

City of Clearwater Board of Zoning Appeal Meeting Agenda  
Tuesday November 4, 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 October 7, 2025**

**4. Hearing:**

a. 240 S 3rd – Accessory Structure Variance

**5. Other Business**

**6. Adjournment**

**City of Clearwater, Kansas**  
Sedgwick County  
Board of Zoning Appeals - **MINUTES**  
October 7, 2025  
Clearwater City Hall  
129 Ross Avenue Clearwater, KS 67026

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**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 Ron Witt. Duane Schneider was absent.

The following staff members were present:

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

Also Present: Jeremy Clymer

**1. Approval of Minutes from October 7, 2025**

**Motion:** *Witt* moved, *Watson* seconded to approve the minutes of September 2, 2025, as presented. The motion passed unanimously. 4-0

**2. Hearing:**

**a. 731 E. Hellar**

The hearing was opened at 6:31 p.m. *Ledington* moved, and *Witt* seconded the motion to open the hearing. 4-0

Zollinger stated that proper notice was sent for the hearing. It was published in the newspaper and no one contacted city hall. Jeremy Clymer would like to install an 8 ft privacy fence on the east side only of his property. The fence is for privacy reasons between them and the neighbors. Clymer house sits higher on his property and neighbors can see into his home. Clymer stated there is a 6 ft privacy fence but not high enough to solve the problem.

Jeremy Clymer stated that there are back windows on his patio and would like more privacy from east neighbors. The tree line is not enough. Neighbors are not friends and do not want them looking into their home. The fence will have steel posts, and he is willing to spend the \$5,600 to make this fence happen. The existing fence has been there since 2008, and he will keep the new fence on his property and keep it clean.

The board notified Mr Clymer that he would need to be responsible for maintaining the area between the fences since he does not intend to take the existing fence down. Mr. Clymer acknowledged he would maintain the area.

The hearing was closed at 6:38 p.m. *Witt* moved, and *Watson* seconded the motion to close the hearing 4-0

The Board may authorize, in specific cases, a variance from the specific terms of the zoning chapter which will not be contrary to the public interest and where, because of special conditions, a literal

enforcement of the provisions of the chapter will, in an individual case, result in unnecessary hardship, providing that the spirit of the chapter is observed, public safety and welfare are secured, and substantial justice is done. Such variance shall not permit any use not permitted by this chapter. The Board went over the 5 questions for Uniqueness, Adjacent Property, Hardship, Public Interest and General Spirit/Intent.

1. 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. Supported 4-0
2. Adjacent Property: The granting of a variance shall not adversely affect the rights of adjacent property owners or residents. Supported 4-0
3. Hardship: The strict application of this chapter will cause unnecessary hardship upon the property owner represented in the application. Supported 4-0
4. Public Interest: The granting of a variance shall not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. Supported 4-0
5. General Spirit/Intent: The granting of a variance will not violate the spirit and intent of this chapter. Supported 4-0

Based on the Zoning Variance Action will carry as approved 4-0

**b. 200 /220 S. Third**

The hearing was opened at 6:40 p.m. **Ledington** moved, and **Watson** seconded the motion to open the hearing. 4-0

Zollinger stated that proper notice was sent for the hearing. It was published in the newspaper and no one contacted city hall. Jeremy Cain installed a privacy fence 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. Cain understands that the fence needs to be moved back onto the property but would like to request a variance to extend privacy 10 feet in front of the house. This is because the Cain's have installed a gate that they would like to keep and not rip out since there was a large investment made in the construction. The gate is located 10 feet in front of the house off the driveway. The fence would remain on the property but be extended only 10 feet instead of approximately 30 feet where it currently sits.

