



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: PLANNING COMMISSION
FROM: EVAN GARIEPY – PLANNER
SUBJECT: REQUEST FOR VARIANCE #V9-2025 TO ALLOW FOR A 5 FT BY 8 FT DECK ON THE EAST SIDE OF 114 4TH ST SW, AS PROPOSED BY KA WITT CONSTRUCTION, INC.
DATE: DECEMBER 17TH, 2025

Background / History

The applicant, KA Witt Construction, Inc., is working with Juleen Kern of 114 4th St SW to construct a deck. The house is in the RL-84 Single Family Residential Zoning District. Kern would like the deck on the east side of her house, which only allows approximately 3 feet for a deck before hitting the setback limit.

The house is a part of Kabes Addition, which was platted in 1886, well before modern zoning ordinances. Kern's house is only approximately 10 feet from the east property line, with the driveway taking up the area on the lot west of the house. The house is on the 30 foot front setback line, leaving no room for a deck in the north of the house. Putting the deck on the rear south side of the home would require the removal of cellar windows and construction work on the house itself.

The applicant is applying for this variance to build a 5 ft long by 8 ft wide deck on the east side of the house, where there is already a door on the side of the house. Within the RL-84 Single Family Residential Zoning District, there is a mandatory 7-foot side property line setback for all lots. The proposed deck would exceed the mandatory 7-foot side property line setback by 2 feet, reducing it to a 5-foot side property line setback.

Legal Description

The West 60 feet of the West Half of the North Half of Block 16, The Kabes Addition to New Prague, Le Sueur County, Minnesota.

Neighborhood Conditions and Nearby Land Uses

The property is surrounded by single family houses, zoned RL 84 Single Family Residential. Southside Park is one block south of the property.

Zoning

The property is zoned RL-84 Single Family Residential. It is one of three single family residential zoning districts. The Zoning District generally consists of older neighborhoods that are not close to Main Street. Because of this, it includes many properties that do not meet modern zoning standards.

Decks are permitted in the RL-84 Zoning District as an accessory use to primary structures, as stated in 604(2)(A).

The bulk standards for the RL-84 Zoning District are as follows in 604(5):

- Minimum Lot Area: 8,400 square feet
- Minimum Lot Width: 60 feet
- Minimum Front Yard Setback: 30 feet
- Minimum Side Yard Setback: 7 feet
- Minimum Rear Yard Setback: 30 feet
- Maximum Height: 35 feet
- Maximum Land Coverage By Structures: 40 percent

The rear yard setback for decks is reduced from 30 feet to 20 feet by 710 Permitted Encroachments:

[...] Decks are also exempted from the rear yard setback requirement except that a deck may not be located closer than twenty (20) feet from the rear property line.

Statement of Practical Difficulties

From Ben Witt with KA Witt Construction, Inc., regarding the size of the deck: [The proposed deck would be] just enough to get a chair out there. (11/07/2025)

From Ben Witt, regarding putting the deck on the rear/south side of the house instead: [A] deck off the back of the house is not ideal as the back of the house has two bedrooms on the main floor and egress windows for the lower level. The back would require major interior reconstruction to make that work. [Kern] isn't looking for much off the deck and 5' setback would suffice for what she is looking for. (11/13/2025)

Staff Notes

Utilities General Manager Bruce Reimers and Director of Public Works Matt Rynda were consulted. Neither had any concerns about the reduced side setback.

Planning Staff agree that the variance requested is reasonable. The lot is narrow, and the house is not centered within the lot. Within the neighborhood, there are many structures that do not meet setback requirements due to age. Almost every house on the block that 114 4th St SW is located does not meet modern day setback requirements, as seen in Attachment 13.

Criteria for Granting Variances - Section 507

The Zoning Ordinance defines a variance as follows: A modification or variation of the provisions of this Ordinance where it is determined that by reason of unique circumstances relating to a specific lot, that strict application of the Ordinance would cause practical difficulties. Practical difficulties is a legal standard set forth in law that cities must apply when considering applications for variances. To constitute practical difficulties, all three factors of the test must be satisfied, which are reasonableness, uniqueness and essential character. The Zoning Ordinance's criteria addresses these standards.

