



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: HEARING FOR APPEAL OF CITY CODE VIOLATION(S) BY MATTHEW EGAN
OF 305 4TH STREET NE
DATE: NOVEMBER 22, 2024

On November 15th, Matthew Egan of 305 4th Street NE e-mailed the Mayor and City Council members requesting a hearing with the City Council regarding alleged violations of city codes. The hearing was scheduled for the December 2nd City Council meeting.

The City alleges that Mr. Egan constructed stairs and a landing on the front of his home without a building permit. Further, the City alleges that if the stairs and landing are larger than the minimum required by building code that a variance would need to be obtained as the stairs do not meet setback requirements. Attached are two notices: one dated 11/8/24 and one dated 10/10/24, both of which were written by Planner Chapman. Mr. Egan's request for a hearing follows the protocol allowed by City code as noted in the second notice.

Attached to this memo is a timeline of events, photos of the original landing/stairs and the new landing/stairs as well as the two violation letters.

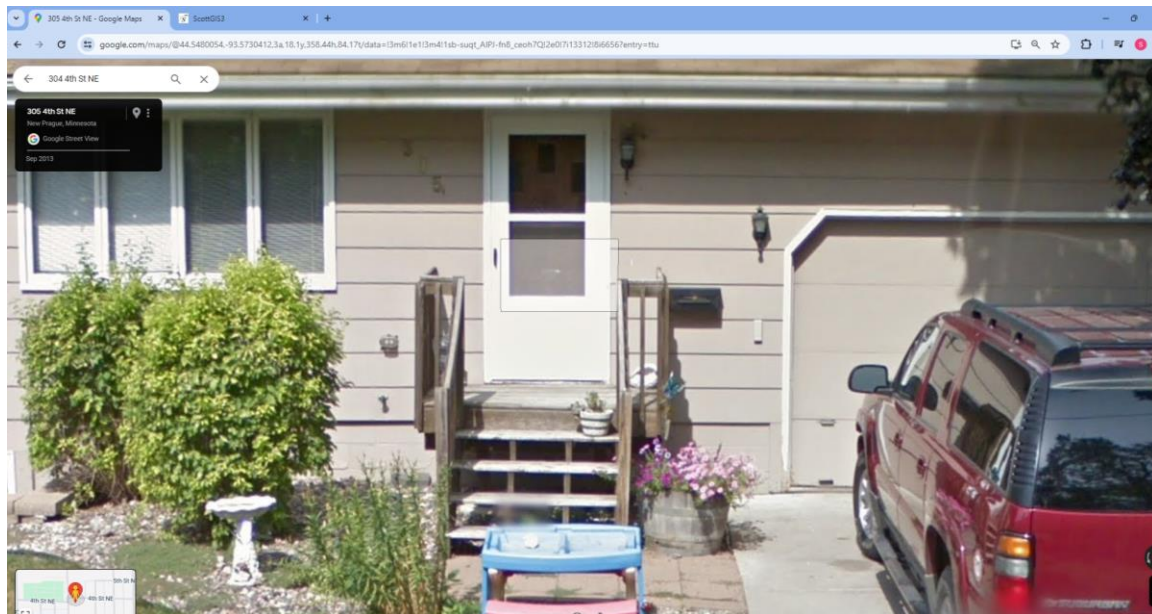
Staff notes that while city code allows for a hearing to appeal the alleged violations, the Council cannot waive the need for a building permit nor can the council waive the need for a variance to be obtained if proven that the deck was built without an approved permit and if it does not meet setbacks. The appeal simply could prevent a citation from being issued.

Recommendation

Hold the requested hearing with Mr. Egan and make a decision on the alleged violations.

Timeline of Events

- On 4/11/2024 Building Official Scott Sasse sent Planner Kyra Chapman an email to contact Matt Egan (at 305 4th St NE) regarding constructing a landing adjacent to the front door of his home. Planner Chapman was informed that there was some storm damage to the landing/roof, etc. around December 2023.
- Planner Chapman emailed Mr. Egan on 4/11/2024 and informed him that from the day of the storm, he had 180 days to rebuild the landing to its exact footprint (per Zoning Ordinance Section – 403 (4) relating to nonconforming structures). She also indicated that a building permit would also be needed.
- Matthew Egan submitted a building permit on 5/2/2024 for a 4' x 8' landing by the home's front door. This permit was never entered into the system since revisions to the plans needed to be made because the 4' x 8' landing was clearly larger than the existing landing that predated the storm damage.
- On 5/6/2024, Planner Chapman emailed Matthew Egan that the proposed landing in the building plans were larger than the original landing and thus not permitted. He would need to re-build it to its exact footprint within 180 of the initial storm damage. Alternatively, he would need to submit a survey and apply for a variance. Planner Chapman never heard back from Mr. Egan.
- On 10/8/2024, Building Official Sasse drove by the property and took a picture of the landing that was almost completely built. (See attached photo - The railings had not been built yet).
- On 10/10/2024, Planner Chapman sent a letter to Mr. Egan stating that the landing must be built to meet the minimum building code, or a variance or survey would be needed. The deadline for that was November 8th, 2024.
- Planner Chapman later re-sent a letter on November 8th, 2024 with language that specifically provided legal information such as being able to challenge this at the council meeting, billed for abatement costs, etc. The deadline for submitting a variance application or submitting a building permit was November 22nd, 2024.
- Hearing to Appeal of violation requested by Mr. Egan on 11/15/24.



