



# PLANNING COMMISSION MEETING AGENDA

## City of New Prague

Wednesday, August 27, 2025 at 6:30 PM

City Hall Council Chambers - 118 Central Ave N

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1. **CALL TO ORDER**
  2. **PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA**  
*(Speakers limited to five minutes)*
  3. **APPROVAL OF REGULAR AGENDA**
  4. **APPROVAL OF MINUTES**
    - a. [July 30, 2025 Planning Commission Meeting Minutes](#)
  5. **NEW BUSINESS**
    - a. [Request for Variance V8-2025 - In-Ground Pool Setback at 1109 Park Lane SE](#)  
Ben & Anne Scheffler - applicants
  6. **OLD BUSINESS**
    - a. None
  7. **MISCELLANEOUS**
    - a. [Monthly Business Updates](#)
  8. **ADJOURNMENT**

*Anyone speaking to the Planning Commission  
shall state their name and address for the record.  
Thank you.*

THE PURPOSE OF THE ZONING ORDINANCE IS TO PROMOTE THE HEALTH, SAFETY, ORDER, CONVENIENCE AND GENERAL WELFARE, BY REGULATING THE USE OF LAND, THE LOCATION AND USE OF BUILDINGS AND THE ARRANGEMENT OF BUILDINGS ON LOTS, AND THE DENSITY OF POPULATION IN THE CITY OF NEW PRAGUE.

**Meeting Minutes**  
**New Prague Planning Commission**  
**Wednesday, July 30th, 2025**

**1. Call Meeting to Order**

The meeting was called to order at 6:30 p.m. by Chair Dan Meyer with the following members present: Ann Gengel, Brandon Pike, and Jason Bentson. Absent was Shawn Ryan.

City Staff Present: Ken Ondich – Planning / Community Development Director and Evan Gariepy – Planner.

**2. Approval of Meeting Minutes**

**A. June 25th, 2025 Regular Meeting**

A motion was made by Gengel, seconded by Pike, to approve the June 25th, 2025 regular meeting minutes. Motion carried (4-0).

**3. Public Invited to Be Heard on Matters Not on the Agenda**

No public comments were given.

**4. NEW BUSINESS**

**A. Request for Variance #V7-2025 – Sign Variance at 102 Chalupsky Ave. SE.**

Planner Gariepy presented the staff report. He stated that the applicant, Ten Nineteen Development, LLC, is seeking a variance from the 6 square foot in surface area limit and 10 foot height limit for a building sign at 102 Chalupsky Ave. SE. The proposed sign would be 33.5 square feet in area and reach a maximum height of 12 feet. The sign would be above the front door of the Bohemia Flats 54-unit apartment building being constructed. He stated that the sign would allow for the apartment building's name to be visible from the road and adjacent strip-mall. He stated that the sign would not be disproportionate due to the large size of the building. He stated that staff recommends approval of the variance with the findings listed in the staff report.

Cameron Sonju with Ebert Companies/Ten Nineteen Development, LLC stated that the sign will be “shoebox-style” and backlit, and that the sign is the same size as the canopy entry.

A motion was made by Bentson, seconded by Gengel to recommend approval of V7-2025 with the following findings:

- A. The requested variance is in harmony with the general purposes and intent of this Ordinance because building signs are a permitted use in the RH High Density Residential Zoning District.

B. The requested variance is consistent with the comprehensive plan because the RH High Density Zoning District allows building signs to be constructed as a permitted use.

C. The applicant will use the property in a reasonable manner by adding an additional 27.5 sq. ft. of building signage over the typical ordinance allowed limit and 2 ft. above the typical ordinance allowed height limit on a very large 3 story, 54 unit apartment building.

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 apartment building being constructed is far larger than the majority than the buildings in a Residential District, with a far larger setback, which the Ordinance typically pertains to.

E. The variance does not alter the essential character of the neighborhood because building signs are a permitted use in the RH High Density Residential Zoning District as well as the B2 Community Commercial District, which abut the property on three sides.

F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would allow for advertising of the apartment building name and allow for the sign to be seen clearly from the road and adjacent Strip Mall in the B2 Community Commercial District.

And with the following condition:

1. No conditions are applied.

Motion carried (4-0).

