



City of Clearwater Planning Commission Meeting Agenda
Tuesday May 6, 2025, at 6:30pm
129 E Ross Clearwater, KS 67026

Please join my meeting from your computer, tablet or smartphone.

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Access Code: 494-511-669

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1. Call meeting to order

2. Roll Call

Lyle Berntsen
Michael McBee

J.J. Riggins
Kenny Watson

Ryan Karrick
John Hurley

Jarod Ledington

3. [Approval of Minutes from October 1, 2024](#)

4. Other Business

5. Adjournment

City of Clearwater, Kansas
Sedgwick County
Planning Commission - **MINUTES**
October 1, 2024
Clearwater City Hall
129 E. Ross Avenue Clearwater, KS 67026

1. Call meeting to order.

Lyle Berntsen called the meeting to order at 6:30 p.m.

2. Roll Call

Deputy City Clerk called the roll to confirm the presence of a quorum. The following members were present: Lyle Berntsen, Kenny Watson, and J.J. Riggins. Jarod Ledington, Ryan Karrick, John Hurley and Michael McBee were absent.

The following staff member was present:

Courtney Zollinger, City Administrator; Carol Reitberger, Deputy City Clerk, City Attorney Scott Ufford.

Also present: Logan Mills, CED, Arnie and Jill Rausch, Zakary Guajardo and Kyler Newell.

3. Approve September 3, 2024, Minutes

Motion: *Watson* moved, *Riggins* seconded to approve the minutes of the September 3, 2024, as presented. The motion passed unanimously. 3-0

4. Plat – Rausch Addition

- a. Agenda Report – At the September 3, 2024 meeting the Planning Commission reviewed the Rausch Addition Preliminary Plate and asked for the following additions.

1. Notate pad elevations on the plat
2. Notate the new location for the existing streetlight
3. Add a water utility easement and show the water main extension

The preliminary plat and final plat were reviewed by staff. The pad elevations, streetlight existing and new location is notated on the map, as well as the extension of the 6" main line and an easement on the north end of the Rausch Addition.

The only addition staff has requested on the plat is to draw the intended location of the driveway as well as the blowoff, so they don't conflict with one another on the preliminary plat. The way the 6" line is drawn in appears blowoff is right in the middle of what would be the driveway.

No questions or comments.

- b. Preliminary Plat

Motion: *Riggins* moved, *Watson* seconded to approve the preliminary plat as presented. The motion passed unanimously. 3-0

- c. Final Plat

Motion: *Watson* moved, *Riggins* seconded to approve the final plat as presented. The motion passed unanimously. 3-0

The final plat of the Rausch Addition will go before City Council at their October 22nd meeting at 6:30 p.m.

5. Other Business

The next meeting is scheduled for November 5. There is nothing for the agenda at this time, but Zollinger will keep board posted.

6. Adjournment

With there being no other business, **Watson** moved, **Riggins** seconded to adjourn the meeting. Voted and passed unanimously. 3-0

The meeting adjourned at 6:36 p.m.

CERTIFICATE

State of Kansas }
County of Sedgwick }
City of Clearwater }

I hereby certify that the foregoing is a true and correct copy of the approved minutes of the October 1, 2024, Planning Commission Board.

Given under my hand and official seal of the City of Clearwater, Kansas, this 5th November 2024.

Carol Reitberger, Deputy City Clerk, Secretary

Lyle Berntsen, Chairperson



City of Clearwater Board of Zoning Appeal Meeting Agenda
Tuesday May 6, 2025, at 6:30pm
129 E Ross Clearwater, KS 67026

Please join my meeting from your computer, tablet or smartphone.

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1. Call meeting to order

2. Roll Call

Lyle Berntsen
Michael McBee

J.J. Riggins
Kenny Watson

Jarod Ledington

3. Approval of Minutes from October 1, 2024

4. Hearing – 348 E Hellar – 6' Privacy Fence in Front yard

5. Hearing – 240 N 4th

- a. Exceed total area of accessory structures of 900 square feet
- b. Reduce setback to 0' between accessory structures

6. Other Business

7. Adjournment

City of Clearwater, Kansas
Sedgwick County
Board of Zoning Appeals - **MINUTES**
October 1, 2024
Clearwater City Hall
129 Ross Avenue Clearwater, KS 67026

1. Call meeting to order

Lyle Berntsen called the meeting to order at 6:36 p.m.

