

**RESOLUTION #26-01-06-03**

**RESOLUTION OF THE NEW PRAGUE CITY COUNCIL APPROVING VARIANCE #V9-2025 TO ALLOW REDUCTION IN THE SETBACK FROM THE SIDE PROPERTY LINE TO A DECK, LOCATED AT 114 4<sup>TH</sup> ST SW, AS PROPOSED BY KA WITT CONSTRUCTION, INC.**

**WHEREAS**, KA Witt Construction, Inc., on behalf of the owner, Juleen Kern, of the following real estate in the County of LeSueur to wit:

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.

is requesting a variance to allow for the construction of a deck at a minimum distance of 5 feet from the side property line, to be constructed on the east side yard of 114 4<sup>th</sup> St SW.; and

**WHEREAS**, the New Prague Planning Commission has finished a review of the application and made a report pertaining to said request (#V9-2025), a copy of said report has been presented to the City Council; and,

**WHEREAS**, the New Prague Planning Commission on the 17<sup>th</sup> day of December, 2025, after due consideration of presented testimony and information, voted **unanimously (3-0)** 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 in harmony with the general purpose and intent of the Ordinance because the RL 84 Single Family Residential Zoning District allows decks as a permitted use.
- B. The requested 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 will 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 over which the property owners had no control and which do not generally apply to other properties in the vicinity in

that the property is very 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.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of New Prague, Minnesota, that the request for variance #V9-2025 to allow a deck at a minimum distance from the side property line of 5 feet, to be constructed on the east side yard of 114 4<sup>th</sup> St SW., as proposed by KA Witt Construction, Inc., on behalf of Juleen Kern, is hereby **approved** based on the above findings.

This Variance approval becomes effective immediately upon its passage and without publication.

**Passed this 6th day of January, 2026.**

\_\_\_\_\_  
Charles L. Nickolay, Mayor

State of Minnesota                    )  
  )ss.                                   (CORPORATE ACKNOWLEDGMENT)  
County of Scott & Le Sueur    )

Subscribed and sworn before me, a Notary Public this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
Notary Public

ATTEST: \_\_\_\_\_  
Joshua M. Tetzlaff, City Administrator

State of Minnesota                    )  
  )ss.                                   (CORPORATE ACKNOWLEDGMENT)  
County of Scott & Le Sueur    )

Subscribed and sworn before me, a Notary Public this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
Notary Public

THIS INSTRUMENT DRAFTED BY:

Evan C. Gariepy

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