## 5. OLD BUSINESS

### A. Backyard Chickens Discussion - Continued

Planning / Community Development Director Ondich presented the staff report. He stated that since the June 25<sup>th</sup> Planning Commission meeting, he had provided revisions to the ordinance and completed additional research. He stated that changes to the ordinance, as directed by the Planning Commission, included mandating insulated coops and a mandatory 25' wetlands setback. He also discussed having a renewing annual fee of \$15, with a yearly check-in from a City employee to ensure that all ordinances are met. He also discussed implementing administrative citations rather than a legal process for ordinance violations.

General discussion of the Planning Commission was held in general support of administrative citations.

A motion to forward the Backyard Chicken Ordinance to City Council with a recommendation for approval and also to recommend that the City Council discuss a process for administrative citations was made by Pike, seconded by Benson. Motion carried (3-1, Gengel).

## 6. Miscellaneous

## **A. Uniform Development Code – 2<sup>nd</sup> Draft Discussion**

Jeff Matzke with Bolton & Menk presented the updated progress on the Uniform Development Code (UDC), which has been brought to the Planning Commission in the past. The UDC aims to provide more clarity and usability to the Zoning and Subdivision Ordinances, as well as assure that it is up to State Statutes.

Matzke stated that there will be a public survey available online and at Czech Out New Prague to get public feedback on topics relevant to the UDC before the final draft begins. The survey will be short to garner more responses, and will cover parking, parks, opinions on accessory dwelling units (ADUs), and demographics of the recipients.

Matzke discussed the proposed changes to lot setbacks, particularly in regards to non-conforming lots in downtown residential areas. Bolton & Menk recommends a reduction to minimum lot sizes, similar to Elko New Market and Jordan.

Matzke discussed the addition of an exceptions process. For existing non-conforming legal lots, this would provide an alternative to a variance request. He stated that other communities, such as Prior Lake, had success with exceptions. Director Ondich stated how the usage of exceptions would benefit lower income families who cannot afford a variance, make the process easier for staff, and encourage house improvements and development.

Matzke discussed the addition of tree preservation language. This will apply to all new developments and land that is being re-developed. It will mandate the size and species of new trees, as well as require the replacement of a proportion of trees removed within a development to encourage reforestation. He stated this has proven beneficial in other communities, and that there will be an exception for trees removed for public infrastructure. Pike and Director Ondich discussed how, once a house is purchased, the owner has property rights and can still remove the trees if chosen.

Matzke discussed adding clarification to exterior building regulations, as well as extending it to residential districts. Pike expressed interest in a historic downtown zoning district. Director Ondich stated that that could be discussed further in the future. The Commission discussed that the current downtown building design code is limiting and confusing, and that it needs to be amended.

Matzke stated that there are proposed changes to PUD, allowing for the City to push for incorporation of public parks, mixed-used projects, and other public benefits that developers don't typically do.

Matzke stated that there is added clarity for when conditional use permits and certificates of surveys are required. He stated that required surveys can be waived at the discretion of the Zoning Administrator in cases where it isn't needed. He also stated that most cities mandate public hearings for variances, and suggested that the City does so as well. Director Ondich recommended it, stating that the only significant change would be putting notice

of variance requests in the newspaper, which may require raising the fee. The Commission discussed how the current system of mailing letters can leave people confused and nervous.

Matzke also discussed the possibility of requiring free or low cost permits for fences and small accessory structures. Director Ondich stated that they used to be \$50, which led to people not consulting with the City. He stated that having a lower fee encourages residents to confirm plans with the City.

Matzke discussed other small changes to the UDC. Minimum parking requirements have been lowered to discourage sprawling empty parking lots. Language involving electric vehicle charging stations was added for future discussion. Accessory dwelling units (ADU) were added and simplified, classified as attached or detached. Matzke discussed that allowing ADUs to have their own utility hookups encourages splitting of plots. Matzke also brought up things that will need future discussion, such as specific definitions, diagrams and images, and implementing code and diagram from other legislating bodies to make the UDC more user-friendly.

General discussion from the Planning Commission showed support for the UDC progress thus far. Director Ondich stated that himself and Planner Gariepy are going through the entire UDC to make comments before Bolton & Menk moves onto the final draft stage.


## **B. Monthly Business Update**

Planning/Community Development Director Ondich presented the monthly business update as information.

## **7. Adjournment**

A motion was made by Pike, seconded by Gengel, to adjourn the meeting at 7:55 pm. Motion carried (4-0).

