



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

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
CC: JOSHUA M. TETZLAFF, CITY ADMINISTRATOR
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: PLANNING COMMISSION SUMMARY - REQUEST FOR VARIANCE #V5-2025 FOR A REDUCTION FROM THE REQUIRED 30' FRONT YARD SETBACK TO 12' 3" TO ALLOW A FRONT DECK / LANDING LOCATED AT 305 4TH STREET NE AS PROPOSED BY MATTHEW P. EGAN.
DATE: JUNE 26, 2025

Planning Commission Summary

The Planning Commission heard the above variance request at their June 25th meeting. The applicant, Matthew P. Egan, is requesting to reduce the 30' setback requirement to 12' 3" to allow a front deck / landing located at 305 4th Street NE. The variance requested would allow the a front deck / landing to be extended in width by 2' compared to the previous front deck / landing but would not extend any closer to the front property line. The additional width would allow more room for navigating into and out of the home's front door.

There were no comments received from the public regarding the request.

The Planning Commission recommended approval of the variance request on a unanimous vote (4-0) based on the six findings and one condition listed in the staff report (and attached resolution which approves the variance).

Staff Recommendation

Staff recommends approval of the attached resolution "...Approving Variance (#V5-2025)...".

RESOLUTION #25-07-07-01

**RESOLUTION OF THE NEW PRAGUE CITY COUNCIL APPROVING VARIANCE
#V5-2025 FOR A REDUCTION FROM THE REQUIRED 30' FRONT YARD SETBACK
TO 12' 3" TO ALLOW A FRONT DECK / LANDING LOCATED AT 305 4TH STREET
NE, AS PROPOSED BY MATTHEW P. EGAN, NEW PRAGUE, MINNESOTA**

WHEREAS, Matthew P. Egan, applicant and owner of the following real estate in the County of Scott to wit:

Lot 2, Schoenbauer Subdivision, Scott County, Minnesota.

is requesting a variance for a reduction from the required 30' front yard setback to 12' 3" to allow a front deck / landing located at 305 4th Street NE, on the above-described property; and

WHEREAS, the New Prague Planning Commission has finished a review of the application and made a report pertaining to said request (#V5-2025), a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 25th day of June, 2025, after due consideration of presented testimony and information, voted unanimously (4-0) to forward the matter to the City Council with a recommendation for approval; and,

WHEREAS, the New Prague City Council finds:

- A. The requested variance is to allow a front deck/landing to be located 12' 3" is in harmony with the general purposes and intent of this Ordinance because front decks/landings as part of a single-family home are a permitted use in the RL-90 Single Family Residential Zoning District.
- B. The requested variance is consistent with the comprehensive plan because the subject property including the home and the front deck / landing are a permitted use in the RL-90 Single Family Zoning.
- C. The applicant will continue to use the property in a reasonable manner, considering that the only change will be a 2' wider front deck / landing which will be built no closer than the previously existing front deck / landing at 12' 3" from the front lot line.

ATTEST: Joshua M. Tetzlaff, City Administrator

State of Minnesota)
)ss.
County of Scott & Le Sueur)

(CORPORATE ACKNOWLEDGMENT)

Subscribed and sworn before me, a Notary Public this _____ day of _____, 2025.

Notary Public

THIS INSTRUMENT DRAFTED BY:
Kenneth D. Ondich
City of New Prague
118 Central Ave. N.
New Prague, MN 56071
(952) 758-4401



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

MEMORANDUM

TO: PLANNING COMMISSION
FROM: KEN ONDICH – PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: REQUEST FOR VARIANCE #V5-2025 FOR A REDUCTION FROM THE REQUIRED 30' FRONT YARD SETBACK TO 12' 3" TO ALLOW A FRONT DECK / LANDING LOCATED AT 305 4TH STREET NE, AS PROPOSED BY MATTHEW P. EGAN.
DATE: JUNE 12, 2025

Background / History

The subject site is located at 305 4th Street NE and is located in the RL-90 Single Family Residential Zoning District. The proposed 4' x 8' front deck / landing would require a reduction in the front setback from 30' to 12' 3". The previous front deck / landing was also located 12' 3" from the front lot line so the request not necessarily increasing the non-conformance other than the width is increasing by 2' within a required setback.

