

NOTICE: Agenda posted in the lobby and on the front door of Bethany City Hall, 6700 NW 36th St., Bethany, OK 73008 on Thursday, May 25, 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.

(PLANNING AND ZONING COMMISSION MEETING WILL BE HELD IN THE CITY COUNCIL CHAMBER AT BETHANY CITY HALL - 6700 NW 36TH ST., BETHANY, OK 73008)

AGENDA
CITY OF BETHANY
PLANNING AND ZONING COMMISSION
JUNE 1, 2023
7:00 P.M.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES OF MAY 4, 2022

EXPLANATION OF PROCEDURE TO AUDIENCE

PLANNING AND ZONING COMMISSION BUSINESS

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

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 ft² accessory structure at 4708 N Donald Ave.

LEGAL DESCRIPTION:

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

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

NEW BUSINESS

ADJOURNMENT UNTIL JUNE 15, 2023

MINUTES
CITY OF BETHANY
PLANNING AND ZONING COMMISSION
MAY 4, 2023

MEMBERS PRESENT: Charles Snyder, Chair
Justin Peck, Vice-Chair
Steve Marx
Robert Helton
Kent Lynn
James Clemmer

MEMBERS ABSENT: Ron Crouch

STAFF PRESENT: Ray Jones, City Attorney
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 27, 2023, at 11:00 a.m.

Charles Snyder, Chair called the meeting to order. Steve Marx gave the invocation. Motion was made by James Clemmer, seconded by Justin Peck to approve the April 6, 2023 Planning and Zoning Commission minutes with the correction of changing "Mr. Gholson" to "Ms. Gholson". The votes are as follows: AYE- Charles Snyder, Justin Peck, Steve Marx, Robert Helton, Kent Lynn, James Clemmer. NAY- None. ABSTAIN- None. The motion carried unanimously 6 -0.

ITEM 1: **PC 23-03**
Consider a request by Bruce Saunkeah, applicant and property owner, for a special use permit that will allow a dwelling unit within a commercial business at 3200 N. Rockwell Ave.

LEGAL DESCRIPTION:
Sect. 21-T12N-R4W NW Qtr., Holloway Acres 002 000 PT of Lot 2 Beg at SWW/C Lt 2 TH N330.6ft E261.95ft W262.33ft to Beg. & N30ft OG W262.33ft Lot 3.

ACTION: Brendan Summerville, Comm. Dev. Associate presented the staff report to consider a special use permit request that would permit a dwelling unit at 3200 N. Rockwell Ave. Summerville summarized the lot characteristics and surrounding zoning. The primary function is retail sales and mercantile; and was built in 1989. Planning staff was notified of the use of the property as a dwelling unit by Deputy Chief Biswell of the Bethany Fire Department. The dwelling unit was found during a routine inspection. Should the applicant's request be approved, the applicant must file for building permits that would legally alter the existing structure. In addition, applicant must comply with all fire safety items, including but not limited to fire suppression, fire alarms, egress requirements, etc. This is not a traditional use of the property. After discussion with legal counsel, we determined that

the applicant could potentially live there under a caretaker clause, meaning their intention is to maintain and survey the property over all hours of the day.

Bruce Saunkeah, Applicant stated he is one of the owners(s) of Rink Gallery Vintage Mall.

Charles Snyder, Chair asked if Mr. Saunkeah was the owner of the property at 3200 N. Rockwell.

Bruce Saunkeah, Applicant said no.

Charles Snyder, Chair asked Mr. Saunkeah if he has permission from the property owner to request the special use permit.

Bruce, Saunkeah, Applicant said yes.

Charles Snyder, Chair explained regardless of how the Planning and Zoning Commission members vote, he is going to require part of the recommendation include that Mr. Saunkeah produce documentation before the City Council hearing that shows Mr. Saunkeah has permission from the LLC that owns the property to ask for this special use permit. Snyder, Chair believes this documentation should be provided to the City, so the owner of the property is on board with what the applicant is doing.

Bruce, Saunkeah, Applicant explained we are requesting this special use permit to continue having a physical presents of someone on the property at all times, which we have had since the business opened in 2006. This has not been an issue until the most recent fire inspection when we were notified this property was not zoned for dwelling. We would like to continue occupying the living space on property to provide 24-hour surveillance and monitoring. In the past we have had some vandalism, and some plumbing issues. So, it has been useful to have someone on site 24 hours a day.

Charles Snyder, Chair asked if there has been any recent vandalism or theft.

Bruce Saunkeah, Applicant stated within the last couple of years we have vandalism to the chain link fence, and people got in and took scrap metal stored in the back yard of the property. Also, stole some copper from some of the old air conditioners from the old ice-skating rink. We installed more security cameras and upgraded the outdoor lighting. Sometimes people will park their cars in lot. If they are not having car problems, I ask them to leave because this is private property.

Charles Snyder, Chair asked if the building has an alarm system.

Bruce Saunkeah, Applicant stated the building had an alarm system but currently it is not functional. Then he said we have alarms on the three exits. The alarm system that was installed when the skating rink was here is no longer functional.

Commissioner Marx asked how many people will be living here.

Bruce, Saunkeah, Applicant said just himself.

Commissioner Lynn asked how much living space is on site now.

Mike Brody, Manager of the Rink Gallery stated there is about 900 square feet. You are talking about a recliner, bed, bathroom, microwave, and a coffee pot.

Charles Snyder, Chair said so it is more like a breakroom.

Mike Brody, Manager of the Rink Gallery said yes, it is more like a breakroom. It is important to have the caretaker residence on site. We do a lot of work, and we are open seven days a week. Open from 10-7 every day (except for two holidays).

Commissioner Lynn stated as a general rule, residence is not allowed in commercial buildings. So, if we approve this, are we setting precedence?

Ray Jones, City Attorney read ordinance #158.02 definition in respect to this issue. Ordinance #158.02 defines caretaker or employee housing. It is defined as a detached secondary housing unit that is used for persons employed on the premises. Where the principle commercial, industrial, or institutional use of the site involves operations, equipment or other resources that require 24-hour oversight. Such housing shall be occupied exclusively by the caretaker and/or employee and not for rent or use as a separate housing unit by persons other than those employed on the premises. The Planning Commission must find that the principal use on the site requires the continual supervision of a caretaker, superintendent, or watchman.

Ray Jones, City Attorney felt there are two critical issues here. It requires a detached building, which is absent in this case. Secondly, there has to be a finding from the Planning Commission that the nature of the site requires continual supervision.

Commissioner Clemmer inquired about an ordinance that allows dual use with living upstairs and business downstairs.

Ray Jones, City Attorney stated there are specific zoning ordinances which are mixed use. However, it is a specialized form where we have business on the first floor and residence on second floor.

Commissioner Clemmer asked if that was restricted to the CBD itself?

Amanda McCellon, Comm. Dev. Director said it is not, but this is not something staff would encourage us to look at zoning mixed-use. This goes against everything our mixed-use is in the comprehensive plan. This request would set a precedence moving forward to just use mixed-use that catch all zoning versus what we are trying to attract those type of businesses that are going to do the up and down mixed-use concept.

Commissioner Helton stated mixed-use does not define density, or if it should be on the first or second floor in our comprehensive plan.

Brendan Summerville, Comm. Dev. Associate said it would be more of the ordinance as opposed to the comprehensive plan in that case.

Charles Snyder, Chair discussed in order to clarify under the ordinance, we need to have three findings: 1) need for 24-hour security, 2) a separate structure; and add 3) some documentation that the owner approves this request.

Amanda McCellon, Comm. Dev. Director mentioned if the Planning Commission chooses to approve request, I would put a date in there that all the structure updates need to be approved and put in for the fire safety side of things. I would make it date specific because otherwise Deputy Chief Biswell will not know what to hold them too as far as getting the work done.

Charles Snyder, Chair asked the applicant if they have been reporting the vandalism incidents and other problems to the Police Department.

Bruce Saunkeah, Applicant said yes.

Charles Snyder, Chair said you should have copies of those reports.

Bruce Saunkeah, Applicant said we called when the fence was cut, and they came out and looked at it. I guess we did not file an official report.

Charles Snyder, Chair asked if that is the last incident applicant has had.

Bruce Saunkeah, Applicant said it is hard to say. At some point someone climbed over the chain link fence causing some damage to the fence.

Mike Brody, Manager of the Rink Gallery explained it is a breezeway where the property is at the Rink Gallery. We have people sleeping and hanging out behind the building.

Commissioner Lynn asked if Mr. Saunkeah was living on property when there were vandalism problem(s).

Bruce Saunkeah, Applicant said yes.

Commissioner Lynn stated so that did not detour anyone from stealing away. So, I am not sure how continuing to live there will detour anyone in the future.

Commissioner Clemmer asked the applicant if they plan to put up cameras outside to see what is going on.

Bruce Saunkeah, Applicant and Mike Brody Manager of the Rink Gallery said we do have cameras.

Commissioner Helton asked the applicant how long it would take them to bring the building up to code.

Amanda McCellon, Comm. Dev. Director mention if the Planning Commission should approve this request, the living corridor will have to be brought up to fire code (fire walls, etc.) for someone to be able to live there. The Deputy Fire Chief has talked with the applicants on what has to be done but it will be costly.

Mike Brody, Manager of the Rink Gallery said that is the first I have heard of that. He said that has never been communicated to us. He said we have been through multiple fire inspections throughout the years.

Amanda McCellon, Comm. Dev. Director spoke on behalf of Deputy Chief Biswell by saying he came directly to her after the inspection of 3200 N. Rockwell Ave. He found the room and that he was lied to, that nobody was using the room or living in the room. He asked someone to get the keys and was told they could not find the keys or have access to keys. When he pushed the issue again, finally we had a set of keys, and a dog ran out and it is being used as a living quarter. That was how it was explained to her after he found it.

Mike Brody, Manager of the Rink Gallery said he does not know what that is all about, there are no keys.

Charles Snyder, Chair told Mr. Brody that the bottom line is, you need permission from the owner no matter what you do; and you do not have a separate facility/structure. So, I do not think you can live inside the structure that is there now based on the current ordinance which we are required to follow.

Commissioner Clemmer asked the applicant if he has checked into how long it will take to accomplish what the Deputy Chief is requesting. You would need to submit plans, obtain a permit and a certificate of occupancy.

Bruce Saunkeah, Applicant and Mike Brody, Manager of the Rink Gallery stated this is the first time we have heard anything about that.

Commissioner Clemmer noted this letter from the Deputy Fire Chief is addressed to you.

Amanda McCellon, Comm. Dev. Director read from the letter written to the applicant from the Deputy Fire Chief that states along with the special use permit there are also some building and fire code provisions that would have to be met specifically those pertaining to fire separation, fire suppression, fire alarm and egress requirements as they pertain to your circumstances.

Ray Jones, City Attorney stated a special use permit would be required to even have a detached building on the space.

Motion was made by Steve Marx, seconded by Kent Lynn to recommend denying the special use request as written, and provide documentation that the true property owner approves applicant going forward. The votes are as follows: AYE- Charles Snyder, Kent Lynn, Steve Marx. NAY-James Clemmer, Justin Peck. ABSTAIN- Robert Helton. The motion passed 3-2-1.

ITEM 2: PC 23-04

Discussion and possible action to accept the final plat of Bethany Village, a part of the SE/4 of Section 17, T12N, R4W, I.M. Bethany Oklahoma County, Oklahoma, and the dedication of public easements and rights-of-way.

ACTION: Brendan Summerville, Comm. Dev. Associate presented the staff report to discuss and possibly accept the final plat of Bethany Village. This case has previously been heard by the Planning and Zoning Commission in October or September of 2021. The City Attorney and City Engineer have already reviewed the final plat. Engineers and Applicant are aware of the sodding requirement that will be taken care of by the time of the City Council meeting. This is just more of a procedural matter. We do have the final plat here for signing.

Ray Jones, City Attorney said he did review the final plat. It was important to Mr. Jones that all the easements were marked and identified. There does not appear to be any inconsistencies in the markings, and all appears to be accurate. Mr. Jones, City Attorney recommended approving the final plat.

The final plat had been approved in October, 2021, but Brendan Summerville, Comm. Dev. Associate noted some alterations have been made to the final plat.

Brendan Summerville, Comm. Dev. Associate noted the City Engineer, Public Works Director and myself made visits to the site to look over public easements and dedications on behalf of the development.

Motion was made by Kent Lynn, seconded by James Clemmer to recommend approving the final plat at NW Corner of NW 36th and N. Divis Ave. The votes are as follows: AYE- Charles Snyder, Justin Peck, Kent Lynn, Steve Marx, Robert Helton, James Clemmer. NAY- None. ABSTAIN- None. The motion carried unanimously 6 - 0.

NEW BUSINESS

Brendan Summerville, Comm. Dev. Associate mentioned there will be three cases on the June 1, 2023 Planning and Zoning Commission agenda. All of them are accessory structures.

Charles Snyder, Chair asked if anyone found anything on the comprehensive plan that they thought was a pressing item.

Commissioner Helton stated mixed-use is not really defined. Attracting buses into the city is not a very good idea.

Charles Snyder, Chair asked what happened to the items Planning and Zoning heard on April 6, 2023.

Brendan Summerville, Comm. Dev. Associate stated City Council approved the rezoning case and denied the car lot.

Amanda McCellon, Comm. Dev. Director encouraged the Planning Commissioner(s) to check the city's website. Periodically we are uploading all the projects from the City Council meetings.

Motion was made by James Clemmer, seconded by Justin Peck to adjourn. The motion carried unanimously 6 - 0.



City of Bethany

Planning & Zoning Staff Report

June 1, 2023

CASE NO: PC 23-05

Request: Consider a request by Brian Eisele, property owner and applicant, for special permission to construct a 1200 ft² accessory structure at 3917 N Riverside Drive.

Applicant: Brian Eisele, property owner.