2. Roll Call

Deputy City Clerk called the roll to confirm the presence of a quorum. The following members were present: Lyle Berntsen, Kenny Watson, and J.J. Riggins. Michael McBee and Jarod Ledington were absent.

The following staff member was present:

Courtney Zollinger, City Administrator; Carol Reitberger, Deputy City Clerk, City Attorney Scott Ufford.

3. Approval of Minutes from September 3, 2024

Motion: *Riggins* moved, *Watson* seconded to approve the minutes of the September 3, 2024, as presented. The motion passed unanimously. 3-0

4. Other Business

Zollinger stated that the next meeting is November 5th. Nothing for agenda yet but will keep the board posted.

5. Adjournment

With there being no other business, *Watson* moved, *Riggins* seconded to adjourn the meeting. Voted and passed unanimously. 3-0

The meeting adjourned at 6:37 p.m.

CERTIFICATE

State of Kansas }
County of Sedgwick }
City of Clearwater }

I hereby certify that the foregoing is a true and correct copy of the approved minutes of the October 1, 2024, Board of Zoning Appeals Board.

Given under my hand and official seal of the City of Clearwater, Kansas, this 6th day of May 2025.

Carol Reitberger, Deputy City Clerk, Secretary

Lyle Berntsen, Chairperson

**City of Clearwater
Board of Zoning Appeals
May 6, 2025**

348 E Hellar

Context:

Sec 38-501 (5): The setback line for yard requirements shall be determined by measuring the horizontal distance from the property line to the nearest architectural projection of the building except the following structures and features may be located within the required setbacks:

b: Fences or walls that do not exceed six feet in height as measured on the side of the fence with the least vertical exposure above the finished grade;

348 E Hellar is located at the corner of Hellar and Prospect. It has two 25' front yard setbacks since it sits on the corner. Mr. Schmidt was granted a variance in 2021 to put up an accessory structure on the east side of his property which was granted. Now Mr. Schmidt would like to erect a 6' privacy fence between the house and the accessory structure which will be placed in the required front yard setback.

Staff reviewed code regarding the line of site, and it only applies to intersections and not alley access points. The request would not interfere with the line of site at the corner of Hellar and Prospect.





Zoning Variance Request

Property Owner:	Chad + Heather Schmielt		
Address:	348 E Heller St		
Applicant (If different from property owner):			
Home Phone:		Cell Phone:	620 794 6776
Email:	ChadSchmieltfishing@gmail.com		

Current Zoning	R-1 Single Family
Legal Description of Property (metes and bounds or subdivision/ block/ lot description)	
NW Corner of Heller + Prospect St Lots 37-39-41 of Prospect Ave	

Present Use of Property
residential

Explanation of the Request for a Variance (attach additional sheet if necessary)
Installing privacy fence

Provide a drawing to support the request and include the property lines of the application area, existing and proposed structures, appropriate dimensions, and any other information that would be helpful to the Board in evaluating the request.

The applicant/agent hereby declares that all information submitted is true to the best of his/her knowledge and that all information required for this request has been included.

Chad Schmielt
Applicant Signature

3-31-2025
Date

Office Use Only

Adjacent Zoning & Land Use		
Direction	Land Use	Zoning
NORTH	Residential	R-1 Single Family
SOUTH	↓	↓
EAST		
WEST	↓	↓

Article and Description of the Zoning Regulation of Variance Requested

Sec 38-501 (5) b. The following structures may be located within the required setback (R-1=25')% Fences that do not exceed 6'.
Required front yard setback is 25'

Received by:	Carol Reitberger
Date Received:	3-31-25
Fee Paid:	\$125
Date Published:	4-10-25
Public Notice Mailed:	N/A
Hearing Date:	5-6-25

← Alley →

48'

Driveway

Shop

Patio

21'

25'

27'

← Heller St. →

Driveway

House

35'

