

Special Meeting Minutes
New Prague Planning Commission
Wednesday, September 16, 2020

*Conducted Via GoToMeeting due to the COVID-19 Pandemic which prevented attendance at the regular meeting location.

1. Call Meeting to Order

The meeting was called to order at 6:30 p.m. by Chair Bob Gilman with the following members present on the virtual meeting conference call: Mike Uttenhove and Shawn Ryan. Absent were Paul Tupy and Vice Chair Dan Meyer.

City Staff Present: Ken Ondich – Planning / Community Development Director

2. Approval August 26, 2020 Regular Meeting Minutes

It was moved by Ryan, seconded by Uttenhove, to approve the August 26, 2020 regular meeting minutes as submitted. Motion carried (3-0).

3. Old Business

A. None.

4. New Business

**A. Request for Variance #V9-2020 – Fence Height Along 11th Ave. NW
Richard Schoenbauer, applicant**

Planning Director Ondich presented the staff report. He stated that the applicant lives at 1205 Grant Ave. NW and has applied for a variance to allow a 6' tall privacy fence which does not meet the ordinance requirements as it would exceed 4' tall within 30' of a road right of way. He stated that he would like the fence installed along his rear lot line to be able to fence in all of his backyard area for his pet, for privacy reasons and to have greater use of his lot. He stated that the fence type is proposed to be a 6' tall wooden privacy fence in a dog ear picket style. He stated that without the variance he would be unable to fence in about 21% of his rear yard area. He stated that the subject property is zoned RM Medium Density Residential with adjacent single-family homes and townhomes on the east side of 11th Ave. NW. He stated that a sidewalk abuts the east lot line and therefore the fence must be at least 2' from the sidewalk, which is 1' inside of the lot line for a clear zone and that there would still be 19' from the back of the curb to the proposed fence location. He stated that three other homes in the neighborhood have been issued fence variances in the past couple of years with two just to the west on Grant Ave. that abut 6th Street NW and one corner side yard fence along Kennedy Ave. NW. He stated that 11th Ave. NW is a

major collector road and carries over 800 vehicles per day. He stated that staff recommends approval of the variance with the findings listed in the staff report.

A motion was made by Ryan, seconded by Uttenhove, 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 RM Medium Density Residential Zoning District allows fences to be constructed as a permitted use.
- B. The proposed variance is consistent with the comprehensive plan because fences are allowed as a permitted use in the RM Medium Density 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 height of the fence within 30' of the right of way exceeds the ordinance permitted 4' height.
- D. Unique circumstances apply to the property in that it is a through lot abutting a road on two sides (front and rear) with the roadway along the rear yard being 11th Ave. NW which is a major collector road which carries the bulk of the traffic within the neighborhood.
- E. The variance does not alter the essential character of the neighborhood because the proposed 6' tall fence would be located on the rear lot line while maintaining the 2' clear zone to the existing sidewalk, and also noting that the fence will still be 19' away from the edge of 11th Ave. NW.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because the variance would allow the applicant the privacy and security for their pet they are seeking while not reducing the usable area of their backyard and also while not changing the essential character of the neighborhood.

Motion carried (3-0).

5. Miscellaneous

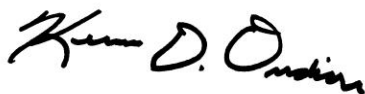
The following miscellaneous items were reviewed as information only:

- 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.

6. Adjournment

A motion was made by Uttenhove, seconded by Ryan, to adjourn the meeting at 6:44PM. Motion carried (3-0).

Respectfully submitted,



Kenneth D. Ondich
Planning / Community Development Director