

City of Clearwater Board of Zoning Appeal Meeting Agenda
Tuesday October 7, 2025, at 6:30pm
129 E Ross Clearwater, KS 67026

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1. Call meeting to order

2. Roll Call

Lyle Berntsen

Ron Witt

Jarod Ledington

Duane Schneider

Kenny Watson

3. Approval of Minutes from September 2, 2025

4. Hearing:

a. 731 E Hellar – Fence Variance

b. 200/220 S 3rd – Fence Variance

5. Other Business

6. Adjournment

City of Clearwater, Kansas
Sedgwick County
Board of Zoning Appeals - **MINUTES**
September 2, 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 and Duane Schneider. Ron Witt was absent.

The following staff members were present:

Carol Reitberger, Deputy City Clerk, City Attorney Scott Ufford.

3. Approval of Minutes from August 5, 2025

Motion: *Schneider* moved, *Watson* seconded to approve the minutes of the August 5, 2025, as presented. The motion passed unanimously. 4-0

4. Hearing: None

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. 4-0

The meeting adjourned at 6:31 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 September 2, 2025, Board of Zoning Appeals Board.

Given under my hand and official seal of the City of Clearwater, Kansas, this 7th day of October 2025.

Carol Reitberger, Deputy City Clerk, Secretary

Lyle Berntsen, Chairperson



Zoning Variance Request

Property Owner:	Jeremy Clymes
Address:	731 E Helber
Applicant (If different from property owner):	
Home Phone:	
Email:	

Current Zoning	
Legal Description of Property (metes and bounds or subdivision/ block/ lot description)	
731 E Helber Hammers Addition	

Present Use of Property
Residential

Explanation of the Request for a Variance (attach additional sheet if necessary)
Install 8 Ft Privacy Fence on East Side only Between us for Privacy Reasons

