

Special Meeting Minutes
New Prague Planning Commission
Wednesday, May 26, 2021

*Attendance and Input also available via GoToMeeting due to the COVID-19 Pandemic.

1. Call Meeting to Order

The meeting was called to order at 6:30 p.m. by Chair Gilman with the following members present in person: Dan Meyer, Shawn Ryan and Paul Tupy and the following members present virtually via GoToMeeting: None. Absent was Mike Uttenhove.

City Staff Present: Ken Ondich – Planning / Community Development Director and Meagan Voss – Planning Intern.

2. Approval April 28, 2021 Regular Meeting Minutes

It was moved by Ryan, seconded by Tupy, to approve the April 28, 2021 regular meeting minutes as submitted. Motion carried (4-0).

3. Introduce Meagan Voss – Planning Intern

Planning Director Ondich introduced Meagan Voss as the new Planning Intern for the summer.

4. Old Business

None.

5. New Business

**A. Request for Conditional Use Permit #C2-2021 – Relocation of Single-Family Home to a Vacant Lot at 303 2nd Street NW
Greg Sayler - applicant**

Planning Director Ondich presented the staff report. He stated that the applicant, Greg Sayler, recently purchased the vacant lot at 303 2nd Street NW and is proposing to relocate a single-family home to the lot which is currently located in Prior Lake. He stated that the home was constructed in 1929 and has 1,044 sq. ft. of above ground living space with 2 bedrooms and 1 bathroom and that a new basement would be constructed for the home and that it also must be brought up to current state building codes. He stated that additionally, City Staff is recommending a condition of approval require a new roof, new front and rear decks and a remodeled bathroom be made. He noted that a garage is not proposed at this time. He stated that the property

is zoned RL-84 Single Family Residential and that relocating structures is a conditional use with the performance standards listed in Section 713 of the Zoning Ordinance. He stated that the home would meet all required setback requirements. He stated that there are three factors that must be reviewed in consideration of a home to be relocated and they are whether the home would destroy the overall appearance of the neighborhood, would be different in terms of age, bulk, architectural style and quality of construction and finally whether the structure would substantially diminish or impair property values within the neighborhood. He noted that the home will fit in well with the varied age of homes in the area and will have similar features to the homes on either side of its proposed location and that the home is of similar size to others on the block at 1,044 sq. ft. while the average on the block is 1,248 for above ground square footage. He stated that staff recommends approval of the conditional use permit with the findings and conditions listed in the staff report.

The public hearing was opened at 6:46PM.

Nancy Zendner, 309 2nd Street NW, stated that she didn't know there was a physical meeting to attend, or the neighbors would have attended in person. She stated that she has critical points to make and that she would agree that the home fits with the area in terms of its age, that most homes in the area have been renovated or updated and thinks the proposed home is too basic and looks like a cabin on the lake the does not fit in with the homes. She stated that this is a family neighborhood and the two-bedroom, one bath layout could end up being a rental home with transients living there rather than a family. She also noted that this home is being proposed without a garage while all other homes in the area have a garage. She stated that alley access is a problem in the area and that this would be the tenth home utilizing the alley which is a dead end and that residents already have an issue of nearly backing into each other from the alley. She also noted that there are drainage issues in the alley and that adding more concrete towards the alley will cause issue. She stated that the neighbors would like to know more about who would be completing the work and their experience in doing such work and how it will impact the neighboring properties. She stated that she wants to see an actual survey as no property markers have been put up yet and would also like to see more information on the house including deck measurements of the proposed decks.

Trevor Schwirtz, 307 2nd Street NW, stated that said he is with the other neighbors as he said they didn't know they could attend the meeting in person. He asked how the values of homes was determined and if realtors involved in the assessment values. He stated that he thinks his value mentioned versus what he purchased his home for is wrong. He asked if staff more than one staff person or if it's a committee or team making the recommendation on fitting into the neighborhood. He also asked what might be considered equitable square footage as to him it looked like the next biggest home on their block was more than 20% bigger.