The homes in this neighborhood mostly predate the existence of any zoning ordinance in the City of New Prague and range in age from pre-1900 (south side of 4th Street NE) to the homes on either side of the subject home being built in 1961 to the west and 1972 to the east. The lots in the block were platted in 1958. Homes further east were built in the late 1950's. The subject home was constructed in 1972.

All the homes on the block do not meet the current zoning ordinance requirements for front setbacks. While the homes north of 4th are zoned RL-90 Single Family residential and have a required minimum setback of 30', the homes on the south side of 4th Street NE are zoned RL-70 Single Family Residential and have a required minimum setback of 25'.

As additional background, the City has been working with the applicant for a little over a year regarding the replacement of the previously existing front deck/landing (approximately 4' x 6') which was damaged during a storm in 2023. Mr. Egan did apply for a permit for the 4' x 8' front deck / landing and was informed at the time that the permit would not be granted unless it were reduced in size to be no larger than the existing front deck / landing or a variance was applied for. No further activities took place regarding the permit until October 2024 when City staff noticed a partially completed front deck / landing on the home and a violation letter was issued and the applicant ultimately appealed to the City Council on December 2, 2024 where the appeal was tabled and was never brought back for further discussion while staff worked with the applicant to locate property lines and submit a variance application.

Legal Description

Lot 2, Schoenbauer Subdivision, Scott County, Minnesota.

Zoning

The subject property is located in the RL-90 Single Family Residential Zoning District.

According to Section 604 of the Zoning Ordinance, the minimum front yard setback in the RL-90 Single Family Residential Zoning District is 30'. The applicant is requesting for a 12' 3" front yard setback to allow a front deck / landing.

Neighborhood Conditions and Nearby Land Uses

North — Multifamily apartments zoned RH High Density Residential

South — Single family residential homes zoned RL-70 Single Family Residential

East — Single family residential homes zoned RL-90 Single Family Residential

West — Single family residential home and cemetery zoned RL-90 Single Family Residential

Front decks / landings as part of single-family homes are permitted uses in single family residential zoning districts.

The single-family homes on the north side of the block are in general alignment at approximately 16' from the property line along 4th Street NE and do not meet the minimum 30' setback requirement to either the homes or front decks/landings. The two homes to the east both have an approximately 3' to 4' entrance/landing as well as one home on the south side of the block. The westernmost home on the south side of the block is much closer to the property line at approximately 6'. The other landings would appear to meet minimum building code requirements which requires a 36" depth from the door. A variance was granted in 2015 at 400 Lincoln Ave. N. (V1-2025) that allowed a large garage addition at 19' to the front property line along 4th Street NE.

The homes in this neighborhood mostly predate the existence of any zoning ordinance in the City of New Prague and range in age from pre-1900 (south side of 4th Street NE) to the homes on either side of the subject home being built in 1961 to the west and 1972 to the east. The lots in the block were platted in 1958. Homes further east were built in the late 1950's. The subject home was constructed in 1972.

With the proposed variance, the applicants front deck/landing would be no closer to the front lot line and only 2' wider than the previously existing front deck / land and staff does not believe this to be detrimental to the neighborhood character, certainly because one home is already located much closer to the front lot line.

Applicant's Statement of Practical Difficulty

The applicant submitted the following letter to support their variance request.

Matthew Egan
305 4th ST NE
New Prague, MN 56071

To whom it may concern,

I submit this variance application to request that a 4-foot deep by 8-foot wide landing and stairs be allowed on the street side of my property. This landing facilitates the ingress and egress of persons at my front door.

The original landing was 4-feet deep by 6-feet wide, prior to being removed during a residing project. The increase in size (24 inches wider) is to allow more room for persons or things to be moved through the front door and is also more aesthetically pleasing. Without this landing, the front door of my home is unusable.

I believe this request to be more than reasonable. The property located at 400 Lincoln Ave N (3 homes away) was granted a variance a few years ago for a large garage addition, and the home at 501 Columbus Ave N. is even closer to 4th ST NE than all of the homes on the north side of my block.

I spoke in front of the City Council on this issue in December of 2024, and appealed the requirement for a survey which would have cost me three to four thousand dollars. Over the last 5 months I have worked with Ken Ondich to determine where the property lines are. I located what lot pins were able to be found and Ken measured the property lines. Ken was able use the data we collected along with the as-built road construction data from Columbus AVE and then determine exactly where the lot lines are. I have included a copy of the plat map showing the property lines and the location of the landing. I have also included pictures of the landing as it exists today.