42'

348 E Heller St.
Clearance is 6'02"

— Privacy Fence

← Prospect St →

City of Clearwater
129 E Ross
Clearwater KS 67026

Payee: SCHMIDT
Date: 3/31/2025 Time: 11:39 AM
Receipt Number: RECEI / 15022
Clerk: JAMIE

ITEM	REFERENCE	REFERENCE ID	AMOUNT
ZONE		348 E. HELLA	125.00
Total:			125.00
	Check	3260	125.00
			Change:



Geographic Information Services
Sedgwick County...
working for you

Date: 4/8/2025

It is understood that the Sedgwick County GIS, Division of Information and Operations, has no indication or reason to believe that there are inaccuracies in information incorporated in the base map.

The GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or the data displayed.

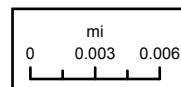
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348 E Hellar

Sedgwick County, Kansas



1:564



PUBLISH ONCE IN THE TIMES-SENTINEL April 10, 2025

PUBLIC NOTICE

ZONING VARIANCE HEARING

The City of Clearwater, Kansas Board of Zoning Appeals will consider a request made by Chad and Heather Schmidt for 348 E Hellar.

The lot is zoned R-1 (Single Family Dwelling), and the request is to variance from Section 38-501 (5) b. Fences greater than 6' tall are not allowed in the required setbacks. The request is to place a 6' privacy fence within the required front yard setback line.

THE PLANNING COMMISSION WILL HOLD A HEARING ON THIS SUBJECT IN THE CLEARWATER CITY HALL AT 129 E. ROSS, CLEARWATER, KANSAS ON May 6, 2025.

Those wishing to speak at the hearing should contact the Clearwater Deputy City Clerk by May 5, 2025, 3:00 p.m. Comments will be limited to five (5) minutes each. Further information may be obtained at the Clearwater City Hall, 129 E. Ross, or by calling 584-2311.



**Clearwater Planning Commission
Board of Zoning Appeals**

Zoning Variance – Action

Property Address:	348 E Hellar
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Variance	Section 38-501(5)b. – Place a 6’ privacy fence within the required front yard setback line.
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Questions	Supported	Unsupported
Uniqueness The request for a variance must arise from a condition which is unique to the property in question, is not ordinarily found in the same zone or district and is not created by an action or actions of the property owner or applicant.		
Adjacent Property The granting of a variance shall not adversely affect the rights of adjacent property owners or residents.		
Hardship The strict application of this chapter will cause unnecessary hardship upon the property owner represented in the application.		
Public Interest The granting of a variance shall not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.		
General Spirit/Intent The granting of a variance will not violate the spirit and intent of this chapter.		

Commission Recommendation

Petition Filed		Vote	
Board Action		Date	

Clerk

(SEAL)

**City of Clearwater
Board of Zoning Appeals
May 6, 2025**

240 N 4th

Context: The back story on this request was that there was already an existing structure in this same place and the current owner removed it. Mr. Johnson put in an application to erect a new structure in its place, but I was unable to issue the permit because of Sec 38-501 (3)a; and Sec 38-501 (3)f of the city code. There also was not a variance on file for this location to exceed the 900 sq ft nor place the structure closer than 6'.

Sec 38-501 (3)a: A detached accessory structure having construction techniques and style consistent with the dwelling, may be located toward the front of the lot when conforming with the front and side yard setback requirements of the dwelling. In addition, said accessory structure must be at least three feet from the dwelling. All accessory structures shall be six feet from any other structure.

Sec 38-501 (3)f: Total area of all detached accessory structures in all residential districts except R-L shall not exceed 900 square feet.

240 N 4th currently has a chicken house, existing garage, small shed, and a barn as detached accessory structures that total 1,052 square feet. Mr. Johnson would like to put up another structure in addition to this. The new structure will be 864 square feet (27' x 32') for a total of 1,916 square feet for all detached accessory structures. in the back yard which is considered an accessory structure.

The 6' foot distance is put in place for fire code reasons. However, the Board of Zoning Appeals can review the case and determine to create a variance if they deem it appropriate.

