

Meeting Minutes
New Prague Planning Commission
Wednesday, September 20, 2017

1. Call Meeting to Order

The meeting was called to order at 6:30 p.m. by Chair Nuhring with the following members present: Matt Goldade, Bob Gilman, Amy Jirik and Dan Meyer. All members were present.

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

2. Approval August 23, 2017 Regular Meeting Minutes

It was moved by Gilman, seconded by Goldade, to approve the August 23, 2017 regular meeting minutes as submitted. Motion carried (5-0).

3. New Business

A. Request for Variance #V3-2017 – Front Setback Variances at 402 Central Ave. S. Fred & Karen Spear, applicants

Planning Director Ondich stated that the property owners Fred and Karen Spear have applied for variances to allow for a reduction from the required 30' front setback to 17' 6" for a front entry addition and to 21' for an addition onto the south side of the existing home located at 402 Central Ave. S. He stated that the first front setback variance is for a front porch addition to allow an ADA ramp to be added. He stated that the porch would only be 2' closer to the front lot line than exists today. He stated that the second front setback variance is for a south side porch addition to be constructed no closer to the road than the existing house. He stated that the entire house will be resided as part of the project. He stated that the subject property is located in the RL-84 Single Family Residential Zoning District and that the neighborhood was platted and developed primarily before zoning was adopted in the City and most homes do not meet certain zoning ordinance requirements such as setbacks. He stated that the home is already located less than 30' from the front property line which is similar to 4 other homes which are from 9' to 26' from the front property line. He stated that since homes are setback a mix of distances that the review must look at how the variances will affect the look and feel of the neighborhood. He stated that the home directly to the north is 17' from the front property line and that staff believes this home, being 6" further away with the variances, would fit in appropriately with the existing neighborhood conditions. He stated that Minnesota Statute 462.357(6a) also notes that persons with disabilities should not be excluded by zoning ordinances which also supports the variance request. He stated that staff recommends approval of the variances with the findings listed in the staff report.

Chair Nuhring asked the applicants why they did not make the patio larger.

Fred Spear, applicant, stated that there was underground electric which was in the way preventing them from doing so.

Chair Nuhring asked about the need for the ADA ramp.

Mr. Spear stated that it was for visitors and eventually for their own use.

Commissioner Jirik asked if the resolution would be recorded with the County.

Planning Director Ondich stated that all variances are recorded with the County, in this case LeSueur County, so that it can be found in title searches and that it will also be contained on the address file in the permitting system.

A motion was made by Jirik, seconded by Meyer to recommend approval of Variance #V3-2017 for a reduction from the required 30' front setback to 17' 6" to allow for the construction of a front entry addition and a reduction from the required 30' front setback to 21' to allow for an addition onto the south side of an existing home located at 402 Central Ave. S. with the following findings:

- A. The requested variances to allow the construction of a front entry addition for an ADA ramp at 17' 6" from the front property line and addition onto the south side of the home at 21' from the front property line are in harmony with the general purposes and intent of this Ordinance because single family homes are a permitted use in the RL-84 Single Family Residential Zoning District.
- B. The requested variances are consistent with the comprehensive plan because the subject property as a single family home is a permitted use in the RL-84 Single Family Zoning District and provides for ADA accessibility to the front door as well as an addition to the south side of the home which will add value to the subject property.
- C. The applicant will continue to use the property in a reasonable manner as the only change will be an ADA ramp added to the front entry and a larger porch addition onto the south side of the home which itself will be no closer to the road than the existing house.
- D. Unique circumstances apply to this property which do not generally apply to other properties in the vicinity because the home was built in 1950 which predates the existence of any zoning ordinances in the City and the two other homes adjacent are also less than the required 30' to the front property line.
- E. The variances do not alter the essential character of the neighborhood because the subject property and general neighborhood were developed prior to the adoption of a zoning ordinance and therefore many of the homes in the area do not meet current setback requirements. Specifically the home located directly north of the subject property will continue to be closer to the front property line than the subject property after the additions.

- F. The variances requested are the minimum variances which would alleviate the practical difficulty because it would allow the ADA ramp to be constructed to the front door and would allow the south side addition to match the front setback of the remainder of the existing home and not extend any closer to the front setback line.

Motion carried (5-0).

4. Old Business

A. Concept Review #3 of Zoning Ordinance Amendment for Fences City of New Prague, applicant

Planning Director Ondich presented the staff report. He stated that at the May Planning Commission meeting a fence variance was reviewed and recommended for approval for an older corner lot to have a 6' tall privacy fence along the side lot line adjacent to public right of way and the Planning Commission indicated that they wanted to review the ordinance for possible changes. He stated that in 2005 a fence ordinance amendment was made to allow 6' tall fences up to the rear corner of an attached garage but not to allow fences 6' tall within 30' of road right of way. He stated that in 2010 and 2011 fence amendments were discussed to allow taller fences along roadways. The Planning Commission did not move forward with changes and did not hold a public hearing. He stated that regardless of fence height amendments that other changes are needed to the ordinance. He stated that at the August 23, 2017 Planning Commission meeting that the general consensus was not to change the fence heights that were allowed but instead to consider them case by case as variances and to also include language from the New Prague Utilities Commission for setbacks to electrical boxes. He stated that staff recommends the Planning Commission discuss the possible changes and schedule a public hearing in October if the changes are agreeable to the Planning Commission.

The general consensus of the Planning Commission was that they were agreeable to the proposed changes.

Commissioner Jirik asked if the sight triangle drawing could be added to the ordinance.

Planning Director Ondich stated that he could add the sight triangle information to the existing drawing in the ordinance.

A motion was made by Gilman, seconded by Meyer to schedule a public hearing for the fence ordinance amendments at the October Planning Commission meeting and also to include the sight triangle information in the drawing contained within the ordinance. Motion carried (5-0).

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 Goldade, seconded by Gilman, to adjourn the meeting at 7:04 p.m. 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