Their House sits higher and they are Always Looking in our windows

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

7/28/25
Date

Elaine

North

Existing 6' Fence

10' Fence

105' of Proposed 8 ft Fence

East

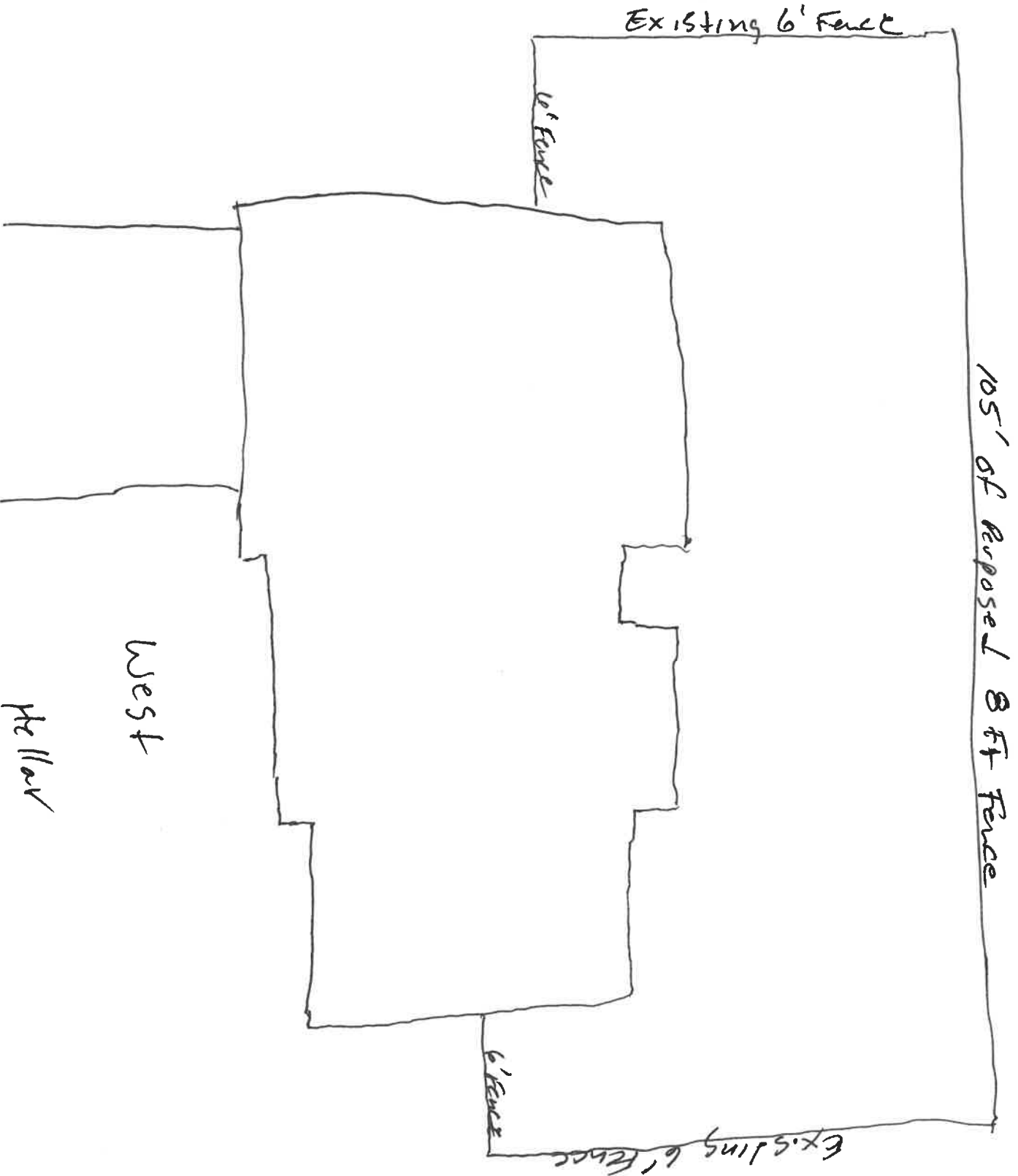
6' Fence

Existing 6' Fence

South

West

Hellar





**Clearwater Planning Commission
Board of Zoning Appeals**

Zoning Variance – Action

Property Address:	731 E Hellar
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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)

PUBLISH ONCE IN THE TIMES-SENTINEL September 11, 2025

PUBLIC NOTICE

ZONING VARIANCE HEARING

The City of Clearwater, Kansas Board of Zoning Appeals will consider a request made by Jeremy Clymer for 731 E Hellar.

The lot is zoned R-1 (Single Family Dwelling), and the request is for a variance to Section 23-2 (5). No fence shall be constructed greater than 6' tall. The request is to construct an 8' fence on the east side of their backyard.

THE BOARD OF ZONING APPEALS WILL HOLD A HEARING ON THIS SUBJECT IN THE CLEARWATER CITY HALL AT 129 E. ROSS, CLEARWATER, KANSAS ON October 7, 2025

Those wishing to speak at the hearing should contact the Clearwater Deputy City Clerk by October 6, 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.



Zoning Variance Request

Property Owner:	Jeremy Cain and Jaden Cain	
Address:	200/ 220 S 3rd	
Applicant (If different from property owner):		
Home Phone:		
Email:		

Current Zoning	R-1 Single Family
Legal Description of Property (metes and bounds or subdivision/ block/ lot description)	
N 65 FT W1/2 LOT 8 AKINS SUPPL. PLAT And W 1/2 LOT 8 EXC N 65 FT AKINS SUPPL. PLAT	

Present Use of Property
Single Family home (200 S 3 rd) and empty lot (220 S 3 rd)

Explanation of the Request for a Variance (attach additional sheet if necessary)
A privacy fence was installed on the south and west side of the property but was placed in the front setback and right of way. It has been explained that this is against the zoning regulations. I understand the fence needs to be moved back onto the property, but I would like to request a variance to extend privacy 10 feet into the front setback line. The fence would remain on the property but be extended only 10 feet instead of the (approximately) 30' it currently sits.



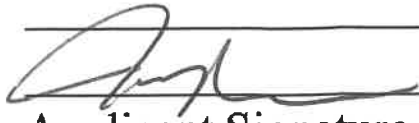
Provide a drawing to support the request and include the property lines of the application area, existing and proposed structures, appropriate dimensions, and any other information that would be helpful to the Board in evaluating the request.