I welcome any questions you may have about this variance request. I hope that this application is accepted, I can apply for a permit, have an inspection, and we can all move on with life.

Respectfully,
Matthew Egan

Public Works Comments

The Public Works Director (Matt Rynda) and Utilities General Manager (Bruce Reimers) were not solicited for comments on this variance request as it does not involve any public works or utility related matters.

Building Official Comments

Building Official Scott Sasse indicated that a building permit is still required for the front deck / landing and that the work still needs to be inspected to ensure compliance with building code as well.

Criteria for Granting Variance – 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 requested variance is to allow a front deck/landing to be located 12' 3" is in harmony with the general purposes and intent of this Ordinance because front decks/landings as part of a single-family home are a permitted use in the RL-90 Single Family Residential Zoning District.)
- B. The variance is consistent with the comprehensive plan. (The requested variance is consistent with the comprehensive plan because the subject property including the home and the front deck / landing are a permitted use in the RL-90 Single Family Zoning.)
- 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 will continue to use the property in a reasonable manner, considering that the only change will be a 2' wider front deck / landing which will be built no closer than the previously existing front deck / landing at 12' 3" from the front lot line.)
- 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 which do not generally apply to other properties in the vicinity because the homes in the neighborhood were constructed prior to the adoption of a zoning ordinance in the City which placed the homes closer to the front property line along 4th Street NE at less than the currently required 30' setback.)

- E. The variance does not alter the essential character of the neighborhood. (The variance does not alter the essential character of the neighborhood because adjacent lots are zoned residential and all adjacent single family homes do not meet the minimum 30' front setback requirement with one home located approximately 6' from the front property line which is much closer than the proposed front deck / landing.)
- 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 difficulty because it would provide more room for navigating into and out of the home's front door while not locating closer to the front lot line than the previous front deck/landing.)
- 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. (A building permit must be obtained and the structure inspected to ensure compliance with building codes.)

Staff Recommendation

Staff recommends **approval** of Variance #V5-2025 from the required 30' front setback to 12' 3" to allow a front deck / landing to be located at 305 4th Street NE for the following reasons:

- A. The requested variance is to allow a front deck/landing to be located 12' 3" is in harmony with the general purposes and intent of this Ordinance because front decks/landings as part of a single-family home are a permitted use in the RL-90 Single Family Residential Zoning District.
- B. The requested variance is consistent with the comprehensive plan because the subject property including the home and the front deck / landing are a permitted use in the RL-90 Single Family Zoning.
- C. The applicant will continue to use the property in a reasonable manner, considering that the only change will be a 2' wider front deck / landing which will be built no closer than the previously existing front deck / landing at 12' 3" from the front lot line.
- D. Unique circumstances apply to this property which do not generally apply to other properties in the vicinity because the homes in the neighborhood were constructed prior to the adoption

of a zoning ordinance in the City which placed the homes closer to the front property line along 4th Street NE at less than the currently required 30' setback.

- E. The variance does not alter the essential character of the neighborhood because adjacent lots are zoned residential and all adjacent single-family homes do not meet the minimum 30' front setback requirement with one home located approximately 6' from the front property line which is much closer than the proposed front deck / landing.
- F. The variance requested is the minimum variance which would alleviate the practical difficulty because it would provide more room for navigating into and out of the home's front door while not locating closer to the front lot line than the previous front deck/landing.

And with the following condition:

- 1. A building permit must be obtained and the structure inspected to ensure compliance with building codes.

Attachments

- 1) Site Map Aerial – Dated 5/15/25
- 2) Zoning Map – Dated 5/15/25
- 3) Detail Map – Dated 5/15/25
- 4) Google Streetview and other photos – Various Dates