Respectfully submitted,

  
Evan C. Gariepy  
Planner



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phone: 952-758-4401 fax: 952-758-1149

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## MEMORANDUM

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**TO:** PLANNING COMMISSION  
**FROM:** EVAN GARIEPY – PLANNER  
**SUBJECT:** REQUEST FOR VARIANCE #V8-2025 TO CONSTRUCT AN IN-GROUND SWIMMING POOL AT A MINIMUM DISTANCE OF 4’ FROM THE HOUSE AT 1109 PARK LANE SE., AS PROPOSED BY BEN AND ANNE SCHEFFLER  
**DATE:** AUGUST 20, 2025

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### **Background / History**

The applicants, Ben and Anne Scheffler, are requesting a variance to allow for a reduction in the setback requirements for an in-ground swimming pool. The Zoning Ordinance mandates that all swimming pools, both above ground and in-ground, are a minimum of 10 feet from any principal structure, building, or frost footings. The applicants wish to construct an inground pool with a minimum distance of 4 feet from their house and its foundation.

The property 1109 Park Lane SE is zoned RL90 Single Family Residential and has an abnormally large drainage and utility easement due to Settler’s Park wetlands being located north of the property and the easement covering the required wetland buffer area. Swimming pools are not permitted to be constructed within easements or buffers. For this reason, moving the swimming pool further north in the yard and away from the house is not possible. The applicant considered applying for a re-evaluation of the wetlands north of the property instead, but this process costs \$3,000-\$4,000 and may result in no change, or an even larger required setback from the wetlands. If so, then the applicant would have to pursue a variance anyway.

This leaves the applicant with a small permissible portion of the yard for constructing a swimming pool. A pre-existing concrete patio and deck further restricts where the swimming pool may currently be built in the yard.

The International Code Council (ICC) does not mandate a minimum setback for swimming pools from any building foundation. No engineering background or reasoning was found as to why the City’s Zoning Ordinance requires a 10-foot setback from structures.

## **Legal Description**

Lot 5, Block 5, Prague Estates Eighth Addition, according to the plat thereof, LeSueur County, Minnesota.

## **Neighborhood Conditions and Nearby Land Uses**

North – Settler’s Park, wetlands. Further north is more residential homes in the RL90 Single Family Residential Zoning District.

South – Residential homes in the RL90 Single Family Residential Zoning District

East – Residential homes in the RL90 Single Family Residential Zoning District

West – Residential homes in the RL90 Single Family Residential Zoning District, 10<sup>th</sup> Ave. SE across which is the RM Medium Density Residential Zoning District.

## **Zoning**

The property is located in the RL90 Single Family Residential Zoning District.

Swimming pools are permitted in RL90 Single Family Residential Zoning Districts.

Zoning Ordinance Section 735(1)(L) states that “All swimming pools shall be at minimum of 10 feet away from any principal structure, building, or frost footing.”

## **Building Official Comments**

The City Building Official, Scott Sasse, was consulted regarding the minimum distance from a building and its foundation and a swimming pool. He looked into building code and found no minimum required distance from a building to a swimming pool. He recommended a minimum distance of 48”, or 4 feet, due to the presence of frost coverage over building footings. He also acknowledged that there still may be an increased structural risk due to this closer proximity due to the outward force the pool may exert on the building’s frost footing and foundation.

## **General Community Development Staff Comments**

As noted earlier in this report, staff does not have specific answers as to why the ordinance requirement of 10’ exists when the building code does not require it. In researching the topic for this report, 10’ does seem to be a common setback for in-ground pools from homes in Minnesota, but the requirements do vary from 4’ to 10’. In the UDC draft, staff is recommending moving the setback from in-ground or above ground pools from 10’ to 6’.

Staff also reiterates that while building code does not require a minimum setback and that the Building Official is recommending a minimum of 4’ setback, staff makes no guarantees about

structural risk to the home and would advise the applicant to consider a structural engineer review the 4' setback for peace of mind, if nothing else.

### **Statement of Practical Difficulties**

From Ben Sheffler on 08/2/2025;

Following the dig of the hole and painted outline of our initially planned pool we realized how small the actual pool would be. A larger size will better accommodate our large immediate and extended family. Due to the restrictions of the wetland setback and current frost footing requirement, we are not allowed to increase size and shift the pool further into our yard.