Planning Director Ondich stated that the values were obtained from Scott County and included improvements only, not including lot values or improvements to the proposed home which was currently \$90,500 as it sits in Prior Lake. He stated that when he checked the values on the block for improvements only, they were 313 2nd

Street NW – \$124,000, 311 2nd Street NE - \$86,100, 309 2nd Street NW - \$122,100, 307 2nd Street NW - \$184,800, 301 2nd Street NW - \$109,400 from the Scott County Assessors information. He stated that regarding the above ground square footages was pulled from Scott County as well which showed above ground square footage of 1,044 for the proposed home and that the average on block above ground only was 1,248 square feet. He stated that regarding the drainage that the City had obtained a survey from the applicant, but it showed the wrong legal description and is being corrected. He stated that elevation on the survey shows drainage will flow from the alley to 2nd Street NW and that there is no concern with adjacent properties. He also stated that the lot will not drain to the alley and that 10 homes accessing the alley is not excessive and that public works can address maintenance issues such as ruts or grading if the residents have concerns. He stated that it should be kept in mind that a stick built home does not require similar review and that a split-level home, such as the one down the block, could be built on the lot and be smaller than the proposed home. He stated that the Planning Commission is tasked with looking at are the three factors listed in the zoning ordinance regarding if the home will fit in the neighborhood and that the information in the report was developed by the Planning and Building Department staff.

Ms. Zendner asked how this proposed home does not diminish property values or hamper property values of neighborhood.

Planning Director Ondich stated that as the home sits today it would not be the least valued on block and that after improvements it would probably be third least valued not even including a garage but that the County would assign the final value.

Greg Sayler, applicant, stated that he does not plan to build a garage this year as getting the house ready is enough for this year. He stated that he would plan for a garage the following year. He stated that he would plan to live in the house but not his wife if you ask her. He stated that he will sell the hose after he gets completed and after he has made it the best house possible. He stated that he and his boys will rehab it and make it look good.

Ms. Zendner asked Mr. Sayler if he is a licensed contractor.

Mr. Sayler stated that he is not a licensed contractor but that he would hire a contractor to move the home. He stated that he has contracted three homes on his own and wants to try to do something different. He stated that he is not a licensed contractor but will hire licensed contractors for the work.

Planning Director Ondich stated that the City will inspect the project including excavation, footings, placement of home, plumbing, water sewer connections just as a new home would be inspected. He added that with construction prices where they are at these days that this is a cost-effective way to place a home on a lot.

Ms. Zendner asked what the impact of moving the home to the lot would be and noted that the neighbor's lot is fenced in and what would happen with that fence and

other structures and trees in the area. She also stated that she has concerns with construction traffic on 2nd Street NW.

Planning Director Ondich stated that silt fence or other erosion control is required and that they can't cross onto neighboring properties to complete the work and that they will need to follow protocol for the parking of construction vehicles, particularly with lots of activity in the area. He stated that the ordinance allowed work time is 7am to 10pm.

Ms. Zendner stated that the alley is a concern of the neighborhood in that people almost back up into each other, the alley is extremely narrow and that vehicles can't pass each other which she's sure is normal, that small children play in the alley on bikes, and pointed out that the alley is a dead end. She stated that in the winter the alley is not a high priority and is one of the last routes plowed and that for some homes this is only access for them and that they can't park on streets in winter. She stated that she is also concerned about drainage in the alley and says her basement floods from snow built up in the alley and that she doesn't want more flooding to occur.

Planning Director Ondich stated that public works can address plowing and maintenance concerns and stated that adding one home to the alley is not a traffic concern and that the alley is designed properly and is comparable to other alleys in the City.

Mr. Schwartz asked what the average number of homes is off an alley and if 10 was typical of a dead-end alley.

Planning Director Ondich stated that blocks are 600 ft. to 660 ft. in this area with five to six homes on each side of lot and that it is typical of older parts of town and that newer areas with alleys have more homes on alleys, but then have no dead-end situation. He stated that this area is not unique for the number of homes on the alley.

