



## PLANNING COMMISSION/BOARD OF ZONING APPEALS MEETING AGENDA

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Tuesday, October 14, 2025 at 5:30 PM – 400 W Madison Ave, Arkansas City, KS

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GoTo Meeting: <https://meet.goto.com/513239421> or call +1 (312) 757-3121 **Access Code:** 513-239-421

### Call to Order

### Roll Call

- |  |  |   |  |
|--|--|---|--|
| <input type="checkbox"/> Mike Bergagnini | <input type="checkbox"/> Lloyd Colston | <input type="checkbox"/> Brandon Jellings | <input type="checkbox"/> Chris Johnson |
| <input type="checkbox"/> Travis Pearman  | <input type="checkbox"/> Duane Oestman | <input type="checkbox"/> Cody Richardson  | <input type="checkbox"/> Dotty Smith   |

### Declaration

*At this time, Planning Commission members are asked to make a declaration of any conflict of interest or of any Ex parte or outside communication that might influence their ability to hear all sides on any item on the agenda so they might come to a fair decision.*

### Consent Agenda

1. Meeting Minutes, September 9, 2025 meeting.
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### Board of Zoning Appeals

2. Recess the Planning Commission and convene the Board of Zoning Appeals
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3. Elect a chair and vice-chair for 2025
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4. Hold a public hearing to consider the advisability of granting a variance to reduce the front yard setback from 25 feet to 5 feet for the construction of a carport at 313 Meek Avenue.
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5. Adjourn the Board of Zoning Appeals Sine Die and reconvene the Planning Commission
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### Public Comments

*Persons who wish to address the Planning Commission regarding items not on the agenda. Speakers will be limited to three (3) minutes. Any presentation is for information purposes only. No action will be taken.*

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### Other Items

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### Adjournment

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## PLANNING COMMISSION MEETING MINUTES

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Tuesday, September 09, 2025 at 5:30 PM – 400 W Madison Ave, Arkansas City, KS

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### Meeting called to order at 5:32 PM

#### Roll Call

<input type="checkbox"/> Mike Bergagnini	<input type="checkbox"/> Lloyd Colston	<input type="checkbox"/> Brandon Jellings	<input type="checkbox"/> Chris Johnson
<input type="checkbox"/> Travis Pearman	<input type="checkbox"/> Duane Oestman	<input type="checkbox"/> Cody Richardson	<input type="checkbox"/> Dotty Smith

Also present was Kody Beltz, Jill Winegardner, Derek Koller,

#### Declaration

*At this time, Planning Commission members are asked to make a declaration of any conflict of interest or of any Ex parte or outside communication that might influence their ability to hear all sides on any item on the agenda so they might come to a fair decision.*

#### Consent Agenda

Lloyd Colston made the motion to approve the meeting minutes from January 14, 2025 and Brandon Jellings made the second. Voice vote carried the motion.

#### Public Hearings

Consider the advisability of vacating the north 8 feet of East Washington Avenue from the East line of Summit Street to the West line of the alley adjacent to Lot 14 Block 69 Original Town to Arkansas City.

Lloyd Colston made the motion to open the Public Hearing at 5:34 PM and Travis Pearman made the second. Voice vote carried the motion. Josh White went through the vacation information. After Josh's presentation, he stated that at this time he did not have an issue with what had currently been presented. Dotty Smith asked what the length would be. Josh stated the applicant would have to ask that. Mr. Beltz stated that would need to be discussed with the contractor because he eventually wanted to add wheelchair ramps. Dotty Smith asked Mr. Beltz if he understood that there was no grandfather clause with this. Mr. Beltz said not exactly and went on to explain how he got to apply for the vacation. Dotty explained that back in the day those stairs led to store fronts, but once they were removed, it eliminated the grandfather clause.

Derek Koller started to speak at 5:44 – 5:48PM and explained the letter that was submitted.

Jill Winegardner started to speak at 5:48 PM – 5:52 PM

Dotty Smith asked in 2006-2007 when the sidewalks were re-done – Josh thought that was correct.

Travis Pearman – mid 80's there was an inchoative to refill the sidewalks where the cities and the downtown businesses split the cost to redo the sidewalks.

Lloyd Colston asked Mr. Beltz if he had a plan B should this be denied. Mr. Beltz said he would ask what could be done. The stairs he currently has is a nightmare. He is physically not steady on his feet and he wants something better. He also states that he has random people walk in his home, rather it be UPS, FED EX, or AC Citizens.

