

Planning & Zoning Commission  
June 24, 2025  
12:00 PM

1. Pledge of Allegiance
2. Call to Order
3. Consider Minutes of May 27, 2025, Planning Commission Meeting

Motion\_\_\_\_\_ Second\_\_\_\_\_ Action\_\_\_\_\_  
Bryan Parrish, Rhonda Rice, Karen Soliz, Joshua Lawrenz, Janet Wade, Marcus Hawkes

4. Public Forum.
5. Additional Agenda Items
6. Approval of Agenda

Motion\_\_\_\_\_ Second\_\_\_\_\_ Action\_\_\_\_\_  
Bryan Parrish, Rhonda Rice, Karen Soliz, Joshua Lawrenz, Janet Wade, Marcus Hawkes

7. Open Public Hearing for 428 S. 5<sup>th</sup> St Variance
8. Close Public Hearing for 428 S. 5<sup>th</sup> St Variance
9. Consider Approval of 428 S. 5<sup>th</sup> St Variance

Motion\_\_\_\_\_ Second\_\_\_\_\_ Action\_\_\_\_\_  
Bryan Parrish, Rhonda Rice, Karen Soliz, Joshua Lawrenz, Janet Wade, Marcus Hawkes

10. Designate Steering Committee for Planning/Zoning Code Review (1-2 City Staff Members and 2-3 Planning Commissioners)

Motion\_\_\_\_\_ Second\_\_\_\_\_ Action\_\_\_\_\_  
Bryan Parrish, Rhonda Rice, Karen Soliz, Joshua Lawrenz, Janet Wade, Marcus Hawkes

11. Commissioner Comments
12. Adjourn

Motion\_\_\_\_\_ Second\_\_\_\_\_ Action\_\_\_\_\_  
Bryan Parrish, Rhonda Rice, Karen Soliz, Joshua Lawrenz, Janet Wade, Marcus Hawkes

Public Forum Comments can be dropped in the deposit box or emailed to [cityoffice@cityofherington.com](mailto:cityoffice@cityofherington.com) . Must be received before 8:00AM the day of the meeting. Please keep statements to a maximum of 3 minutes.

## Planning & Zoning Commission

May 27, 2025

12:00 PM

The planning commission members met on the above date and time in the commission chambers of Herington City Hall. In attendance were Bryan Parrish, Rhonda Rice, Karen Soliz, Janet Wade, Marcus Hawkes, Thatcher Moddie, Chanda Bayes, Gerard & Ashley Horejsi and Anneleise Flores.

The meeting opened with The Pledge of Allegiance.

Chair Marcus Hawkes called the meeting to order.

Karen Soliz made a motion to accept the minutes of March 29, 2025. Bryan Parrish seconded, and the motion passed 5-0.

There was no public forum.

The commission discussed 428 S. 5<sup>th</sup> St Variance and Schedule Public Hearing for June 24, 2025, at 12:00 PM. No formal action was taken.

The commission considered Amendments to the Zoning Guide as it Relates Setbacks for Accessory Structures, Including Section 6-7, 7-7, 8-7. Rhonda Rice made a motion to recommend the Comprehensive plan to the City Commission. Bryan Parrish seconded the motion, and the motion passed 5-0. The commission also discussed zoning for Bed and Breakfasts. The topic was tabled until the next work session on June 24 at 10:00. No action was taken.

Commissioner's comments:

Bryan Parrish: I looked into AI, but it is not at a level yet to rewrite all the ordinances without a great deal of revisions. Will be creating an inconsistency doc for the commission and staff.

Karen Soliz brought up the idea of getting pins or something to recognize the Planning Commission for what they do

Janet Wade: Would like to see a city-wide code that requires business to match the style of the neighborhood.

Rhonda Rice announced that our "Rural Champion" Is going to Kingman in June. Received enough funding to send 4 people to go to the conference.

Janet Wade announced that last week there was a meeting for the area wide plan @ the community building. Went to the school & Kids want to prioritize what we have... FIRST. If codes aren't being enforced, they don't mean anything.

Josh Lawrenz made a motion to adjourn; Bryan Parrish seconded, and the motion passed 5-0.