Ms. Zendner asked if Mr. Ondich could provide some other examples of dead-end alleys in the City.

Planning Director Ondich stated that alley access considerations are not a primary review point for the home being moved in.

Mr. Schwartz stated that his biggest concern is that his home to the west if valued at \$184,000 is nowhere near his full property value and that this proposed home does not fit in the neighborhood as the numbers being discussed are not the property value in full.

Planning Director Ondich stated that the value for his home included only the improvements and not the lot.

Mr. Schwartz stated that the values being used are too low compared to the actual value.

Planning Director Ondich stated that the Scott County assessor's value would be lower than actual sales values. He added that this home will be improved and does not include basement finish value or garage value. He stated that the official meeting agenda showed that the meeting was open to public, and agreed that while the initial notice stated that the meeting was not open to the public the governor changed the restrictions before there was time to re-mail notices out. He stated that Ms. Zendner was e-mailed the agenda and report upon request and that clearly said the meeting was open to public and she was going to share with all the neighbors.

Commissioner Ryan asked if a public hearing could occur again at the City Council meeting.

Planning Director Ondich stated that the City Council could take public comment, but that this was the official hearing tonight.

Mr. Schwirtz asked if there could be more time for public comments, particularly from realtors on the values, before ramrodding the request through.

Planning Director Ondich stated that the City relies on the county assessed values which is consistent versus obtaining information from realtors.

Terry Crawford, 306 3rd Street NW, stated that he lives across the alley from the vacant lot, and stated that the size of the home is at 80% of the average size on the block and that the appraised value and assessed value was for its use as office building in downtown Prior Lake, not a residence and noted that you could tell just by looking at the floor plan that it was used as an insurance or real estate office and not a residence. He stated that based on that, trying to compare its value really doesn't fit in.

Chair Gilman stated that the value of the home is not one of the three main review items in the ordinance.

Mr. Crawford stated that property value is one of the review items.

Mr. Schwirtz stated that diminished property values is the second review item.

Planning Director Ondich stated that it is actually a part of review item number three and that it requires property values to be substantially diminished, not just diminished.

Commissioner Tupy stated that the values in the area could go up due to it no longer being a vacant lot.

Chair Gilman agreed that the values could go up with it no longer being a vacant lot.

Commissioner Meyer stated that having a home there can help with the school systems as well as with property taxes for the City and that bringing in another family helps local businesses as well.

Chair Gilman stated that regarding the alley, it appeared to him that seven lots on the block have driveways to public streets in addition to the alley.

Ms. Zendner stated that there are five homes of the nine with driveways.

Planning Director Ondich stated that there is not an excessive number of homes off the alley.

Mr. Schwirtz stated that he would like to see this tabled for more discussion and not to push it through because the property values need to be looked at further such as not comparing values that include garages.

Planning Director Ondich stated that if this were a stick-built home, it could be built smaller, at less value and with no neighborhood review. He stated that all the values discussed tonight, except for the proposed home, do include all improvements including garages.

Mr. Schwirtz stated that the subject home was assessed at a different commercial value and therefore the value stated shouldn't be used for the value comparison.

Planning Director Ondich asked where the information came from that the home was used commercially and valued as such.

Mr. Crawford stated that it was clear from the floor plan of the home that it was an office space. He stated that he worked in Prior Lake and believes the structure was an office.

Planning Director Ondich stated that statements should not be thrown around that are not factual.

Commissioner Meyer stated that the current design was a single-family home.

Mr. Crawford asked if the hard surface parking area was required.

Planning Director Ondich stated that the applicant is proposing the parking area by the alley and that City code requires it to be paved but that the lot drains from north to south.

Mr. Crawford stated that water in the alley runs east to west about two-thirds of the way then south through Mr. Schwirtz and Ms. Zendner's properties.

Planning Director Ondich asked how the proposed home was adding to water drainage in the alley.

Mr. Schwartz stated that the alley flows to the west.