Legal Description: Sect. 18-T12N-R4W SE Qtr., Royce Browns Riviera 006 000 Lots 5 & 6

Current Zoning: R-1 (Single-Family Residential)

Proposed Accessory Structure: 1,200 ft² accessory structure.

Surrounding Zoning:

Direction	Zoning
North	R-1
South	R-1
East	R-1
West	R-1

Table 1

Building Characteristics:

	Proposed Structure	Primary Structure
Use	Personal Storage	Single-Family Dwelling
Area (ft²)	1,200	1,828
Height (ft)	18	18
Roof Pitch	7:12	7:12
Roof Material	Asphalt Shingles	Asphalt Shingles
Exterior Wall Covering	Hardiboard Siding	Brick

Table 2

Background:

The applicant seeks special permission to construct an accessory structure at 3917 N Riverside Drive. The lot has an area of 0.52 Acres (22,651 ft²) with an 1,828 ft² primary structure occupying 8.1% of the lot. The proposed structure would measure 30 ft in

width & 40 ft in length, yielding an area of 1,200 ft². This exceeds the allowable limit of an accessory structure (240 ft²) thus special permission is required to construct this building.

Analysis:

The proposed structure exceeds the 240 ft² limit (§150.007) for accessory structures. Under the terms of special permits, the proposed building may occupy up to 10% of the total property or 50% of the dwelling space (§158.044). At 1,200 ft² the proposed structure meets the former of the two requirements, thus meeting the building area requirements. The proposed accessory structure matches the primary building in height, roof pitch, and roofing material; siding material will differ.

Should special permission be granted, it should be noted that this accessory structure would be deemed a “permanent structure.” This means that this building must comply with all setback requirements applicable to the primary building (§158.020.02, Note 4d). The proposed structure will fit within the setbacks of the property: 20’ in the rear, and 25’ on the sides. Additionally, the accessory structure would not be allowed to be constructed atop utility easements. Should the Planning & Zoning Commission recommend that this request be approved, the city inspector will ensure that all standards are met before and after construction.

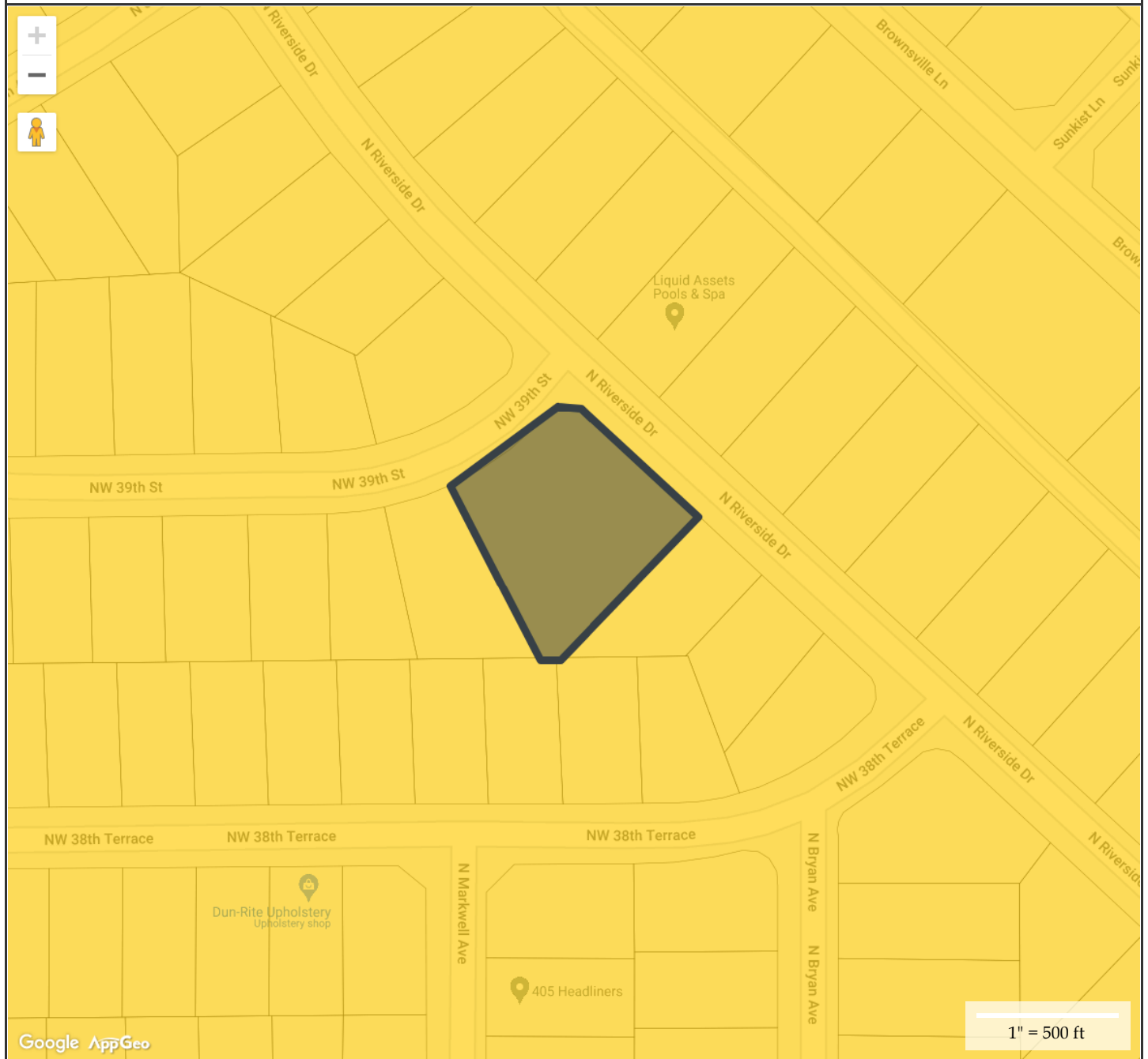
Required Action: Hold a public hearing to provide a recommendation to either approve or deny the applicant’s request for a special permit that would allow for the construction of a 1,200 ft² accessory structure.

Attachments:

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



PC 23-05 Zoning Map



Google AppGeo

1" = 500 ft

ZONING CODE LEGEND	
■ A	■ LL
■ CBD	■ L-R
■ C-G	■ PUD
■ C-H	■ PRD
■ C-S	■ R-1
■ C-N	■ R-2
■ C-O	■ R-M
■ C-R	■ RMO
■ E-I	■ 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.



Department of Planning & Community Development

May 8, 2023

NOTICE OF HEARING

**PLANNING & ZONING COMMISSION
AND CITY COUNCIL**

Dear Property Owner:

This notice is to inform you that a neighboring property owner has filed an application with the Bethany Planning Department for a special permit to construct an accessory structure on their property. All special permit applications within the city limits are reviewed by the Planning and Zoning Commission at a public hearing to determine whether the proposal is in conformity with the Comprehensive Plan for the City of Bethany.

We would like to emphasize that the Planning and Zoning Commission does not make the final decision on whether or not to approve the application; it simply makes recommendations on zoning & special permit matters to the City Council. The final decision is made by the City Council in a second hearing.

Attached to this notice is information on the hearing dates, the location of the property, and the zoning of the property. During the public hearings, the applicant for the zoning change 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.

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,
PLANNING AND ZONING COMMISSION**

ZONING CASE INFORMATION

A. Rezoning Proposal

1. Case No.: PC 23-05 .
2. Location of Property: 3917 N Riverside Drive, Bethany, OK .
3. Legal Description: Sect 18 T12N-R4W, SE Qtr., Royce Browns Riviera 006 000 Lots
5 & 6.
4. Present Zoning: R-1 (Single Family Residential) .
5. Applicant's Request: Special Permission to construct a 1,200ft² accessory structure.

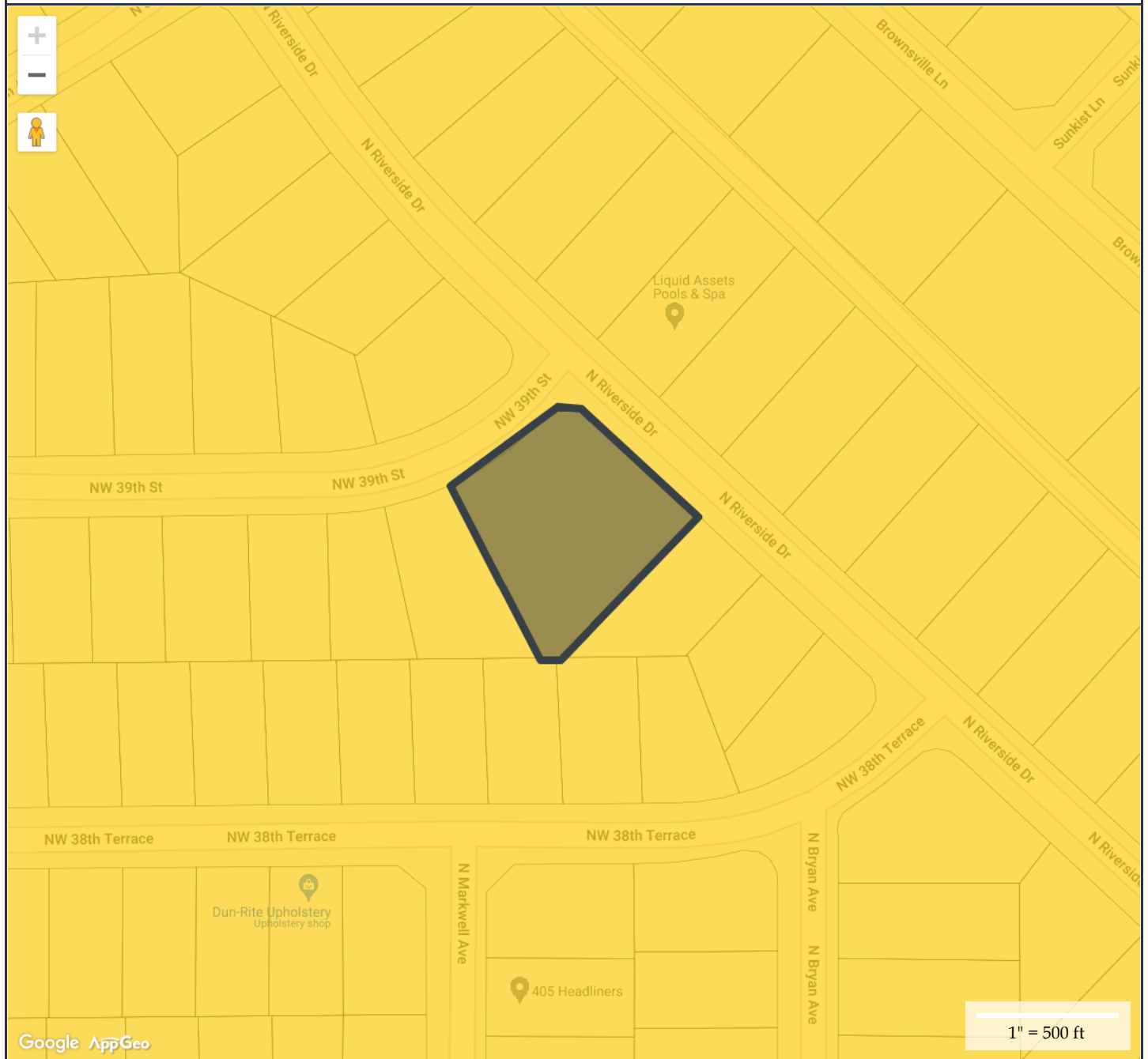
B. Hearing Schedule

1. The Planning and Zoning Commission hearing on the proposed rezoning will be held on **June 1, 2023** at **7:00 P.M.** At this hearing, any interested citizen will have the opportunity to speak to the Commission concerning the proposed zoning change. The Commission will vote on whether to recommend approval or disapproval of the proposed rezoning. **IF YOU HAVE AN OPINION ON THE APPLICATION, YOU SHOULD ATTEND THIS HEARING.**
2. The City Council Hearing will be held on **June 20, 2023** at **6:30 P.M.** At this hearing, any interested citizens will have the opportunity to speak to the City Council concerning the request. The City Council will vote either to adopt or reject the proposed rezoning ordinance. **IF YOU HAVE AN OPINION ON THE APPLICATION, YOU SHOULD ATTEND THIS MEETING.**

C. Location of Hearings

Both the Planning and Zoning Commission and City Council hearings will be held in the Bethany City Hall Council Chamber located at 6700 NW 36th St.

PC 23-05 Zoning Map



Google AppGeo

1" = 500 ft

ZONING CODE LEGEND	
■ A	■ LL
■ CBD	■ L-R
■ C-G	■ PUD
■ C-H	■ PRD
■ C-S	■ R-1
■ C-N	■ R-2
■ C-O	■ R-M
■ C-R	■ RMO
■ E-I	■ RHP

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NOTICE OF PUBLIC HEARING

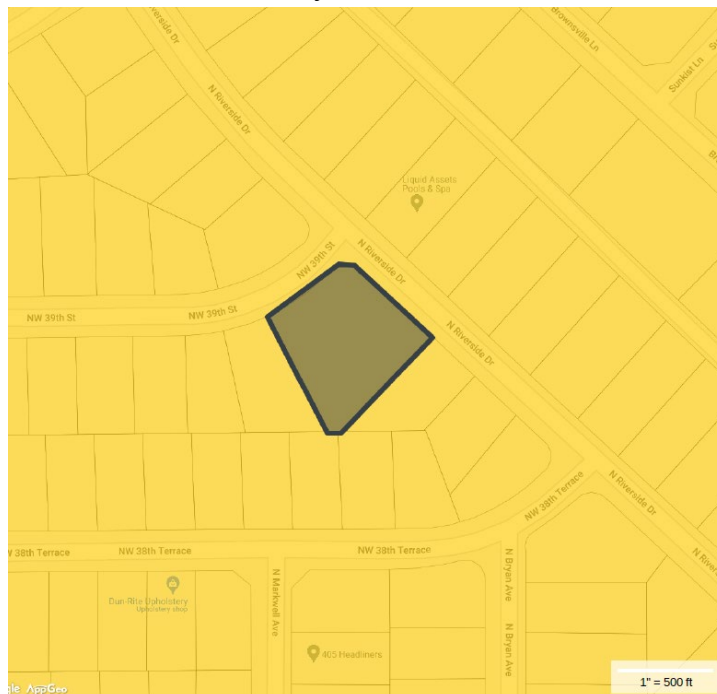
On June 1, 2023, at 7:00 p.m. the Bethany Planning and Zoning Commission will during its regular session hold a public hearing at Bethany City Hall at 6700 NW 36th St., Bethany, OK 73008 for the following: Consider a request by Brian Eisele, applicant & property owner, for special permission that will allow for the construction of a 1200ft² accessory structure at 3917 N Riverside Dr., Bethany, OK.