The Zoning Ordinance identifies criteria for granting variances as noted below. These items must be evaluated by the Planning Commission and City Council when considering variance requests. It is important to note that variances should only be granted in situations of practical difficulties. A variance may be granted only in the event that all of the circumstances below exist. Staff has attempted to evaluate the established criteria for this specific request. Staff's comments are highlighted in yellow below:

- A. The variance is in harmony with the general purposes and intent of this Ordinance. (The variance is in harmony with the general purposes and intent of the Ordinance because the RL 84 Single Family Residential Zoning District allows decks as a permitted use.)
- B. The variance is consistent with the comprehensive plan. (The proposed variance is consistent with the comprehensive plan because the RL 84 Single Family Residential Zoning District allows decks as a permitted use.)
- C. The applicant proposes to use the property in a reasonable manner not permitted by this Ordinance, the City Code or the City Subdivision Ordinance. (The applicant proposes to use the property in a reasonable manner by reducing the side property line setback from 7 feet to 5 feet to construct a reasonably sized deck on the side of the home because one is not feasible on the rear of the home without major internal modifications.)
- D. Unique circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property since enactment of this Ordinance has had no control. The unique circumstances do not result from the actions of the applicant. (Unique circumstances apply to this property in that the property is narrow and the house was constructed very close to the side property line.)

- E. The variance does not alter the essential character of the neighborhood. (The variance does not alter the essential character of the neighborhood because decks are a permitted use in the RL 84 Single Family Residential Zoning District, and many other houses in the surrounding area have structures that do not meet modern day setbacks.)
- F. That the variance requested is the minimum variance which would alleviate the practical difficulties. Economic conditions alone do not constitute practical difficulties. (The variance requested is the minimum variance which would alleviate the practical difficulties because the proposed location for the deck is the only reasonable location for a deck on the house, and constructing a deck that meets the required 7 foot side setback would make the deck unusable by the property owner.)
- G. The Board of Adjustment may impose such conditions upon the premises benefited by a variance as may be necessary to comply with the standards established by this Ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance. The condition must be directly related to and must bear a rough proportionality to the impact created by the variance. No variance shall permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permit standards lower than those required by federal, state, or local law. (No additional conditions are imposed.)

Staff Recommendation

Staff recommends **approval** of Variance #V9-2025 to allow a variance for a 5 by 8 foot deck with a side setback of 5 feet rather than 7 feet at 114 4th St. SW, as proposed by KA Witt Construction, for the following reasons:

- A. The proposed variance to a reduction in the side setback requirement is in harmony with the general purposes and intent of the Zoning Ordinance because the RL 84 Single Family Residential Zoning District allows decks as a permitted use.
- B. The proposed variance is in harmony with the comprehensive plan because the RL 84 Single Family Residential Zoning District allows decks as a permitted use.
- C. The applicant proposes to use the property in a reasonable manner by reducing the side property line setback from 7 feet to 5 feet to construct a reasonably sized deck on the side of the home because one is not feasible on the rear of the home without major internal modifications.
- D. Unique circumstances apply to this property in that the property is narrow and the house was constructed very close to the side property line.

