Kratochvil, Wilcox, Babione. Absent: None

Mr. Dennis Seurer briefed the Council on back yard drainage problems in the 1000 block of Lexington Av. N.

Mr. Fritz Sticha, 1004 Lexington Av. N., reviewed with the Council back yard drainage tile problem which he contends was a result of tile being cut by utility workers installing electric lines and failure of City Utility Personnel to repair the drainage adequately. Mr. Sticha requested that the City compensate him for the repairs that he contracted for.

The Council consensus was that the tile lines are private drainage lines and that the Council would be willing to compensate for restoration of the site of the original break, but are unwilling to compensate for the installation of contracted tile work by M & S Excavating.

Bob and Mary Lien, owners of 105 Main St. E, reviewed with the Council intentions to rehabilitate 105 Main St. Building code requirements prohibit upper floor windows in buildings less than 3 feet from property lines.

Motion Wilcox, Second Jirik.

Staff to negotiate with Lien's for sale of small piece of City property to provide for 3 foot set back.

Motion carried.

Council Member Wilcox offered the following Resolution and moved for its adoption.

RESOLUTION # 06-11-06-01

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL
APPROVING A VARIANCE TO ALLOW A 16.3' VARIANCE FROM THE
REQUIREMENT THAT SINGLE FAMILY RESIDENCES BE SETBACK A MINIMUM
OF 30' FROM A FRONT PROPERTY LINE TO ALLOW AN ATTACHED GARAGE
ADDITION TO BE 13.7' FROM THE FRONT PROPERTY LINE ALONG 1st
AVENUE NE IN THE RL-84 SINGLE FAMILY RESIDENTIAL ZONING
DISTRICT, NEW PRAGUE, MINNESOTA

WHEREAS, Clinton M. Stocker, owner of the following real estate in the County of Scott to wit:

Lot 2, Block 9, Saint Wenceslaus Addition to New Prague,
Scott County, Minnesota

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is requesting a 16.3' variance from the requirement that single family residences be setback a minimum of 30' from a front property line to allow an attached garage addition to be 13.7' from the front property line along 1st Avenue NE in the RL-84 Single Family Residential Zoning District; and,

WHEREAS, the New Prague Planning Commission has completed a review of the application and made a report pertaining to said request (V5-2006), a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 25th day of October, 2006, after due consideration of presented testimony and information, voted unanimously (4-0) to forward the matter to the City Council with a recommendation for approval; and,

WHEREAS, the New Prague City Council finds:

1. Exceptional or extraordinary circumstances apply to the property which does not apply generally to other properties in the same zone or vicinity because the lot which the applicant owns is a corner lot of only 69' of width. Once all the setbacks are accounted for it only provides for a 32' wide by 70' long of buildable area for the attached garage addition which is much further from the road than the existing home and attached garage. The lot was created before current zoning ordinance was adopted and the home was constructed in 1958 which was before zoning ordinances were enacted in the City.

2. The literal interpretations of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance because the property is a narrow corner lot, the buildable area on the lot is unreasonably small compared to many other lots in the City. Furthermore, all the homes located in the immediate vicinity of the proposed addition on 1st Ave. NE are all affected by the terms of the ordinance as none of them currently meet the 30' setback along 1st Ave. NE and all would require a variance in order to add onto their homes within the 30' setback.

3. The special circumstances do not exist as a result of the actions of the applicant because the lot was created at a narrow width for a corner lot well before the adoption of the current zoning ordinance. It is the narrow width of the lot and the only 32' wide buildable area and the location of the existing home outside of the buildable area that is the special condition.

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4. The granting the variance would not confer a special privilege in that all other structures within the same block along 1st Ave. NE all do not meet the currently required 30' front setback to 1st Ave. NE.

5. The variance being requested is the minimum variance which would alleviate hardship of having a narrow buildable area on the lot which is not in line with the existing structure which is to be added onto. The proposed garage addition is proposed to be in line with the existing attached garage at 13.7' from the front property line which is 16.3' within the required 30' front setback along 1st Ave. NE. Having the garage addition in line with the existing attached garage makes the addition more easily match the appearance of the existing structure.

6. The variance being requested would not be materially detrimental to the purpose of this zoning ordinance or other property in the same area because all other homes on the same block along 1st Ave. NE are located within the required 30' front yard setback and because the proposed attached garage addition will not be any closer to the front property line than the existing attached garage stall.

7. The granting of the variance from the required 30' front yard setback from 30' to 13.7' would be reasonable because it would match the existing conditions on the block in which it is located relating to setbacks existing at less than 30' and would allow the applicant to add additional garage space onto a home that currently has a single stall garage.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, Minnesota, that the request for variance #V5-2006, to allow a 16.3' variance from the requirement that single family residences be setback a minimum of 30' from a front property line to allow an attached garage addition to be 13.7' from the front property line along 1st Avenue NE in the RL-84 Single Family Residential Zoning District, as proposed by Clinton M. Stocker is hereby approved based on the above findings.

This Variance approval becomes effective immediately upon its passage and without publication.

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Council Member Babione seconded said Resolution and upon roll call the following vote was recorded.

	<u>AYES</u>	<u>NAYES</u>
Sindelar	<u>X</u>	_____
Babione	<u>X</u>	_____
Jirik	<u>X</u>	_____
Kratochvil	<u>X</u>	_____
Wilcox	<u>X</u>	_____

Thereupon Mayor Sindelar declared said resolution adopted this 6th day of November, 2006.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

City Planner, Renee Christianson, updated the Council on Adult Use Ordinance and Monument Sign located at TH19 & 7th Av. SE.

Motion Kratochvil, Second Jirik.

Approve contract and authorize Mayor and City Administrator to execute contract with Bolton & Menke for design and construction of Wastewater Treatment Plant.

Motion carried.

Motion Babione, Second Wilcox.

Approve the following consent agenda items:

- A. Approve Previous Meeting Minutes
- B. Approve Claims for Payment.
- C. September Financial.

Motion carried.

There being no further business, the meeting was adjourned.

Jerry Bohnsack
City Administrator