Following the public hearing the Bethany Planning & Zoning Commission will vote on the request and forward a recommendation to the Bethany City Council, which in turn will hear this case on June 20, 2023, at 6:30 p.m. After this meeting, there will be a second public hearing with the Bethany City Council, and a vote to approve or deny the request will be held.

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.

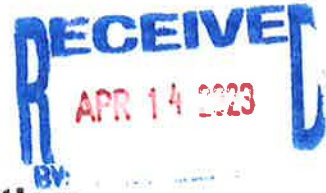
LEGAL DESCRIPTION:

Sect 18 T12N-R4W QTR SE Royce Browns Riviera 006 000 Lots 5 & 6





**City of Bethany
Residential
Accessory Structure Application**



Void after 30 days

Application must be completed in INK. If submitting plans, provide THREE copies. Submit Application via fax at (405)789-6093, Email to Construction.Application@BethanyOK.org or submit in person at 6700 NW 36th st., Bethany OK 73008. Contact Community Development at (405)789-6005. Use back or additional sheet if necessary.

Property Information				
Site Address or Legal Description: <i>3917 N. Riverside Dr</i>				
Owner Name: <i>Brian Eiseler</i>			Owners Phone: <i>432-934-6310</i>	
Address: <i>3917 N. Riverside Dr</i>		City: <i>Bethany</i>	State: <i>OK</i>	ZIP Code: <i>73008</i>
Description of Project				
Provide drawing with dimensions and location(s).		Square Feet: <i>1200</i>	Height: <i>W/inside walls same as house</i>	
Proposed Use: <i>Extra storage for vehicles + work space for personal use</i>			Valuation of Job: \$ <i>30,000</i>	Size of property: <i>.52 acres</i>
Contractor/Contact Information if different than owner				
Contact's Name: <i>TBD</i>			Phone:	
Business Name:				
Address:		City:	State:	ZIP Code:
Subcontractor Trade	Business Name	State License Number	Contact Number	
<input type="checkbox"/> Electrical				
<input type="checkbox"/> Plumbing				
<input type="checkbox"/> Mechanical/HVA C				
<input type="checkbox"/> Roof				
Note:				
<p>The owner and or applicant are responsible for compliance with any and all building codes, City Ordinances, and restrictive covenants. City staff cannot authorize variances in building codes, City Ordinances, or restrictive covenants. Being issued a building permit is not a variance from any building code, City Ordinance, or restrictive covenant. The owner and/or applicant must verify all data and plans for compliance with any applicable requirement. (Rev. 9-6-01)</p> <p>We, the undersigned, being the owners or legal agents for the owners of more than fifty-one percent of the following described property, do hereby make application and petition the City Council to approve the special use permit as hereinafter requested</p>				
Applicant Name: <i>Brian Eiseler</i>			Applicant Phone: <i>432-934-6310</i>	
Applicant Address: <i>3917 N. Riverside Dr Bethany, OK 73008</i>				
Signature of Applicant: <i>[Signature]</i>			Date: <i>4-13-23</i>	
FOR OFFICE USE ONLY				
<input type="checkbox"/> No Special Use Needed		<input checked="" type="checkbox"/> Special Use Permit Needed		
<input type="checkbox"/> Valid License	<input type="checkbox"/> Insurance	Zoning:	Permit Fee:	Flood Zone:
Approved By:				Date:

Projects that most closely follow the conditions listed below will have the most success in gaining City Council approval. The City Council will consider each project on a case by case basis. The City Council may impose specific conditions regarding location, design, operation, screening and security to assure safety, to prevent a nuisance, and to control the noxious effects of excessive sound, light, odor, dust or similar conditions. The City Council may also impose specific design requirements for accessory buildings to assure that such buildings are aesthetically compatible with the surrounding neighborhood.

For accessory building greater than 240 square feet in size the following additional conditions and restriction shall apply.

Ordinance 159.044 SPECIAL PERMIT USES.

The following uses may be allowed only as a special permit use in residential zoning districts of the city: accessory buildings larger than 240 square feet subject to such conditions as may be imposed under the approval of a special permit use.

For accessory buildings greater than 240 square feet in size, the following additional conditions and restrictions shall apply:

1. The height of the accessory building measured at its highest point shall not exceed the height of the primary building measured at its highest point;
2. The accessory building shall not be used as a dwelling unit;
3. Roof pitch of the accessory building should be the same as the predominant roof pitch of the primary structure;
4. An accessory building shall not be located on a lot not occupied by a primary building, except on lots larger than two acres in size.
5. If the primary building on a residential lot is destroyed or removed and not rebuilt within a two-year period from time of destruction or removal of the primary building, then the accessory building shall be removed.
6. Accessory building(s) approved as a special permit use under this section should not exceed in size the greater of 50% of the gross floor area of the primary building or 10% of the total recorded lot area of the lot on which the primary building is located.

Questions: The city Council shall use the following criteria to evaluate your special use permit. Please circle yes or no where indicated and provide a brief narrative if needed.

Will The proposed use be in harmony of the policies of the comprehensive plan?	<input checked="" type="radio"/> Yes	No
Will the proposed use be in harmony with the general purpose and intent of the applicable zoning district regulations?	<input checked="" type="radio"/> Yes	No
Will the proposed use generate pedestrian or vehicular traffic that is hazardous or in conflict with the existing and anticipated traffic in the neighborhood?	Yes	<input checked="" type="radio"/> No
Will the facility present a health or safety hazard to neighboring properties or the community at large?	Yes	<input checked="" type="radio"/> No
Will the facility be located in proximity to elementary or secondary public and/or private schools, or other incompatible uses?	Yes	<input checked="" type="radio"/> No
Will the utility, drainage and other necessary public facilities to serve the proposed use meet the adopted codes of the City?	<input checked="" type="radio"/> Yes	No
Have you been advised that an accessory building cannot be used for a home-based business?	<input checked="" type="radio"/> Yes	No
Have you located utility lines at the site? If no, please call OKIE at 1800-522-	<input checked="" type="radio"/> Yes	<input checked="" type="radio"/> No

Will the building have a garage door? If yes, what direction will it face? <i>East</i>	<input checked="" type="radio"/> Yes	No
Will you be paving a driveway to the building?	<input checked="" type="radio"/> Yes	No
Will you be installing a privacy fence or any other type of screening?	<input checked="" type="radio"/> Yes	No
Will the color/exterior of the building match the house?	<input checked="" type="radio"/> Yes	No

	Accessory Building:	Primary Building:
Use	<i>Personal storage</i>	Residence
Square footage	<i>1200</i>	
Height	<i>12000 Same as house</i>	
Roof Pitch	<i>Same as house</i>	
Roof Material	<i>Shingles, asphalt</i>	
Exterior wall covering	<i>Hardi board siding</i>	

Additional Requirements for the special use permit

- 1. A current and certified list of all recoded property owners within a 300' radius of the entire boundary of the subject property. This list must be obtained from either a bonded abstractor or the County Assessor of Oklahoma County.**
- 2. The fees for a Special use permit for a residential lot is \$344.00 plus a public hearing fee of \$150.00.**
- 3. A site plan shall be included with the application.**

Special Use Permit Procedure

1. Return the application and all other required documentation to the Community Development Department. Once the application has been received and reviewed for completeness, the community Development Director will schedule your application on the next available Planning and Zoning Commission Agenda.
2. Legal Notice of the request will be published in a newspaper of general circulation in the City of Bethany, as required by State Law. At the same time, every property owner within 300' of the property will be notified by letter.
3. The Planning Staff will prepare a staff report with recommendation, which will be mailed to each member of the Planning and Zoning Commission and City Council.
4. At the next scheduled Planning and Zoning Commission meeting, your request will be considered at a public hearing. The Planning Staff will introduce your request, and you and any interested citizens will have the opportunity to speak to the Commission concerning your request. You or your representative must be present.
5. At the conclusion of the public hearing the Commissioners will, by majority vote, convey their recommendation to the City Council.
6. The City Council will then hold another public hearing to vote on the Special use Permit Ordinance. You or your representative must be present at this meeting.

PC 23-05.

3917 N. Riverside

Larry Stein

Oklahoma County Assessor's Office



Ownership Radius Report

This Official Report is for Account Number R175330680 and is a 300-foot radius from the outside of the polygon. If the minimum number of different owners was not reached it was extended by 100-foot increments until the required number of different owners was reached, or the maximum distance was reached. This report does not constitute a legal survey or document, for definitive description of real property and ownership; consult the deeds recorded in the Oklahoma County Clerks Office. **Official Record of this Certified Radius Report will expire 30 days from the date of creation stamped on the back of this sheet.**

Oklahoma County Assessor's
300ft Radius Report
4/14/2023

accountntno	name1	name2	mailingaddress1	Shape	city	state	zipcode	subname	block	lot	legal	location
R175312465	FREEMAN ARTHUR W		4511 GREENWAY DR		N LITTLE ROCK	AR	72116-7450	LEWALLENS WESTRN SANDS 2ND	016	002	LEWALLENS WESTRN SANDS 2ND 016 002	3824 MARKWELL AVE BETHANY
R175330840	BETTERTON DEBRA K		3825 N BRYAN AVE		BETHANY	OK	73008	ROYCE BROWNS RIVIERA	007	002	ROYCE BROWNS RIVIERA 007 002	3825 N BRYAN AVE BETHANY
R175331000	RUPE JOAN LYNN		3828 N BRYAN AVE		BETHANY	OK	73008	ROYCE BROWNS RIVIERA	009	002	ROYCE BROWNS RIVIERA 009 002	3828 N BRYAN AVE BETHANY
R175312185	KNIGHT MICHELE		8220 NW 38TH TER		BETHANY	OK	73008	LEWALLENS WESTRN SANDS 2ND	015	003	LEWALLENS WESTRN SANDS 2ND 015 003	8220 NW 38TH TER BETHANY
R175312175	BROYLES MANDY J	SOMER ZACHARY CALDERON	8216 NW 38TH TER		BETHANY	OK	73008	LEWALLENS WESTRN SANDS 2ND	015	002	LEWALLENS WESTRN SANDS 2ND 015 002	8216 NW 38TH TER BETHANY
R175312165	DE LEON MENFIL G MEJIA	YENIFER M DE LEON	2212 SW 21ST ST		OKLAHOMA CITY	OK	73108	LEWALLENS WESTRN SANDS 2ND	015	001	LEWALLENS WESTRN SANDS 2ND 015 001	8212 NW 38TH TER BETHANY
R175312455	LYBRAND NOBLE GIBSON		3830 N MARKWELL AVE		BETHANY	OK	73008	LEWALLENS WESTRN SANDS 2ND	016	001	LEWALLENS WESTRN SANDS 2ND 016 001	3830 N MARKWELL AVE BETHANY
R175330830	WHITTAKER REBEKAH L		3829 N BRYAN AVE		BETHANY	OK	73008-3001	ROYCE BROWNS RIVIERA	007	001	ROYCE BROWNS RIVIERA 007 001	3829 N BRYAN AVE BETHANY
R175330990	BRATCHER RICHARD L	BRATCHER BONNIE M	8100 NW 38TH TER		BETHANY	OK	73008	ROYCE BROWNS RIVIERA	009	001	ROYCE BROWNS RIVIERA 009 001	8100 NW 38TH TER BETHANY
R175312595	RYBURN TYSON		8225 NW 38TH TER		BETHANY	OK	73008-3022	LEWALLENS WESTRN SANDS 2ND	017	007	LEWALLENS WESTRN SANDS 2ND 017 007	8225 NW 38TH TER BETHANY
R175312585	RIGG HAROLD AILLAN		6415 VIA CANADA		RANCHO PALOS VERDES	CA	90275	LEWALLENS WESTRN SANDS 2ND	017	006	LEWALLENS WESTRN SANDS 2ND 017 006	8221 NW 38TH TER BETHANY
R175312575	EWING SHERRY G		8217 NW 38TH TER		BETHANY	OK	73008-3022	LEWALLENS WESTRN SANDS 2ND	017	005	LEWALLENS WESTRN SANDS 2ND 017 005	8217 NW 38TH TER BETHANY
R175312565	TIPTON DEBORAH D TRS	TIPTON DEBORAH D LIV TRUST	8213 NW 38TH TER		BETHANY	OK	73008-3022	LEWALLENS WESTRN SANDS 2ND	017	004	LEWALLENS WESTRN SANDS 2ND 017 004	8213 NW 38TH TER BETHANY
R175312555	CB1 INVESTMENTS LLC		PO BOX 14786		OKLAHOMA CITY	OK	73113	LEWALLENS WESTRN SANDS 2ND	017	003	LEWALLENS WESTRN SANDS 2ND 017 003	8209 NW 38TH TER BETHANY
R175312545	NEWSOM BEVERLY A		7312 NW 126TH ST		OKLAHOMA CITY	OK	73142-2505	LEWALLENS WESTRN SANDS 2ND	017	002	LEWALLENS WESTRN SANDS 2ND 017 002	8205 NW 38TH TER BETHANY
R175312535	YORK COLTON		8201 NW 38TH TER		BETHANY	OK	73008	LEWALLENS WESTRN SANDS 2ND	017	001	LEWALLENS WESTRN SANDS 2ND 017 001	8201 NW 38TH TER BETHANY
R175330630	SMITH KEITH B & MELINDA F		8105 NW 38TH TER		BETHANY	OK	73008-3020	ROYCE BROWNS RIVIERA	006	001	ROYCE BROWNS RIVIERA 006 001	8105 NW 38TH TER BETHANY