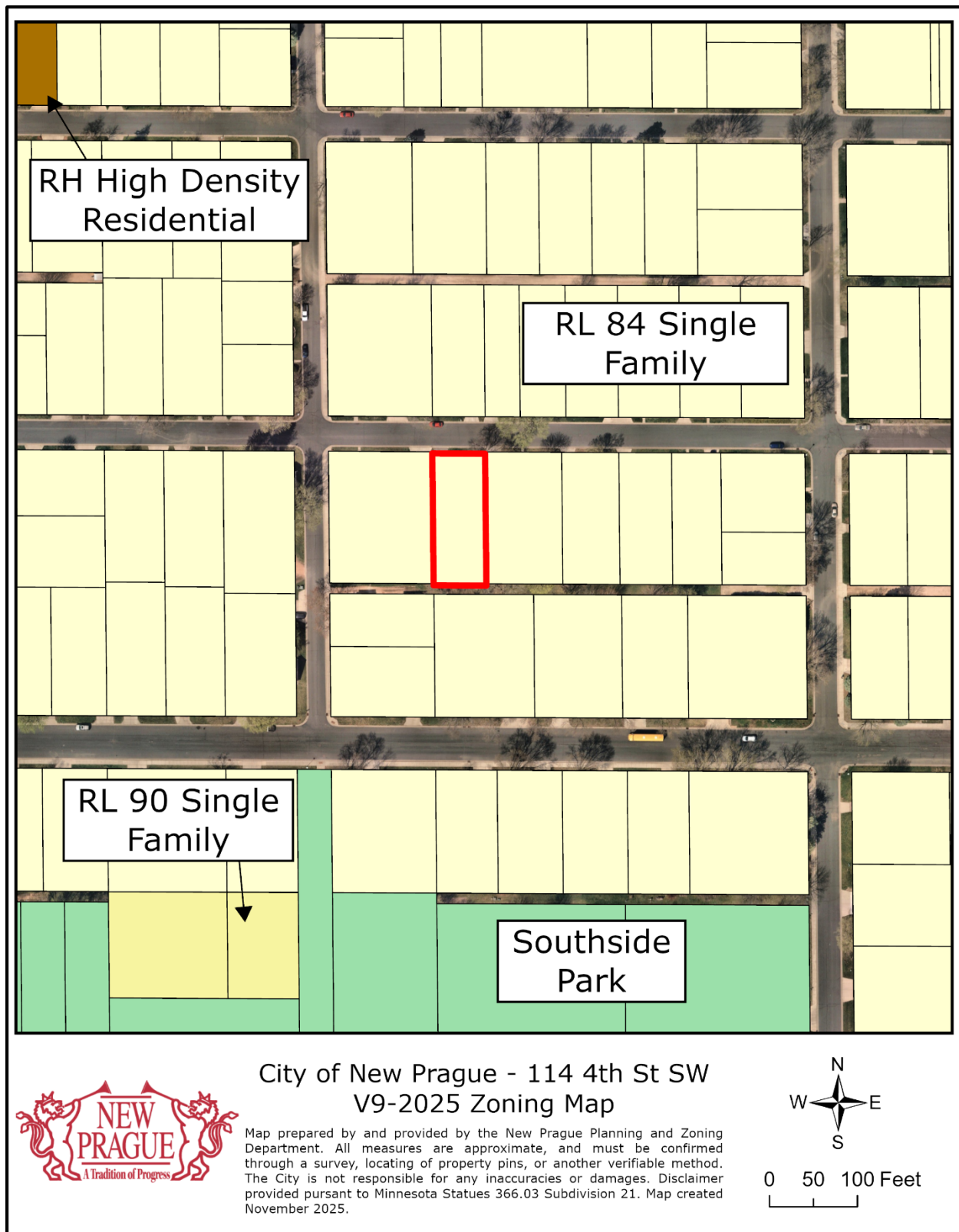
- E. The variance does not alter the essential character of the neighborhood because decks are a permitted use in the RL 84 Single Family Residential Zoning District, and many other houses in the surrounding area have structures that do not meet modern day setbacks.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because the proposed location for the deck is the only reasonable location for a deck on the house, and constructing a deck that meets the required 7 foot side setback would make the deck unusable by the property owner.