Mr. Crawford stated that snow piles and drains through two lots mentioned earlier, and that the proposed paved parking area would add more area to drain.

Planning Director Ondich stated that he accessed the Scott County information and that the subject home is valued for a single-family classification and that it was for a 2021 assessment, payable in 2022 as classification 201(1a).

Mr. Crawford asked what it was classified as two years ago.

Planning Director Ondich stated that it is irrelevant what the home was classified as two years ago as the current classification is single family for the purposes of county valuation.

Mr. Crawford asked if there was a scheduled date for the house to move to the lot.

Planning Director Ondich said there was not because the moving of the home was not yet approved.

Commissioner Gilman stated that when a house was moved in by him it was done at 3am.

Mr. Crawford stated that moving in the house would require 2nd Street NW to be blocked and that 2nd Street NW is an ambulance route to the hospital and main detour route for Main Street and that moving in the house is a concern until Main Street is back open.

Planning Director Ondich stated that the Police Department reviews moving permits along with public works and utilities. He stated that 2nd Street NW is a local detour route so closing it completely could be a concern depending on actual date and time of the house moving.

Mr. Crawford stated that the alley access really concerns him because four homes have their only access via the alley and that this would be the fifth home with their only access from the alley. He stated that it is a busy dead-end alley and also very narrow and that when vehicles drive in, they cannot get out.

Mr. Schwartz asked the Planning Commission not to decide tonight and that he would like more time for input as this is a big concern for the neighbors.

Planning Director Ondich stated that the formal hearing is occurring tonight but that the City Council can still take public comment at their meeting.

Commissioner Ryan stated that public comment would be welcome at the City Council meeting regarding the matter.

Planning Director Ondich stated that he wanted to confirm the concerns of the neighbors being the drainage from the alley and the property values and how this home would affect their property values by gathering information from the County assessor as well as anticipated value of the home with improvements being made.

Mr. Schwartz asked what the price of the home was and stated that it was probably \$1,000 or less.

Planning Director Ondich asked Mr. Schwartz not to throw out assumptions.

Mr. Schwartz stated that if the home were purchased for \$1,000 or less it would affect the value of the home.

Planning Director Ondich stated that the purchase price of a home to be moved would not be factored into the valuation and that he will contact the county to look at if there would be substantial devaluation to the neighborhood by moving in the home.

Mr. Crawford stated that he would like to know how large the decks will be for the home as the words used were vague.

Planning Director Ondich stated that they would be sized similarly to what is on the home today.

Mr. Sayler stated that they would be similar in size but nicer looking and more welcoming.

Mr. Crawford stated that no other homes on the block have a deck or landing like this one would have.

Chair Gilman stated that the home to the west has a covered porch.

Commissioner Ryan asked if the decks would be allowed.

Planning Director Ondich stated that decks are allowed if meeting setbacks. He stated that stairs can encroach into a required setback, but a deck must meet setback requirements and that there is not a requirement that they must have decks or is there any size requirement. He stated that the applicant proposed the decks, so it was noted as a condition of approval to install them and that a building permit is required for the construction of the decks.

Mr. Schwartz asked when the assessment for the homes were last updated.

Planning Director Ondich stated they are assessed values for 2021 and would be payable in 2022 but he also noted he does not know when the last inspection was done by the assessors.

Mr. Schwartz asked if residents east of 2nd Ave. NW received a notice.

Planning Director Ondich stated that per state statute, all homes within 350' were notified.

Mr. Schwirtz asked why other homes in the area were not reflected in the value comparison such as the Bean Mansion.

Planning Director Ondich stated that the immediate vicinity was looked at, meaning just the block the home is proposed on.

Mr. Schwirtz stated that he believes comparables should be from the 350' notice area and not just the block.

Planning Director Ondich stated that the standard for review was that the proposed home could not substantially diminish property values.

Mr. Schwirtz stated that he seems the onus is on the property owners to prove their property will not be substantially diminished.

Chair Gilman stated that the house to the southeast appears to be similar to the one being moved in.