X

Oklahoma County Assessor's
300ft Radius Report
4/14/2023

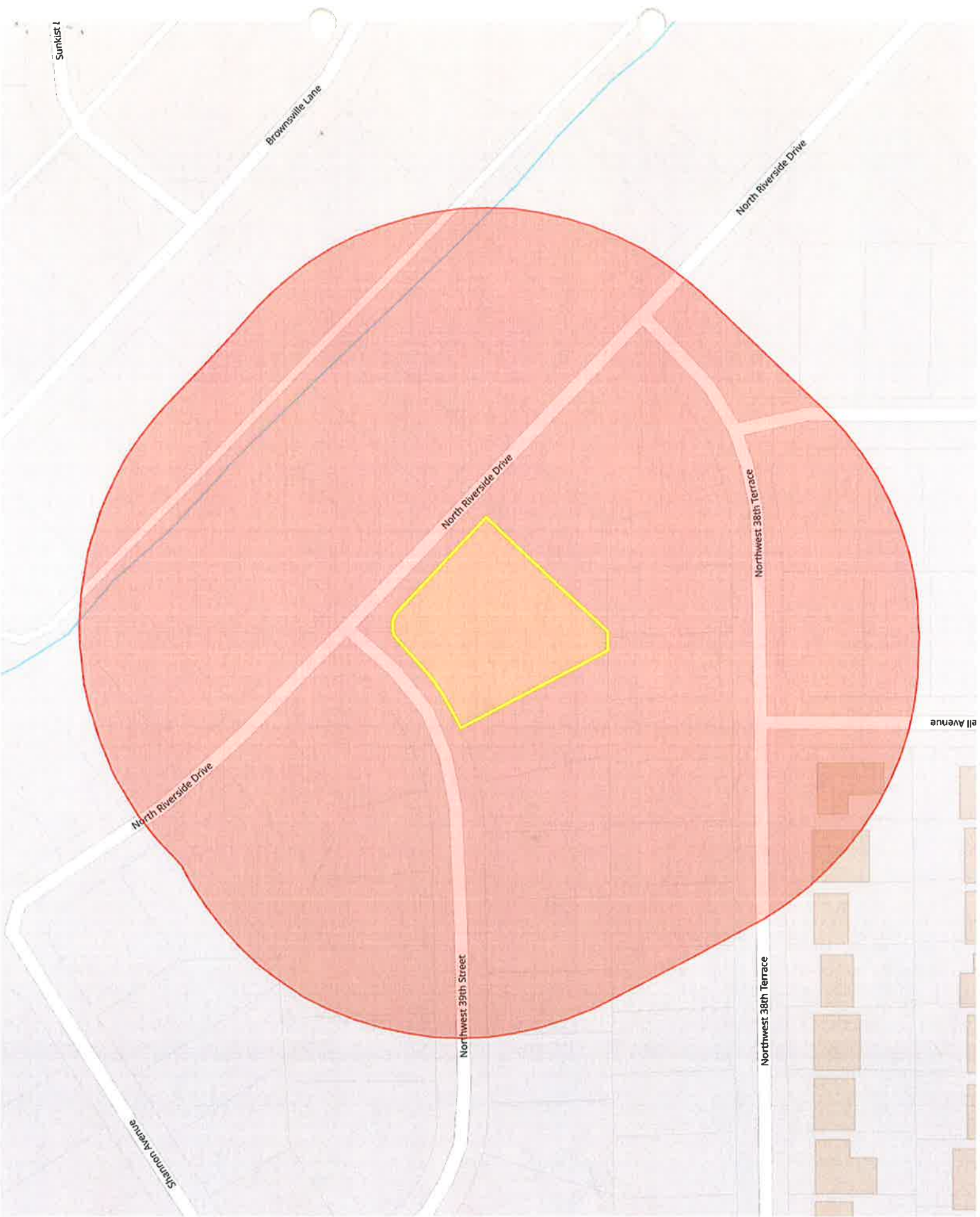
X

R175330640	LEONARD ROBERT M JR	3901 N RIVERSIDE DR	BETHANY	OK	73008-3066	ROYCE BROWNS RIVIERA	006	002	ROYCE BROWNS RIVIERA 006 002	3901 N RIVERSIDE DR BETHANY
R175330650	JONES IAN H & TERESIA L	3905 N RIVERSIDE DR	BETHANY	OK	73008-3066	ROYCE BROWNS RIVIERA	006	003	ROYCE BROWNS RIVIERA 006 003	3905 N RIVERSIDE DR BETHANY
R175330240	SNAPDRAGON ENTERPRISES LLC	PO BOX 23013	OKLAHOMA CITY	OK	73123	ROYCE BROWNS RIVIERA	004	000	ROYCE BROWNS RIVIERA 004 000 LOT 24 EX NWLY 8FT	3844 N RIVERSIDE DR BETHANY
R175330740	SPILLMAN SANDRA	8300 NW 39TH ST	BETHANY	OK	73008-3029	ROYCE BROWNS RIVIERA	006	012	ROYCE BROWNS RIVIERA 006 012	8300 NW 39TH ST BETHANY
R175330725	EMERSON INVESTMENTS LLC	1039 CHOCTAW VISTA	CHOCTAW	OK	73020	ROYCE BROWNS RIVIERA	006	000	ROYCE BROWNS RIVIERA 006 000 W60FT OF LOT 11	8220 NW 39TH ST BETHANY
R175330720	MORTON CALIN LEGACY	8216 NW 39TH ST 9905 S PENNSYLVANIA	BETHANY	OK	73008	ROYCE BROWNS RIVIERA	006	000	ROYCE BROWNS RIVIERA 006 000 ALL OF LOT 10 & E5FT OF LOT 11	8216 NW 39TH ST BETHANY
R175330710	INVESTMENT HOLDINGS LLC	AVE, Unit A	OKLAHOMA CITY	OK	73159	ROYCE BROWNS RIVIERA	006	009	ROYCE BROWNS RIVIERA 006 009	8212 NW 39TH ST BETHANY
R175330660	WRIGHT BRADY	3913 N RIVERSIDE DR	BETHANY	OK	73008	ROYCE BROWNS RIVIERA	006	004	ROYCE BROWNS RIVIERA 006 004	3913 N RIVERSIDE DR BETHANY
R175330700	BELL ROBERT	8208 NW 39TH ST	BETHANY	OK	73008	ROYCE BROWNS RIVIERA	006	008	ROYCE BROWNS RIVIERA 006 008	8208 NW 39TH ST BETHANY
R175330250	MITCHELL GEOFFREY M	3848 N RIVERSIDE DR	BETHANY	OK	73008-3052	ROYCE BROWNS RIVIERA	004	000	ROYCE BROWNS RIVIERA 004 000 NWLY 8FT OF LOT 24 & SELY 60FT OF LOT 25	3848 N RIVERSIDE DR BETHANY
R175330690	LOCKE ROBERT B & LAURIE L CO TRS	8204 NW 39TH ST	BETHANY	OK	73008-3027	ROYCE BROWNS RIVIERA	006	007	ROYCE BROWNS RIVIERA 006 007	8204 NW 39TH ST BETHANY
R175330260	NGUYEN THU	3900 N RIVERSIDE DR	BETHANY	OK	73008-3053	ROYCE BROWNS RIVIERA	004	000	ROYCE BROWNS RIVIERA 004 000 W10FT OF LOT 25 & ALL OF LOT 26	3900 N RIVERSIDE DR BETHANY
R175330680	EISELE BRAIN DAVID	3917 N RIVERSIDE DR	BETHANY	OK	73008	ROYCE BROWNS RIVIERA	006	000	ROYCE BROWNS RIVIERA 006 000 LOTS 5 & 6	3917 N RIVERSIDE DR BETHANY
R175330270	HOLLEY BEVERLY JANE	3904 N RIVERSIDE DR	BETHANY	OK	73008-3053	ROYCE BROWNS RIVIERA	004	027	ROYCE BROWNS RIVIERA 004 027	3904 N RIVERSIDE DR BETHANY
R175330580	MCKINNEY AARON RACHEL R	8209 NW 39TH ST	BETHANY	OK	73008-3025	ROYCE BROWNS RIVIERA	005	011	ROYCE BROWNS RIVIERA 005 011	8209 NW 39TH ST BETHANY
R175330280	LUND DERICK A & BEVERLEY E	3908 N RIVERSIDE DR	BETHANY	OK	73008-3053	ROYCE BROWNS RIVIERA	004	028	ROYCE BROWNS RIVIERA 004 028	3908 N RIVERSIDE DR BETHANY
R175330550	MCCONAGHIE HARRIETTE E	8301 NW 39TH ST	BETHANY	OK	73008	ROYCE BROWNS RIVIERA	005	008	ROYCE BROWNS RIVIERA 005 008	8301 NW 39TH ST BETHANY

Oklahoma County Assessor's
300ft Radius Report
4/14/2023

R175330570	GIES RAQUEL Y		8217 NW 39TH ST	BETHANY	OK	73008-3026	ROYCE BROWNS RIVIERA	005	010	ROYCE BROWNS RIVIERA 005 010	8217 NW 39TH ST BETHANY		
R175330590	OPP DAVID A & SUSAN LEE		4001 N RIVERSIDE DR	BETHANY	OK	73008-3065	ROYCE BROWNS RIVIERA	005	012	ROYCE BROWNS RIVIERA 005 012	4001 N RIVERSIDE DR BETHANY		
R175330560	PRATT KIMBERLY		8221 NW 39TH ST	BETHANY	OK	73008	ROYCE BROWNS RIVIERA	005	009	ROYCE BROWNS RIVIERA 005 009	8221 NW 39TH ST BETHANY		
R175330290	BARNES SASHA		3912 N RIVERSIDE DR	BETHANY	OK	73008	ROYCE BROWNS RIVIERA	004	029	ROYCE BROWNS RIVIERA 004 029	3912 N RIVERSIDE DR BETHANY		
R175330600	EISELE BRIAN DAVID	EISELE CARI ANN	4005 N RIVERSIDE DR	BETHANY	OK	73008	ROYCE BROWNS RIVIERA	005	000	ROYCE BROWNS RIVIERA 005 000 LOT 13 EX NWLY 2FT	4005 N RIVERSIDE DR BETHANY		
R172001300	DOBBS CARROLL E & LINDA D		8112 BROWNSVILLE LN	BETHANY	OK	73008	BROWNSVILLE	001	000	BROWNSVILLE 001 000 LOTS 31 & 32	8112 BROWNSVILLE LN BETHANY		
R175330300	LOPEZ ECHEVERRIA GLADYS E		3916 N RIVERSIDE DR	BETHANY	OK	73008	ROYCE BROWNS RIVIERA	004	030	ROYCE BROWNS RIVIERA 004 030	3916 N RIVERSIDE DR BETHANY		
R175330610	WILLIAMS NANETTE		4009 N RIVERSIDE DR	BETHANY	OK	73008-3065	ROYCE BROWNS RIVIERA	005	000	ROYCE BROWNS RIVIERA 005 000 NWLY 2FT OF LOT 13 & ALL OF LOT 14 EX NWLY 1FT	4009 N RIVERSIDE DR BETHANY		
R175330310	HEFLEY MIKE		3920 N RIVERSIDE DR	BETHANY	OK	73008-3053	ROYCE BROWNS RIVIERA	004	031	ROYCE BROWNS RIVIERA 004 031	3920 N RIVERSIDE DR BETHANY		
R172001290	SINCLAIR PAUL WAYNE	SINCLAIR TRACY ANN	8200 BROWNSVILLE LN	BETHANY	OK	73008	BROWNSVILLE	001	030	BROWNSVILLE 001 030	8200 BROWNSVILLE LN BETHANY		
R175330620	MORGAN BRENDA & DEWARD		4013 N RIVERSIDE DR	BETHANY	OK	73008-3065	ROYCE BROWNS RIVIERA	005	000	ROYCE BROWNS RIVIERA 005 000 NWLY 1FT OF LOT 14 & ALL LOT 15	4013 N RIVERSIDE DR BETHANY		
R175330320	FOREMAN BRENT		4000 N RIVERSIDE DR	BETHANY	OK	73008-3054	ROYCE BROWNS RIVIERA	004	032	ROYCE BROWNS RIVIERA 004 032	4000 N RIVERSIDE DR BETHANY		
R175330490	JONES PAULA JEAN		4012 N SHANNON AVE	BETHANY	OK	73008-3057	ROYCE BROWNS RIVIERA	005	002	ROYCE BROWNS RIVIERA 005 002	4012 N SHANNON AVE BETHANY		
R175330330	ANDERSON KATHY SMITH TRS	KATHY L ANDERSON REV TRUST	4004 N RIVERSIDE DR	BETHANY	OK	73008-3054	ROYCE BROWNS RIVIERA	004	033	ROYCE BROWNS RIVIERA 004 033	4004 N RIVERSIDE DR BETHANY		
R172001280	WELSH CHERALYN B TRS	WELSH CHERALYN B REV TRUST	PO BOX 66	BETHANY	OK	73008-0066	BROWNSVILLE	001	029	BROWNSVILLE 001 029	8204 BROWNSVILLE LN BETHANY		
R175330340	DOWLING CASEY	DOWLING PAULA	4008 N RIVERSIDE DR	BETHANY	OK	73008	ROYCE BROWNS RIVIERA	004	034	ROYCE BROWNS RIVIERA 004 034	4008 N RIVERSIDE DR BETHANY		
R172001270	BRANDLEY STEVEN R	BRANDLEY ANNETTE	8208 BROWNSVILLE LN	BETHANY	OK	73008	BROWNSVILLE	001	028	BROWNSVILLE 001 028	8208 BROWNSVILLE LN BETHANY		
R172001260	DUNLEVY STEWART COTTON & ANGELA D	DUNLEVY WARREN EDWARD	8212 BROWNSVILLE LN	BETHANY	OK	73008-3039	BROWNSVILLE	001	027	BROWNSVILLE 001 027	8212 BROWNSVILLE LN BETHANY		

X



BETHANY Oklahoma

City of Bethany

Planning & Zoning Staff Report

June 1, 2023

CASE NO: PC 23-06

Request: Consider a request by Robert Freeman, property owner and applicant, for special permission to construct a 500 ft² accessory structure at 4708 N Donald Ave.

