

NOTICE: Agenda posted in the lobby and on the front door of Bethany City Hall, 6700 NW 36<sup>th</sup> St., Bethany, OK 73008 on Thursday, July 6, 2023, at 11:00 a.m.

The City of Bethany encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. The city may waive the 48-hour rule if signing is not the necessary accommodation.

**(BOARD OF ADJUSTMENT MEETING WILL BE HELD IN THE BETHANY CITY HALL COUNCIL CHAMBER – 6700 NW 36<sup>TH</sup> ST., BETHANY, OK 73008)**

**AGENDA**  
**CITY OF BETHANY**  
**BOARD OF ADJUSTMENT**  
**JULY 13, 2023**  
**6:15 P.M.**

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES OF APRIL 13, 2023**

**EXPLANATION OF PROCEDURE TO AUDIENCE**

**BOARD OF ADJUSTMENT BUSINESS**

**ITEM 1: BA 23-03**

Consider a request by Fire Chief Brian Murray, applicant, and the Bethany Fire Department, property owner, for permission to alter the side-setbacks for an addition.

**LEGAL DESCRIPTION:**

**SE Qtr. Sect. 17-T12N-R4W Forrest Highland 000 000 BEG NE/C Blk 4 S250Ft. W300Ft. N250Ft. to**

**Beginning known as TR #3.**

**NEW BUSINESS**

**ADJOURNMENT UNTIL AUGUST 10, 2023**

**MINUTES**  
**CITY OF BETHANY**  
**BOARD OF ADJUSTMENT**  
**APRIL 13, 2023**

MEMBERS PRESENT: Matthew Goodwin (elected Vice-Chair)  
James Fenno  
Louie Allen

MEMBERS ABSENT: Keith Burlison, New Member  
Scott Hopkins, Chair

STAFF PRESENT: Ray Jones, City Attorney  
Elizabeth Gray, City Manager  
Amanda McCellon, Comm. Dev. Director  
Brendan Summerville, Comm. Dev. Associate  
Linda Hlinicky, Adm. Assistant

NOTICE: Agenda posted in the lobby and on the front door of Bethany City Hall, 6700 NW 36th St., Bethany, OK 73008 on Thursday, April 6, 2023, at 11:00 a.m.

Matthew Goodwin, Board Member called the meeting to order. Louie Allen gave the invocation.

After some discussion on electing a new Vice-Chair, motion was made by Louie Allen, seconded by James Fenno to appoint Matthew Goodwin as the new Vice-Chair. The motion carried as follows: AYE- James Fenno, James Allen, Matthew Goodwin. NAY- None. ABSTAIN- None. The motion carried unanimously 3 – 0.

Matthew Goodwin, Vice-Chair asked that some of his comments he made at the March 9, 2023 meeting be added to the March 9, 2023 minutes so people would understand why he voted against application. Motion was made by Louie Allen, seconded by James Fenno to approve the March 9, 2023 Board of Adjustment minutes with adjustment as noted by Matthew Goodwin. The votes are as follows: AYE- Matthew Goodwin, James Fenno, Louie Allen. NAY- None. ABSTAIN- None. The motion carried unanimously 3 – 0.

**ITEM 1:**     **BA 23-02**  
Consider a request by Joel Nico Gomez, applicant, and the Children's Center, property owner, for permission to construct a sign beyond the property line on a private median.

**LEGAL DESCRIPTION:**  
SW Qtr. Sect. 16-T12N-R4W Bethany City Add. 019 000 PT of BLK 19 BEG 29.42FT S OF NW/C OF SD BLK TH SE438.23FT S703.01 W403.32FT N812.14FT TO BEG

**ACTION:**     Brendan Summerville, Comm. Dev. Associate presented the staff report to consider a request by Joel Nico Gomez, Applicant, and the Children's Center, Property Owner to construct a sign within a private median at 6900 NW 39<sup>th</sup> Expy. He summarized the zoning of the surrounding

properties; and read the seven criteria the applicant must meet to grant a variance and the applicant(s) answers.

Matthew Goodwin, Vice-Chair asked if traffic safety and visibility has all been considered.

