



City of Clearwater Planning Commission Meeting Agenda
Tuesday August 5, 2025, at 6:30pm
129 E Ross Clearwater, KS 67026

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1. Call meeting to order

2. Roll Call

Lyle Berntsen
Duane Schneider

Ron Witt
Kenny Watson

Ryan Karrick
John Hurley

Jarod Ledington

3. [Approval of the Minutes of July 1, 2025](#)

4. Discussion: [Fence Placement](#)

5. Other Business

6. Adjournment

City of Clearwater, Kansas
Sedgwick County
Planning Commission - **MINUTES**
July 1, 2025
Clearwater City Hall
129 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, Jarod Ledington, Ron Witt, Duane Schneider. Ryan Karrick and John Hurley were absent.

The following staff members were present:

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

3. Approve June 3, 2025, Minutes

Motion: *Witt* moved, *Schneider* seconded to approve the minutes of the June 3, 2025, as presented. The motion passed unanimously. 5-0

4. Hearing: Zoning Ordinance amendment

- a. Article 8 – R-2 Intensity Use Regulations
- b. Article 23 – Additional Height, Area, and Use Regulations Qualification and supplementations to district regulations.

The hearing was opened at 6:31 pm *Ledington* moved, and *Witt* seconded the motion to open the hearing.

Zollinger spoke about the potential changes to the Ordinance amending the zoning regulations for the City of Clearwater as discussed in the prior meeting. The Planning Commission realized that there are areas of town where decreasing the minimum required square feet for zoning district R-2 would benefit the growing need for affordable housing. The Board of Zoning Appeals also saw a potential needed change for accessory structures on larger lots. The groups asked City staff to prepare zoning changes for the Planning Commission to review and make their recommendations to City Council. The changes discussed were as follows:

Single family dwellings. A lot on which there is erected a single-family dwelling shall contain an area of not less than 6,000 square changed to **4,500** square feet with a minimum lot width of 50 feet.

Two and three-family dwellings. A lot on which there is erected a two- or three-family dwelling shall contain an area of not less than 5,000 changed to **4,000** square feet per dwelling unit. This regulation shall be applicable to such structures being converted to individually owned units. Also see Article 23, Additional Height, Area, and Use regulations.

In the yard regulations under side yard: A single family attached and two-family dwellings where the common wall is also the common lot line shall have a setback of 0 feet on the common lot line. All other setbacks shall follow the regulations contained herein.

In Section 23-1 Qualifications and supplementations to district regulations.

f. The total area of all detached accessory structures in all residential districts with lots that are less than .75 shall not exceed 900 square feet.

g. Total area of all detached structures and principal building with lot sizes .75 or more except for R-L shall not exceed 30% coverage of total lot area.

h. The size of accessory structures may not be greater than the principal building size.

Ledington stated that he thought that wording in (h.) was too vague of a description and should be changed. There was discussion of the Board and consensus was that the wording should be changed to the size of accessory structures may not exceed the lot coverage of principal building size.

The hearing closed at 6:38 p.m.

Motion: *Ledington* moved, *Schneider* seconded to close the hearing. The motion passed unanimously. 5-0

Motion: *Ledington* moved, *Schneider* seconded to approve the Article 8 Section 4 Zoning Ordinance as written. The motion passed unanimously. 5-0

Motion: *Ledington* moved, *Witt* seconded to approve the Article 23 Section 1 Zoning Ordinance with changes to the wording. The size of accessory structure may not exceed lot coverage of principal building size. The motion passed unanimously. 5-0

5. Other Business None at this time.

6. Adjournment

With there being no other business, *Ledington* moved, *Schneider* seconded to adjourn the meeting. Voted and passed unanimously. 5-0

The meeting adjourned at 6:47 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 July 1, 2025, Planning Commission Board.

Given under my hand and official seal of the City of Clearwater, Kansas, this 5th of August 2025.

Carol Reitberger, Deputy City Clerk, Secretary

Lyle Berntsen, Chairperson

**City of Clearwater
Planning Commission
August 5, 2025**

Fence Discussion

Context: I was made aware of a fence going up at Kansas and Gorin. When I went to look into it and found that the fence was being placed in the right-of-way. Standing at that corner I also noticed a fence at Kansas and Lee and Kansas and Prospect that were similarly placed. I check the city code to see exactly what it says about fences in the right-of-way and it doesn't. I had the Zoning consultant look at it as well and he stated this:

I agree that the city's code is somewhat silent on this issue, but generally, there is prohibition on placing fences within the street right-of-way.