The lot size is 155' x 320' or 1.138 acres. This is unplatted area of town and one of the larger lots in town as well.

Mr. Johnson has applied for two variances for this structure

1. Exceed total area of accessory structures of 900 sqft to 1,916 sqft
2. Reduce the required spacing between accesssory structures form 6' to 0'



PUBLISH ONCE IN THE TIMES-SENTINEL April 10, 2025

PUBLIC NOTICE

ZONING VARIANCE HEARING

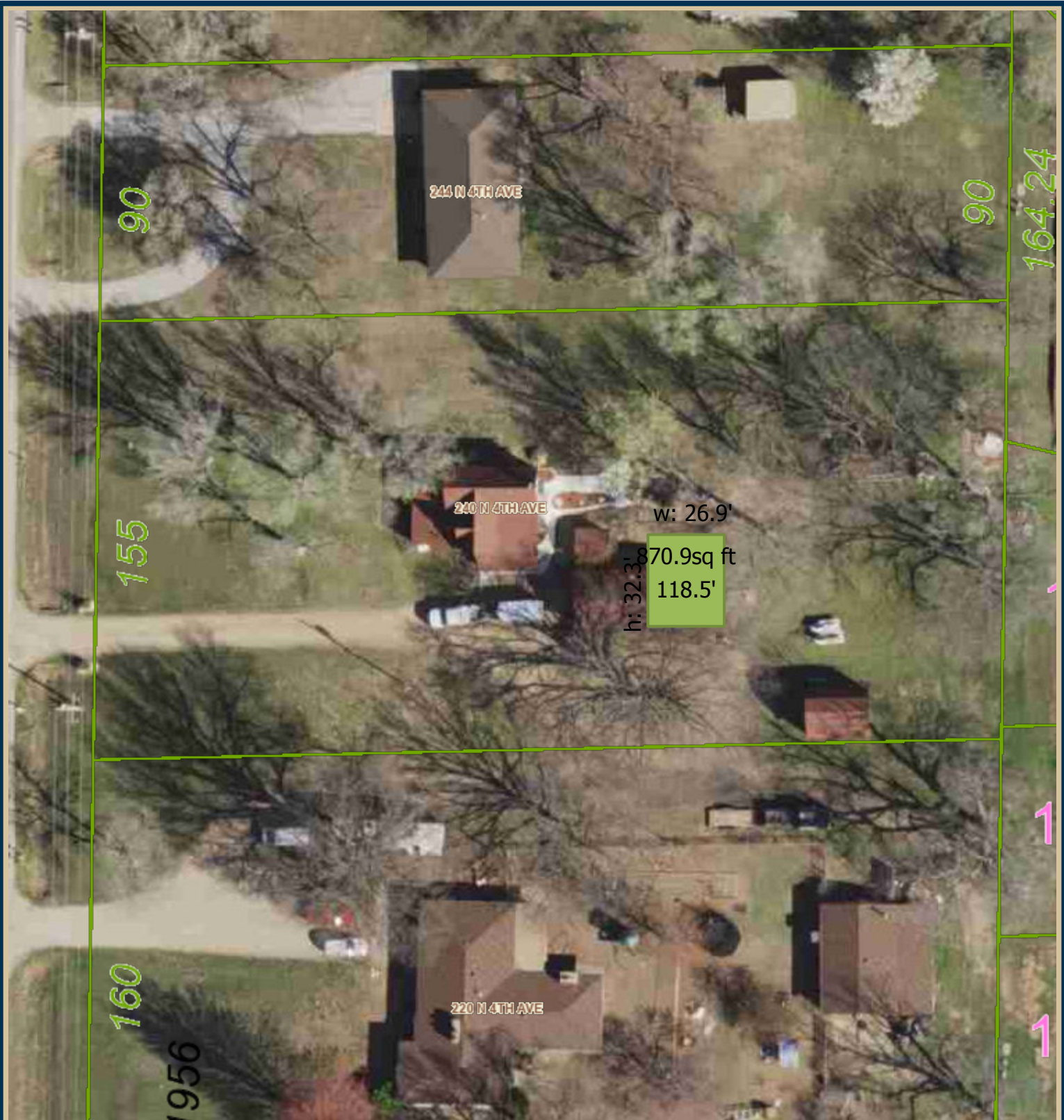
The City of Clearwater, Kansas Board of Zoning Appeals will consider two requests made by Dustin Johnson for 240 N 4th.

