

MINUTES
CITY OF BETHANY
PLANNING AND ZONING COMMISSION
JUNE 1, 2023

MEMBERS PRESENT: Charles Snyder, Chair
Kent Lynn
Robert Helton
Steve Marx

MEMBERS ABSENT: Justin Peck, Vice-Chair
Ron Crouch
James Clemmer

STAFF PRESENT: Matt Becker, Acting City Attorney (filling in for Ray Jones)
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, 73008 on Thursday May 25, 2023 at 11:00 a.m.

Charles Snyder, Chair called the meeting to order and gave the invocation. Motion was made by Kent Lynn, seconded by Steve Marx to approve the May 4, 2023 Planning and Zoning Commission minutes with the amendment on page 4 - changing the word "detour" to "deter". The votes are as follows: AYE- Charles Snyder, Kent Lynn, Robert Helton, Steve Marx. NAY- None. ABSTAIN- None. The motion carried unanimously 4 - 0.

ITEM 1: **PC 23-05**
Consider a request by Brian Eisele, Applicant and property owner, for special permission that will allow for the construction of a 1,200 ft² accessory structure at 3917 N Riverside Drive.

LEGAL DESCRIPTION: Sect. 16-T12N-R4W SE Qtr., Royce Browns Riviera 006 000 Lots 5 & 6.

ACTION: Brendan Summerville, Comm. Dev. Associate presented the staff report to consider a special permission request to construct a 1,200 ft² accessory structure at 3917 N. Riverside Dr. He reviewed the zoning of the surrounding properties. The setbacks for this corner lot are 25' in the front, 25' on the sides and 20' in the rear. The proposed structure will be used for personal storage, and measures 1,200 ft². He mentioned special permits allow for the accessory structure to be no larger than 50% of the gross floor area of the primary building or 10% of the total lot area. Structure cannot be placed over top of any utility easements.

Charles Snyder, Chair brought it to the attention of the applicant that current legal counsel for the City believes that the building size must meet both criteria (structure must be less than 50% of the gross floor area of house and 10% of total lot area).

Mr. Eisele, Applicant and property owner said he has no problem with coming down from 1,200 ft² to 900 ft² on the proposed structure.

Mr. Matt Becker, Acting City Attorney read the ordinance. Accessory buildings (special use) under this section should not exceed in size greater than 50% of the gross floor area of the primary building or 10% of the total recorded lot area of the lot in which the primary building is located. If you exceed either of the two percentages, you violate the ordinance.

Mr. Eisele, Applicant and property owner of 3917 N. Riverside Dr. stated he is the applicant for the accessory building.

Charles Snyder, Chair explained regardless of how the Planning Commission votes on the request, you will have to meet the setback requirements.

Mr. Eisele, Applicant and property owner of 3917 N. Riverside Dr. said yes. So, the structure will have to be 25' from the house or road.

Brendan Summerville, Comm. Dev. Associate stated 25' from the side and 20' from the rear.

Commissioner Helton asked why the applicant wants such a large building.

Mr. Eisele, Applicant and property owner of 3917 N. Riverside Dr. said he has two cars, lawn equipment that used for a half-acre of land, and woodworking tools and equipment for home remodeling.

Commissioner Helton asked if the 900 ft² building would be fine.

Mr. Eisele, Applicant and property owner of 3917 N. Riverside Dr. said yes.

Motion was made by Steve Marx, seconded by Kent Lynn to recommend approving the special permission request at 3917 N. Riverside Dr., and require applicant to meet the setbacks. The votes are as follows: AYE- Charles Snyder, Kent Lynn, Robert Helton, Steve Marx. NAY- None. ABSTAIN- None. The motion carried unanimously 4 - 0.

ITEM 2: **PC 23-06**

Consider a request by Robert Freeman, Applicant and property owner, for special permission that will allow for the construction of a 500 ft accessory structure at 4708 N. Donald Ave.

LEGAL DESCRIPTION: Sect. 16-T12N-R4W NE Qtr., Stockton Addition 001 017

ACTION: Brendan Summerville, Comm. Dev. Associate presented the staff report to consider a special permission request to construct a 500 ft² accessory structure at 4708 N. Donald Ave. He reviewed the zoning of the surrounding properties. Setbacks for this lot are 25' in the front and 10'

and 5' on the sides and a rear setback of 20'. The proposed structure will be used as a garage. The existing garage will be demolished. The applicant has acknowledged that the accessory building may not be constructed within the property setbacks.

Commissioner Lynn asked if the building will be used for a garage.

Mr. Freeman, Applicant and property owner for 4708 N. Donald Ave., said yes.

Motion was made by Kent Lynn, seconded by Steve Marx to recommend approving the special permission request at 4708 N. Donald Ave., and require applicant to meet the setbacks. The votes are as follows: AYE- Charles Snyder, Kent Lynn, Robert Helton, Steve Marx. NAY- None. ABSTAIN- None. The motion carried unanimously 4 - 0.

ITEM 3: **PC 23-07**

Consider a request by Jason Rios, Applicant and property owner, for special permission that will allow for the construction of a 440 ft² accessory structure at 2505 N. Tropicana Ave.

LEGAL DESCRIPTION: Sect. 20-T12N-R4W SW Qtr., Deville Park Block 012 Lot 004 S75FT.

ACTION: Brendan Summerville, Comm. Dev. Associates presented the staff report to consider a special permission request to construct a 400 ft² accessory structure at 2505 N. Tropicana Ave. He reviewed the zoning of 2505 N. Tropicana Ave. and the surrounding properties; and the lot characteristics for 2505 N. Tropicana Ave. The setbacks are 25' in the front, 10' and 5' on the sides, and 20' in the rear. The proposed structure will be for storage. The structure must not be larger than 50% of the gross floor area of the house or 10% of the total lot area. Request meets both of these standards.

Mr. Rios, Applicant and property owner for 2505 N. Tropicana was present.

Charles Snyder, Chair asked about the kind of proposed siding for the accessory structure.

Mr. Rios, Applicant and property owner said he will put up something real nice. I can brick building if necessary.

Motion was made by Steve Marx, seconded by Robert Helton to recommend approving the special permission request at 2505 N. Tropicana Ave. The votes are as follows: AYE- Charles Snyder, Kent Lynn, Robert Helton, Steve Marx. NAY- None. ABSTAIN- None. The motion carried unanimously 4 - 0.

NEW BUSINESS

Brendan Summerville, Comm. Dev. Associate stated we will be hearing two minor subdivision cases at the June 15, 2023 Planning and Zoning Commission meeting. Also, on July 6, 2023 Planning and Zoning Commission meeting, we will be discussing an ordinance on short term rentals; and then

the meeting after that we will be discussing comprehensive plan in regard to MUD, Mixed Unit Development.

Commissioner Lynn stated he will be gone July 6, 2023 on vacation. He asked if Staff could push back the short-term rental discussion because he would really like to be part of the discussion.

Charles Snyder, Chair asked about the results of the City Council decision on the special use permit for the rink gallery at 3200 N. Rockwell Ave.

Brendan Summerville, Comm. Dev. Associate stated the applicant pulled their application on the day of the City Council meeting.

Commissioner Marx stated the Chamber of Commerce will be selling records, and all of the proceeds go to the Putnam City music program.

Motion was made by Steve Marx, seconded by Kent Lynn to adjourn. The motion carried unanimously 4 - 0.