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

Date

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

Date

Aug 29, 2025

Office Use Only

Adjacent Zoning & Land Use

Direction	Land Use	Zoning
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NORTH	Single Family Dwelling	R-1
-------	------------------------	-----

SOUTH	Single Family Dwelling	R-1
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EAST	Single Family Dwelling	R-1
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WEST	Single Family Dwelling	R-1
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Article and Description of the Zoning Regulation of Variance Requested

Article 23-1 (5)(b) Qualification and supplementations to district regulations. The following features may be located in the required setbacks. - 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;

Received by: Carol Reithberger

Date Received: 9-2-2025

Fee Paid: \$125.00

Date Published:

Public Notice Mailed:

Hearing Date:

Aug 2019



**Clearwater Planning Commission
Board of Zoning Appeals**

Zoning Variance – Action

Property Address:	220 / 220 S 3rd
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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)

PUBLISH ONCE IN THE TIMES-SENTINEL September 11, 2025

PUBLIC NOTICE

ZONING VARIANCE HEARING

The City of Clearwater, Kansas Board of Zoning Appeals will consider a request made by Jeremy Cain and Jaden Cain for 200 and 220 S 3rd.

The lot is zoned R-1 (Single Family Dwelling), and the request is for a variance to Section 23-1 (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 BOARD OF ZONING APPEALS WILL HOLD A HEARING ON THIS SUBJECT IN THE CLEARWATER CITY HALL AT 129 E. ROSS, CLEARWATER, KANSAS ON October 7, 2025

Those wishing to speak at the hearing should contact the Clearwater Deputy City Clerk by October 6, 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.



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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 September 2, 2025](#)

4. Hearing: None

5. Other Business

6. Adjournment

City of Clearwater, Kansas
Sedgwick County
Planning Commission - **MINUTES**
September 2, 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, Duane Schneider. Ron Wiit, Ryan Karrick and John Hurley were absent.

The following staff members were present:

Carol Reitberger, Deputy City Clerk, City Attorney Scott Ufford.

3. Approve August 5, 2025, Minutes

Motion: *Schneider* moved, *Ledington* seconded to approve the minutes of the August 5, 2025, as presented. The motion passed unanimously. 4-0

4. Hearing: Amendment to Article 23-2 Fences

The hearing was opened at 6:32 pm *Ledington* moved, and *Schneider* seconded the motion to open the hearing. 4-0

Ufford stated the proper notice was sent for the hearing. The public hearing was posted in the Time Sentinel Newspaper on July 24, 2025 setting the hearing date for September 2, 2025 at 6:30pm. Since the amendment doesn't affect a specific property address, notices within 200' were not required.

Nobody has made any reports about the hearing for the Planning Commission to consider.

The amendments to the code include the following added language:

- Fence permits are required prior to construction. All permit applications must be accompanied by a plot plan and an application for zoning compliance. The Zoning Administrator may require a photograph or sketch of the proposed fence.
- Fences are not permitted in the city right-of-way.
- Except as otherwise set forth in this Ordinance, permitted materials in residential districts for fences on all properties shall include:
 - new lumber and new wood boards;
 - split rail;
 - chain link;
 - wrought iron and decorative aluminum;
 - vinyl;
 - brick and masonry;
 - stone, rock and concrete block;
 - stucco;

- Prohibited materials in residential districts shall include but not be limited to:
 - sheet metal;
 - metal building siding and roofing materials;
 - corrugated metal or fiberglass;
 - barbed wire except as may be permitted for security requirements;
 - chicken wire;
 - plywood;
 - scrap wood;
 - scrap metal;
 - canvas, nylon or other non-rigid material or fabric;
 - cast-off, secondhand or other materials not originally intended to be used for constructing or maintaining a fence; and
 - stock fences.
- 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.
- Any fence existing on the effective date of Ordinance No. ____ (September __, 2025) which has been previously approved by the City shall be allowed. However, if any such fence is removed, then any new fence will need to comply with the then, existing city code.
 - Repairment of a fence with the same material, size and location is not considered removed.

Any fence existing on the effective date of Ordinance No. ____ (September __, 2025) which has been previously approved by the City shall be allowed to remain as constructed so long as the fence complies with the city code or approved zoning variance applicable at the time of its construction. However, if any such fence is removed, then any new fence constructed shall comply with all current provisions of the city code.

- a. Any fence that is repaired with the same material that is of the same size and at the same location is not considered removed for the purposes of this section.

The Board liked the addition at the end whether a fence is removed or if a fence is rebuilt. They would recommend this to the governing body.

The hearing closed at 6:46 p.m.

Motion: *Ledington* moved, *Watson* seconded to close the hearing. The motion passed unanimously. 4-0

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. 4-0

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 September 2, 2025, Planning Commission Board.

Given under my hand and official seal of the City of Clearwater, Kansas, this 7th October 2025.

Carol Reitberger, Deputy City Clerk, Secretary

Lyle Berntsen, Chairperson