The lot is zoned R-2 (Two-Family Dwelling), and the request is to variance from Section 38-501 (3) a. All detached accessory structures shall be six feet from any other structure. The request is to place an accessory structure immediately behind an existing structure.

The lot is zoned R-2 (Two-Family Dwelling), and the request is to variance from Section 38-501 (3) f. Total area of accessory structures in all residential districts except R-L shall not exceed 900 sq ft. The request is to add an 864' accessory structure on the property where 4 other accessory structure already exist.

THE PLANNING COMMISSION WILL HOLD A HEARING ON THIS SUBJECT IN THE CLEARWATER CITY HALL AT 129 E. ROSS, CLEARWATER, KANSAS ON May 6, 2025.

Those wishing to speak at the hearing should contact the Clearwater Deputy City Clerk by May 5, 2025, 3:00 p.m. Comments will be limited to five (5) minutes each. Further information may be obtained at the Clearwater City Hall, 129 E. Ross, or by calling 584-2311.



Geographic Information Services
Sedgwick County...
working for you

Date: 4/15/2025

It is understood that the Sedgwick County GIS, Division of Information and Operations, has no indication or reason to believe that there are inaccuracies in information incorporated in the base map.

The GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or the data displayed.

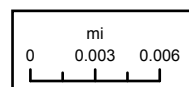
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240 N 4th

Sedgwick County, Kansas



1:564





Zoning Variance Request

Property Owner:	Dustin Johnson		
Address:	240 N 21th		
Applicant (If different from property owner):			
Home Phone:	620 584 4328	Cell Phone:	
Email:	djohnsonms4u@gmail.com		

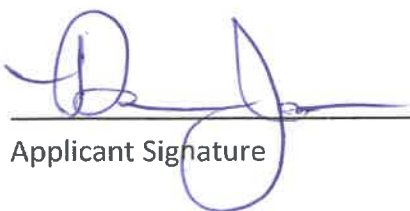
Current Zoning	
Legal Description of Property (metes and bounds or subdivision/ block/ lot description)	
Beg 30 Ft E 1/4 52 RDS N SW COR SW 1/4 N 20 RDS E 20 RDS S 20 RDS W TO Beg Exc S 160ft 1/4 Exc N 15 ft 1/4 Exc W 10ft For RD SEC 24-29-2W	

Present Use of Property
Residence

Explanation of the Request for a Variance (attach additional sheet if necessary)
RE: 38 501(3) P Addition Sq Footage, maximum is 900 sq ft Current accessory structure total sq footage is 1,052 sq ft. New Structure will be 864 sq ft for a total of 1,916 sq ft of accessory structures

Provide a drawing to support the request and include the property lines of the application area, existing and proposed structures, appropriate dimensions, and any other information that would be helpful to the Board in evaluating the request.

The applicant/agent hereby declares that all information submitted is true to the best of his/her knowledge and that all information required for this request has been included.


