

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

PLANNING COMMISSION MEETING

MINUTES

June, 4, 2013

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, Planning Commission was held on Tuesday, June 4, 2013, at 7:00 p.m., in the Clearwater City Council Chamber, City Hall, 129 E. Ross Avenue, Clearwater, Kansas.

The following members were present: Mike Cass, Mike Machart, George Rudy, Ryan Shackelford, and Dick Croft. The following members were absent: Scott Howell and Shawna Perry. The following City staff members were present: Kent Brown, City Administrator; Carol Reitberger Deputy City Clerk; and Janet Amerine, City Attorney.

1. Approval of the Minutes of the Regular Meeting of May 7, 2013

MOTION: The motion to approve the 5-7-13 minutes was made by Mike Machart and seconded by George Rudy. The motion passed unanimously.

2. Public Hearing For a Zoning Variance Request by Ron Witt to Build an Accessory Building Larger than 900 square feet at 201 N. Fourth Avenue

Ryan Shackelford opened the public hearing at 7:02 p.m. Shackelford recognized Ron Witt to speak to the Building Commission. Witt spoke to the Commission about the structure he would like to build at 210 N. Fourth. Witt stated that the 3 outside buildings have been leveled and removed. The proposed new building would be 30' X 50' or 1500 square feet which is 600 feet over the limit. Shackelford asked if anyone else would like to speak and no one from the public came forward. Mike Cass asked about the easement to the fence behind Dollar General. Witt replied that all of the utilities for the home are in the northwest corner in front of the home. City Administrator Brown stated there was no identified easement of the property.

Ryan Shackelford closed the public hearing at 7:12 p.m.

The Commission went over the 5 statutory conditions of the property.

- A. **Uniqueness** "That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner of the applicant"

The Commission discussed that the lot is larger than most and the shed will towards the back of the property. After discussion, the Commission approved in a 5-0 vote that the request is unique to the property in question.

- B. **Adjacent Property** “That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.”

The Commission discussed that there is a fence on both sides of property and the house has plenty of room for setbacks. The Commission in a 4-1 vote supported the statement that the granting of the permit for the variance would not adversely affect the rights of the adjacent property owners or residents. support (Cass, Shackelford, Rudy and Croft in favor, Machart against)

- C. **Hardship** “That the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.”

The Commission discussed that the property owner’s request is based on the need for more than 900 square feet to house a trailer that is used for work in order to meet other code requirements. After discussion, the Commission voted 4-1 to support the statement that the strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner. (Cass, Shackelford, Rudy and Croft in favor, Machart against)

- D. **Public Interest** “That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.”

The Commission voted 4-1 to support the statement regarding public interest. The consensus was that the new building would not have an adverse affect on the public interest. (Cass, Shackelford, Rudy and Croft in favor, Machart against)

- E. **General Spirit/Intent** “That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.”

The Commission voted 5-0 to support the statement regarding the general spirit/intent of the zoning regulations.

City Attorney Janet Amerine stated to the Commission that everything but the house has been removed from the property. The property has been improved and cleaned up and there is lots of extra space in the back of the house.

MOTION: George Rudy made a motion to recommend approval of the Variance at 210 N. 4th Ave. The motion was seconded by Dick Croft. The motion carried.

ROLL CALL VOTE: Rudy yea, Machart nea, Shackelford yea, Cass yea, and Croft yea. Four Yeas. One Nea. Motion carried.

City Attorney Janet Amerine noted that zoning variance was granted due to board action.

3. Inventory Housing Stock Update

Ryan Shackelford reviewed the Inventory of housing stock worksheet that Administrator Kent Brown presented with all assignments that were assigned at the 4-02-13 Planning Commission Meeting. Brown noted that a “C” rating is for structural repairs that are needed. The “C” rating does not reflect nuisances such as weeds or trash in yard.

The only “C” rating was 118 N. Byers and has been upgraded to a low “B” rating because the windows have been replaced. The other low “B” rating was 250 N. Byers. The property owner has spoken to Administrator Brown and will be moving into the home and making the necessary repairs.

4. Other Matters and Concerns

City Administrator Brown stated to the Board that unless there is a variance that needs approval there will be no meeting in July.

5. Adjournment

MOTION: With there being no further business to come before the Commission, Mike Machart made a motion to adjourn the meeting. The motion was seconded by Mike Cass passed unanimously.

The meeting adjourned at 8:00 p.m.

CERTIFICATE

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

I, Carol Reitberger, Deputy 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 June 4, 2013 Planning Commission meeting.

Given under my hand and official seal of the City of Clearwater, this 6th day of August 2013.

Carol Reitberger, Deputy City Clerk