### **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 RL90 Single Family Residential Zoning District allows swimming pools as a permitted use.)
- B. The variance is consistent with the comprehensive plan. (The proposed variance is consistent with the comprehensive plan because the RL90 Single Family Residential Zoning District allows swimming pools 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 setback of an in-ground swimming pool from a house and its foundation from a 10 foot minimum setback to a 4 foot minimum setback.)
- 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 has a very large easement/buffer in the rear yard due to wetlands located north of the property.)

- E. The variance does not alter the essential character of the neighborhood. (The variance does not alter the essential character of the neighborhood because swimming pools are a permitted use in the RL90 Single Family Residential Zoning District.)
- 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 it would allow the applicant to construct a larger in-ground swimming pool in a yard with a larger than normal easement/buffer due to wetlands located on an adjacent property.)
- 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 recommend **approval** of Variance #V8-2025 to allow a variance to construct an in-ground swimming pool at a minimum distance of 4' from the house at 1109 Park Lane SE., as proposed by Ben and Anne Scheffler, for the following reasons:

- A. The variance to allow freestanding signage to exceed 100 sq. ft. is in harmony with the general purposes and intent of the Zoning Ordinance because the RL90 Single Family Residential Zoning District allows swimming pools as a permitted use.
- B. The proposed variance is in the harmony with the comprehensive plan because the RL90 Single Family Residential Zoning District allows swimming pools as a permitted use.
- C. The applicant proposes to use the property in a reasonable manner by reducing the setback of an in-ground swimming pool from a house and its foundation from a 10 foot minimum setback to a 4 foot minimum setback.

- D. Unique circumstances apply to this property in that the property has a very large easement/buffer in the rear yard due to wetlands located north of the property.
- E. The variance does not alter the essential character of the neighborhood because swimming pools are a permitted use in the RL90 Single Family Residential Zoning District.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would allow the applicant to construct a larger in-ground swimming pool in a yard with a larger than normal easement/buffer due to wetlands located on an adjacent property.

### **Attachments**

- 1. Site Aerial Map – Dated 08/12/2025
- 2. Zoning map – Dated 08/12/2025
- 3. Plat depicting wetlands – Dated 05/2004
- 4. Survey of the property with permissible pool locations – Dated 08/2023
- 5. Proposed pool location – Dated 08/04/2025
- 6. Proposed pool location, overlaid with aerial map – 08/12/2025
- 7-9. Google Street Map – Dated 10/2013
- 10. North from back yard – Dated 08/19/2025
- 11. West from back yard – Dated 08/19/2025
- 12. East from back yard – Dated 08/19/2025



Figure 1. Reference aerial map of 1109 Park Lane SE.