Applicant Signature

3-28-25
Date

Office Use Only

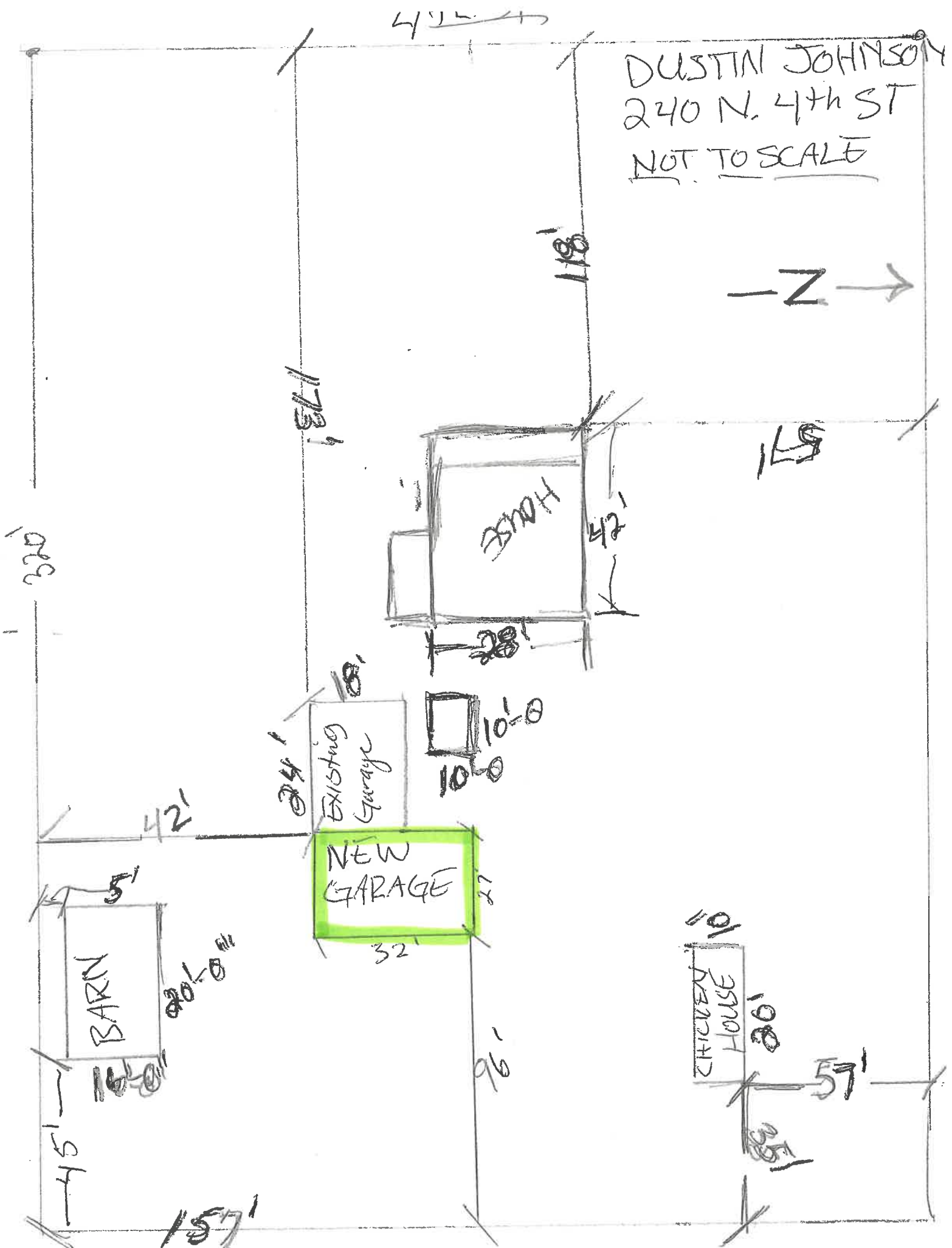
Adjacent Zoning & Land Use		
Direction	Land Use	Zoning
NORTH	Single Family	R-2
SOUTH	Single Family	R-2
EAST	Single / Two Family	R-2
WEST	Single Family	R-1

Article and Description of the Zoning Regulation of Variance Requested
Sec 38-501 (3)f. Total area of detached structures shall not exceed 900 sq ft

Received by:	Carol Reitberger
Date Received:	3-28-25
Fee Paid:	\$125.00
Date Published:	4-10-25
Public Notice Mailed:	N/A
Hearing Date:	5-6-25

DUSTIN JOHNSON
240 N. 4th ST
NOT TO SCALE

-Z- →



City of Clearwater
129 E Ross
Clearwater KS 67026

Payee: DUSTIN JOHNSON
Date: 3/28/2025 Time: 7:08 AM
Receipt Number: RECEI / 15021
Clerk: CAROL

ITEM	REFERENCE	REFERENCE ID	AMOUNT
ZONE		240 N 4TH VA	
			125.00
ZONE		240 N 4TH VA	
			125.00
Total:			250.00
	Check	1188	250.00
Change:			



