

MINUTES
CITY OF BETHANY
BOARD OF ADJUSTMENT
MARCH 12, 2026

MEMBERS PRESENT: Matt Goodwin, Chair
Curtis Yates
James Fenno
Keith Burlison
Wayne Clements

MEMBERS ABSENT: None

STAFF PRESENT: Ray Jones, City Attorney
Brett Crecelius, Comm. Dev. Director
Raquelynne Diaz, Comm. Dev. Associate
Linda Hlinicky, Adm. Assistant

NOTICE: Posted in the lobby and on the front door of Bethany City Hall, 6700 NW 36th St., Bethany, OK on Friday, February 27, 2026 on or before 4:30 p.m.

Matt Goodwin, Chair called the meeting to order and gave the invocation. Motion was made by Keith Burlison, seconded by Wayne Clements to approve the January 8, 2026 Board of Adjustment minutes as emailed. The votes are as follows: AYE- Matt Goodwin, Wayne Clements, Keith Burlison, James Fenno, Curtis Yates. NAY- None. ABSTAIN- None. The motion carried unanimously 5 - 0.

ITEM 1: BA 26-01
Consider an appeal of an administrative decision regarding non-conforming use status and business license renewal status for property located at 7145 NW 39th Expressway.

LEGAL DESCRIPTION: PT OF BLKS 6 & 9 BEG 29.44FT N OF SE/C OF BLK 9 NWLY 15.49FT N166.53FT E226FT S225.72FT NWLY 217.93FT TO BEG

ACTION: Raquelynne Diaz, Comm. Dev. Associate presented the staff report to appeal an administrative decision regarding non-conforming use status and business license renewal status for property located at 7145 NW 39th Expressway. The site is currently zoned commercial general. Under the Bethany Code of Ordinances, open display is not a permitted in the C-G, Commercial General district. On December 10, 2025, the Community Development Director informed Mr. Ostovar (owner) that an open display license cannot be issued for the property. The administrative decision was made from our Bethany Code of Ordinances 158.042(E)(2). 158.042(E)(2) states that if a lot is not occupied by a non-conforming use for a continuous period of one year, it may not thereafter be re-occupied except by a use permitted within the district. For the purposes of this section, a lot with no recorded water usage shall be presumed to be not occupied. The last water usage was in September, 2023. Another ordinance that was used to make this decision was 158.044(C)(4)(b) in which special use permit regulations specify use permits expire by default once establishment has been discontinued

for a period of 12 months or abandoned. Ordinance 158.044(C)(5) lawful display uses prior to Ordinance 1776 maybe continued without the issuance of special use permit. Any changes in the use including change of ownership or prior conformance with all the requirements of this section.

Raquelynne Diaz, Comm. Dev. Associate stated in 2016 the property was sold, and at that time the applicant did not apply for a special use permit. So, there was never a special use permit for open display at this property.

Raquelynne Diaz, Comm. Dev. Associate stated the business license for the location lapsed after it was not renewed in June 2024 given the document in discontinuance of use and requirements of these ordinances, it was concluded that the non-conforming status is no longer valid and renewal of business license cannot be approved. We have some records of the business license renewal with owners name and address where renewal was mailed to. In 2024 the applicant did not re-apply for his license, and therefore it lapsed and expired.

Mason Schwartz, Attorney representing applicant spoke to the Board of Adjustment members as to why his client should be able to operate his car lot at 7145 NW 39th Expy. (see attached letter). Mr. Schwartz read State Law on non-conforming uses. He stated the applicant maintained dealer bond, insurance for property, and all state licensures during the time of 2023, 2024, and 2025. Mr. Schwartz submitted the city license renewal was sent to the wrong address.

Ray Jones, City Attorney mentioned now would be a good time for Mr. Schwartz to submit any documentary evidence that he would like to introduce on this item.

(A brief recess was taken while copies of documents from Mr. Schwartz, Attorney for Applicant were made.)

Ray Jones, City Attorney explained to the Board that one of the duties of the Board is to review the decisions of a code enforcement official in interpreting an ordinance. If this Board feels after examining the evidence and determines that the ordinances were not followed in accordance, then there could be a reversal in that code officials decision, or you can uphold the code officials decision.

Ray Jones, City Attorney gave Mr. Schwartz the citation in Bethany's ordinance regarding the right to appeal. It is 158.094. You have 30 days to appeal from the date of the decision.

Boardmember Burlison asked what was the time frame for being closed.

Brett Crecelius, Comm. Dev. Director stated the decision was made based off of no water usage since September, 2023 until now.

Boardmember Goodwin asked if there were cars on display at this lot other than derelict vehicle(s) that notice was given on during that period of time.

Mason Schwartz, Attorney representing applicant says there were a series of cars. It was not to the extent of a full operation like this property was back in 2016 or 2017.