Travis Pearman has concerns that if it does go through that it would set precedence but would not be good for the downtown. His biggest concern is that AC has a dying main street and

Cody Richardson spoke and thanked Mr. Beltz for trying to get the community together. Cody stated that he would be open to be

Lloyd closed public hearing at 6:12 PM and Brandon Jellings made the second. Voice vote called the

Lloyd Colston made the motion to deny the vacation and Travis Pearman made the second motion. Voice vote and roll call vote carried the motion.

### **Consideration**

Front yard carports Amendments discussion

Josh started to discuss the amendment changes. Josh looked at the regulations and checked with different municipalities to see what their regulations are. The proposal allows for an acceptance, for areas that do not have rear access (platted alley). Such as the Brad Meek area, North and South Summit Street, Summit Acres, Colorado Ave.

### **Other Items:**

None \_\_\_\_\_

**Brandon made the motion to adjourn the meeting at 6:37 PM and Travis Pearman made the second. Voice vote carried the motion.**



# Planning Commission Agenda Item

**Meeting**

**Date:** 10/14/2025

**From:** Josh White, Principal Planner

**Item:** Recess Planning Commission and convene the BZA

**Purpose:** Recess the Planning Commission and convene the Board of Zoning Appeals

**Background:**

At this time it is necessary to recess the Planning Commission and convene the Board of Zoning Appeals. Growth Area members should excuse themselves.

**Action:**

Make a motion to recess the Planning Commission and convene the Board of Zoning Appeals



# Board of Zoning Appeals Agenda Item

**Meeting****Date:** 10/14/2025**From:** Josh White, Principal Planner**Item:** Elect Chair and Vice-Chair

**Purpose:** Elect a chair and vice-chair for 2025

**Background:**

In accordance with the Bylaws, a new chair and vice chair should be elected at the first meeting of each year. The board has not met since 2023 so there is no established Chair or Vice-Chair. In the past, the roles of the Planning Commission were reversed, meaning Cody Richardson would be Chair and Dotty Smith would be vice-chair. This is not a requirement, and anyone can be elected but it is necessary to properly appoint new members to these positions.

**Action:**

Make a motion to appoint a chair and vice chair for 2025.



# Board of Zoning Appeals Agenda Item

## Meeting

**Date:** 10/14/2025  
**From:** Josh White, Principal Planner  
**Item:** 313 Meek front yard variance

**Purpose:** Hold a public hearing to consider the advisability of granting a variance to reduce the front yard setback from 25 feet to 5 feet for the construction of a carport at 313 Meek Avenue.

## **Background:**

Robert & Judy Jewell have requested a variance to allow the construction of a carport on the front yard setback at 313 Meek Avenue. The area surrounding the property is residential. The applicant wishes to construct a carport on their driveway on the front yard setback to protect their vehicle from inclement weather. The nature of this property does not allow for the placement of the carport on the rear property because there is no alley access. In order to allow the placement of the carport in the front yard, a variance would have to be granted.

It is the recommendation of staff that a variance for an encroachment onto the front yard for the construction of a carport with a 5 foot front yard setback be granted with certain conditions attached:

1. The carport shall be placed over the existing paved driveway and shall not exceed the width of the driveway
2. The carport shall not be used for the storage of materials, equipment or goods, or the parking or storage of inoperable vehicles
3. The carport shall not be enclosed and must remain open on three sides
4. The carport shall not extend closer than five (5) feet from the front property line
5. The carport shall be constructed of materials compatible and comparable with the primary structure and shall be attached where structurally feasible.

And based on the following:

- The lots in the neighborhood are narrow and there is no alley access
- The project will not adversely affect neighboring properties
- The project will not create any visual obstruction from the street or for the neighbors.
- The granting of the variance will not be opposed to the general spirit and intent of the zoning regulations or Comprehensive Plan objectives.

## **Action:**

Hold a public hearing. After the public hearing is closed, make a motion to approve/disapprove a variance to reduce the front yard setback from 25 feet to 5 feet for the construction of a carport at 313 Meek Avenue based on the conditions discussed.