**Clearwater Planning Commission
Board of Zoning Appeals**

Zoning Variance – Action

Property Address:	240 N 4 th – Total Accessory Structures = 1,916 sq ft.
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Variance	Section 38-501(3)f. — Total area of all detached accessory structures in all residential districts except R-L shall not exceed 900 square feet.
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Questions	Supported	Unsupported
Uniqueness The request for a variance must arise from a condition which is unique to the property in question, is not ordinarily found in the same zone or district and is not created by an action or actions of the property owner or applicant.		
Adjacent Property The granting of a variance shall not adversely affect the rights of adjacent property owners or residents.		
Hardship The strict application of this chapter will cause unnecessary hardship upon the property owner represented in the application.		
Public Interest The granting of a variance shall not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.		
General Spirit/Intent The granting of a variance will not violate the spirit and intent of this chapter.		

Commission Recommendation

Petition Filed		Vote	
Board Action		Date	

Clerk

(SEAL)



Zoning Variance Request

Property Owner:	Dustin Johnson		
Address:	240 N 4th		
Applicant (If different from property owner):			
Home Phone:	620 584 4328	Cell Phone:	
Email:	djohnsonms4u@gmail.com		

Current Zoning	R-2 Two Family
Legal Description of Property (metes and bounds or subdivision/ block/ lot description)	
Beg 30 Ft E & 52 RDS N SW COR SW 1/4 N 20 RDS E 20 RDS S 20 RDS W TO Beg Exc S 160 Ft & Exc N 15 Ft & Exc W 10 Ft For RD SEC 24-29-2W	

Present Use of Property
Residence - Single Family

Explanation of the Request for a Variance (attach additional sheet if necessary)
Re: 38-501(3) a Structure Closer Than 6 feet

Provide a drawing to support the request and include the property lines of the application area, existing and proposed structures, appropriate dimensions, and any other information that would be helpful to the Board in evaluating the request.

The applicant/agent hereby declares that all information submitted is true to the best of his/her knowledge and that all information required for this request has been included.