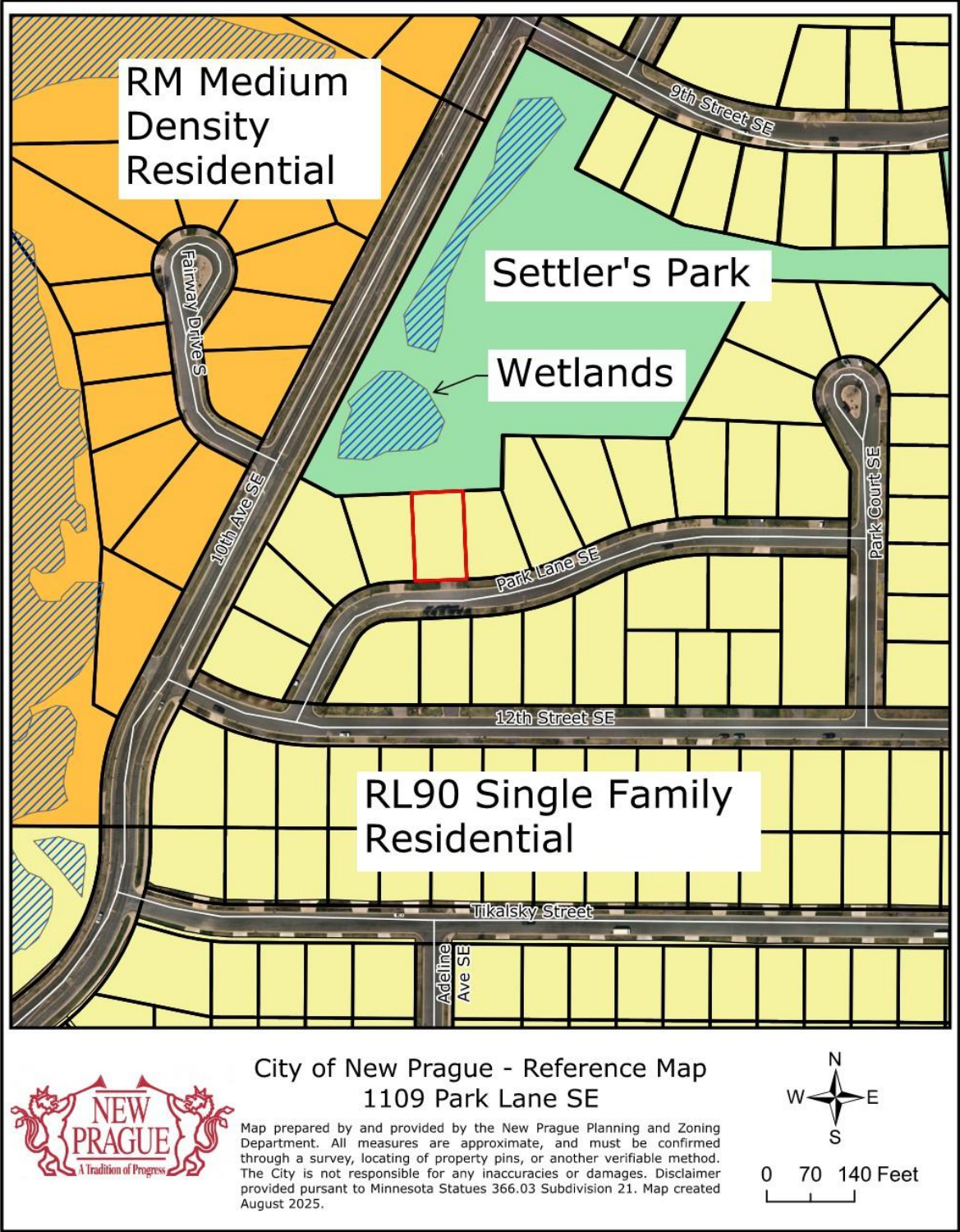


Figure 2. Zoning map of the property and surrounding area

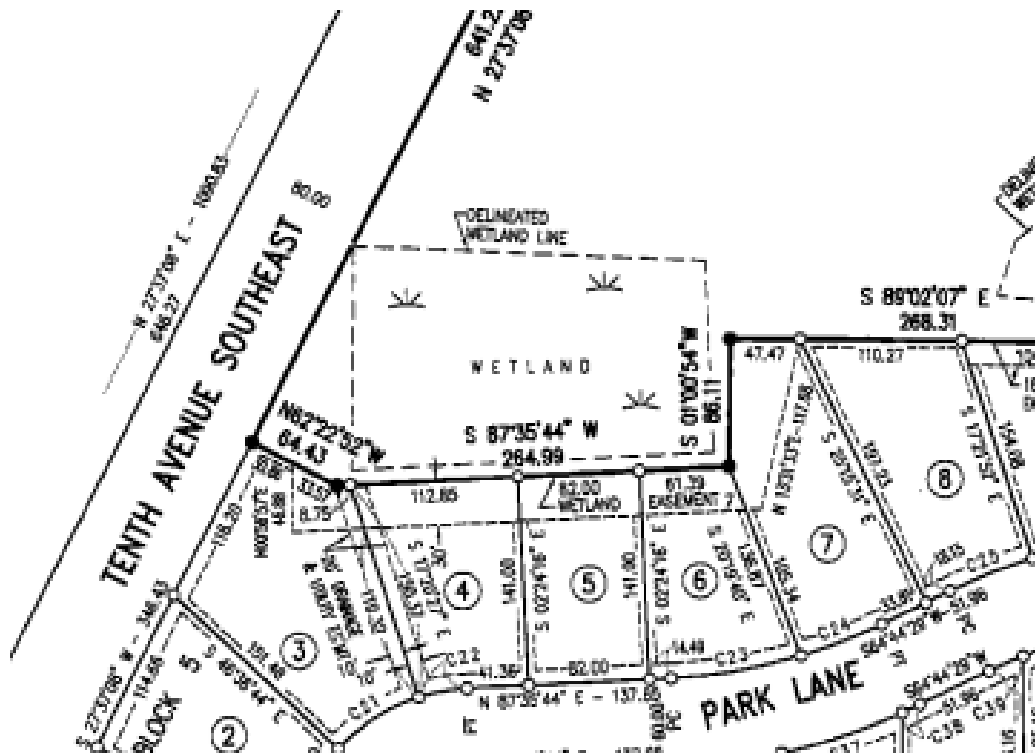


Figure 3. Clip of the plat for Prague Estates 8<sup>th</sup> Addition, depicting the delineated wetlands. 1109 Park Lane SE is Lot 5.