The board asked how does this request fit into the newly revised fence ordinance. If by granting this variance, would the fence still be in the right of way. Zollinger stated that no it wouldn't be in the right-of-way and the current placement, and the requested placement is based on the current section of the fence ordinance that states that a 6' fence can't be placed in front of the house. If this fence was 4' there would be no need for a variance. The revised ordinance goes on to state that no fence, regardless of height, can't be in the right-of-way. The board further discussed location of the fence and what precedence would be set by approving this variance. The question was asked if approved how variances are managed for future residents at the same address. Zollinger explained that variances are saved and pulled up for each build that would require a variance. If the board wanted to put restrictions or conditions on the variance they could, and it would stay with the property. The board stated that whatever is ruled for the reasonings will help set precedence for future variances with this board. It was brought up that 348 E Hellar had a variance request to place a privacy fence between the garage and house to create a privacy area for a swimming pool. This variance went before the board in April 2025. This was before R. Witt was on the Board. Since members of the current board were not the same in

April to today there was voiced uncertainty on how to proceed with the request. The board acknowledged that the owner is trying to maximize space and keep the gate that was constructed. The board deliberated and recognized that this situation came up prior to the revised fence ordinance that now requires permits.

The hearing was closed at 6:57 p.m. **Ledington** moved, and **Witt** seconded the motion to close the hearing 4-0

The Board may authorize, in specific cases, a variance from the specific terms of the zoning chapter which will not be contrary to the public interest and where, because of special conditions, a literal enforcement of the provisions of the chapter will, in an individual case, result in unnecessary hardship, providing that the spirit of the chapter is observed, public safety and welfare are secured, and substantial justice is done. Such variance shall not permit any use not permitted by this chapter. The Board went over the 5 questions for Uniqueness, Adjacent Property, Hardship, Public Interest and General Spirit/Intent.

6. 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. Unsupported 4-0
7. Adjacent Property: The granting of a variance shall not adversely affect the rights of adjacent property owners or residents. Supported 4-0
8. Hardship: The strict application of this chapter will cause unnecessary hardship upon the property owner represented in the application. Supported 4-0
9. Public Interest: The granting of a variance shall not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. Supported 4-0
10. General Spirit/Intent: The granting of a variance will not violate the spirit and intent of this chapter. Supported 3-1

Based on the Zoning Variance Action will not carry since uniqueness was unsupported.

**3. Other Business** meeting November 4th accessory structure.

**4. Adjournment**

With there being no other business, **Ledington** moved, **Watson** 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 October 7, 2025, Board of Zoning Appeals Board.

Given under my hand and official seal of the City of Clearwater, Kansas, this 4th day of November 2025.

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Carol Reitberger, Deputy City Clerk, Secretary

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Lyle Berntsen, Chairperson



## Zoning Variance Request

<b>Property Owner:</b>	Janice Bedell		
<b>Address:</b>	240 S 3rd		
<b>Applicant (If different from property owner):</b>			
<b>Home Phone:</b>		<b>Cell Phone:</b>	
<b>Email:</b>			

<b>Current Zoning</b>	R-1 Single Family Residential
<b>Legal Description of Property (metes and bounds or subdivision/ block/ lot description)</b>	
W 1/2 OF N 72 FT OF LOT 14 AKINS SUPPL. PLAT	

<b>Present Use of Property</b>
Single Family home with

<b>Explanation of the Request for a Variance (attach additional sheet if necessary)</b>
<p>I currently have a metal portable carport but will be moving it to the backyard that I will store my camper under.</p> <p>I would like to put up a stick-built car port in front of my existing garage. The existing garage is too small to hold my car since it was built in 1940. My neighbor has large pecan tree that hangs over my driveway that drops pecan and branches throughout the year. They also have a sprinkler system that sprays onto my driveway and leaves stains. To protect my vehicle, I do need a carport to park it under. The new wood frame carport would be more aesthetically pleasing to have better curb appeal.</p> <p>Existing accessory structures on my property include small garage, 2 8' x 8' sheds, 1 10' x 12' shed, and 1 18' x 20' carport for new camper. Existing accessory structures total 884 sq ft. The new carport would be 12' x 20' making a total accessory structure square feet 1,124. I would also like to line up the carport in front of the existing garage which would put it 8' from the house. (this is the current location of the metal carport that will be moved to the back yard).</p>



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.