Planning Director Ondich stated that they are different as the home to the southwest has an addition off the rear.

Trevor thinks onus is on property owners to prove their property will not be substantially diminished.

Ms. Zendner stated that she thinks staff picked certain homes on the block for comparison when all the homes within 350' should have been used.

Planning Director Ondich stated that staff did not cherry pick certain homes and that the 350' is only the state statute required mailing radius. He stated that he has worked in New Prague for 17 years and has always used the same methodology for the review of relocating homes by looking at the homes on the block in the particular street view.

Mr. Schwirtz stated that more homes should have been used for comparables in the immediate area.

Planning Director Ondich stated that the codes do not define what a neighborhood is, whether that is 350' or one block or five blocks but during his tenure with the city the review area has been limited to the block for streetscape review.

Mr. Crawford stated that one block away, the three-story home is substantially different from the one proposed.

Planning Director Ondich stated that the review standard is to make sure the proposed home will not substantially diminish the value of existing homes and that he would

contact the county assessor ask how the proposed home would affect values and that the proposed home is not a comparable to the mansion.

Ms. Zendner asked why the value review was not the entire neighborhood versus just the block. She stated that across the street is an open lot that also impacts their lots as well and therefore the larger neighborhood should be looked at as there are homes of varying ages and values.

Planning Director Ondich stated that the county assessor can determine if the value of homes will be brought substantially down if this home is moved in and that the city code does not have a definition of substantial value reduction.

Mr. Schwartz stated that he believes his value will be reduced by 50% but that the City may not agree.

Chair Gilman stated that Mr. Schwartz value would not be reduced by 50%.

Mr. Schwartz stated that he feels that he and the other neighbor's comments were being dismissed.

Commissioner Ryan stated that comments will be taken at the City Council meeting.

Planning Director Ondich stated that all the comments from the meeting tonight will be in the meeting minutes as part of the public record.

Ms. Zendner asked if in the meeting minutes the response to residents will be provided. She stated that all of their comments tonight have been dismissed and wanted answers to their questions.

Planning Director Ondich stated that he will check into the residents' concerns regarding the alley and will also talk to the county assessor regarding current value of the home, value of the home with improvements and how the home will affect adjacent property values. He stated that he will provide the information collected to both the council and to the neighbors before the City Council meeting.

Mr. Crawford asked if there was a survey of the lot.

Mr. Ondich stated that there was a survey received but that it needed to be revised and the survey review is typically a building permit review item and that the lot corners will also be marked.

Mr. Schwartz stated that he and the other neighbors are passionate as this matter affects them directly and that he disagrees that their property values are not negatively affected.

Planning Director Ondich stated that the county assessor's information should provide comfort in not affecting property values and if it does then that will be open

for further discussion. He stated that this item would likely go in front of the City Council on June 7th.

Mr. Crawford stated that he wants to know when the house would be moved to the lot and thinks that it should have to wait until after Main Street opens back up.

Planning Director Ondich stated that he would defer the question to the Police Chief regarding the moving permit and with public works and utilities regarding the actual route the home would be moved on which would be coordinated with the house moving company. He stated that building permits are good for six months and that if this matter is approved there is no time frame for the home to be moved in.

The public hearing was closed at 7:50PM.

Commissioner Ryan stated that the additional information will be helpful for the City Council and residents.

Planning Director Ondich stated that the value question from the residents is valid and that he will talk to the county assessor on the value change of the home if moved from Prior Lake to New Prague, how the improvements to the home will affect the value and the big question of how the home will affect the adjacent property values once moved to the lot and if they will be substantially affected by determination of the county. He stated that this matter will not be forwarded to the City Council on June 7th if all the required information is not collected before the meeting. He stated that he did not mean to sound adversarial but that the City is tasked with looking at the three items in particular that are listed in the zoning ordinance.

Commissioner Meyer stated that he fees for the homeowners in the area, but the value of 311 2nd Street NW, including a garage, is less than this house and that there are other smaller homes in the area beyond the block.