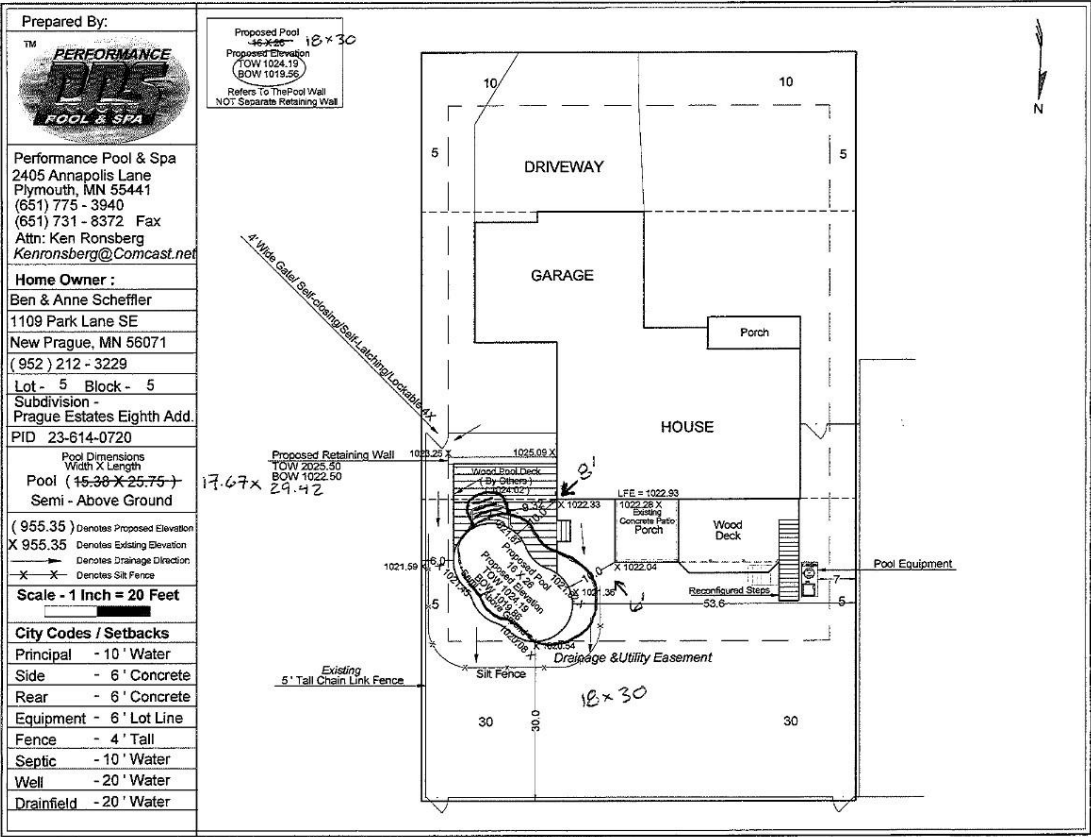


Figure 5. Proposed pool location and expansion.