Boardmember Goodwin asked how many of the code enforcement issues were corrected.

Mason Schwartz, Attorney representing applicant stated as far as my client understands, all of the violations have been corrected.

Boardmember Clements asked how were you notified of the citations.

Mason Schwartz, Attorney representing applicant stated the certified mail receipts for the citations show the citations were sent to the Super Sport location and not 7145 NW 39th Expy.

Boardmember Clements asked where was the license renewal mailed too.

Mason Schwartz, Attorney representing applicant stated the renewal of license was not mailed to Super Sport location. The license renewal was mailed to the T & D location. When my client moved the nuro-center of operations to Super Sport, my client gave the new address to the city.

Boardmember Goodwin asked about the mailings of the license renewals and code enforcement notices.

Brett Crecelius, Comm. Dev. Director stated as far as the addresses are concerned, we send out approximate 800 license renewals. We do not do that by certified mail. We go off our license software. Code Enforcement follows different rules and obligations in our ordinance. They are required to post on the location of the property and mail to property owner home address. That is the difference in why some letters were sent to T & D Motors. So, we know applicant was aware that renewal of license had to occur. With a special use permit on file, we would not have sent out a notice for that. It should have been obtained when the owner purchased the property in 2016. Brett noted this property is zoned C-G, and a special use permit for open display is not allowed in the C-G zone.

Mason Schwartz, Attorney representing applicant spoke about the timing of the mailing of notices and improvements to building.

Boardmember Yates asked why mail was not checked at the 7145 NW 39th Expy. location.

Mason Schwartz, Attorney representing applicant said he was not sure what his clients system was for checking mail. Applicant never saw the renewal notice.

Boardmember Clements asked about the selling of cars or not selling cars at 7145 NW 39th Expy.

Mason Schwartz, Attorney representing applicant stated the selling of cars was reduced. But there was enough to be able to maintain some substance of the operation at 7145 NW 39th Expy.

Boardmember Clements spoke about the lapsed license renewal. That is one issue. Then any variance issued was revoked.

Mason Schwartz, Attorney representing applicant stated we applied for the license at the end of 2025, because that was when we became aware the license had lapsed, and when they reviewed the license to see if license should be granted. The real issue here is the legal non-conforming status.

Boardmember Fenno spoke about using only water usage and no other utilities to determine if a business is operating does not seem quite right in his thinking.

Brett Crecelius, Comm. Dev. Director explained we go by our ordinances, and that is how our ordinance reads. He made a clarifying point on the license issue. With the license lapse and looking back there was no special permit issued when the property changed ownership in 2016, thereby making it an illegal non-conforming use.

Boardmember Goodwin spoke about the mailing situation. I do not feel that it is totally on the city. Picking up mail is a regular occurrence for a business.

Boardmember Goodwin asked when the first citation was received, what had happened at that point to remedy the license.

Mason Schwartz, Attorney representing applicant was not aware that he had lost his legal non-conforming use or his license had not been renewed until 2025.

Boardmember Goodwin stated going back to the city ordinance, all we have is go by is the water usage.

Mason Schwartz, Attorney representing applicant explained by definition the water usage cannot be the factor.

Brett Crecelius, Comm. Dev. Director explained electric and gas is provided by someone else. We do look at the water usage. The reason we included the code cases is because that was another factor that we used in determining where his property was. To Mr. Scharz point, there was vehicles on site and by city code vehicles were derelict, weeds, junk, and dilapidated fence. That is why we have the notice of violation information in packet in determining what we thought to be a vacant an unused building.

Ray Jones, City Attorney explained that the Board of Adjustment is here to determine if the administrative decision regarding denying the business license and request is proper or reverse administrative decision. Decide if the administrative decision was incorrect according to city ordinances or law, or administrative decision was correct and should be upheld.

Raquelynn Diaz, Comm. Dev. Associate noted the applicant does not have a special use permit currently. So, there is no revoking special use permit as of right now. Applicant never applied for special use permit when deed changed over in 2016.

Mason Schwartz, Attorney for applicant stated if there is not enough documentation that the Board would like us to provide, we would like to continue this item to another date and provide whatever documentation the Board may want. If there is no other document the Board wants to see, then Board can go ahead and vote.

Ray Jones, City Attorney felt it would be appropriate to have a special meeting once the minutes have been prepared so the Board can approve the minutes and constitute a final determination to start the appeal time if the applicant wishes to appeal.

Motion was made by James Fenno, seconded by Curtis Yates to overrule the administrative decision by the city. The votes are as follows: AYE- James Fenno, Curtis Yates. NAY- Matthew Goodwin, Keith Burlison, Wayne Clements. ABSTAIN- None. The motion carried 2-3-0.

Matt Goodwin, Chair adjourned the meeting at 7:39 p.m.