# THE CITY OF HERINGTON

P.O. Box 31 • 17 North Broadway • Herington, KS 67449

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Telephone: (785) 258-2271

FAX: (785) 258-3552

May 27, 2025

For the Special Meeting  
Called for Variance V1-2025  
on  
Tuesday, June 24  
12 p.m.  
City Hall

Dear Planning Commission,

Enclosed please find the information for Variance V1-2025. Mrs. Ashley Horejsi is applying to open a tattoo studio located in a Light Industrial zone(I1). at 428 S. 5<sup>th</sup> St

Things to consider: Mrs. Horejsi has resided in Herington for the last three years with her family staying here after her husband retires. There is no zone within the city limits that allows a tattoo studio. Mrs. Horejsi has contacted all neighbors and none, object to this business. Mrs. Horejsi is a licensed Body Art Practitioner by the Kansas Board of Cosmetology and has applied for all licenses required by KDHE. Mrs. Horejsi had reached out to the city prior to purchasing this location and was instructed that no action needed to be taken with the City of Herington prior to opening.

Please look over the following information and visit the site prior to the meeting. If you have any questions, or if you cannot attend the meeting, please call as soon as possible.

Respectfully,

Andrew Avantagiato  
Neighborhood Services Director

(Published in the Dickinson County News-Times on May 28, 2025)

**PUBLIC HEARING NOTICE**

Notice is hereby given that the Planning Commission of the City of Herington, Kansas will hold a Public Hearing on a Variance Request for 428 S 5<sup>th</sup> Street Herington, KS 67449 pursuant to Section 6-601 set out in Appendix B. The meeting is scheduled for Tuesday, June 24, 2025, at 12:00 p.m. or as soon thereafter as possible in the City Commission Room, at City Hall 17 N Broadway, Herington, Kansas.

Citizens who desire a copy of the variance request should contact City Manager, Thatcher Moddie via phone at (785) 258-2271 or via email at [citymanager@cityofherington.com](mailto:citymanager@cityofherington.com). Upon request, special accommodations will be made for persons with disabilities.

The public may be heard at the public hearing and that within 14 days after the conclusion of the public hearing property owners within the area of notification of the property proposed for change shall have the opportunity to submit a protest petition, in conformance with the law, to be filed in the office of the City Clerk.

  
\_\_\_\_\_  
Thatcher Moddie, City Manager

May 27, 2025

# **City of Herington**

## **INSTRUCTIONS TO APPLICANT**

### **APPLICATION FOR VARIANCE**

**Variance** – A process of varying from the specific terms of the zoning regulations which will not be contrary to public interest and where, owing to conditional conditions, a literal enforcement of the provisions of the same will, in an individual case, result in unnecessary hardship, and provided that the spirit of these zoning regulations shall be observed, public safety and welfare secured, and substantial justice done.

1. **Applicant must complete attached application form. All blanks should be filled in and those not applicable should be noted as N/A.**
2. **The applicant must provide names and addresses of all persons who are the owners of Record of property within 200 feet of the outer limits of the property.**
3. **The applicant must submit a statement in writing, justifying the variance requested. Outlining in detail the manner in which it is believed that this application will meet each of the five conditions as set out by State Statue. The applicant's statement shall contain remarks pertaining to each of the said five conditions and the conditions are as follows.**
  - A. **Uniqueness** – 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 property owner or applicant.
  - B. **Adjacent Property** – The granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents.
  - C. **Hardship** – The strict application of the provisions of the zoning ordinance of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
  - D. **Public Interest** – The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
  - E. **Spirit and Intent of the Regulations** – The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.
4. **The applicant must submit a sketch, drawn to scale and showing the lot or lots included in the applications; the structures existing thereon; and the structures contemplated necessitating the variance requested. All appropriate dimensions should be include and any other information that would be helpful to the Board of Zoning Appeals in consideration of the application.**

BOARD OF ZONING APPEALS  
APPLICATION FOR VARIANCE

CASE NO. \_\_\_\_\_  
DATE FILED \_\_\_\_\_

Name of Applicant Ashley Horvath  
Mailing Address 449 S 5th St Herington Phone 507 649-7959  
Name of Authorized Agent N/A  
Mailing Address N/A Phone N/A

Relationship of applicant to property:  
Owner Tenant Lessee Other \_\_\_\_\_  
(Circle One)

The variance requested is for  
opening a tattoo studio

For property located 428 S 5th St Herington KS 67449  
And legally described as Auto Shop  
In Herington, Kansas: and which is presently zoned light commercial  
(I), (We) appeal the decision of the building inspector/zoning administrator concerning the following: (Additional page can be included)  
N/A

The reason (I), (We), feel this decision is incorrect:  
N/A

- The applicant herein, or authorized agent, acknowledges:
- A. That applicant has received an instruction sheet concerning the filing and hearing of this matter.
  - B. That applicant has been advised of the fee requirements established; and that the appropriate fee is herewith tendered.
  - C. That applicant has been advised of his right to appeal the decision of the Board to the District Court within 30 days of decision.