Applicant: Robert Freeman, property owner.

Legal Description: Sect. 16-T12N-R4W NE Qtr., Stockton Addition 001 017

Current Zoning: R-1 (Single-Family Residential)

Proposed Accessory Structure: 500 ft² accessory structure.

Surrounding Zoning:

Direction	Zoning
North	R-1
South	R-1
East	R-1
West	R-1

Table 1

Building Characteristics:

	Proposed Structure	Primary Structure
Use	Garage	Single-Family Dwelling
Area (ft ²)	500	1,008
Height (ft)	15	17
Roof Pitch	6:12	6:12
Roof Material	Shingles	Shingles
Exterior Wall Covering	Board & Batten	Vinyl Siding

Table 2

Background:

The applicant seeks special permission to construct an accessory structure at 4708 N Donald Ave. The lot is 50' wide and 145' deep (0.17 Acres) with a 1,008 ft² primary structure occupying 13.9% of the lot. The proposed structure would measure 25' in

width and 19.3' in depth, yielding an area of 500 ft². This exceeds the allowable limit of an accessory structure (240 ft²) thus special permission is required to construct this building.

Analysis:

The proposed structure exceeds the 240 ft² limit (§150.007) for accessory structures. Under the terms of special permits, the proposed building may have up to 10% of the total property or 50% of the dwelling space (§158.044). At 500 ft² the proposed structure is 50% of the dwelling unit, and 6.75% of the property, thus meeting the requirements of the ordinance. The proposed accessory structure does not exceed the height of the house, matches the house in roof pitch & roofing materials, and will likely match the house in terms of exterior paint.

Should special permission be granted, it should be noted that this accessory structure would be deemed a "permanent structure." This means that this building must comply with all setback requirements applicable to the primary building (§158.020.02, Note 4d). The proposed structure will fit within the setbacks of the property (20' rear, 5' on South line, 10' on North line). Additionally, the accessory structure would not be allowed to be constructed atop utility easements. Should the Planning & Zoning Commission recommend that this request be approved, the city inspector will ensure that all standards are met before and after construction.

Required Action: Hold a public hearing to provide a recommendation to either approve or deny the applicant's request for a special permit that would allow for the construction of a 500 ft² accessory structure.

Attachments:

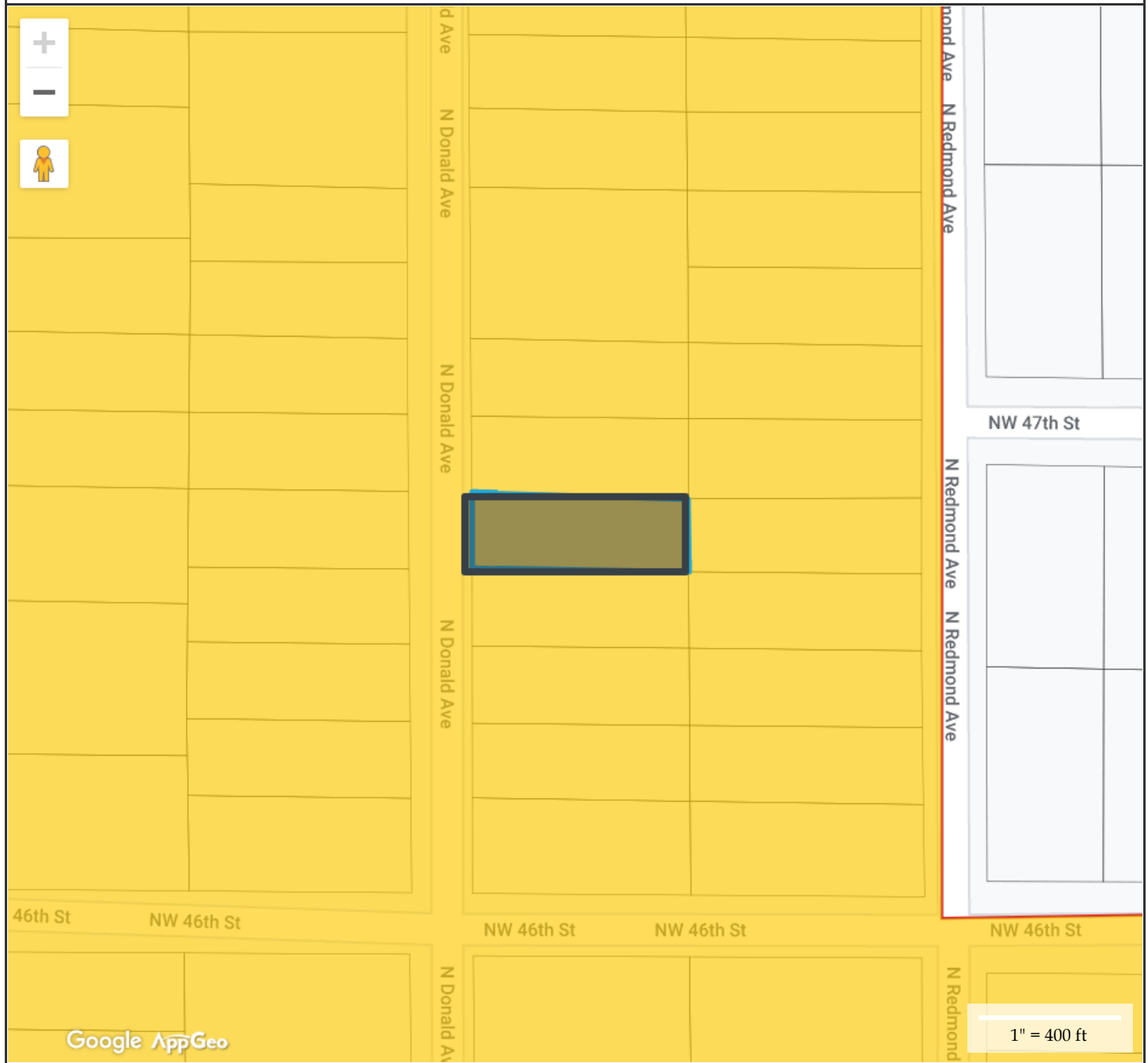
- Aerial Photographs
- Zoning Map
- Certified Owners List
- Application Documents
- Public Notification

N Donald Ave



ave

PC 23-06 Zoning Map



	A
	CBD
	C-G
	C-H
	C-S
	C-N
	C-O
	C-R
	E-I

ZONING CODE LEGEND

	I-L
	I-R
	PUD
	PRD
	R-1
	R-2
	R-M
	RMO
	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.



Department of Planning & Community Development

May 8, 2023

NOTICE OF HEARING

**PLANNING & ZONING COMMISSION
AND CITY COUNCIL**

Dear Property Owner:

This notice is to inform you that a neighboring property owner has filed an application with the Bethany Planning Department for a special permit to construct an accessory structure on their property. All special permit applications within the city limits are reviewed by the Planning and Zoning Commission at a public hearing to determine whether the proposal is in conformity with the Comprehensive Plan for the City of Bethany.

We would like to emphasize that the Planning and Zoning Commission does not make the final decision on whether or not to approve the application; it simply makes recommendations on zoning & special permit matters to the City Council. The final decision is made by the City Council in a second hearing.

Attached to this notice is information on the hearing dates, the location of the property, and the zoning of the property. During the public hearings, the applicant for the zoning change 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.

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,
PLANNING AND ZONING COMMISSION**

ZONING CASE INFORMATION

A. Rezoning Proposal

1. Case No.: PC 23-06 .
2. Location of Property: 4708 N Donald Ave., Bethany, OK .
3. Legal Description: Sect 16 T12N-R4W, NE Qtr., Stockton Addition 001 017.
4. Present Zoning: R-1 (Single Family Residential) .
5. Applicant's Request: Special Permission to construct a 500ft² accessory structure .

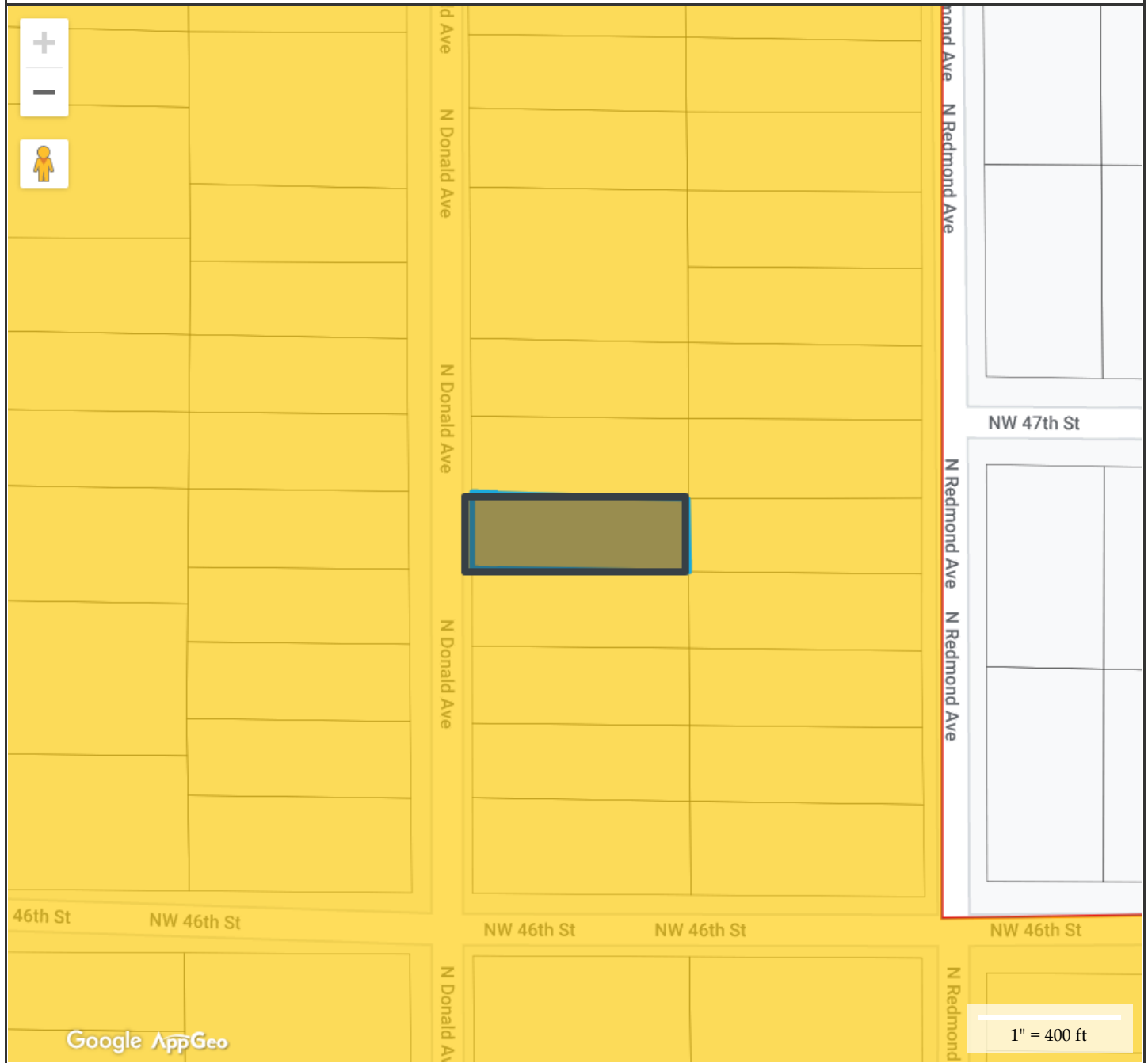
B. Hearing Schedule

1. The Planning and Zoning Commission hearing on the proposed rezoning will be held on **June 1, 2023** at **7:00 P.M.** At this hearing, any interested citizen will have the opportunity to speak to the Commission concerning the proposed zoning change. The Commission will vote on whether to recommend approval or disapproval of the proposed rezoning. **IF YOU HAVE AN OPINION ON THE APPLICATION, YOU SHOULD ATTEND THIS HEARING.**
2. The City Council Hearing will be held on **June 20, 2023** at **6:30 P.M.** At this hearing, any interested citizens will have the opportunity to speak to the City Council concerning the request. The City Council will vote either to adopt or reject the proposed rezoning ordinance. **IF YOU HAVE AN OPINION ON THE APPLICATION, YOU SHOULD ATTEND THIS MEETING.**

C. Location of Hearings

Both the Planning and Zoning Commission and City Council hearings will be held in the Bethany City Hall Council Chamber located at 6700 NW 36th St.