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



Photo from 10/8/24 of new landing and stairs.



Photo from 11/8/24 of new landing and stairs.

From: Matthew Egan <matthewegan99@gmail.com>
Date: November 15, 2024 at 7:53:03 AM CST
To: Duane Jirik <djirik@ci.new-prague.mn.us>, Shawn Ryan <sryan@ci.new-prague.mn.us>, Maggie Bass <MBass@ci.new-prague.mn.us>, Rik Seiler <RSeiler@ci.new-prague.mn.us>, Bruce Wolf <BWolf@ci.new-prague.mn.us>
Cc: Matthew Egan <matt@eganelectricalinc.com>
Subject: Request for hearing

Dear city council members,

I am formally requesting a hearing before the city council, regarding the attached notice I received on 11/11/24. Please let me know the date and time you would like to hold this hearing. I look forward to discussing this matter with you.

Respectfully,
Matthew Egan



City of New Prague

In the Counties of Scott & Le Sueur

118 CENTRAL AVENUE NORTH · NEW PRAGUE, MINNESOTA 56071 · PHONE (952) 758
www.ci.new-prague.mn.us

Kyra Chapman
Planner

November 8, 2024

Matthew and Angela Egan
305 4th St NE
New Prague, MN 56071

Dear Matthew and Angela:

It has been brought to staff's attention that you have constructed stairs and a landing at 305 4th St NE without an approved building permit. If the landing is the minimum requirement for landings, only a building permit is required and does not need to meet setback requirements. If it is larger than the minimum landing requirement for the building code, a survey will be needed as well a variance for setbacks. A variance is a \$385 non-refundable fee and would require review by the Planning Commission and City Council, who may approve or deny the request.

According to the Building Code, "the width of each landing shall be not less than the door served. Landings shall have a dimension of not less than 36 inches measured in the direction of travel." This means that the minimum landing must be the width of the door by 36 inches. The existing landing is currently exceeding this requirement.

Please either pull a permit to rebuild the landing to meet the minimum requirement of the Building Code or provide a survey and apply for a variance by November 22nd, 2024.

If you have any questions, you may contact me at 952-758-4401 or e-mail me at kchapman@ci.new-prague.mn.us. If you have questions regarding building codes, please contact Building Official, Scott Sasse at 952-758-4401 or at ssasse@ci.new-prague.mn.us.

Please be aware that you are in violation of the City Code. You are required to comply with the compliance date of this notice to remove the violations from the property. You may also within the compliance date of the notice request a hearing before the City Council to dispute alleged violations.

If the violation is not abated by the compliance date of the notice and no hearing has been requested the city will abate the nuisance for you and will continue to do so until we are contacted with details on your plans to maintain the property. You will be billed for all abatement costs, including an administrative service fee. If the bill remains unpaid it will be

certified to the county for collection with your property taxes.

Sincerely,

Kyra Chapman
Planner



City of New Prague

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118 CENTRAL AVENUE NORTH • NEW PRAGUE, MINNESOTA 56071 • PHONE (952) 758-4401
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Kyra Chapman
Planner

October 10, 2024

Matthew and Angela Egan
305 4th St NE
New Prague, MN 56071

Dear Matthew and Angela:

It has been brought to staff's attention that you have constructed stairs and a landing at 305 4th St NE without an approved building permit. If the landing is the minimum requirement for landings, only a building permit is required and does not need to meet setback requirements. If it is larger than the minimum landing requirement for the building code, a survey will be needed as well a variance for setbacks. A variance is a \$385 non-refundable fee and would require review by the Planning Commission and City Council, who may approve or deny the request.

According to Building Code, "the width of each landing shall be not less than the door served. Landings shall have a dimension of not less than 36 inches measured in the direction of travel." This means that the minimum landing must be the width of the door by 36 inches. The existing landing is currently exceeding this requirement.

Please either rebuild the landing to meet the minimum requirement of the Building Code and pull a building permit or provide a survey and apply for a variance by November 8th, 2024.

If you have any questions, you may contact me at 952-758-4401 or e-mail me at kchapman@ci.new-prague.mn.us. If you have questions regarding building codes, please contact Building Official, Scott Sasse at 952-758-4401 or at ssasse@ci.new-prague.mn.us.

Sincerely,

Kyra Chapman
Planner