Jessie Bedell  
Applicant Signature

10 2 2025  
Date

**Office Use Only**

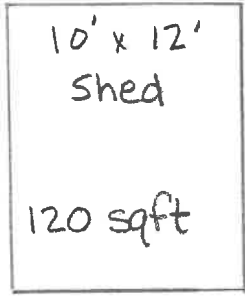
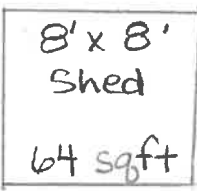
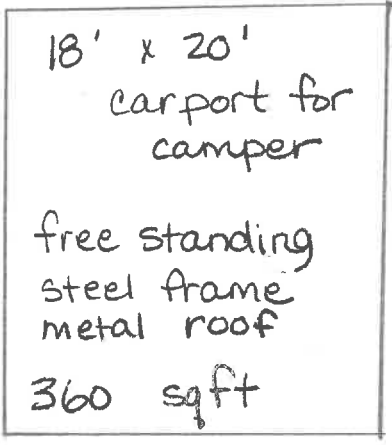
Adjacent Zoning & Land Use		
Direction	Land Use	Zoning
NORTH	R-1 Single Family	R-1
SOUTH	↓	R-1
EAST		R-1
WEST		R-1

Article and Description of the Zoning Regulation of Variance Requested
23-1 (3) (b) located at least 12.5' from dwelling if it doesnt match 9.6' from other structures
23-1 (3) (f) Total area of accessory structures cannot exceed 900 sqft

Received by:	C. Zollinger
Date Received:	10-2-25
Fee Paid:	Yes
Date Published:	10-9-25
Public Notice Mailed:	N/A
Hearing Date:	11-4-25

E

Being moved here  
from current  
location in front  
of garage

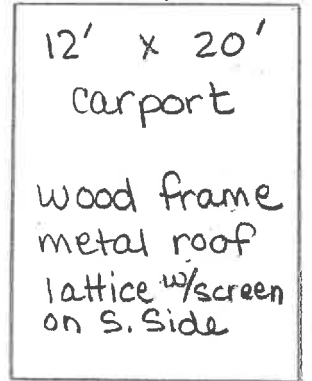
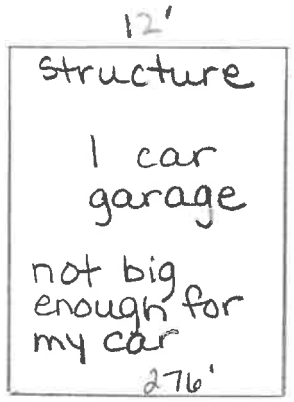
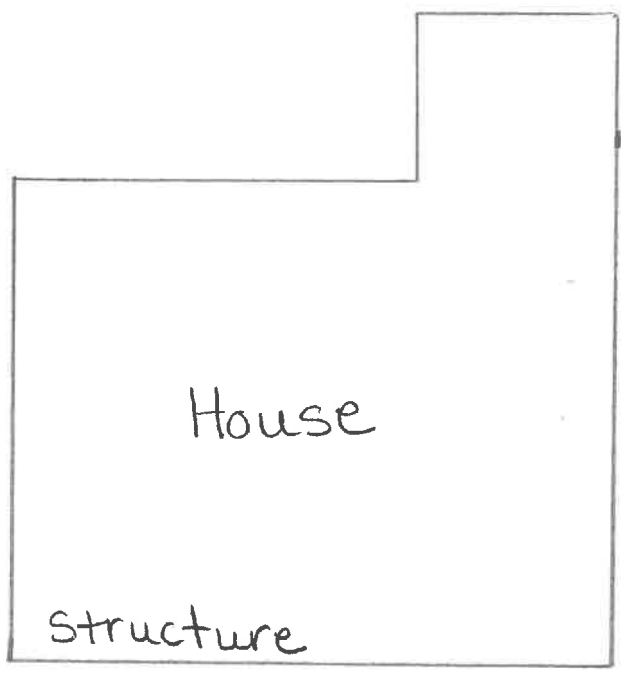