Applicant Signature

3-28-25
Date

Office Use Only

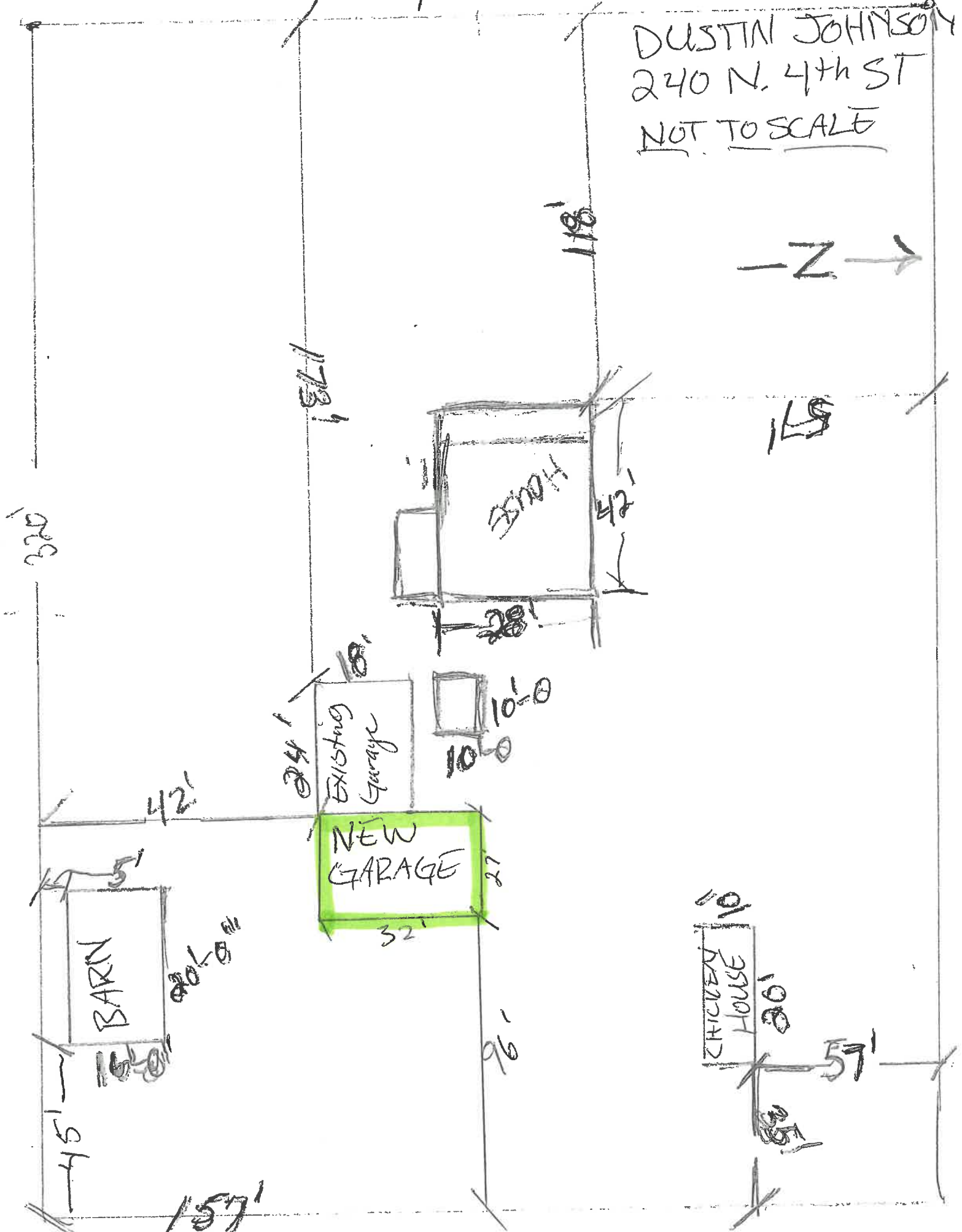
Adjacent Zoning & Land Use		
Direction	Land Use	Zoning
NORTH	Single Family	R-2
SOUTH	Single Family	R-2
EAST	Single / Two Family	R-2
WEST	Single Family	R-1

Article and Description of the Zoning Regulation of Variance Requested
Sec 38-501 (3) a - All accessory structures must be six(6) feet from all other structures.

Received by:	Carol Reitberger
Date Received:	3-28-25
Fee Paid:	\$125.00
Date Published:	4-10-25
Public Notice Mailed:	N/A
Hearing Date:	5-6-25

DUSTIN JOHNSON
240 N. 4th ST
NOT TO SCALE

-Z-



City of Clearwater
129 E Ross
Clearwater KS 67026

Payee: DUSTIN JOHNSON
Date: 3/28/2025 Time: 7:08 AM
Receipt Number: RECEI / 15021
Clerk: CAROL

ITEM	REFERENCE	REFERENCE ID	AMOUNT
ZONE		240 N 4TH VA	
			125.00
ZONE		240 N 4TH VA	
			125.00
Total:			250.00
	Check	1188	250.00
Change:			



**Clearwater Planning Commission
Board of Zoning Appeals**

Zoning Variance – Action

Property Address:	240 N 4th
--------------------------	-----------

Variance	Section 38-501(3)a. – A detached accessory structure having construction techniques and style consistent with the dwelling, may be located toward the front of the lot when conforming with the front and side yard setback requirements of the dwelling. In addition, said accessory structure must be at least three feet from the dwelling. All accessory structures shall be six feet from any other structure.
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Questions	Supported	Unsupported
Uniqueness The request for a variance must arise from a condition which is unique to the property in question, is not ordinarily found in the same zone or district and is not created by an action or actions of the property owner or applicant.		
Adjacent Property The granting of a variance shall not adversely affect the rights of adjacent property owners or residents.		
Hardship The strict application of this chapter will cause unnecessary hardship upon the property owner represented in the application.		
Public Interest The granting of a variance shall not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.		
General Spirit/Intent The granting of a variance will not violate the spirit and intent of this chapter.		

Commission Recommendation

Petition Filed		Vote	
Board Action		Date	

Clerk

(SEAL)

June 2020