

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

PLANNING COMMISSION MINUTES

MAY 6, 2008

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, Planning Commission was held on Tuesday, May 6, 2008 at 7:00 p.m., in the Clearwater City Council Chamber, City Hall at 129 E. Ross Avenue, Clearwater, Kansas.

The following members were present: Lonnie Stieben, George Rudy, Don Berntsen, Mike Machart, and Les Langston. Ryan Shackelford was absent. The following City staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; and Janet Amerine, City Attorney.

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1. Approval of Minutes of the Meeting of April 1, 2008

MOTION: The motion to approve the minutes was made by Mike Machart seconded by George Rudy and passed unanimously.

2. Variance Hearing – Request to Reduce Side Yard Setbacks

Lonnie Stieben opened the public hearing at 7:07 p.m. City Administrator Brown stated that Andy and Juliann Jacobs own lots 1, 3, & 5 on Byers Avenue. The Jacobs are requesting a variance on the north side of their property. Andy Jacobs stated that there is a single car garage on the property with a two-car driveway. Jacobs stated that he wants to expand his garage into a two-car garage and is requesting a variance of 10 feet on his property next to the alley. The garage would be built to match the décor of the house. There is a portion of the house behind the garage making it impossible to put an additional garage in the back of the house. Jacobs stated that there would still be plenty of room in the alley for trucks and utility vehicles. City Clerk Wright stated that she mailed the notice of hearing to all residents within 200 feet of the property and have received no inquires. Don Berntsen stated that his understanding is that the request is for a variance to within 2 feet of the property line leaving a 20 ft. alley. At 7:15 p.m. Stieben closed the public hearing. Stieben stated that the Commission would review the findings of the five statutory conditions in order to grant a variance.

A) Uniqueness – Supported - The property is next to downtown in the old part of town and is a transitional property bordering commercial.

- B) Adjacent Property – Supported – Jacobs talked to his neighbors and the City received no objections.
- C) Hardship – Supported – The way the house is situated on the property there is no other way to have an additional garage
- D) Public Interest – Supported - There is no encroachment to the alley and does not hinder access to the alley. The Commission put a stipulation that if there is an overhang or any other projection from the garage that from that point is where the 2-foot begins unobstructed area begins.
- E) General Spirit/Intent – Supported – Trying to keep the look of the town and standards the same. The construction of a garage would increase the value of the property.

MOTION: Mike Machart made a motion to support the variance subject to the overhang stipulation. George Rudy seconded the motion and passed unanimously.

3. Other Matters and Concerns

City Clerk Wright stated that the first Council meeting in May is appointments. Mike Machart, Don Berntsen, and Lonnie Stieben are up for appointment in 2008. Wright asked each and all agreed to serve for another term of 4 years on the Planning Commission.

4. Adjournment

With there being no further business to come before the Commission, George Rudy made a motion to adjourn the meeting. The motion was seconded by Don Berntsen and passed unanimously.

CERTIFICATE

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

I, Cheryl Wright, City Clerk of the City of Clearwater, Sedgwick County, Kansas, hereby certify that the foregoing is a true and correct copy of the approved minutes of the May 6th Planning Commission meeting.

Given under my hand and official seal of the City of Clearwater, this 3rd day of June 2008.

Cheryl S. Wright, City Clerk