Planning Director Ondich stated that there are a variety of homes in the area from mansions on down so it's an eclectic area and that the City doesn't want to see values drop for any homes in the area.

Commissioner Tupy stated that he thinks the home will benefit the values of the neighbors more than a vacant lot.

A motion was made by Tupy, seconded by Ryan, to recommend approval of Conditional Use Permit #C2-2021 to allow the relocation of an existing single family home to the vacant lot located at 303 2nd Street NW, contingent to being forwarded to the City Council until staff has obtained information on how the value of the home might change from its current location in Prior Lake when moved to New Prague, how the value of the home may change with the proposed improvements and how the proposed home would affect values of properties in the vicinity, with the following findings:

- A. The proposed relocated single-family home is an expected use of the lot

which is zoned RL-84 Single Family Residential and will not burden existing parks, schools, streets or other public facilities.

- B. The proposed relocated single-family home is fully compatible with the adjacent residential properties and will not cause a depreciation in their value.
- C. The proposed relocated single-family home will not have an adverse effect upon adjacent residential homes in that it is of a similar era, style and size to other homes on the block.
- D. The proposed relocated single-family home is reasonable related to the overall needs of the City and to the existing land use as it is utilizing a residential lot that has been vacant for many years and will fit in with the surrounding homes.
- E. The proposed relocated single-family home is consistent with the zoning ordinance as a single-family home is a permitted use in the RL-84 Single Family residential zoning district.
- F. The proposed relocated single-family home is not in conflict with the Comprehensive Plan of the City because the Comprehensive Plan designates this property as being located within the RL-84 Single Family Residential Zoning District.
- G. The proposed relocated single-family home will not cause traffic hazard or congestion as it is a use typical of a residential lot.
- H. The proposed relocated single-family home will be located on an existing residential lot with adequate roads and existing utility stubs.

And with the following conditions:

- 1. This conditional use permit is only valid for moving in the specifically proposed home that is currently located at 4664 Dakota Street SE, Prior Lake, MN.
- 2. All requirements of Section 713 of the Zoning Ordinance for relocating structures must be met.
- 3. The placement of the home must be in general compliance with the submitted site plan dated 5/18/21.
- 4. The proposed parking area from the alley must be paved as required by the Zoning Ordinance.
- 5. The following improvements must be made to the home before it can be occupied:
 - New roof
 - Small deck on the front of the home
 - Larger deck on the rear of the home
 - Bathroom will be remodeled on the main floor
 - Home must meet Minnesota State Building Code requirements

Motion carried (4-0).

**B. Request for Variance #V3-2021 – To Allow a Detached Garage to be 3’ to the side lot line instead of 6’ at 313 Pershing Ave. N.
Terry Von Bank - applicant**

Planning Director Ondich presented the staff report. He stated that property owner, Terry Von Bank at 313 Pershing Ave. N., has applied for a variance to allow a detached garage to be constructed at 3' from a side lot line instead of the ordinance required 6' setback. He stated that the new 24' x 32' garage would replace one existing 16' x 22' garage which was just 2.7' from the side property line while he is proposing the new garage to be 3' from the side lot line so the exiting driveway can be utilized, keep separation between the garage and garden and fire pit area and to allow room for a second vehicle to access the garage. He stated that the property is zoned RL-90 Single Family Residential along with the surrounding properties. He stated that the home was constructed in 1953 which predates the adoption of a zoning ordinance in the City and that the lot does not meet the current lot width requirement as it is only 60' wide while if it were platted today it would have to be 65' wide. He stated that many structures, including the garage on the lot to the south, do not meet the required side yard setbacks, which is typical of an area built up before zoning ordinance requirements. He stated that a variance was granted in 2019 at 305 Pershing Ave. N. to allow an attached garage addition to be 5' from a side lot line. He stated that staff recommends approval of the variance with the findings listed in the staff report. He noted that prior to the meeting, he had received a letter from the owners of 311 Pershing Ave. N. noting their opposition to the variance request noting drainage concerns and that they didn't believe the applicant provided a hardship and read the letter into the record which noted that the applicants property drains onto their property and their sump pump runs to keep their basement from flooding, the added impervious surface of the garage would cause increased run-off on their property and finally they do not believe setback compliance is a hardship for the applicant. He stated that staff suggests gutters be added onto both sides of the new garage to drain towards to alley as a condition of the variance approval. He stated that the lots are very flat, but generally do flow from north to south but that there is just under two percent slope back to the alley but that the slope from the new garage to the houses would not allow water to flow that direction.