Ashley Horvath  
Applicant Signature

\_\_\_\_\_  
Authorized Agent Signature

Office Use Only

Received in office of the City Clerk 11:30 AM, (a.m.)(p.m.)  
5/20/25, 2025, together with a nonrefundable fee of \$100.00.

Chanda Bayes

Application for Variance Applicant Statement.

I Ashley Horejsi would like to request a variance in the zoning regulations for the building located at 428 S 5th street Herington KS 67449.

The building is currently zoned for light commercial, and it is my desire to renovate the office portion into a Licensed Tattoo Studio.

There are currently no zoning laws that permit the opening of a tattoo studio in Herington, which gives it a unique need for a variance to be made. (A)

I have met with all of the adjacent property owners and they have approved my request to open a tattoo studio. My studio will not adversely effect any of these owners as all operations will be within the Licensed facility and in no way will hinder or obtrude in their business' or day to day lives. (B)

I went to city hall before renting this location to ask about any permits or legalities I needed to go through to be able to open this studio, and was told nothing additional would be required. I had a family friend ask the mayor the same question and recieved the same response; that nothing further would be required. I have since then put a lot of my own money both renting that location and renovating the office space. If this variance is not approved I will lose out on everything that I have already put into this space before being made away of the zoning ordinances. (C)

I live in this town and would like to see it thriving with another business that brings in more people. My studio will in no way adversely effect the town of Herington or its citizens. I have been fully licensed as a tattoo artist for almost 10 years in both MN and KS and will ensure that all safety measures are met and that I provide a comfortable and clean environment for people to get tattooed in. I hold this town and its people in high regard and would never do anything to cause any harm to the morals, order, prosperity or general welfare of any within. I am a professional in my field and it is always my priority to conduct my business as such and follow all laws. I have also made postings on social media about the studio and have recieved a very positive response from many of our citizens that would like to see this business open.(D)

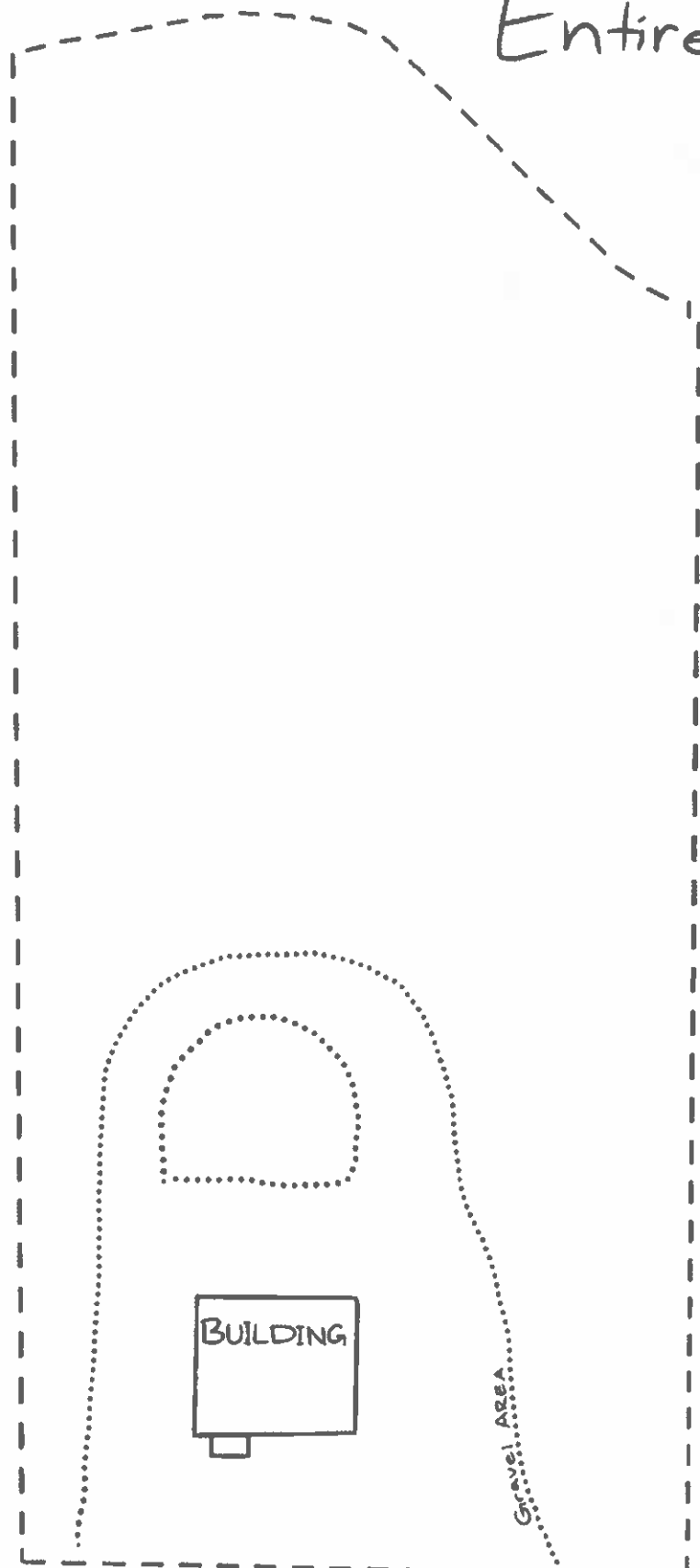
I have spoken to the business owners in this area and heard a resounding chorus of agreement that we all wish to have more local establishments to contribute to this towns prosperity. In granting this variance I will be joining said owners in maintaining the existing spirit and intent of this zone by bringing in a client base that we've never had access to in Herington in the past. (E)