Article 23-2 could be amended to clearly state that fences are not allowed in the street right-of-way, as many cities do, but that's up to the City Council to see how they want to deal with it. Additionally, if the city wishes to retain flexibility in determining where fences are permitted, we could include language in the BZA's exceptions that allows them to decide which fences are permitted in the street right-of-way.

I spoke with the mayor and told him the predicament we were in and recommended to have the Planning Commission make changes to the zoning regulations and address things from here on out.

I've put together some talking points that might be considered to add to our fence section. I've highlighted them in yellow. I've also included what Cheney, KS has for their fence section. This will be a discussion on fences and we will have a hearing on the change in September.

23-2. Fences.

Except as otherwise specifically provided in other codes, ordinances, or resolutions, the following regulations shall apply to the construction of fences:

(1) Fence permits are required prior to construction. All permit applications must be accompanied by a plot plan and application for zoning compliance.

(1) No fence shall be constructed closer to the street than the front setback line established for the district in which such fence is to be erected, except that fences installed upon public or parochial school grounds or in public parks and public playgrounds may be permitted by special use permit approved by the board of zoning appeals without any front yard setback limitation, providing the fence does not encroach on any required utility easements or cause any vision impairment for vehicles.

(2) No fence shall be constructed which will constitute a traffic hazard and no permit shall be granted for the construction of a fence unless the city building inspector has certified that the proposed fence will not constitute a traffic hazard.

(3) No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.

(4) No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight, or hindering ventilation, or any fence which shall adversely affect the public health, safety, and welfare.

(5) No fence, except fences erected upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than six feet; provided, however, that the board of zoning appeals may, by exception, authorize the construction of a fence higher than six feet if the board finds the public welfare is preserved.

(6) All fences shall conform to the construction standards of the building code and other applicable ordinances and resolutions.

(7) Fences shall be exempt from the provisions of section 23-3; however, the city retains the right to remove any fence for right-of-way purposes.

(8) Fence are not allowed in the street right-of-way.

(9) Conditional use for fences: The Board of Zoning Appeals may as a conditional use approve the construction of higher fences and/or permitted placement in the right-of-way in any district if the Board finds that the public welfare is preserved.

Definitions: Fence. A free-standing structure of metal, masonry, glass, or wood or any combination thereof resting on or partially buried in the ground and rising above ground level and used for confinement, screening, or partition purposes but which does not pose a threat to public safety or health and is designed and constructed in such a manner as to produce an aesthetically pleasing appearance. Fences constructed of metal roofing materials, fork lift pallets, portions of vehicles or appliances, concrete bags and the like are not permitted. In determining the location of a fence, consideration must be given to its affect upon proper drainage.

CHENEY, KS

No fence, wall or hedge may be constructed within the zoning jurisdiction of the City unless it is constructed in conformance with the following requirements:

1. A fence, wall or hedge may project into or enclose any required front, side or rear yard subject to access requirements of any established easement and in accordance with the following:
 1. The maximum height of fences, walls or hedges that project into any front yard shall be no more than three feet high at the grade from the right-of-way edge. Except that fences such as chain link, split rail and others that allow visibility through at least 50 percent of their area may be four feet high.
 2. The maximum height of fences, walls or hedges that project into side yards shall not exceed seven feet in height at the grade of the nearest wall of the principal structure.
 3. A fence in excess of three feet in height shall not extend beyond the front of any principal structure located on adjacent parcels except as provided herein. However, required front yard setbacks must always be maintained.
 4. The maximum height of fences, walls or hedges that project into rear yards shall not exceed seven feet in height at the grade of the nearest wall of the principal structure unless otherwise required.
 5. In an industrial district, fences, walls or hedges needed for security and safety shall not exceed eight feet in height in any yard, except as may be otherwise permitted.
 6. Where a residential structure is on a corner lot, a solid fence six feet in height may be constructed in the side street front yard subject to the following:

1. Distance from the Street Side Yard Property Line for Corner Lots. On corner lots zoned residential, fences may be erected inside and adjacent to the street side yard property line abutting a street right-of-way if the fence will not encroach into the sight triangle or the front yard setback. When the street side yard or rear yard is adjacent to the front yard of an adjacent lot then the fence must maintain a 45-degree sight triangle to the abutting front yard setback. See [figure A1 and A2](#).
2. The fence shall not project beyond the property line nor into a city right-of-way.
3. The fence shall not extend nearer to the front street lot line than the front wall of the principal building.
4. The fence shall not extend into any sight triangle as defined in these regulations.
5. The fence shall not exceed a height of seven feet as measured at the average highest adjacent grade.
6. The zoning administrator shall establish which yard is the side street front yard.
7. Except as otherwise set forth in this Ordinance, permitted materials in residential districts for fences on all properties shall include:
 1. new lumber and new wood boards;
 2. split rail;
 3. chain link;
 4. wrought iron and decorative aluminum;
 5. vinyl;
 6. brick and masonry;
 7. stone, rock and concrete block;
 8. stucco;
8. Prohibited materials in residential districts shall include but not be limited to:
 1. sheet metal;
 2. metal building siding and roofing materials;
 3. corrugated metal or fiberglass;
 4. barbed wire except as may be permitted for security requirements;
 5. chicken wire;
 6. plywood;
 7. scrap wood;
 8. scrap metal;
 9. canvas, nylon or other non-rigid material or fabric;
 10. cast-off, secondhand or other materials not originally intended to be used for constructing or maintaining a fence; and
 11. stock fences.
9. The zoning administrator may require a photograph or sketch of the proposed fence.
10. No fence shall be constructed upon a lot or parcel within the zoning jurisdiction of the City of Cheney, Kansas without the owner and/or owner's representative obtaining a building permit in accordance with the provisions of Chapter 4 of the Cheney Zoning Ordinance. An application for a permit authorizing the construction of a fence shall be made on forms supplied by the City of Cheney, Kansas.



City of Clearwater Board of Zoning Appeal Meeting Agenda
Tuesday August 5, 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
Duane Schneider

Ron Witt
Kenny Watson

Jarod Ledington

3. [Approval of Minutes from July 1, 2025](#)

4. Hearing: 114 S Byers

5. Other Business

6. Adjournment

City of Clearwater, Kansas
Sedgwick County
Board of Zoning Appeals - **MINUTES**
July 1, 2025
Clearwater City Hall
129 Ross Avenue Clearwater, KS 67026

1. Call meeting to order

Lyle Berntsen called the meeting to order at 6:47 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, Jarod Ledington, Ron Witt and Duane Schneider.

The following staff members were present:

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

3. Approval of Minutes from June 3, 2025

Motion: Witt moved, **Watson** seconded to approve the minutes of the June 3, 2025, as presented. The motion passed unanimously. 5-0

Motion: Witt moved, **Watson** seconded to removed Number 5 from the agenda. McElroy will not be speaking this evening. 5-0

4. Hearing 416 N. First Ave Court

Hearing opened at 6:48 p.m.

Motion: Witt moved, **Schneider** seconded to open the hearing. The motion passed unanimously. 5-0

Zollinger stated that resident Donnie Lies would like to extend a privacy fence on the southern border of the lot to the street. Currently the south property faces Janet and has constructed a fence in their designated back yard, and he would like to extend a privacy fence from their northwest corner of their fence westward towards the street to separate the yards. He understands that anything over 6' is not allowed in the required front yard setback and would be willing to extend a 6' privacy fence for 14' - 16' to the west and then angle it down to 4' fence as it gets closer to the street. He understands there is a right of way where utilities are buried and would understand stopping short of the right of way so not to interfere with existing utilities. The fence would be constructed of wood with 3 crossbars and bolted together for support. Lies would like to keep the weeds from blowing and spreading into his property from neighboring yards.

The discussion from the board was that no one wanted to set a precedent to have 6-foot fences going to the property line and also recognized a potential hazard for anyone backing out a driveway to see on coming traffic.

The Board went over the 5 questions for uniqueness, Adjacent Property, Hardship, Public Interest and General Spirit/Intent. Uniqueness Unsupported 5-0, Adjacent Property Supported 5-0, Hardship Unsupported 5-0, Public Interest Supported 3-2, General Spirit/Intent Unsupported 3-2

Based on the Zoning Variance Action this Variance did not pass. The Board agreed that a 4' fence is allowed in the front yard and will still be able to accomplish what the owner is wanting.

5. **Public Question Caleb McElroy** – Removed from the agenda

6. **Other Business** None at this time

7. **Adjournment**

With there being no other business, ***Ledington*** moved, ***Schneider*** seconded to adjourn the meeting. Voted and passed unanimously. 5-0

The meeting adjourned at 7:04 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 July 1, 2025, Board of Zoning Appeals Board.

Given under my hand and official seal of the City of Clearwater, Kansas, this 5th day of August 2025.