Attachments

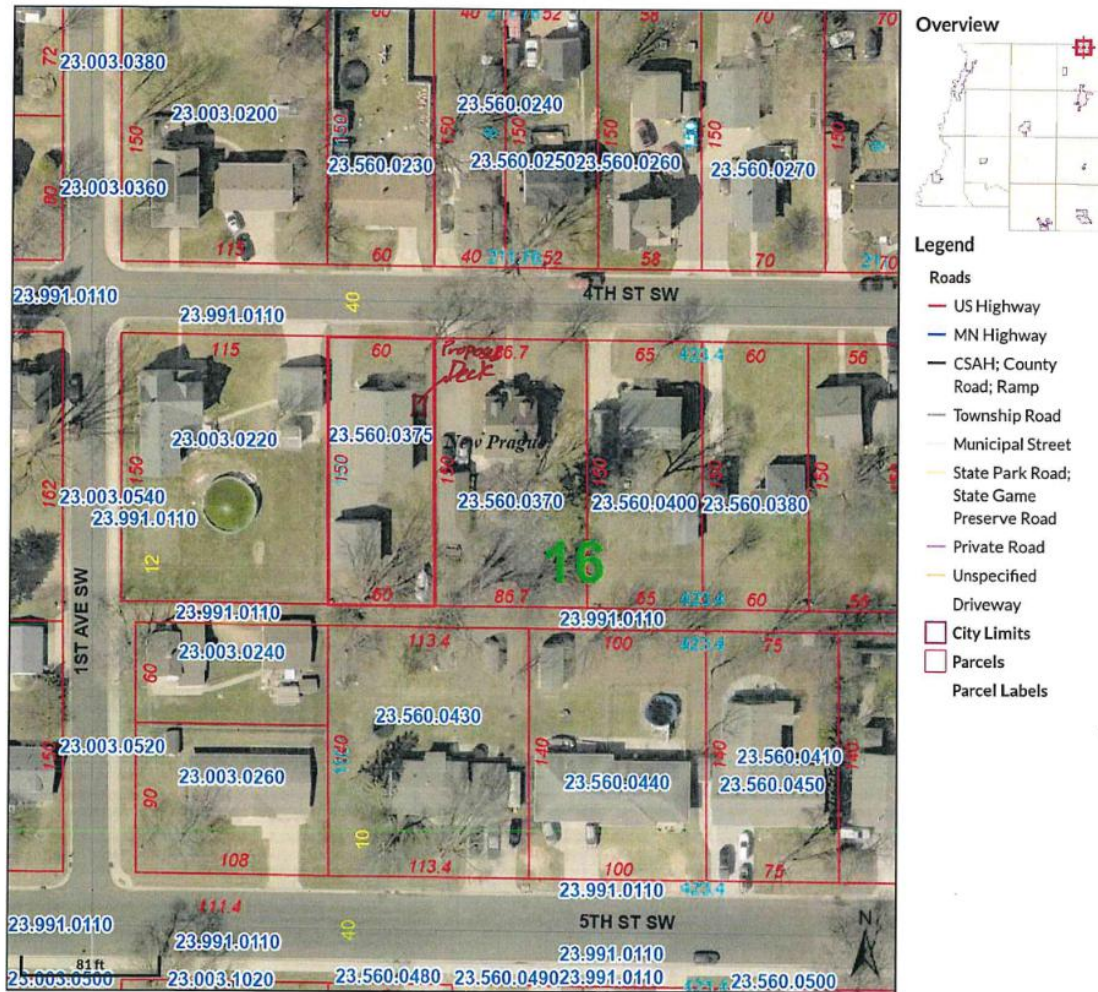
- 1. Site Map Aerial – Dated 11/19/2025
- 2. Site Map Zoning Districts – Dated 11/19/2025
- 3. Proposed Location of Deck – Dated 11/25/2025
- 4. Site Map Aerial with Proposed Deck — Dated 11/25/2025
- 5. Image of Property – Dated 11/10/2025
- 6. Image of Property – Dated 11/10/2025
- 7. Image of Property with Setbacks – Dated 11/10/2025
- 8-12. Google Street View – Dated 11/25/2025
- 13. Neighborhood with parcel lines – Dated 11/25/2025



Attachment 1. Aerial map of 114 4th St SW and surrounding area. Satellite imagery from spring 2024. 11/19/2025