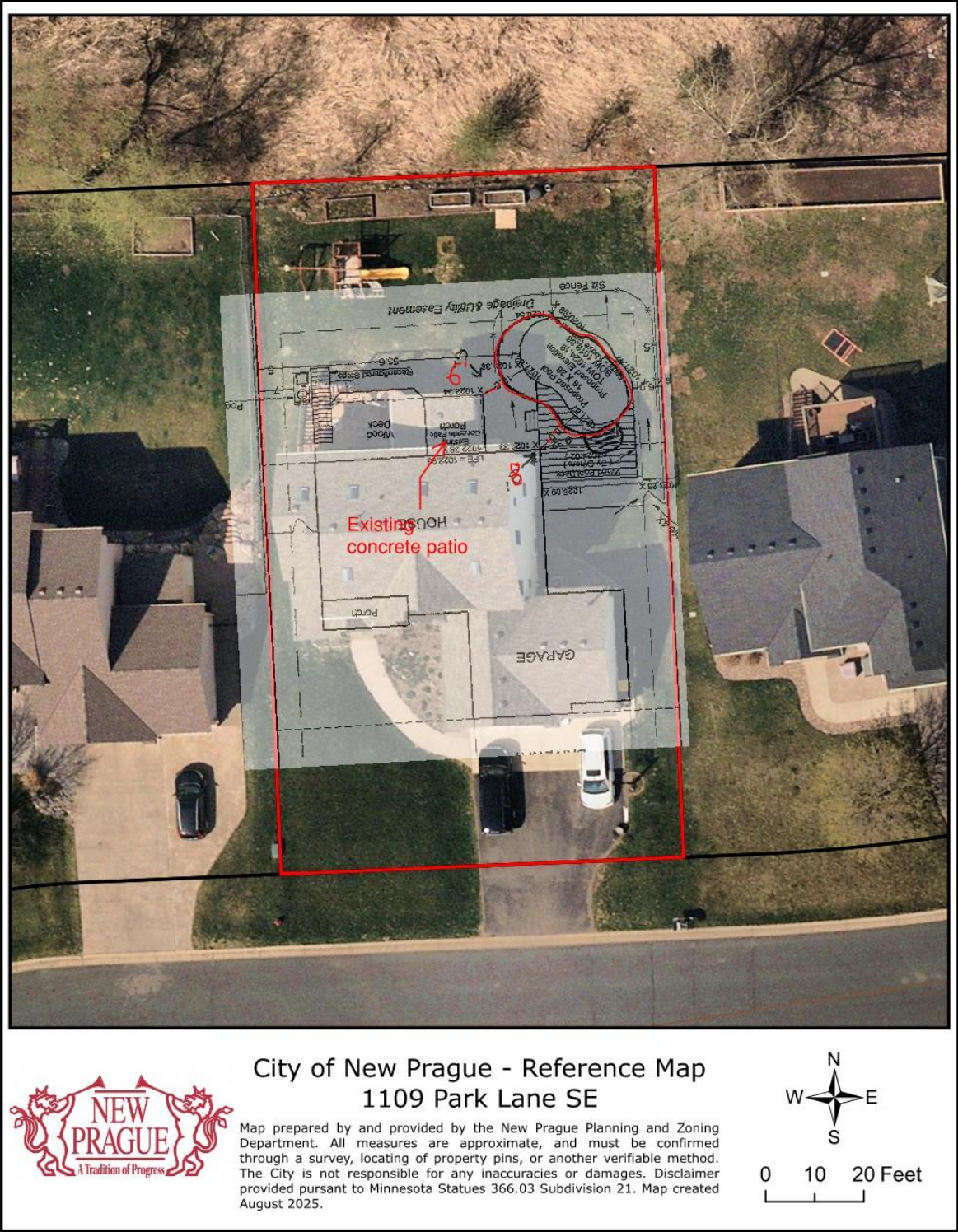


Figure 6. Proposed pool area overlaid aerial reference map. Existing concrete patio is a deck, limiting possible pool space.





Figure 7. 1109 Park Lane SE, as seen from Park Lane SE



Figure 8. Looking west from the property



Figure 9. Looking east from the property



Figure 10. Looking north from deck in back yard





Figure 11. Looking west from deck





Figure 12. Looking east from deck. Note the current excavated area is larger than the actual pool itself, as well as the slope on the side of the house.

**August 2025 EDA Business Updates:**

- **2 new home permits** were issued in July (2 single family homes, 0 townhome units and 0 apartment units). 57 residential units have been issued so far in 2025 (3 single family, 0 townhomes and 54 apartment units).
- **The Car Lot**, located at 401 Main St. W., recently moved to a larger location in Belle Plaine. The property owner is now looking at making improvements to the parking lot and building to have a new tenant occupy the space.
- The building permit for a 21,000 sq. ft. addition to **Great River Energy**, located at 906 6<sup>th</sup> Street NW, was issued.
- A commercial alteration permit was issued for **Case Aesthetics** to locate at 314 Main St. E.
- A building sign variance was approved recently for the **Bohemia Flats Apartments** located at 102 Chalupsky Ave. SE. A model unit is now available for tours with the plan for the units to start being occupied this fall.