## **Attachments:**

Staff report Presentation Link <https://arcg.is/1XDuvv>

CASE NUMBER  
BZA-2025-212  
PUBLIC HEARING DATE  
October 14, 2025

APPLICANT/PROPERTY OWNER  
Robert & Judy Jewell  
PROPERTY ADDRESS/LOCATION  
313 Meek Ave

**SUMMARY OF REQUEST**

Robert & Judy Jewell have requested a variance to allow the construction of a carport on the front yard setback at 313 Meek Avenue. The area surrounding the property is residential. The applicant wishes to construct a carport on their driveway on the front yard setback to protect their vehicle from inclement weather. The nature of this property does not allow for the placement of the carport on the rear property because there is no alley access. In order to allow the placement of the carport in the front yard, a variance would have to be granted. Staff feel that this variance could be granted but it would need to have certain conditions attached including size, placement and storage provisions listed elsewhere in this report.



Map data ©2025 Esri World Topographic map

EXISTING ZONING R-2 Medium Density Residential District	EXISTING LAND USE Single Family Residential	SURROUNDING ZONING North-R-2 South-R-2 West-R-2 East-R-2	SITE IMPROVEMENTS Single Family Dwelling and small accessory structure	SIZE OF PROPERTY 60' X 115' 0.16 acres
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**STAFF RECOMMENDATION**

☐ **APPROVE**

☒ **APPROVE WITH CONDITIONS**

☐ **DENY**

**Staff feel that this variance could be granted with certain conditions attached:**

1. The carport shall be placed over the existing paved driveway and shall not exceed the width of the driveway
2. The carport shall not be used for the storage of materials, equipment or goods, or the parking or storage of inoperable vehicles
3. The carport shall not be enclosed and must remain open on three sides
4. The carport shall not extend closer than five (5) feet from the front property line
5. The carport shall be constructed of materials compatible and comparable with the primary structure and shall be attached where structurally feasible.

**DOES STRICT ADHERANCE TO THE REGULATIONS REPRESENT AN UNNECESSARY HARSHIP ON THE APPLICANT?**

The rear yard is not readily accessible due to no alley access. The current regulations do not allow the placement of the carport in the front yard. The side yards are not wide enough for a vehicle to pass between the houses.

**PROPERTY HISTORY**

According to county records, the home was built in 1955, and the accessory building was added in 2020. No other land use records were found.

**RELIEF SOUGHT:**

- A variance to reduce the front yard setback to 5 feet for the construction of a carport at 313 Meek Avenue.

## Findings

In order to consider a request for a variance, the Board of Zoning Appeals must make written findings of facts that the following conditions apply to the property in question.

**1. Does the variance requested arise from a 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 action of the property owner or applicant?**

Applicant: Yes, no alley

Staff: The rear yard is not readily accessible due to no alley access. The current regulations do not allow the placement of a carport in the front yard, and the side yards are not wide enough for a vehicle to pass between houses.

**2. Will the granting of the variance adversely affect the rights of adjacent property owners?**

Applicant: No

Staff: The granting of the variance should not adversely affect the rights of adjacent property owners.

**3. Will the strict application of the provisions of the zoning regulations of which the variance is requested constitute unnecessary hardship upon the property owner represented in the application?**

Applicant: Yes, the carport cannot be built on the property under the current provisions.

Staff: The strict application of the zoning regulations could constitute an unnecessary hardship upon the property owner as there are currently no accessible areas to construct a carport on the property.

**4. Will the variance desired adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare?**

Applicant: No

Staff: The variance desired will not affect public health, safety morals, order, convenience, prosperity or general welfare. It should not cause any visual obstructions along the street or for any neighboring properties.

**5. Will the granting of the variance be opposed to the general spirit and intent of the zoning regulations and Comprehensive Plan objectives?**

Applicant: No

Staff: The granting of the variance will not be opposed to the general spirit and intent of the zoning regulations or Comprehensive Plan objectives. Granting variances to setbacks is a common occurrence when specific provisions create a hardship on the applicant. Whether or not the hardship exists is for the Board to determine.