Thank you for your time,

*Ashley Horejsi*

For lot 428 S 5<sup>th</sup> st Herington KS 67449

Entire property

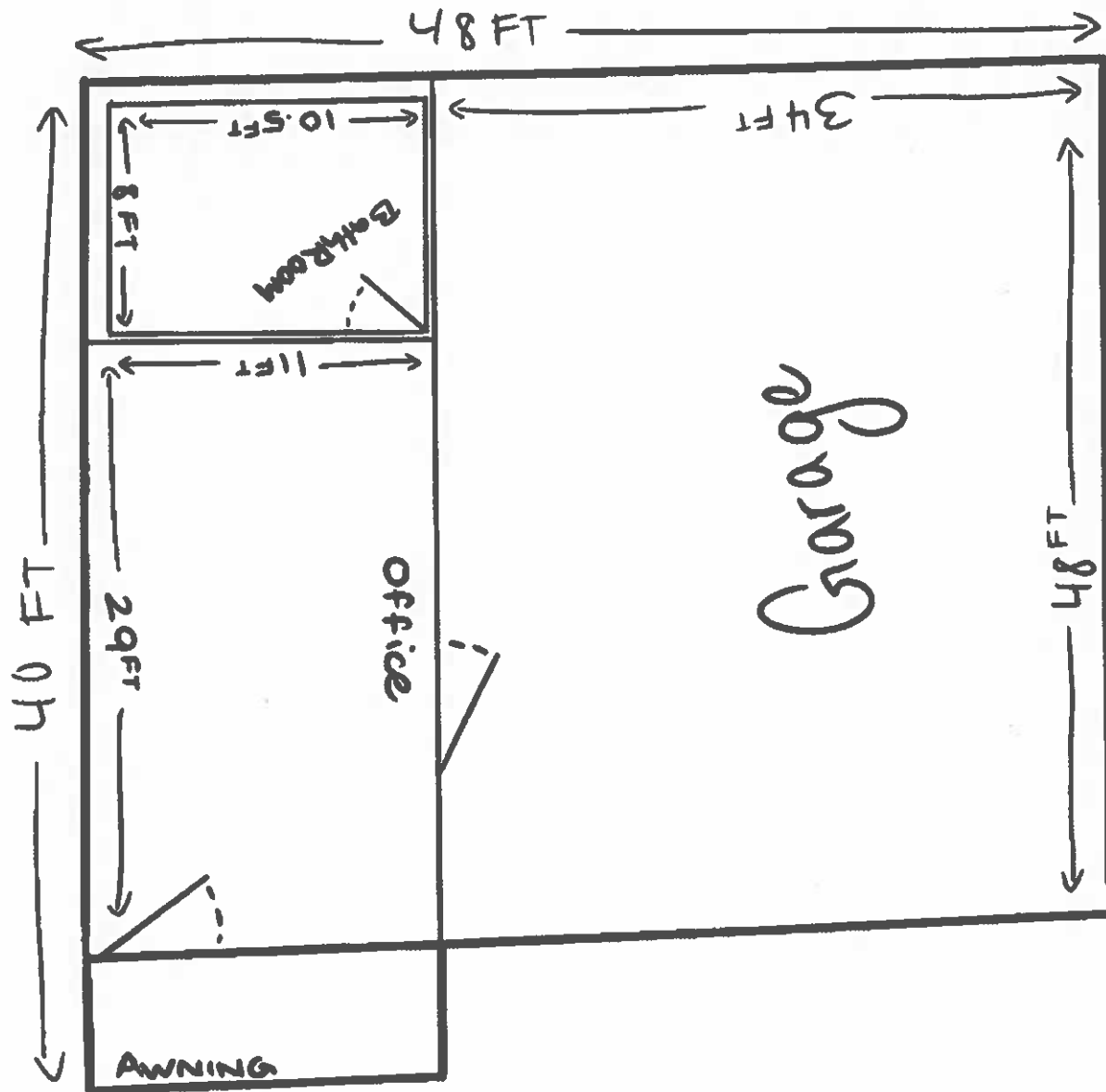


BUILDING

Gravel Area

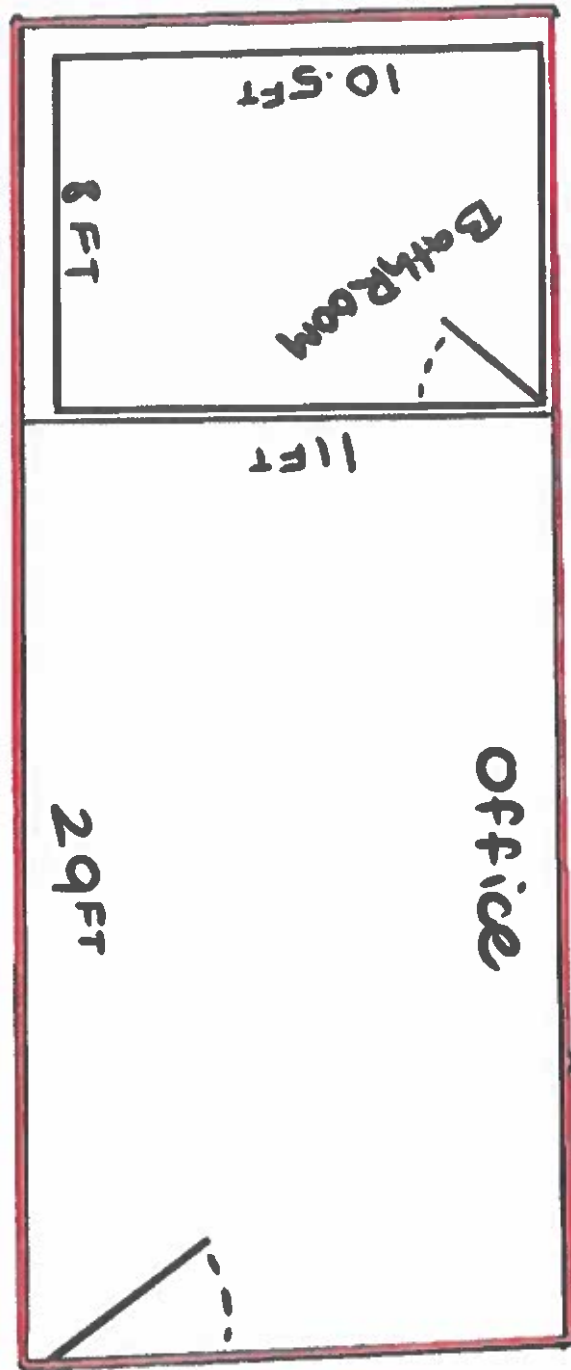
5th Street

88428 S 5th St Herington KS 67449



Area of Entire building

428 S 5th St Herington KS 67449



Area needed for  
Zoning Variance

**Properties that are within 200 ft of 428 S 5th St Herington, KS 67449**

**Oswald Mfg. Co., Inc.  
450 S 5th St  
Herington, KS 67449**

**BC Motors  
419 W. Trapp  
Herington, KS 67449**

**Angela Loree  
459 S 5th St  
Herington, KS 67449**

**Property of MKC  
Vahsholtz, Dennis & Annetta E Family Trust  
704 S 5th St  
Herington, KS 67449**

**Gerard Horejsi  
449 S 5th St  
Herington, KS 67449**

# Inspection - No Violations Certificate

The most recent inspection report/certificate should be posted where it can be easily viewed by the consuming public.