Brendan Summerville, Comm. Dev. Associate stated yes it has been. Request is perfectly acceptable with our sight triangle, out of the way of the public sidewalk, and does not interfere with NW 39<sup>th</sup> Expressway.

Louie Allen, Board Member asked why the applicant needs a new sign.

Joel Nico Gomez, Applicant stated last year we re-branded to Bethany Children's Health Center. We actually had two Children Center signs that are on property that we need to replace. The best place for a new sign is on our median because the existing sign would block the future construction of the Children Center.

Ray Jones, City Attorney noted there is an encroachment on the build line. How much distance is the encroachment?

Brendan Summerville, Comm. Dev. Associate said it is sixteen feet.

Joel Nico Gomez, Applicant stated it is still behind the sidewalk.

Ray Jones, City Attorney stated with future development, that is a concern that needs to be addressed. If we extend the ability to build past the build line on the property, we want to make sure we make it clear that it is only for purposes in respect to the sign (outside issues of future development).

Matthew Goodwin, Vice-Chair expressed his appreciation to the Children's Center.

Motion was made by Matthew Goodwin, seconded by Louie Allen to approve the variance request to build the sign at 6900 NW 39<sup>th</sup> Expy. as presented. The votes are as follows: AYE- Matthew Goodwin, Louie Allen, James Fenno. NAY- None. ABSTAIN- None. The motion carried unanimously 3 - 0.

After motion was made, Joel Nico Gomez, Applicant presented a photo of a four-story caterpillar that is designed to be an iconic feature on Route 66. We will be adding approx. two hundred thousand square foot building in the future, and the caterpillar will be the iconic piece of that structure.

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Matthew Goodwin, Vice-Chair adjourned the meeting.

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Date

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Chair



**City of Bethany - Board of Adjustment**

**Staff Report**

**July 13, 2023**

**CASE NO: BA 23-03**

**Request:** Consider a request by Fire Chief Brian Murray, applicant, and the Bethany Fire Department, property owner, for permission to alter side-setbacks for an addition.

**Applicant:** Fire Chief Brian Murray

**Legal Description:** SE Qtr. Sect 17-T12N-R4W Forrest Highland 000 000 BEG NE/C BLK 4 S250Ft. W300.07Ft. N250Ft. to Beginning known as TR #3

**Property Zoning:** Single-Family Residential, R-1

**Proposed Variance:** Permission for new side setbacks to allow for the construction of a new addition.

**Surrounding Zoning:**

<b>Direction</b>	<b>Zoning</b>
North	R-1
South	R-M
East	C-G & C-H
West	R-1

*Analysis:*

The applicant is requesting an altered side setback that would allow for the construction of an addition. The side-setbacks for an R-1 corner lot is 25' which the proposed addition would violate. It must be noted, however, that this is a unique land use within the R-1 zoning district. The Bethany Board of Adjustment holds the power to adjust setbacks should the requested line not encroach (within 5') of the public right-of-way.

*Applicant Questions:*

**The following questions are a part of the application that must be submitted for a meeting with the Board of Adjustment. The applicant has answered them to the fullest of their ability and the city will respond to each answer in turn. It must be noted that the applicant must meet the requirements of each answer to be considered for a variance.**

1. Special conditions and circumstances which are peculiar to the land, structure, or building, etc. in the same zoning district:
  - a. The addition will contain sleeping quarters for staff. The location of the addition on the North side of the building allows for quick access to fire apparatus.
  
2. Special conditions and circumstances that do not result from the actions of the applicant:
  - a. Existing structure was built in the 1960's/ The current construction type is not conducive for alterations.
  
3. Granting the variance requested will not convey on the applicant any special privilege that is denied by ordinance to other lands, buildings, etc. in the same zoning district?
  - a. This is the only building/occupancy of it's kind in this zoning district.