Commissioner Ryan asked if moving the garage 3' further to the north would still allow the path to be maintained between the garden and garage.

Terry Von Bank, applicant, stated that the path would be maintained, but the issue is driveway curve to the north most garage stall will be difficult to access as it would have to be on decorative rock and that if moved over 3' with the variance would line up perfectly.

Planning Director Ondich stated that the same argument was made for a variance in 2019 at 109 Columbus Ave. N. where access to a second garage stall behind a home was at issue, similar to this request.

Steve Chromy, 311 Pershing Ave. N., asked where the applicant will put their snow with the new garage.

Mr. Von Bank stated that last November he built a fence between their two properties and his snow goes into his garden and moving his snow to the north east solves all the

problems with snow melt to the neighbor's property. He stated that he believes any water problems in the neighbor's basement is not from his garage because the water flow goes to the east and his garage is 40' away from the neighbor's house, but that the existing driveway may have water going towards the neighbor's house for nearly 70 years. He stated that he plans to remove the old curb that exists behind the existing garage and regrading will also be done.

Planning Director Ondich stated that conditions should be added for gutters to be required on both sides and downspouts towards the alley and to remove the curb behind the existing garage stall to allow better drainage to the alley.

A motion was made by Tupy, seconded by Meyer, to recommend that the City Council approve the variance with the following findings:

- A. The proposed variance is in harmony with the general purposes and intent of the Ordinance because the RL-90 Single Family Residential Zoning District allows detached garages to be constructed as a permitted use.
- B. The proposed variance is consistent with the comprehensive plan because detached garages are allowed as a permitted use in the RL-90 Single Family Residential Zoning District.
- C. The applicant will continue to use the property in a reasonable manner not permitted by the ordinance in that only the side yard setback will be reduced from 6' to 3' and would be no closer to the side lot line than the previously existing garage.
- D. Unique circumstances apply to the property in that it is an unplatted lot and the house predates any zoning ordinance being adopted by the City with the lot being narrower than the current zoning ordinance requirement and the placement of the house on the lot dictated that the driveway abut the south lot line to provide access to the garage located in the rear yard of the home.
- E. The variance does not alter the essential character of the neighborhood because the proposed detached garage would replace an existing detached structure that was located .3' closer to the lot line than the proposed new structure while noting other structures in the neighborhood are also less than the required side yard setback from their respective lot lines.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because the variance would allow the applicant the to construct a double stall detached garage, maintain separation to an existing garden/fire pit area, provide access for a second vehicle to access the proposed garage, all while not changing the essential character of the neighborhood.

And with the following conditions:

- 1. Gutters must be added on both sides of the roof with downspouts directed towards the alley.
- 2. The concrete curbing located behind the existing garage must be removed and the area regraded towards the alley.

Motion carried (4-0).

5. Miscellaneous

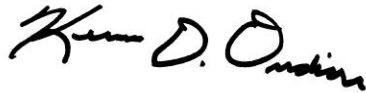
The following miscellaneous items were reviewed as information only:

- A. 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.
- B. Last Meeting for Bob Gilman – Planning Director Ondich noted that it was Chair Gilman’s last meeting after many years on the Planning Commission and thanked him for his public service.

6. Adjournment

A motion was made by Ryan, seconded by Tupy, to adjourn the meeting at 8:40PM. Motion carried (4-0).

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 a distinct 'O'.

Kenneth D. Ondich
Planning / Community Development Director