**6. The recommendations of professional staff;**

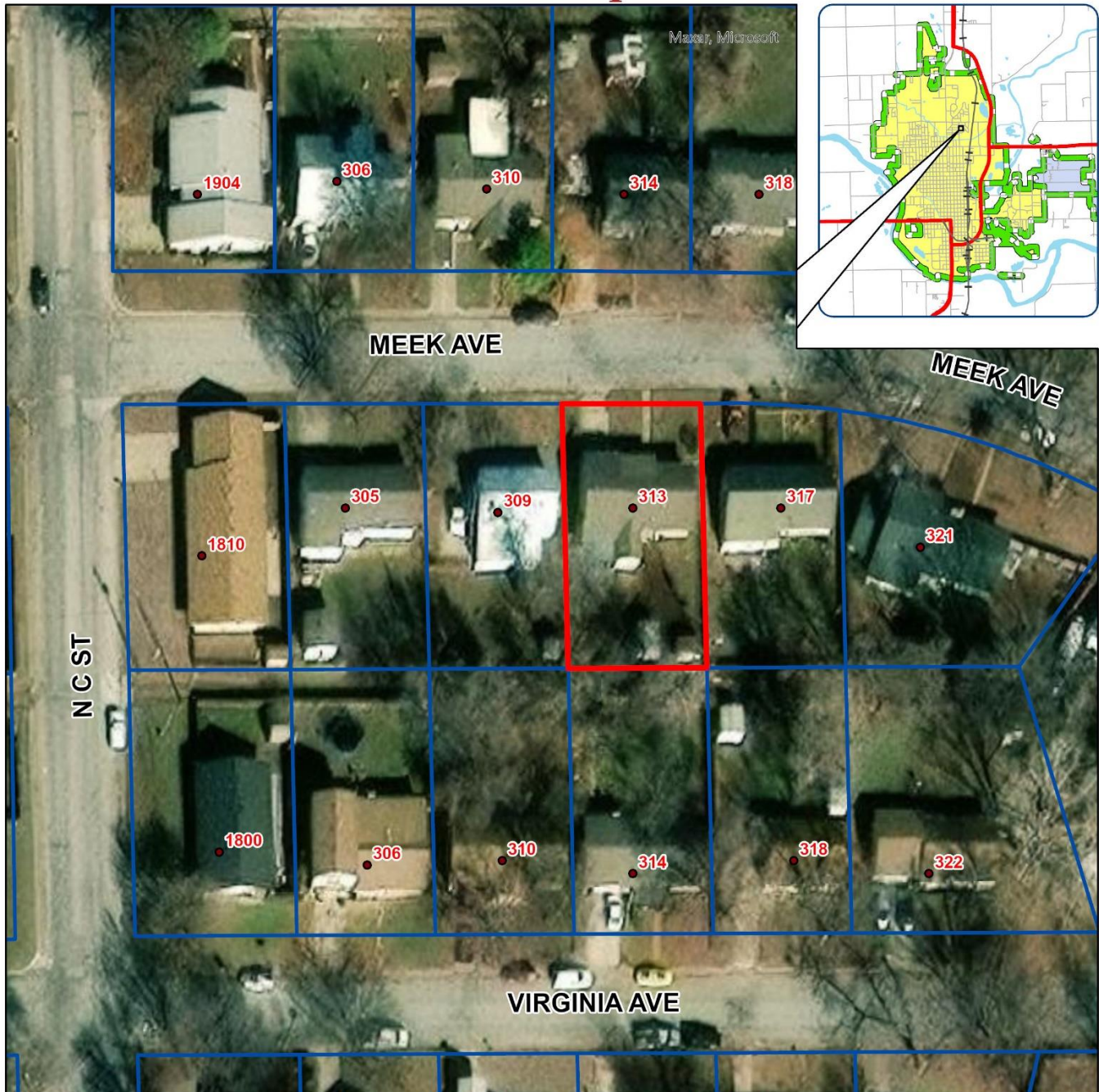
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And based on the following:

- The lots in the neighborhood are narrow and there is no alley access
- The project will not adversely affect neighboring properties
- The project will not create any visual obstruction from the street or for the neighbors.
- The granting of the variance will not be opposed to the general spirit and intent of the zoning regulations or Comprehensive Plan objectives.

## Variance Request



A request for a variance to the front yard setback from 25 feet to 5 feet for the placement of a carport.

- BZA-Variance
- Property Lines

Produced by the  
City of Arkansas City GIS  
using the best available  
data to date.  
Created: September 16, 2025

**Arkansas City**  
KANSAS

## Neighborhood Photos



The subject property-Google Streetview October 2024



Looking east along Meek Avenue-Google Streetview October 2024



Looking west along Meek Avenue-Google Streetview October 2024



# Board of Zoning Appeals Agenda Item

**Meeting**

**Date:** 10/14/2025

**From:** Josh White, Principal Planner

**Item:** Adjourn the BZA and reconvene the Planning Commission

**Purpose:**

**Adjourn the Board of Zoning Appeals Sine Die and reconvene the Planning Commission**

**Background:**

At this time, it is necessary to adjourn the Board of Zoning Appeals Sine Die and reconvene the Planning Commission

**Action:**

Make a motion to adjourn the Board of Zoning Appeals Sine Die and reconvene the Planning Commission. Growth area members may return.