

City of Clearwater, Kansas
Sedgwick County
Planning Commission - **MINUTES**
May 6, 2025
Clearwater City Hall
129 E. Ross Avenue Clearwater, KS 67026

1. Call meeting to order.

Kenny Watson called the meeting to order at 6:32 p.m.

2. Roll Call

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

The following staff member was present:

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

Also present: Chad Schmidt.

3. Approve October 1, 2024, Minutes

Motion: *Riggins* moved, *Ledington* seconded to approve the minutes of the October 1, 2024, as presented. The motion passed unanimously. 4-0

4. Other Business

The next meeting is scheduled for June 3, 2025. There is nothing at this time, but Zollinger will keep the board posted.

5. Adjournment

With there being no other business, *Riggins* moved, *Ledington* seconded to adjourn the meeting. Voted and passed unanimously. 4-0

The meeting adjourned at 6:33 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 May 6, 2025, Planning Commission Board.

Given under my hand and official seal of the City of Clearwater, Kansas, this 3rd June 2025.

A handwritten signature in cursive script, appearing to read "Carol Reitberger", written over a horizontal line.

Carol Reitberger, Deputy City Clerk, Secretary

A handwritten signature in cursive script, appearing to read "Lyle Berntsen", written over a horizontal line.

Lyle Berntsen, Chairperson

City of Clearwater, Kansas
Sedgwick County
Board of Zoning Appeals - **MINUTES**
May 6, 2025
Clearwater City Hall
129 Ross Avenue Clearwater, KS 67026

1. Call meeting to order

Kenny Watson called the meeting to order at 6:33 p.m.

2. Roll Call

Deputy City Clerk called the roll to confirm the presence of a quorum. The following members were present: Kenny Watson, J.J. Riggins and Jarod Ledington. Michael McBee was present by phone. Lyle Berntsen was 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 October 1, 2024

Motion: *Riggins* moved, ***McBee*** seconded to approve the minutes of the October 1, 2024, as presented. The motion passed unanimously. 4-0

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

Watson opened the hearing at 6:35 p.m.

Zollinger stated that 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 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.

It was stated that proper notice was given, and it was published in the Times Sentinel Newspaper. No one contacted City Hall with questions or comments.

Watson closed the hearing at 6:41 p.m.

Motion: *Ledington* moved, ***Riggins*** seconded to close the hearing at 6:41 p.m. The motion passed unanimously. 4-0

The Board deliberated and discussed the uniqueness, adjacent property, hardship, public interest, and general spirit of the requested variance and was supported. 4-0

Motion: Ledington moved, **Riggins** seconded to approve the variance as presented. The motion passed unanimously. 4-0

5. Hearing – 240 N. Fourth

Watson opened the hearing at 6:44 p.m.

a. Exceed total area of accessory structures of 900 square feet

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 the city was unable to issue the permit because of Sec 38-501 (3)a; and Sec 38-501(3)f of the city code.

Sec 38-501 (3)f Total area of all detached accessory structure in all residential districts except R-1 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.

b. Reduce setback to 0' between accessory structures

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.

The 6' 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.

It was stated that proper notice was given, and it was published in the Times Sentinel Newspaper. No one contacted City Hall with questions or comments.

Watson closed the hearing at 6:53 p.m.

Motion: Riggins moved, **Ledington** seconded to close the hearing at 6:53 p.m. The motion passed unanimously. 4-0

The Board discussed the lot size, and this address is an unplatted area of town and one of the larger lots in town.

The Board discussed for both variances the uniqueness, adjacent property, hardship, public interest, and general spirit of the requested variance and was supported. 4-0

Motion: Ledington moved, **Riggins** seconded to approve the total accessory structure of 1,916 at 240 N. Fourth as presented. The motion passed unanimously. 4-0

Motion: Ledington moved, **Watson** seconded to approve the detached accessory structure to have a 0' setback while making sure all fire codes outside of the approved 6' distance are met. The motion passed

unanimously. 4-0

6. Other Business

Zollinger stated that this was the last meeting for J.J. Riggins and Michael McBee and thanked them for their service to the Planning Commission and Board of Zoning Appeals.

The next meeting will be on June 3, 2025, with a lot split.

7. Adjournment

With there being no other business, **Ledington** moved, **Riggins** seconded to adjourn the meeting. Voted and passed unanimously. 4-0

The meeting adjourned at 7:02 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 May 6, 2025, Board of Zoning Appeals Board.

Given under my hand and official seal of the City of Clearwater, Kansas, this 3rd day of June 2025.



Carol Reitberger, Deputy City Clerk, Secretary



Lyle Berntsen, Chairperson