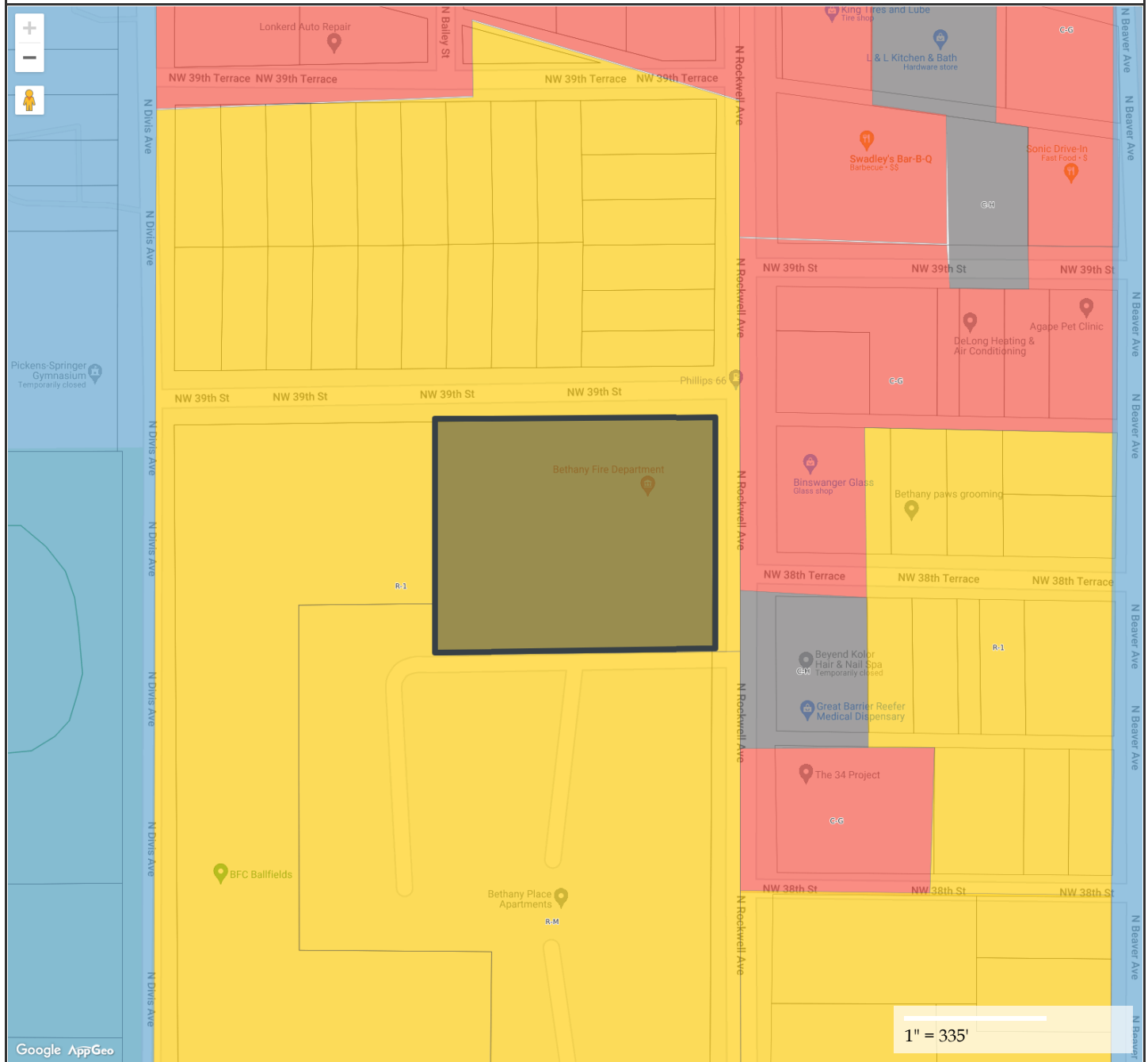
4. Literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms hereof and would work unnecessary and undue hardship on the applicant:
  - a. This is a specific use case in that there are no other fire stations in this district.
  
5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
  - a. No other solution(s) would be plausible to accomplish this project.
  
6. The grant of the variance will be in harmony with the general intent and purpose of the ordinance.
  - a. The property is adjacent to a sports complex, with no other structures on the South side of 39th, the variances would not create differentiation in building setbacks on 39th Street.
  
7. Such a variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
  - a. No detriment will result from variance as the area has limited development.

**Required Action:** Hold a public hearing to either grant or deny a variance that would alter the side setbacks to allow for the construction of an addition.