PC 23-06 Zoning Map



	A
	CBD
	C-G
	C-H
	C-S
	C-N
	C-O
	C-R
	E-I
	I-L
	I-R
	PUD
	PRD
	R-1
	R-2
	R-M
	RMO
	RHP

ZONING CODE LEGEND

MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT

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NOTICE OF PUBLIC HEARING

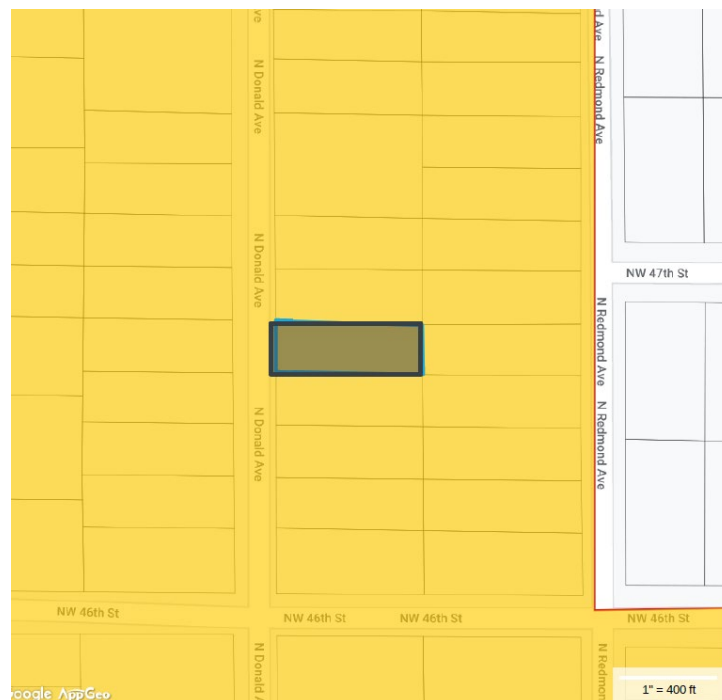
On June 1, 2023, at 7:00 p.m. the Bethany Planning and Zoning Commission will during its regular session hold a public hearing at Bethany City Hall at 6700 NW 36th St., Bethany, OK 73008 for the following: Consider a request by Robert Freeman, applicant & property owner, for special permission that will allow for the construction of a 500ft² accessory structure at 4708 N Donald Ave., Bethany, OK.

Following the public hearing the Bethany Planning & Zoning Commission will vote on the request and forward a recommendation to the Bethany City Council, which in turn will hear this case on June 20, 2023, at 6:30 p.m. After this meeting, there will be a second public hearing with the Bethany City Council, and a vote to approve or deny the request will be held.

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.

LEGAL DESCRIPTION:

Sect 16-T12N-R4W Qtr NE Stockton Addition 001 017





RECEIVED
APR 17 2008

City of Bethany Residential Accessory Structure Application

Void after 30 days

Application must be completed in INK. If submitting plans, provide THREE copies. Submit Application via fax at (405)789-6093, Email to Construction.Application@BethanyOK.org or submit in person at 8700 NW 36th st., Bethany OK 73008. Contact Community Development at (405)789-6005. Use back or additional sheet if necessary.

Property Information				
Site Address or Legal Description: 4708 N Donald				
Owner Name: Robert Freeman			Owners Phone: 405-630-5250	
Address: 4708 N Donald		City: Bethany	State: Ok	ZIP Code: 73008
Description of Project				
Provide drawing with dimensions and location(s).		Square Feet: 500	Height: 16' 6"	
Proposed Use: Garage			Valuation of Job: \$ 10,000	
			Size of property: 25' x 20'	
Contractor/Contact Information if different than owner				
Contact's Name:			Phone:	
Business Name:				
Address:		City:	State:	ZIP Code:
Subcontractor Trade	Business Name	State License	Contact Number	
<input checked="" type="checkbox"/> Electrical	Lewis Electric		405-323-5958	
<input type="checkbox"/> Plumbing				
<input type="checkbox"/> Mechanical/HVAC				
<input type="checkbox"/> Roof				
Note:				
<p>The owner and or applicant are responsible for compliance with any and all building codes, City Ordinances, and restrictive covenants. City staff cannot authorize variances in building codes, City Ordinances, or restrictive covenants. Being issued a building permit is not a variance from any building code, City Ordinance, or restrictive covenant. The owner and/or applicant must verify all data and plans for compliance with any applicable requirement. (Rev. 9-6-01)</p> <p>We, the undersigned, being the owners or legal agents for the owners of more than fifty-one percent of the following described property, do hereby make application and petition the City Council to approve the special use permit as hereinafter requested</p>				
Applicant Name: Robert Freeman			Applicant Phone: 405-630-5250	
Applicant Address: 4708 N Donald Bethany, Ok 73008				
Signature of Applicant: <i>Robert Freeman</i>			Date: 4-17-23	
FOR OFFICE USE ONLY				
<input type="checkbox"/> No Special Use Needed		<input checked="" type="checkbox"/> Special Use Permit Needed		
<input type="checkbox"/> Valid License	<input type="checkbox"/> Insurance	Zoning:	Permit Fee:	Flood Zone:
Approved By:			Date:	

Permit Number:	Date permit issued:	Receipt Number:
<p>156.15 DEFINITION: ACCESSORY STRUCTURE. A STRUCTURE which is on the same parcel of property as the principal STRUCTURE and the use of which is incidental to the use of the principal STRUCTURE. Examples of ACCESSORY STRUCTURES include but are not limited to garages and storage sheds.</p> <p>150.007 STRUCTURES OVER EASEMENTS OR RIGHTS-OF-WAY.</p> <p>Section 3201 of the Building Code is amended to include:</p> <p>A. No permanent structure shall be located, constructed, placed or erected on a public easement or right-of-way; provided, portable buildings on skids or platforms, fences, driveways and other structures not permanently affixed to the ground shall not be prohibited by this section. For purposes of this section, "public easement or right-of-way" means any easement or right-of-way dedicated to the public for any purpose, whether recorded or not, "permanent structure" means anything which requires location on the ground or which is attached to something having location on the ground.</p> <p>B. Non-permanent accessory buildings not exceeding 240 square feet in size and encroaching on a public easement or right-of-way as provided in (A) above shall be constructed on skids or platforms allowing the entire structure to be moved by connecting a towing or winching device to the platform or skids.</p> <p>C. All accessory buildings in excess of 240 square feet in size shall be considered permanent structures and shall be located on a permanent footing. These accessory buildings shall not be located over utility easements or rights-of-way.</p> <p>D. No building permanent, portable or non-permanent shall be located over any gas line.</p> <p>E. Non-permanent, portable buildings may be located in the side yard setback, but no part of the building including any roof overhang shall extend beyond the property line of the property on which the building is located</p>		

Please provide a drawing to include distances from house, property lines, width and length of proposed structure and any other pertinent information.

See attached Drawings.

FOR ACCESSORY STRUCTURES GREATER THAN 240 SQUARE FEET
Guidelines for Special use Permit

Projects that most closely follow the conditions listed below will have the most success in gaining City Council approval. The City Council will consider each project on a case by case basis. The City Council may impose specific conditions regarding location, design, operation, screening and security to assure safety, to prevent a nuisance, and to control the noxious effects of excessive sound, light, odor, dust or similar conditions. The City Council may also impose specific design requirements for accessory buildings to assure that such buildings are aesthetically compatible with the surrounding neighborhood.

For accessory building greater than 240 square feet in size the following additional conditions and restriction shall apply.

Ordinance 159.044 SPECIAL PERMIT USES.

The following uses may be allowed only as a special permit use in residential zoning districts of the city: accessory buildings larger than 240 square feet subject to such conditions as may be imposed under the approval of a special permit use.

For accessory buildings greater than 240 square feet in size, the following additional conditions and restrictions shall apply:

1. The height of the accessory building measured at its highest point shall not exceed the height of the primary building measured at its highest point;
2. The accessory building shall not be used as a dwelling unit;
3. Roof pitch of the accessory building should be the same as the predominant roof pitch of the primary structure;
4. An accessory building shall not be located on a lot not occupied by a primary building, except on lots larger than two acres in size.
5. If the primary building on a residential lot is destroyed or removed and not rebuilt within a two-year period from time of destruction or removal of the primary building, then the accessory building shall be removed.
6. Accessory building(s) approved as a special permit use under this section should not exceed in size the greater of 50% of the gross floor area of the primary building or 10% of the total recorded lot area of the lot on which the primary building is located.

Questions: The city Council shall use the following criteria to evaluate your special use permit. Please circle yes or no where indicated and provide a brief narrative if needed.

Will The proposed use be in harmony of the policies of the comprehensive plan?	<input checked="" type="radio"/> Yes	No
Will the proposed use be in harmony with the general purpose and intent of the applicable zoning district regulations?	<input checked="" type="radio"/> Yes	No
Will the proposed use generate pedestrian or vehicular traffic that is hazardous or in conflict with the existing and anticipated traffic in the neighborhood?	Yes	<input checked="" type="radio"/> No
Will the facility present a health or safety hazard to neighboring properties or the community at large?	Yes	<input checked="" type="radio"/> No
Will the facility be located in proximity to elementary or secondary public and/or private schools, or other incompatible uses?	Yes	<input checked="" type="radio"/> No
Will the utility, drainage and other necessary public facilities to serve the proposed use meet the adopted codes of the City?	<input checked="" type="radio"/> Yes	No
Have you been advised that an accessory building cannot be used for a home-based business?	Yes	<input checked="" type="radio"/> No
Have you located utility lines at the site? If no, please call OKIE at 1800-522-	<input checked="" type="radio"/> Yes	No

Will the building have a garage door? If yes, what direction will it face? West	<input checked="" type="radio"/> Yes	No
Will you be paving a driveway to the building?	<input checked="" type="radio"/> Yes	No
Will you be installing a privacy fence or any other type of screening?	<input checked="" type="radio"/> Yes	No
Will the color/exterior of the building match the house?	<input checked="" type="radio"/> Yes	No

	Accessory Building:	Primary Building:
Use	Garage	Residence
Square footage	500	1008
Height	15'	17
Roof Pitch	6:12	6:12
Roof Material	Shingles	Shingles
Exterior wall covering	Board & Batten	Vinyl Siding

Additional Requirements for the special use permit

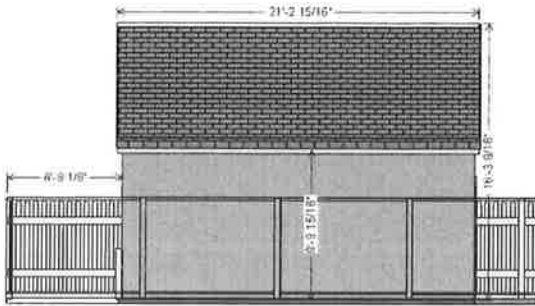
- 1. A current and certified list of all recoded property owners within a 300' radius of the entire boundary of the subject property. This list must be obtained from either a bonded abstractor or the County Assessor of Oklahoma County.**
- 2. The fees for a Special use permit for a residential lot is \$344.00 plus a public hearing fee of \$150.00.**
- 3. A site plan shall be included with the application.**

Special Use Permit Procedure

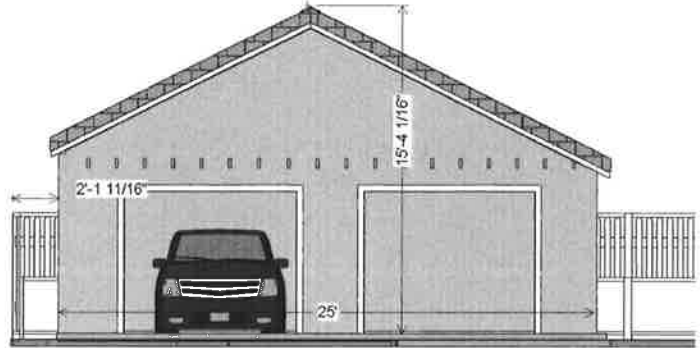
1. Return the application and all other required documentation to the Community Development Department. Once the application has been received and reviewed for completeness, the community Development Director will schedule your application on the next available Planning and Zoning Commission Agenda.
2. Legal Notice of the request will be published in a newspaper of general circulation in the City of Bethany, as required by State Law. At the same time, every property owner within 300' of the property will be notified by letter.
3. The Planning Staff will prepare a staff report with recommendation, which will be mailed to each member of the Planning and Zoning Commission and City Council.
4. At the next scheduled Planning and Zoning Commission meeting, your request will be considered at a public hearing. The Planning Staff will introduce your request, and you and any interested citizens will have the opportunity to speak to the Commission concerning your request. You or your representative must be present.
5. At the conclusion of the public hearing the Commissioners will, by majority vote, convey their recommendation to the City Council.
6. The City Council will then hold another public hearing to vote on the Special use Permit Ordinance. You or your representative must be present at this meeting.

