

MINUTES
CITY OF BETHANY
BOARD OF ADJUSTMENT
JULY 10, 2025

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

MEMBERS ABSENT: Matt Goodwin, Chair

STAFF PRESENT: Ray Jones, City Attorney
Brett Crecelius, Comm. Dev. Director
Raquelynne Diaz, 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 on July 3, 2025 at or before 5:00 p.m.

James Fenno, Acting Chair called the meeting to order and gave the invocation. The motion was made by Keith Burlison, seconded by Curtis Yates to approve the April 10, 2025 Board of Adjustment minutes as emailed. The votes are as follows: AYE- James Fenno, Keith Burlison, Wayne Clements, Curtis Yates. NAY- None. ABSTAIN- None. The motion carried unanimously 4 - 0.

James Fenno, Acting Chair explained we are going to hear Item 2 first, and then move on to Item 1.

ITEM 2: BA 25-05
Consider a request by Eduardo Rojas, Applicant and Property Owner for a variance to Sections 158.002 and 158.025(5) for the purposes of constructing a carport within the front yard setback in the R-1, Single Family Residential District at 2304 N. College Avenue

LEGAL DESCRIPTION: Wood Gardens Terrace 2nd Addition Block 004 Lot 004

ACTION: Brett Crecelius, Comm. Dev. Director presented the staff report to consider a variance for the purposes of constructing a carport within the front yard setback at 2304 N. College Ave. Crecelius reviewed the zoning of 2304 N. College Ave. and the surrounding properties; and presented a site plan and noted the measurements are not to scale. Staff went out to measure and from the center of r-o-w to edge of carport is thirty-one feet. The applicant constructed the carport before realizing that a permit was required. Upon getting a stop work order, they were notified they needed to get a permit. City did not pursue action against applicant because applicant was working with the city to obtain proper permitting. With that in mind, no inspection has been completed on the

carport. It is city staff's recommendation and common practice that if this application is approved, the applicant will be required to get an engineer's signature approving that the carport structure is safe.

Mr. Rojas, resident of 2304 N. College Ave., and applicant was present. Berlinda Rojas, daughter spoke for her father. She stated they did not know a permit was required. Staff notified us permits were required, and we followed all the requirements.

Ms. Aida Garcia, resident of 2574 N. Yukon Pkwy, Yukon, OK stated she is co-owner of the property at 2304 N. College Ave. She objected to the carport special request. She is concerned with the decrease in property value because of carport.

Motion was made by Keith Burlison, seconded by Wayne Clements to approve the carport variance request. The votes are as follows: AYE- James Fenno, Keith Burlison, Wayne Clements, Curtis Yates. NAY- None. ABSTAIN- None. The motion carried unanimously 4 - 0.

ITEM 1: **BA 25-04**

Rehear and consider a request by Natalie Hisle, Applicant and Property Owner for a special exception to Section 159.038 of the Bethany Code of Ordinances for the purpose of using a residential structure for commercial use in the R-1, Single Family Residential District at 6601 NW 42nd St.

LEGAL DESCRIPTION: North Side Addition 002 000 Lots 8 & 9.

ACTION: Brett Crecelius, Comm. Dev. Director presented the staff report to consider a special exception for a residential property located at 6601 NW 42nd St. There is a rehearing item per ordinance 158.093 which states that no application which has been timely filed, heard, and decided by the Board shall be set for rehearing unless the applicant can show material change in the facts of the case or where new evidence might affect the decision and can be produced. The new evidence presented by applicant after consideration to be re-heard was a letter from Southern Nazarene University. The Southern Nazarene University letter states they have a firm belief that property should not be rezoned commercial, but we will not oppose a special exception application to operate a bookstore/café as long as alcohol is never sold, the plot is never zoned commercial, and the special exception terminates with the change of ownership. Crecelius summarized the zoning of 6601 NW 42nd and the surrounding properties; and presented the proposed site plan for the project.