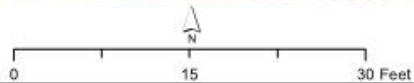




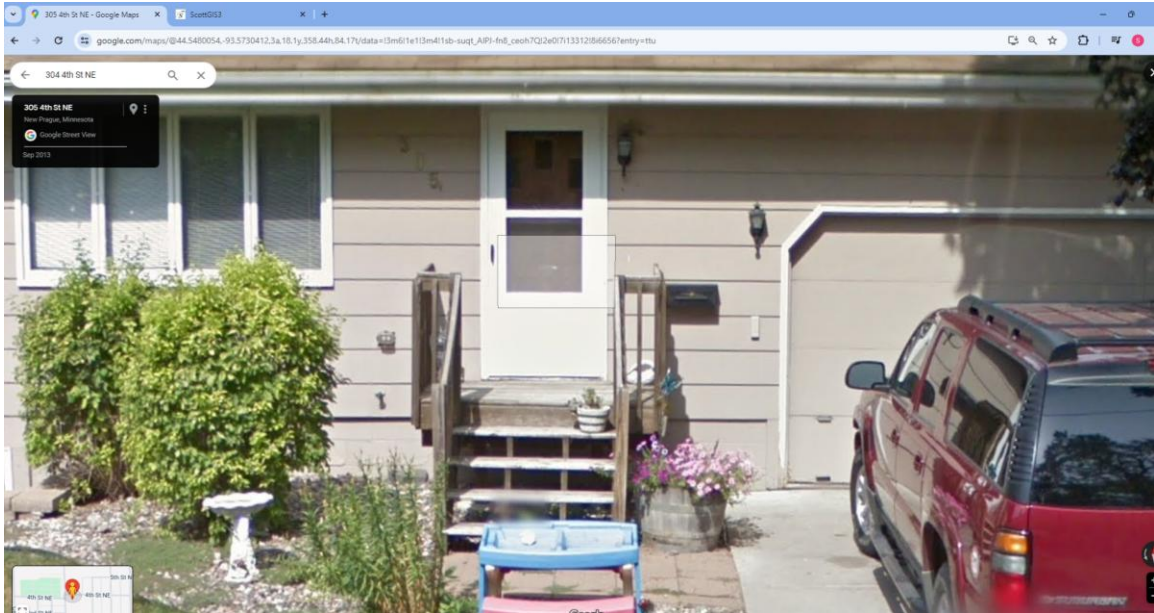
Site Map



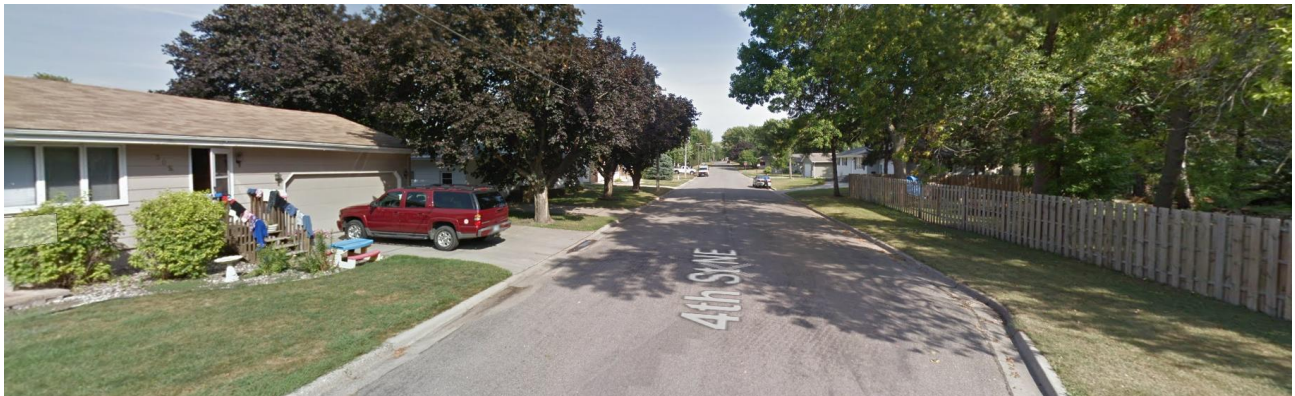
Prepared by:
City of New Prague
Planning Department
Date: 5/15/25
For Reference Purposes Only.



Disclaimer: This map was prepared using the City's GIS and is based on the County and City Street Department's data. The City does not warrant the accuracy of the data. The City does not accept any liability for any errors or omissions. The City does not accept any liability for any damages that may arise from the use of this information.



Original Landing and Stairs (Google Streetview from September 2013).



Google Streetview from September 2013 with original front deck/landing



Looking NE from 4th Street NE at subject property and front deck / landing.



Looking north from 4th Street NE



Looking north of 4th Street NE at front deck / landing. This is 2' wider than the original.



View along 4th Street NE looking west.



View from 4th Street NE looking west.



Google Streetview from September 2013 from homes west of and including the subject home. The home on the south side of the street is much closer to the road than the subject homes proposal.