Carol Reitberger, Deputy City Clerk, Secretary

Lyle Berntsen, Chairperson



Zoning Variance Request

Property Owner:	Jennifer Baker and Gail Griffin		
Address:	114 S Byers Clearwater		
Applicant (If different from property owner):	Stephen King		
Home Phone:		Cell Phone:	801-403-5029
Email:	kingstephe@gmail.com		

Current Zoning	R-1 Single Family Residential
Legal Description of Property (metes and bounds or subdivision/ block/ lot description)	
Lots 2-4-6 Byers Ave. Tracy & Byers Addition	

Present Use of Property
Empty lot. House was demolished after a fire. Resident would like to rebuild a single family home that will have a main floor square footage of 1,680. - Plans included

Explanation of the Request for a Variance (attach additional sheet if necessary)
Article 6-7 of the Clearwater Zoning Regulations state that the front and rear yard setbacks are 25' and side yard is 12 1/2 feet on each side. The request is to reduce the side yard setbacks on each side to 7' 1/2 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

8 JULY 2025

Date

Office Use Only

Adjacent Zoning & Land Use		
Direction	Land Use	Zoning
NORTH	Residential/ Light Industrial	R-1 & I-1
SOUTH	Residential	R-1
EAST	Residential	R-1
WEST	Residential	R-1

Article and Description of the Zoning Regulation of Variance Requested

Article 6-7 – Reduction in side setbacks from 12 ½ feet to 7 ½ feet

Received by:	C. Zollinger
Date Received:	7-7-2025
Fee Paid:	Yes
Date Published:	7-10-2025
Hearing Date:	8-5-2025



NUMBER	DATE	REVISION	DESCRIPTION

PLOT PLAN

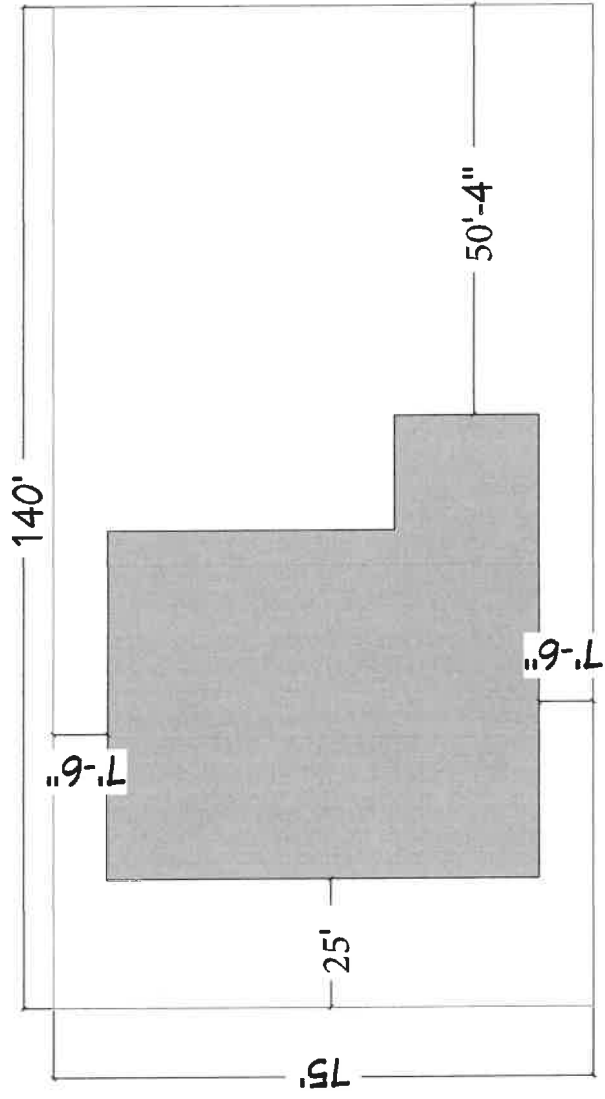
KING CUSTOM
7/13/2025

MILL CREEK
LUMBER & SUPPLY
DRAWINGS PROVIDED BY:

DATE:
7/3/2025

SCALE:
1/4"

SHEET:
6



○ PLOT PLAN
1/8" IN = 1 FT



City of Clearwater
129 E Ross
Clearwater KS 67026

Payee: STEPHEN AND JENNIFER KIL
Date: 7/8/2025 Time: 3:32 P
Receipt Number: RECEI / 15284
Clerk: JAMIE

ITEM	REFERENCE	AMOUNT
ZONE	114 S. BYI	125.00
Total:		125.00
Check	1042	125.00
Change:		0.00



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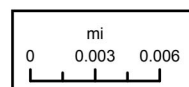
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114 S Byers

Sedgewick County, Kansas



1:564





**Clearwater Planning Commission
Board of Zoning Appeals**

Zoning Variance – Action

Property Address:	114 S Byers
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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	
Board Action	
Vote	
Date	

Clerk

(SEAL)