

**Meeting Minutes**  
**New Prague Planning Commission**  
**Wednesday, January 26, 2022**

**1. Call Meeting to Order**

The meeting was called to order at 6:30 p.m. by Chair Dan Meyer with the following members present: Paul Tupy, Shawn Ryan, Mike Uttenhove and Ann Gengel. All members were present.

City Staff Present: Ken Ondich – Planning / Community Development Director and Joshua Tetzlaff – City Administrator

**2. Approval December 15, 2021 Regular Meeting Minutes**

It was moved by Tupy, seconded by Uttenhove, to approve the December 15, 2021 regular meeting minutes as submitted. Motion carried (5-0).

**3. Old Business**

**A. Continuation of Request for After-The-Fact Variance #V5-2021 – Front Yard Setback from 30’ to 21.5’ for Front Deck at 207 3<sup>rd</sup> Street SW  
Thomas Wood - Applicant**

Planning Director Ondich presented the staff report. He stated that the applicant, Thomas Wood, is seeking an after-the-fact variance from the 30’ front setback to be reduced to 21.5’ in order to allow a partially constructed front deck to remain on his property. He stated that at the December 15, 2021 Planning Commission meeting, the request was tabled to tonight’s meeting so staff could speak with the City Attorney regarding legal precedence as well as offering alternatives to the applicant that may not need a variance. He stated that City Attorney Scott Riggs indicated that approving the variance would net set a legal precedent but would set a practical precedent from a perception and practicality standpoint and advised reviewing this variance request on its own merits. He stated that the applicant was advised of options that would not require a variance including a 3’ by 3’ landing with stairs, a ground level patio or a 5’ by 5’ landing with a ramp to the ground. He stated that at the time of drafting the staff report he had not heard from the applicant about any revisions to the plans. He stated that staff continues to recommend denial of the variance with the findings listed in the staff report.

Commissioner Ryan asked why staff did not hear back from the applicant since last month’s meeting.

Thomas Wood, applicant, stated that they were just waiting to hear back on the City's recommendation and that they really just wanted to keep the deck as is partially constructed.

Commissioner Tupy stated that the options were given to the applicant for consideration.

Commissioner Ryan stated that without any input from the applicant it is like being back at the start of the discussions once again and that he agreed with City Staff and the City Attorney that this request doesn't fit the ordinance and it doesn't help that they partially built the deck without a permit.

Brian Otto, applicant's contractor, stated that the applicant does not want the ramp and stated that the 3' by 3' landing and stairs would be smaller than the previous steps that were on the house, but they might be able to make a 5' by 5' landing with stairs work. He stated that the applicant wanted to keep the deck as partially constructed is why they applied for the variance.

Commissioner Uttenhove asked if it mattered if the deck were unattached to the home as the building code would consider that a walkway.

Planning Director Ondich stated that only the 3' by 3' with stairs or 5' by 5' with the ramp would be allowed by the zoning ordinance as those are the building code minimums. He also noted that a patio on the ground, not attached to the home, would be acceptable but anything above ground is considered a structure and must meet the setback.

A motion was made by Ryan, seconded by Gengel, to deny the after-the-fact Variance #V5-2021 from the required 30' front setback to 21.5' to allow for a front deck located at 207 3<sup>rd</sup> Street SW for the following reasons:

1. Unique circumstances do not apply to this property because while the lot was platted in 1917 and the home was built in sometime in the late 1940's predating the existence of any zoning ordinances in the City and the existing dwelling was constructed 28.5' from the property line along 3<sup>rd</sup> Street SW, similar conditions exist along the entire block with most homes meeting, or close to meeting the 30' front setback requirement.
2. The variance would alter the essential character of the neighborhood because the proposed front deck would extend 5' closer to the front property line than any other existing structure on the block, and further noting that no front decks exist elsewhere on the block within the front required setback.
3. No practical difficulty exists as the previously existing steps for ingress/egress to the front of the home could be replaced and meet current zoning ordinance requirements.

Motion carried (5-0).

#### **4. New Business**

None.

#### **5. Miscellaneous**

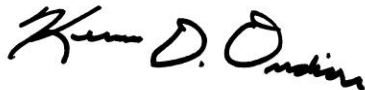
The following miscellaneous items were reviewed as information only:

- A. Introduction of City Administrator Joshua Tetzlaff – City Administrator Joshua Tetzlaff introduced himself to the Planning Commission.
- B. Monthly Business Update – Planning Director Ondich provided the Monthly Business update to the Planning Commission that had been provided to the EDA earlier in the month.

#### **6. Adjournment**

A motion was made by Ryan, seconded by Tupy, to adjourn the meeting at 6:53 pm. Motion carried (5-0).

Respectfully submitted,

A handwritten signature in black ink that reads "Kenneth D. Ondich". The signature is written in a cursive style with a large initial "K" and "O".

Kenneth D. Ondich  
Planning / Community Development Director