Back Yard

$$\begin{array}{r}
 360 \\
 + 120 \\
 + 64 \\
 + 64 \\
 \hline
 608 \text{ Sqft}
 \end{array}$$

N

Janice Bedell  
240 S. 3rd  
Clearwater



← 8' →

↑ N  
Pecan Trees  
↓ Neighbors Sprinklers

1124'

this is what I want  
to build

**PUBLISH ONCE IN THE TIMES-SENTINEL \_\_\_\_\_**

**PUBLIC NOTICE**

**ZONING VARIANCE HEARING**

The City of Clearwater, Kansas Board of Zoning Appeals will consider a request made by Janice Bedell for 240 S 3rd.

The lot is zoned R-1 (Single Family Dwelling), and the request is for a variance to Section 23-1 (3) b. Accessory structures which are not consistent with the dwelling in construction technique and style must be located at least 12½ feet from the dwelling. Accessory structures shall not be closer than six feet to any other structure. The request is to place a carport directly in front of the detached garage and 8' from the main dwelling.

The second variance is to Section 23-1 (3) f. Total area of all detached accessory structures in all residential districts with lots that are less than .75 acres shall not exceed 900 square feet. Total area of detached accessory structures will be 1,124 square feet.

**THE BOARD OF ZONING APPEALS WILL HOLD A HEARING ON THIS SUBJECT IN THE CLEARWATER CITY HALL AT 129 E. ROSS, CLEARWATER, KANSAS ON November 4, 2025**

Those wishing to speak at the hearing should contact the Clearwater Deputy City Clerk by November 3, 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

<b>Property Address:</b>	240 S 3rd
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Questions	Supported	Unsupported
<b>Uniqueness</b> 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.		
<b>Adjacent Property</b> The granting of a variance shall not adversely affect the rights of adjacent property owners or residents.		
<b>Hardship</b> The strict application of this chapter will cause unnecessary hardship upon the property owner represented in the application.		
<b>Public Interest</b> The granting of a variance shall not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.		
<b>General Spirit/Intent</b> The granting of a variance will not violate the spirit and intent of this chapter.		

Commission Recommendation

<b>Petition Filed</b>	
<b>Board Action</b>	
<b>Vote</b>	
<b>Date</b>	

\_\_\_\_\_ Clerk

(SEAL)



[Please note that the meeting agenda is subject to change during the meeting.]

City of Clearwater Planning Commission Meeting Agenda  
Tuesday November 4, 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

Ryan Karrick

Jarod Ledington

Duane Schneider

Kenny Watson

John Hurley

**3. [Approval of the Minutes of October 7, 2025](#)**

**4. Hearing:** None

**5. Other Business**

**6. Adjournment**

**City of Clearwater, Kansas**  
Sedgwick County  
Planning Commission - **MINUTES**  
October 7, 2025  
Clearwater City Hall  
129 Ross Avenue Clearwater, KS 67026

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**1. Call meeting to order.**

Lyle Berntsen called the meeting to order at 7:02 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 Ron Witt. Duane Schneider, John Hurley and Ryan Karrick were absent.

The following staff members were present:

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

**3. Approve September 2, 2025, Minutes**

**Motion:** *Ledington* moved, *Witt* seconded to approve the minutes of the September 2, 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, *Watson* seconded to adjourn the meeting. Voted and passed unanimously. 4-0

The meeting adjourned at 7:03 p.m.

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**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 October 7, 2025, Planning Commission Board.

Given under my hand and official seal of the City of Clearwater, Kansas, this 4thday of November 2025.

---

Carol Reitberger, Deputy City Clerk, Secretary

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Lyle Berntsen, Chairperson