**Establishment**

ShadowLoom Gallery

**License Number**

**Establishment Address**

428 S 5th St

**Establishment Owner**

Tatshalverson, LLC

**Date**

5/27/2025

**License Type**

Tattoo Establishment

**Inspection Type**

Compliance

Reviewed Inspection with\*

Owner

## INSPECTION VIOLATIONS

No violations

# Inspection - Checklist

Establishment:

ShadowLoom Gallery

License Number:

License Type:

Tattoo Establishment

Establishment Address

428 S 5th St

Establishment Owner

Tatshalverson, LLC

Date

5/27/2025

Inspection Type

Compliance

Date of Physical Inspection

2025-05-27

## LICENSURE & INSPECTION

<b>Establishment License</b>	<b>Valid, unaltered, current location and current owner(s) and posted in public view in lobby or waiting area</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Practitioner Licenses</b>	<b>Valid, unaltered and posted in public view in lobby or waiting area</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Licensed Services</b>	<b>Establishment and all practitioners licensed for services provided</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Impeding/Interfering with Inspection</b>	<b>Individuals not impeding or interfering with attending inspector's duties</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Inspection Report</b>	<b>Latest Inspection Report posted in public view in the lobby or waiting area</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No

## RECORDS

<b>Spore Tests</b>	<b>Available at the establishment; performed every three months OR disposables</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Individual Client Record</b>	<b>Record for each client; parental consent (signed/notarized) for procedures on minors</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Corrective Procedures</b>	<b>Before and after photographs taken and kept with individual client record</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Pre-service Information</b>	<b>Written information provided to each client</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Aftercare Instructions</b>	<b>Written information provided to each client</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No

## CLEANER, DISINFECTANT & STERILIZATION

<b>Germicidal</b>	<b>EPA-registered germicidal solution</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Instrument Cleaning</b>	<b>Ultrasonic unit OR a protein-dissolving detergent/enzyme cleaner OR disposables</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Disinfectant</b>	<b>EPA-registered hospital grade disinfectant with bactericidal, fungicidal and virucidal activity</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Chemicals</b>	<b>Bottles/containers are labeled and closed; stored in an enclosed closet, cupboard, cabinet or separate room</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No

<b>Sterilization Bags</b>	<b>Establishment has sterilization bags with color strip indicators OR disposables</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Sterilizing Equipment</b>	<b>Clean, working sterilizer OR disposables</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No

## PRODUCTS, SUPPLIES, & EQUIPMENT

<b>Razors</b>	<b>Razors are single-use or sterilized straight razors</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Gloves</b>	<b>Single-use gloves made of vinyl, nitrile or latex</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Paper Products</b>	<b>Single-use towels, tissues and paper products stored in an enclosed closet, cupboard or cabinet</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Linens</b>	<b>New linen for each client; used linens stored in a closed container.</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Single-Use Items</b>	<b>Stored in a clean, closed container</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Products</b>	<b>All products are dispensed in a manner that prevents contamination of the unused portion</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Inks, Dyes and Pigments</b>	<b>Purchased from a manufacturer</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Needles, Bars and Tubes</b>	<b>Sterilized items stored in sterile pouches</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Tattoo Machine</b>	<b>Machine and hand pieces are clean</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No

## WASTE DISPOSAL

<b>Treatment Waste</b>	<b>Disposed of in a covered trashcan separate from reception and restroom trash</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Sharps</b>	<b>Needles and razors disposed of in Sharps Container</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Sharps Container and Bags</b>	<b>Puncture-resistant, leak-proof container that can be closed; biohazard waste bags</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No

## FACILITY STANDARDS

<b>Surfaces</b>	<b>All surfaces in the treatment and sterilization areas made of smooth, non-absorbent, non-porous materials</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Handwashing Sink</b>	<b>Clean, easily accessible, separate from restroom; hot and cold running water; soap</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Restroom</b>	<b>Clean, working toilet and hand washing sink, soap dispenser and disposable towels or air dryer</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Cleanliness</b>	<b>Establishment is clean and in good repair</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Prohibitions</b>	<b>No styptic pencils/alum solids, smoking or animals (except fish in aquariums, therapy/guide animals)</b>	<input checked="" type="radio"/> Yes	<input type="radio"/> No