Ray Jones, City Attorney noted one of requirements of our ordinances is there has to be a material change in the circumstances in order for the Board of Adjustment to conduct a re-hearing of this matter. What was submitted in the application was a change in the position of Southern Nazarene University. The Board will need to decide on whether or not it considers a material change in the application itself. Mr. Jones, City Attorney stated it is his understanding there is not a material change in the application to operate the facility as a café/bookstore. The Board of Adjustment needs to decide if the change in SNU's position as indicated in the letter is a material change necessary to warrant a rehearing.

Mr. Martin, Representative from Southern Nazarene University stated their position from the beginning has been neutral as far as bookstore/café. We have not changed our position of being against the property being rezoned to commercial and alcohol sales. We were concerned if the property was zoned commercial, what may come after the bookstore/café . Also, if special exception is approved for Ms. Hisle, that the special exception ends with the change of ownership.

Ms. Turner, resident of 525 NW 11, OKC, OK, and Attorney for Applicant spoke to the Board of Adjustment members. She spoke about the letter with SNU withdrawing their objection would be new evidence. This application is specifically for a bookstore/café.

Motion was made by Wayne Clements, seconded by Keith Burlison to go ahead and re-hear the special exception case for 6601 NW 42nd St. The votes are as follows: AYE- James Fenno, Curtis Yates, Wayne Clements, Keith Burlison. NAY- None. ABSTAIN- None. The motion carried unanimously 4 - 0.

Ms. Turner, resident of 525 NW 11, OKC, OK, and Attorney for Applicant noted no alcohol sales will be permitted on this site. She spoke about the location and uniqueness of the property.

James Fenno, Acting Chair asked if there is some written guarantee that there will never be any alcohol sales.

Ms. Turner, resident of 525 NW 11, OKC, OK, and Attorney for Applicant said yes. That is written in the special exception application.

Ken Smart, resident of 4310 N. Donald spoke in favor of the special exception request.

Darla Thompkins, resident of 4305 N. Peniel spoke about the previous meetings and discussions for this item. Ms. Thompkins expressed concerns about the safety of the children in the area, traffic, flooding, noise, and light pollution.

Sheri Macrory, resident of 4611 N. Peniel gave a history of the building at 6601 NW 42nd St.

Ms. Turner, resident of 525 NW 11, OKC, OK, and Attorney for Applicant stated 6601 NW 42nd is on the outskirts of a neighborhood area. There are sidewalks for the children to use. The ordinance states that all code requirements must be complied with such as drainage, lighting, and noise. The bookstore/café is of limited use. She requested approval.

Curtis Yates, Boardmember expressed concerns about operation hours for the bookstore/café.

Ms. Turner, resident of 525 NW 11, OKC, OK, and Attorney for Applicant stated we propose 6:00 am to 8:00 p.m. seven days a week. They will modify the special exception application to incorporate the hours of operation to be from 6:00 a.m. to 8:00 p.m. seven days a week.

James Fenno, Acting Chair mentioned there are a lot of people in the audience, and Natalie Hisle, Applicant asked people in audience to raise their hands if they were in favor of the bookstore, and several people raised their hands.

James Fenno, Acting Chair asked if there are other neighbors that have objections that would like to speak.

Brett Crecelius, Comm. Dev. Director mentioned there are multiple letters in the Board of Adjustment packet from people against the request tonight.

Unknown in audience spoke about concerns with the parking, traffic, and kids in the neighborhood.

Christie Wire, resident of 6902 NW 42nd spoke in favor of request.

Motion was made by Curtis Yates, seconded by Wayne Clements to approve the special exception with the requirement for hours of operation be amended in the application to reflect from 6:00 a.m. to 8:00 p.m. seven days a week. The votes are as follows: AYE- James Fenno, Curtis Yates, Wayne Clements. NAY- Keith Burlison. ABSTAIN- None. The motion passed 3-1-0.

Motion was made by Curtis Yates, seconded by Wayne Clements to adjourn. The motion passed unanimously 4 - 0.