15
344
150

494



View from the North

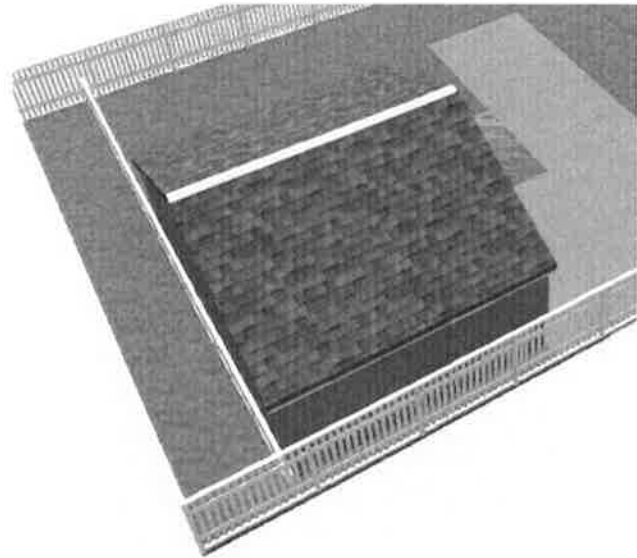


View from the West

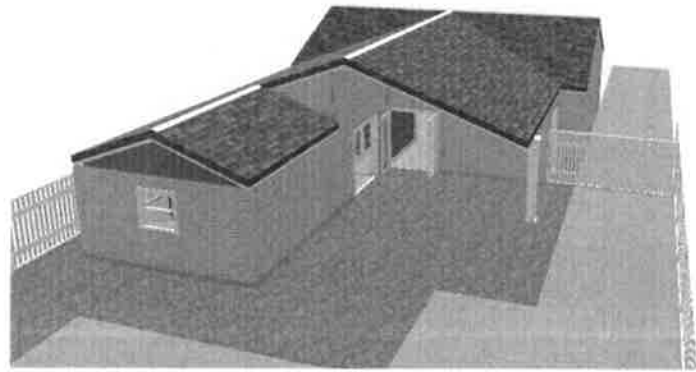
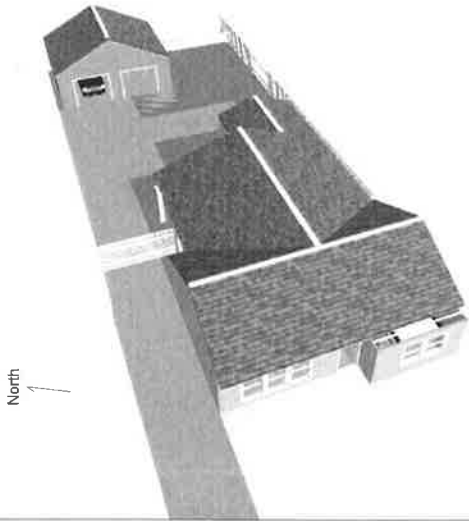
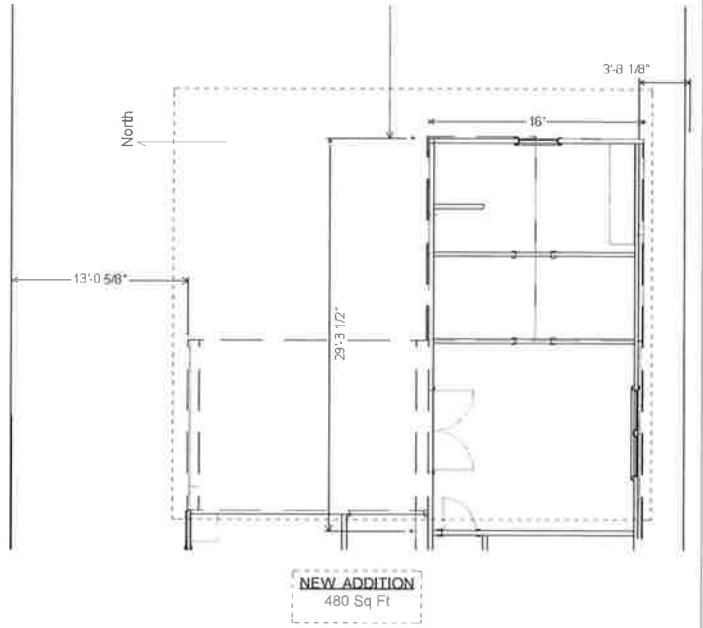
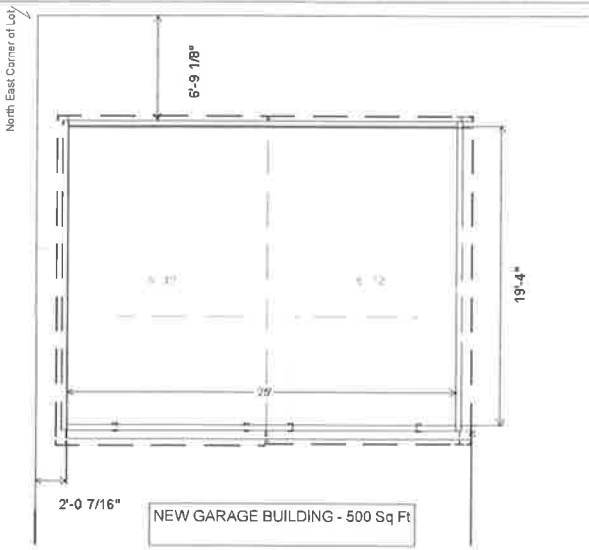


North ←

Overview View from the front



Overview View from the Back



PROJECT DESCRIPTION:
4708 N Donald

SHEET:
A-2

Linda Hlinicky

From: rgfreeman5250@gmail.com
Sent: Friday, April 14, 2023 10:59 PM
To: Construction Application
Subject: *External Source*RE: *External Source*4708 N Donald - Building Permit Application 4-12-23
Attachments: 4708 N Donald Bethany Ok 73008.pdf; Accessory Structure Permit Application 4708 N Donald.pdf; Building Permit Application 4708 N Donald.pdf

Linda,
Sorry about that see revised attachments. Let me know if I missed anything again 😊

Robert Freeman
4708 N Donald Ave
Bethany, Ok 73008
405-630-5250

From: Construction Application <construction.application@bethanyok.org>
Sent: Wednesday, April 12, 2023 8:26 AM
To: rgfreeman5250@gmail.com
Cc: Amanda McCellon <amanda.mccellon@bethanyok.org>
Subject: RE: *External Source*4708 N Donald - Building Permit Application 4-12-23

Please complete the building permit application for addition to house and re-send. There is no address information or phone number information on application. Also, I am sending you an accessory building application to fill out for the accessory building. It appears you have two different projects (one is addition to house, and one is an accessory building).

Thank you,
Linda H

From: rgfreeman5250@gmail.com <rgfreeman5250@gmail.com>
Sent: Wednesday, April 12, 2023 8:13 AM
To: Construction Application <construction.application@bethanyok.org>
Subject: *External Source*4708 N Donald - Building Permit Application 4-12-23

See attached Building Permit Application and plans for approval.

Robert Freeman
405-630-5250
Rgfreeman5250@gmail.com

Larry Stein Oklahoma County Assessor's Office



Ownership Radius Report

This Non-Official Report is for Account Number R171503400 and is a 300-foot radius from the outside of the polygon. If the minimum number of different owners was not reached it was extended by 100-foot increments until the required number of different owners was reached, or the maximum distance was reached. This report does not constitute a legal survey or document, for definitive description of real property and ownership; consult the deeds recorded in the Oklahoma County Clerks Office. Official Record of this Certified Radius Report will expire 30 days from the date of creation stamped on the back of this sheet.

R171507500	BURNETT JAMES	BURNETT ALYSSA	4704 N PENIEL AVE	BETHANY	OK	73008	STOCKTON ADDITION	002	000	STOCKTON ADDITION 002 000 N 1/2 LOT 14 ALL LOT 15 & S 1/2 LOT 16	4704 N PENIEL AVE BETHANY
R171501500	GRAGG LINDA JEAN		4707 N REDMOND	BETHANY	OK	73008	STOCKTON ADDITION	001	009	STOCKTON ADDITION 001 009	4707 N REDMOND AVE BETHANY
R171503300	FREEMAN ROBERT ETAL	FREEMAN VADONNA	4708 N DONALD AVE	BETHANY	OK	73008	STOCKTON ADDITION	001	016	STOCKTON ADDITION 001 016	4706 N DONALD AVE BETHANY
R171506400	HOWELL SHELBY & MANDY		4707 N DONALD AVE	BETHANY	OK	73008	STOCKTON ADDITION	002	009	STOCKTON ADDITION 002 009	4707 N DONALD AVE BETHANY
R171501200	RHODES TRAVIS	RHODES ANGELA	4709 N REDMOND AVE	BETHANY	OK	73008-2850	STOCKTON ADDITION	001	008	STOCKTON ADDITION 001 008	4709 N REDMOND AVE BETHANY
R171503400	FREEMAN ROBERT G		4708 N DONALD AVE	BETHANY	OK	73008-2734	STOCKTON ADDITION	001	017	STOCKTON ADDITION 001 017	4708 N DONALD AVE BETHANY
R171506350	SARYSKI JULIA		18200 SCARLET OAK LN	EDMOND	OK	73012	STOCKTON ADDITION	002	008	STOCKTON ADDITION 002 008	4709 N DONALD AVE BETHANY
R171507850	PATRICK TIEFANI M CO TRS	PATRICK DAVID P CO TRS	1609 BIRCHFIELD RD	EDMOND	OK	73012	STOCKTON ADDITION	002	000	STOCKTON ADDITION 002 000 N 1/2 LOT 16 & ALL LOT 17	4708 N PENIEL AVE BETHANY
R189005650	PENNINGTON MATTHEW T	PENNINGTON MITSUKO A	6036 NW 47TH ST	WARR ACRES	OK	73122	FERGUSON S PARK ADD	006	000	FERGUSON S PARK ADD 006 000 W50FT OF LOT 5 & E5FT OF LOT 6	6036 NW 47TH ST WARR ACRES
R189005700	KENYA LLC		14812 GALLARDA LN	OKLAHOMA CITY	OK	73142-1860	FERGUSON S PARK ADD	006	006	FERGUSON S PARK ADD 006 006 W75FT	6042 NW 47TH ST WARR ACRES
R171501100	YARBOR REBECCA L		4711 N REDMOND AVE	BETHANY	OK	73008-2850	STOCKTON ADDITION	001	007	STOCKTON ADDITION 001 007	4711 N REDMOND AVE BETHANY
R171503600	RONNRAY ENTERPRISES INC		4800 N DONALD AVE	BETHANY	OK	73008-2736	STOCKTON ADDITION	001	018	STOCKTON ADDITION 001 018	4800 N DONALD AVE BETHANY
R171506300	DURST JOHN	BECKANNEN AMANDA	4801 N DONALD AVE	BETHANY	OK	73008	STOCKTON ADDITION	002	007	STOCKTON ADDITION 002 007	4801 N DONALD AVE BETHANY
R171507300	BALANTINE PROPERTY HOLDINGS LLC		1104 CHARLTON RD	EDMOND	OK	73003	STOCKTON ADDITION	002	018	STOCKTON ADDITION 002 018	4710 N PENIEL AVE BETHANY
R171501000	HARALSON HOWARD R & CHERI		PO BOX 23013	OKLAHOMA CITY	OK	73123	STOCKTON ADDITION	001	006	STOCKTON ADDITION 001 006	4801 N REDMOND AVE BETHANY
R171503900	KOPEPASSAH KELLY MARIE		4802 N DONALD	BETHANY	OK	73008	STOCKTON ADDITION	001	019	STOCKTON ADDITION 001 019	4802 N DONALD AVE BETHANY

X

Oklahoma County Assessor
300 Ft. Radius Report
4/27/2023

R189004975	LERDALL LYNN E & VERNA R TRS	LERDALL FAMILY REV TRUST	6042 NW 48TH ST	OKLAHOMA CITY	OK	73122-4009	FERGUSON S PARK ADD 005	006	FERGUSONS PARK ADD 005 006 W/5FT	6042 NW 48TH ST WARR ACRES
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X





City of Bethany

Planning & Zoning Staff Report

June 1, 2023

CASE NO: PC 23-07

Request: Consider a request by Jason Rios, property owner and applicant, for special permission to construct a 440 ft² accessory structure at 2505 N Tropicana Ave.

Applicant: Jason Rios, property owner.

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

Current Zoning: R-1 (Single-Family Residential)

Proposed Accessory Structure: 440 ft² accessory structure.

Surrounding Zoning:

Direction	Zoning
North	R-1
South	R-1 & C-G
East	R-1
West	C-G

Table 1

Building Characteristics:

	Proposed Structure	Primary Structure
Use	Storage	Single-Family Dwelling
Area (ft²)	440	1,582
Height (ft)	10	14
Roof Pitch	4:12	4:12
Roof Material	Shingles	Shingles
Exterior Wall Covering	Siding	Brick

Table 2

Background:

The applicant seeks special permission to construct an accessory structure at 3704 N Rockwell Ave. The lot is 75' in width and 120' in depth (0.21 Acres) with a 1,582 ft² primary structure occupying 17.3% of the lot. The proposed structure would measure

20 ft in width & 22 ft in length, yielding an area of 440 ft². This exceeds the allowable limit of an accessory structure (240 ft²) thus special permission is required to construct this building.

Analysis:

The proposed structure exceeds the 240 ft² limit (§150.007) for accessory structures. Under the terms of special permits, the proposed building may have up to 10% of the total property or 50% of the dwelling space (§158.044). At 440 ft² the proposed structure meets both measurements, thus being within the allowable terms of the ordinance.

The accessory structure does not exceed the height of the primary structure and will match the primary structure in all characteristics, barring the exterior wall coverings.

Should special permission be granted, it should be noted that this accessory structure would be deemed a “permanent structure.” This means that this building must comply with all setback requirements applicable to the primary building (§158.020.02, Note 4d). The proposed structure will fit within the setbacks of the property: 20’ in the rear, and 5’ (South) & 10’ (North) on the sides. However, the placement of the accessory structure would differ significantly from the drawings supplied. Should the Planning & Zoning Commission recommend that this request be granted, the building inspector will ensure that the structure is appropriately placed.