**Attachments:**

- Aerial Photograph
- Zoning Map
- Certified Owners List
- Application Documents
- Public Notification

# BA 23-03 Zoning Map



### ZONING CODE LEGEND

<span style="display:inline-block; width:15px; height:15px; background-color:blue; border:1px solid black;"></span> A	<span style="display:inline-block; width:15px; height:15px; background-color:purple; border:1px solid black;"></span> I-L
<span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span> CBD	<span style="display:inline-block; width:15px; height:15px; background-color:purple; border:1px solid black;"></span> I-R
<span style="display:inline-block; width:15px; height:15px; background-color:red; border:1px solid black;"></span> C-G	<span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span> PUD
<span style="display:inline-block; width:15px; height:15px; background-color:grey; border:1px solid black;"></span> C-H	<span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span> PRD
<span style="display:inline-block; width:15px; height:15px; background-color:darkred; border:1px solid black;"></span> C-S	<span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span> R-1
<span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span> C-N	<span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span> R-2
<span style="display:inline-block; width:15px; height:15px; background-color:darkred; border:1px solid black;"></span> C-O	<span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span> R-M
<span style="display:inline-block; width:15px; height:15px; background-color:darkblue; border:1px solid black;"></span> C-R	<span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span> RMO
<span style="display:inline-block; width:15px; height:15px; background-color:lightblue; border:1px solid black;"></span> E-I	<span style="display:inline-block; width:15px; height:15px; background-color:purple; border:1px solid black;"></span> RHP

### MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT

Bethany, Oklahoma makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.





June 26, 2023

**NOTICE OF HEARING**

**The Board of Adjustments**

Dear Property Owner,

This notice is to inform you that a neighboring property owner has filed an application with the Bethany Board of Adjustments for a variance. All variance applications within the city limits are reviewed by the Board of Adjustments at a public hearing to determine whether the proposal meets the criteria for approval and is appropriate for the City of Bethany.

Attached to this notice is information on the hearing dates, the location of the property, and the variance that is requested. During the public hearings, the applicant for the variance presents his case, and all interested property owners in the surrounding area are invited to appear and state whether they are for or against the proposal. Please see the following pages for greater detail on this particular case.

Your participation in these proceedings can affect the outcome.

If you have any questions regarding this notice, please contact the Community Development Director; call (405) 789-6005.

**SECRETARY,  
BOARD OF ADJUSTMENTS**

(SEE LOCATION MAP ON NEXT PAGE)