Attachment 2. Zoning districts of 114 4th St SW and surrounding area. 11/19/2025



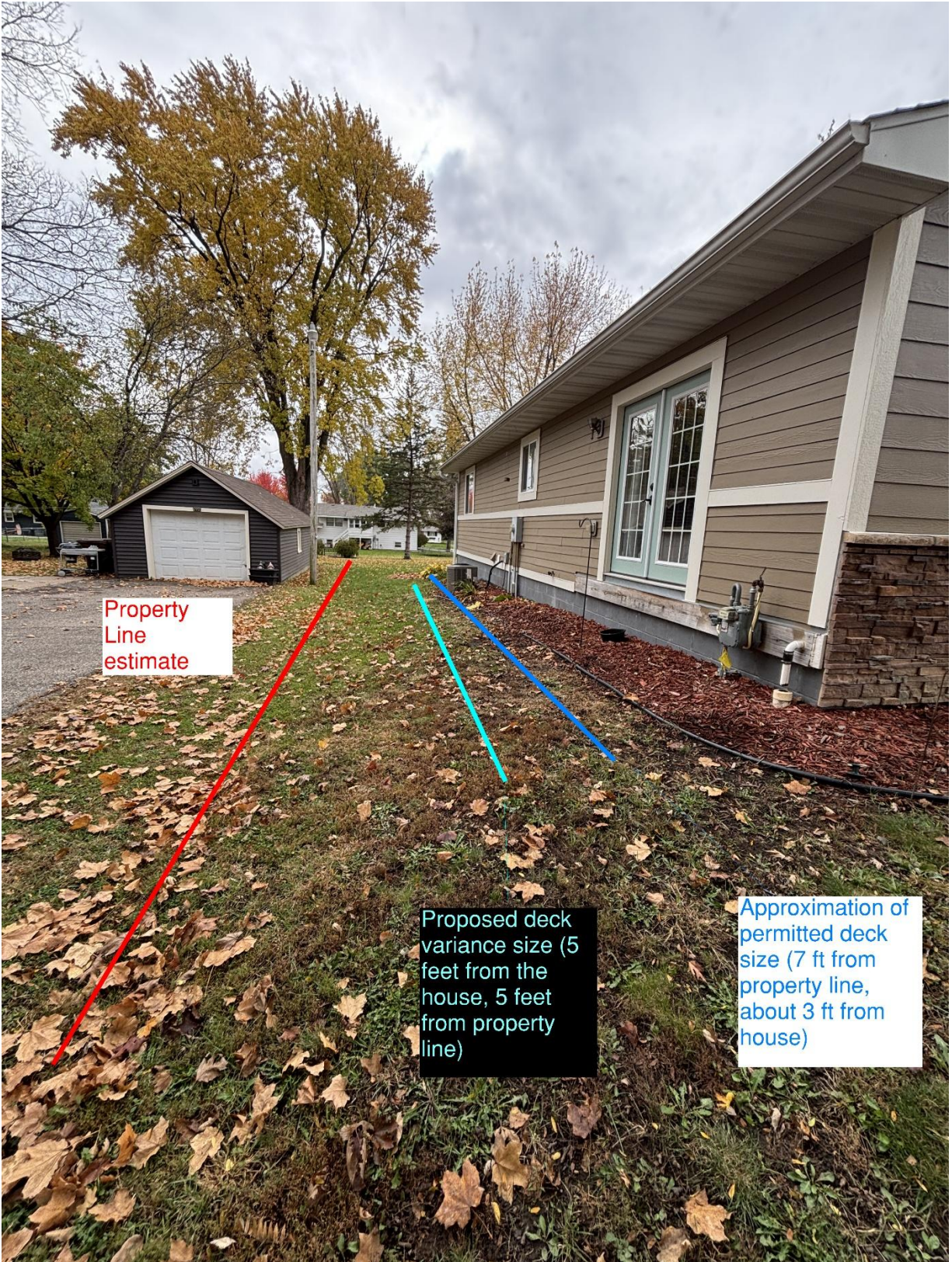
-Aerial Photo taken in April 2025

Attachment 3. Location of proposed deck from applicant KA Witt Construction. Received 11/18/2025





Attachments 5-6. Images of property from applicant. 11/10/2025



Attachment 7. Image of property from applicant with proposed deck lines drawn. 11/10/2025



Google street view of the front of 114 4th St SW, 10/2013



Google street view looking east down 4th St SW from 114 4th St SW, 10/2013



Google street view looking west down 4th St SW from 114 4th St SW, 10/2013



Google street view of the doors the proposed deck would be built off, 10/2013
Attachments 8-12. Google street view of the property. Screenshots taken 11/25/2025



Attachment 13. Screenshot of Le Sueur County Beacon Map, showing the property lines of the houses and structures on the same block as 114 4th St SW. Screenshot taken 11/25/2025