**VARIANCE CASE INFORMATION**

**A. Variance Proposal**

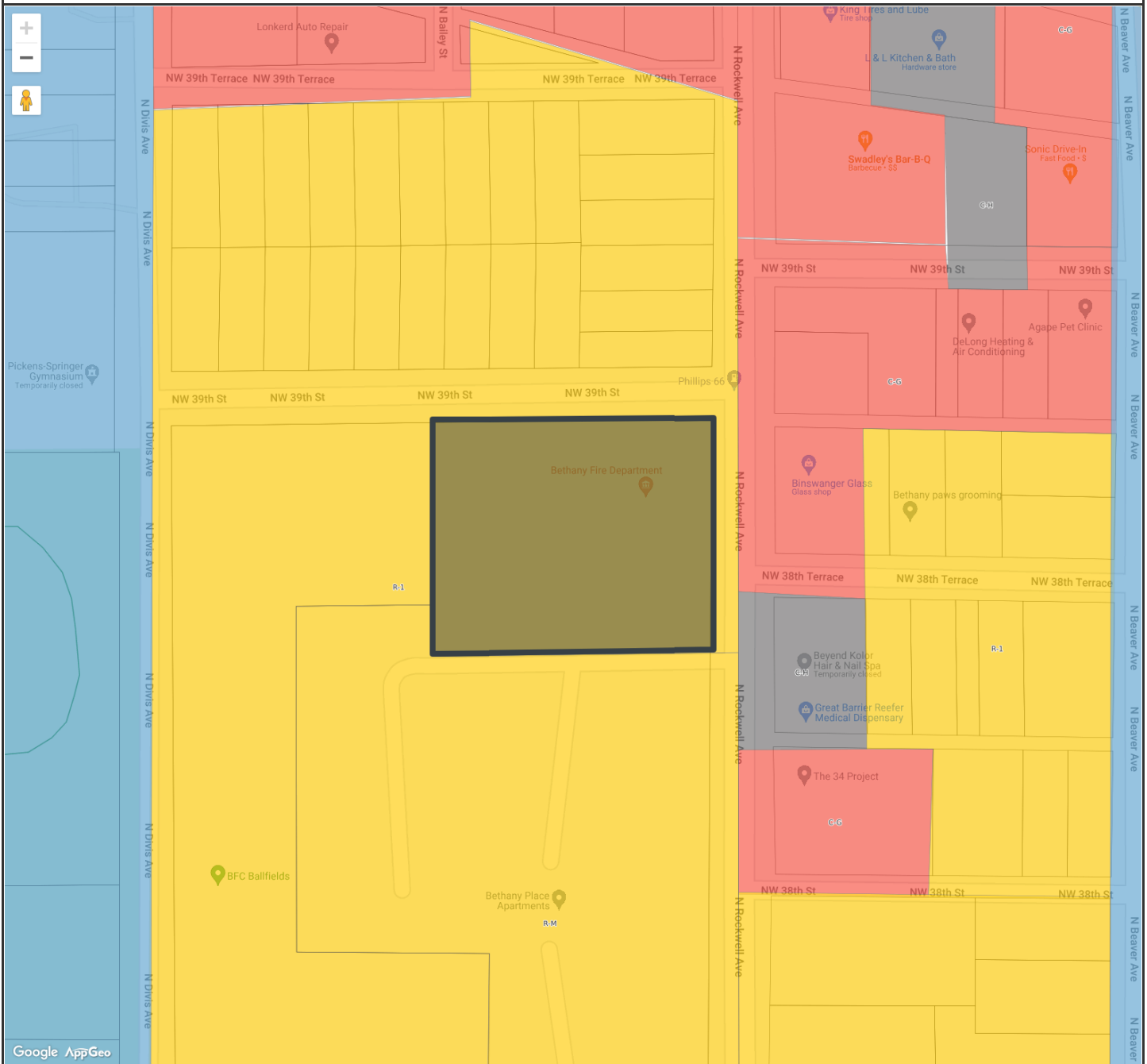
1. Case No.: BA 23-03 .
2. Location of Property: 3919 N Rockwell Avenue, Bethany, OK 73008 .
3. Legal Description: Sect 17-T12N-R4W SE Qtr., Forrest Highland 000 000 Beg. NE/C Blk4 S250ft., W300.07Ft., N250Ft., to BEG Known as TR #3 Addition.
4. Present Zoning: Single Family Residential (R-1) .
5. Applicant's Request: Permission to alter side-yard setbacks needed for construction of new addition.

**B. Hearing Schedule**

1. The Board of Adjustments hearing on the proposed variance will be held on **THURSDAY, JULY 13, 2023** at 6:15 P.M. At this hearing, any interested citizens will have the opportunity to speak to the Board concerning the proposed variance. The Board will vote on whether to recommend approval or disapproval of the proposed variance. **IF YOU HAVE AN OPINION ON THE APPLICATION, YOU SHOULD ATTEND THIS HEARING.**

**C. Location of Hearings**

The Board of Adjustments meeting will be held in the Bethany City Hall Council Chamber, at 6700 NW 36th St., Bethany, Oklahoma.



ZONING CODE LEGEND

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<span style="display:inline-block; width:15px; height:15px; background-color: #FFD700; border: 1px solid black;"></span> CBD	<span style="display:inline-block; width:15px; height:15px; background-color: #800080; border: 1px solid black;"></span> I-R
<span style="display:inline-block; width:15px; height:15px; background-color: #FF0000; border: 1px solid black;"></span> C-G	<span style="display:inline-block; width:15px; height:15px; background-color: #FF0000; border: 1px solid black;"></span> PUD
<span style="display:inline-block; width:15px; height:15px; background-color: #808080; border: 1px solid black;"></span> C-H	<span style="display:inline-block; width:15px; height:15px; background-color: #FFD700; border: 1px solid black;"></span> PRD
<span style="display:inline-block; width:15px; height:15px; background-color: #8B0000; border: 1px solid black;"></span> C-S	<span style="display:inline-block; width:15px; height:15px; background-color: #FFD700; border: 1px solid black;"></span> R-1
<span style="display:inline-block; width:15px; height:15px; background-color: #FF4500; border: 1px solid black;"></span> C-N	<span style="display:inline-block; width:15px; height:15px; background-color: #FFD700; border: 1px solid black;"></span> R-2
<span style="display:inline-block; width:15px; height:15px; background-color: #8B0000; border: 1px solid black;"></span> C-O	<span style="display:inline-block; width:15px; height:15px; background-color: #FFD700; border: 1px solid black;"></span> R-M
<span style="display:inline-block; width:15px; height:15px; background-color: #000080; border: 1px solid black;"></span> C-R	<span style="display:inline-block; width:15px; height:15px; background-color: #FF4500; border: 1px solid black;"></span> RMO
<span style="display:inline-block; width:15px; height:15px; background-color: #008080; border: 1px solid black;"></span> E-I	<span style="display:inline-block; width:15px; height:15px; background-color: #800080; border: 1px solid black;"></span> RHP

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1" = 335 ft

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# City of Bethany

A great place to live, work, shop, and grow a business!

## RULES OF THE BOARD OF ADJUSTMENT THE CITY OF BETHANY, OKLAHOMA

IN CASES OF APPLICATIONS FOR VARIANCES FROM THE TERMS OF THE ZONING ORDINANCE, TITLE XV, BETHANY RECODIFIED ORDINANCES, 2002, AS AMENDED.

1. Every person applying for a variance before the Board of Adjustment must submit all of the following before the application will be placed on the agenda of the Board of Adjustment:
  - a. Written application for a variance. Said application must be complete and furnish all information as required in regular application forms supplied by the Planning Department. Use additional pages if necessary. (NOTE: The applicant is advised to take special care in the preparation of this application form. Copies will be mailed to each member of the Board prior to the public hearing. The Board is not authorized to grant a variance unless certain conditions are met, and this application form gives the applicant a chance to explain in writing how each condition has been met in his particular case. The responses could therefore influence the Board's decision.)
  - b. Plot plan, showing dimensions of lots or land, dimensions and location of all existing buildings, and dimensions and location of all proposed buildings or structures. Distances from the outside lines of buildings and structures to property lines must be shown. All plans and papers must be letter size 8½ by 11 inches) or legal size (8½ x 14 inches) wherever possible.
  - c. Application fee of **\$344 (res)/\$625 (non-res) plus \$150.00 for Notice of Public Hearing fees.**
  - d. A list of names and addresses of all record property owners within a three hundred (300) foot radius of the exterior boundary of the subject property. Said list shall be current and certified by a bonded abstractor or the County Assessor of Oklahoma County.
2. Submit this form, the list and the fee to the Community Development Department at Bethany City Hall, 6700 NW 36<sup>th</sup> St., Bethany, OK 73008. A meeting date will then be set for your variance case to be heard by the Board of Adjustment. The Board meets on the second Thursday of each month at 6:15 p.m. in the Council Chambers, Bethany City Hall, 6700 NW 36th Street.

3. The Planning Department will research and analyze each application and will prepare a staff report, which will be mailed to each member of the Board.
4. At the next scheduled Board of Adjustment meeting, each application will be considered at a public hearing. Each applicant will be sent notice of this meeting and he or his representative must be present. The Planning Staff will introduce each request, then the applicant or his representative and any interested citizens will have the opportunity to speak to the Board concerning the application.
5. No member of the Board will listen to any person interested in any case pending before the Board at any time except at scheduled hearings. The Board is a court, constituted as such by law, and the members are the judges. Any attempt to violate this rule will be frowned upon by the members so approached, and such violation may lead to disqualification of such member in the hearing with resultant delay in a decision.
6. All deliberations of the Board shall be conducted, and all of its decisions shall be made, at a meeting that is open to the public. All decisions of the Board shall be made after motion has been made and seconded. The motion which decides the issue shall be in the form of findings of fact and shall state the reasons for the findings by the Board. If conditions are imposed in the granting of a variance, such conditions shall be included in the motion.
7. An appeal from any decision of the Board of Adjustment may be taken by any person or by any officer, department or board of the City of Bethany to the District Court by filing a notice of appeal with the City Clerk and with the Board of Adjustment within thirty (30) days from the date the decision of the Board of Adjustment is rendered, which notice shall specify the grounds of such appeal.
8. Where variances are granted by the Board, the appeal period of thirty (30) days must elapse before any building permits can be issued by the Building Inspector. Where appeals are taken to District Court, no permits shall be issued until the close of all litigation connected therewith.
9. No application which has been heard and decided by the Board of Adjustment shall be resubmitted for a period of six (6) months from such hearing except on the ground of new evidence or proof of changed conditions, and then only upon proper filing of a new application.

RULES ADOPTED THIS 10TH DAY OF MARCH, 1977.

**REQUEST FOR VARIANCE**

(Please print or type.)

DATE FILED: \_\_\_\_\_ CASE NO.: BA-23-01  
FEE PAID: \_\_\_\_\_ REC. NO.: \_\_\_\_\_  
DATE SET FOR HEARING: 7-13-2023

A variance is requested in conformity with the powers vested in the Board of Adjustment of the City of Bethany on the property described below and in conformity with the attached plot plan.

ADDRESS OF PROPERTY: 3919 N Rockwell Ave. Bethany, OK 73008

LEGAL DESCRIPTION: \_\_\_\_\_

Forrest Highland 000 000 BEG NE/C Blk 4 S250ft. W300.07ft. N250ft. to BEG Known as TR #3 addition

State what is the variance requested, giving distances where appropriate. \_\_\_\_\_

Variance from 25' side yard setback needed for construction of new addition to Fire Station

A variance can be granted only if all of the seven conditions listed below have been met. You are requested to provide a statement after each condition indicating how your request meets each condition. Use additional pages if necessary.

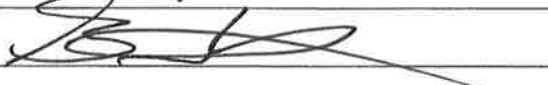
1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. \_\_\_\_\_  
The addition will contain sleeping quarters for staff. The location of the addition on the North side of the building allows for quick access to fire apparatus.
2. The special conditions and circumstances do not result from the actions of the applicant. \_\_\_\_\_  
Existing structure was built in the 1960's. The current construction type is not conducive for alterations.
3. Granting the variance requested will not convey on the applicant any special privilege that is denied by ordinance to other lands, buildings or structures in the same zoning district. \_\_\_\_\_  
This is the only building/occupancy of it's kind in this zoning district.
4. Literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms hereof and would work unnecessary and undue hardship on the applicant. This is a specific case in that there are no other fire stations in this district.

5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure. \_\_\_\_\_  
 No other solution(s) would be plausible to accomplish this project. \_\_\_\_\_
6. The grant of the variance will be in harmony with the general intent and purpose of the ordinance. \_\_\_\_\_  
 The property is adjacent to a sports complex, with no other structures on the South side of 39th, the variance would not create differentiation in building setbacks on 39th Street. \_\_\_\_\_
7. Such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. \_\_\_\_\_  
 No detriment will result from variance as the area has limited development. \_\_\_\_\_

This application shall be accompanied by:

1. A plot plan, showing the boundaries of the property, the location of any buildings or structures which are now on the property, and the proposed location of any buildings or structures for which a variance is being requested. Distances from the outside lines of buildings or structures to property lines must be shown. All plans and papers must be letter size (8½ x 11 inches) or legal size (8½ x 14 inches) wherever possible; and
2. An application fee of **\$344 (res)/\$625 (non-res) plus \$63.00 for Notice of Public Hearing fees**; and
3. A list of the names and addresses of all property owners of record within a 300-foot radius of the exterior boundaries of subject property, certified by a bonded abstractor or the County Assessor of Oklahoma County. Said list, however, shall not be required with applications involving minor variances, where the Board has set forth in its Statement of Policy what constitutes minor variances.

I (we) certify that all the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my (our) knowledge and belief.

Applicant (print name) Brian Murray  
 Signature of Applicant  Date 06-05-2023  
 Address of Applicant 3919 N Rockwell Ave. Bethany, OK, 73008 Phone (405)789-2218  
 Property Owner (print name) City of Bethany  
 Signature of Property Owner \_\_\_\_\_ Date \_\_\_\_\_