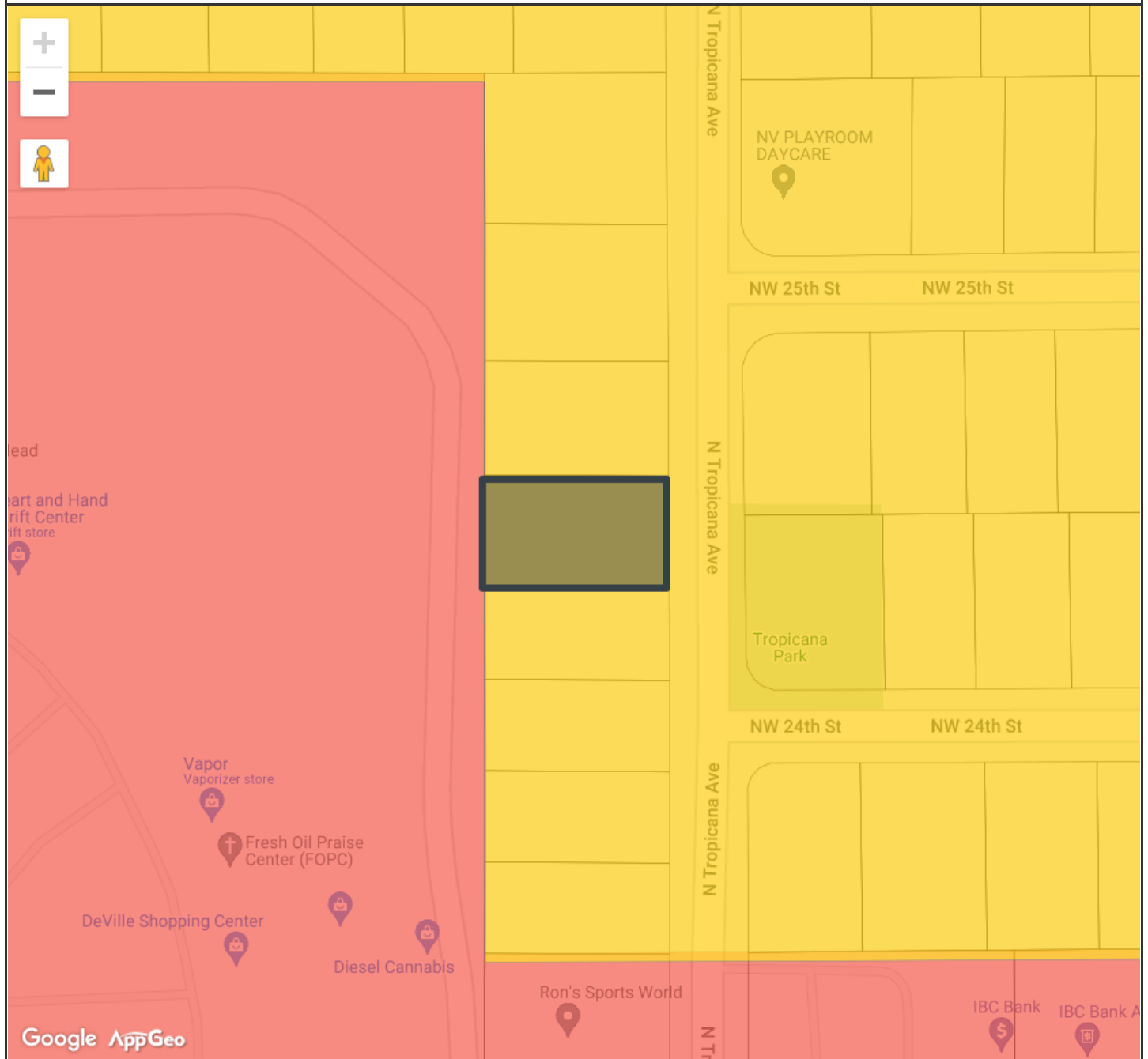
Required Action: Hold a public hearing to provide a recommendation to either approve or deny the applicant’s request for a special permit that would allow for the construction of a 440 ft² accessory structure.

Attachments:

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



PC 23-07 Zoning Map



ZONING CODE LEGEND

A	I-L
CBD	I-R
C-G	PUD
C-H	PRD
C-S	R-1
C-N	R-2
C-O	R-M
C-R	RMO
E-1	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.



Department of Planning & Community Development

May 8, 2023

NOTICE OF HEARING

**PLANNING & ZONING COMMISSION
AND CITY COUNCIL**

Dear Property Owner:

This notice is to inform you that a neighboring property owner has filed an application with the Bethany Planning Department for a special permit to construct an accessory structure on their property. All special permit applications within the city limits are reviewed by the Planning and Zoning Commission at a public hearing to determine whether the proposal is in conformity with the Comprehensive Plan for the City of Bethany.

We would like to emphasize that the Planning and Zoning Commission does not make the final decision on whether or not to approve the application; it simply makes recommendations on zoning & special permit matters to the City Council. The final decision is made by the City Council in a second hearing.

Attached to this notice is information on the hearing dates, the location of the property, and the zoning of the property. During the public hearings, the applicant for the zoning change 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.

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,
PLANNING AND ZONING COMMISSION**

ZONING CASE INFORMATION

A. Rezoning Proposal

1. Case No.: PC 23-07 .
2. Location of Property: 2505 N Tropicana Ave., Bethany, OK .
3. Legal Description: Sect 20 T12N-R4W, SW Qtr Deville Park 012 004 S75FT.
4. Present Zoning: R-1 (Single Family Residential) .
5. Applicant's Request: Permission to construct a 440ft² accessory structure.

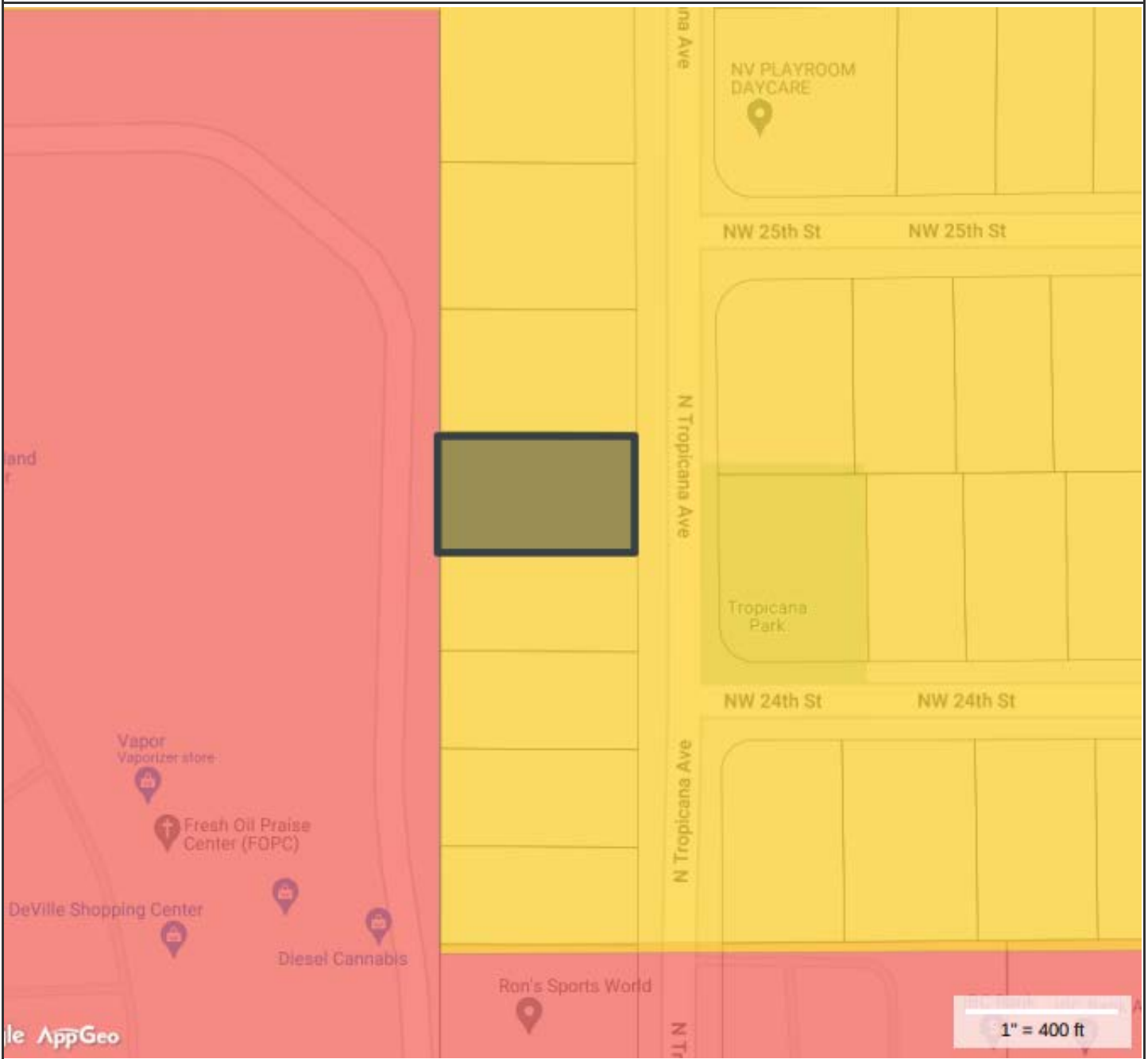
B. Hearing Schedule

1. The Planning and Zoning Commission hearing on the proposed rezoning will be held on **June 1, 2023** at **7:00 P.M.** At this hearing, any interested citizen will have the opportunity to speak to the Commission concerning the proposed zoning change. The Commission will vote on whether to recommend approval or disapproval of the proposed rezoning. **IF YOU HAVE AN OPINION ON THE APPLICATION, YOU SHOULD ATTEND THIS HEARING.**
2. The City Council Hearing will be held on **June 20, 2023** at **6:30 P.M.** At this hearing, any interested citizens will have the opportunity to speak to the City Council concerning the request. The City Council will vote either to adopt or reject the proposed rezoning ordinance. **IF YOU HAVE AN OPINION ON THE APPLICATION, YOU SHOULD ATTEND THIS MEETING.**

C. Location of Hearings

Both the Planning and Zoning Commission and City Council hearings will be held in the Bethany City Hall Council Chamber located at 6700 NW 36th St.

PC 23-07 Zoning Map



ZONING CODE LEGEND	
■ A	■ I-L
■ CBD	■ I-R
■ C-G	■ PUD
■ C-H	■ PRD
■ C-S	■ R-1
■ C-N	■ R-2
■ C-O	■ R-M
■ C-R	■ RMO
■ E-I	■ RHP

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NOT A LEGAL DOCUMENT**

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NOTICE OF PUBLIC HEARING

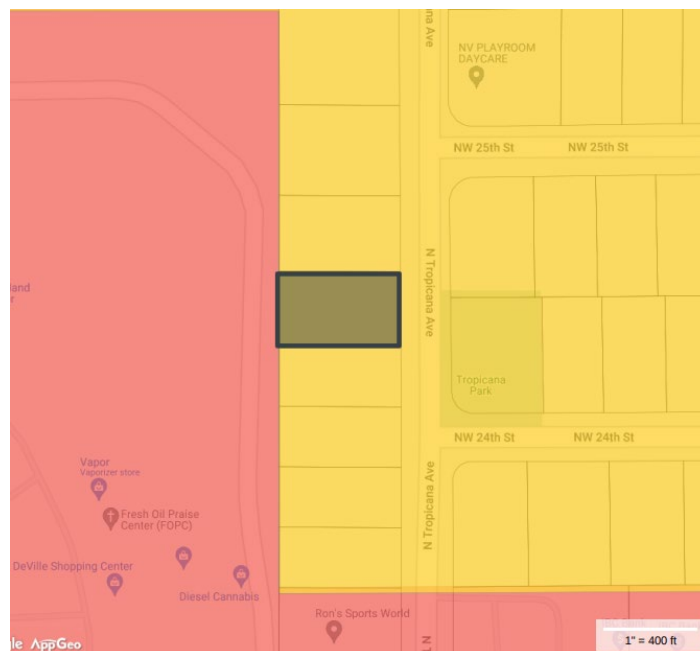
On June 1, 2023, at 7:00 p.m. the Bethany Planning and Zoning Commission will during its regular session hold a public hearing at Bethany City Hall at 6700 NW 36th St., Bethany, OK 73008 for the following: Consider a request by Jason Rios, applicant & property owner, for special permission that will allow for the construction of a 440ft² accessory structure at 2505 N Tropicana Ave., Bethany, OK.

Following the public hearing the Bethany Planning & Zoning Commission will vote on the request and forward a recommendation to the Bethany City Council, which in turn will hear this case on June 20, 2023, at 6:30 p.m. After this meeting, there will be a second public hearing with the Bethany City Council, and a vote to approve or deny the request will be held.

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.

LEGAL DESCRIPTION:

Sect 20-T12N-R4W I.M. Qtr SW Deville Park Block 012 Lot 004 S75FT





City of Bethany Residential Accessory Structure Application

Void after 30 days

Application must be completed in INK. If submitting plans, provide THREE copies. Submit Application via fax at (405)789-6093, Email to Construction.Application@BethanyOK.org or submit in person at 6700 NW 36th st., Bethany OK 73008. Contact Community Development at (405)789-6005. Use back or additional sheet if necessary.

Property Information					
Site Address or Legal Description:					
Owner Name: <i>Jason Rios</i>			Owners Phone: <i>405-222-8075</i>		
Address: <i>2505 N Tropicana ave</i>		City: <i>Bethany</i>		State: <i>OK</i>	ZIP Code: <i>73008</i>
Description of Project					
Provide drawing with dimensions and location(s).		Square Feet: <i>440</i>		Height: <i>10'</i>	
Proposed Use: <i>storage</i>			Valuation of Job: \$ <i>3000</i>		
			Size of property: <i>0.207 acre</i>		
Contractor/Contact Information if different than owner					
Contact's Name:			Phone:		
Business Name:					
Address:		City:		State:	ZIP Code:
Subcontractor Trade	Business Name		State License Number	Contact Number	
<input type="checkbox"/> Electrical					
<input type="checkbox"/> Plumbing					
<input type="checkbox"/> Mechanical/HVAC					
<input type="checkbox"/> Roof					
Note:					
<p>The owner and or applicant are responsible for compliance with any and all building codes, City Ordinances, and restrictive covenants. City staff cannot authorize variances in building codes, City Ordinances, or restrictive covenants. Being issued a building permit is not a variance from any building code, City Ordinance, or restrictive covenant. The owner and/or applicant must verify all data and plans for compliance with any applicable requirement. (Rev. 9-6-01)</p> <p>We, the undersigned, being the owners or legal agents for the owners of more than fifty-one percent of the following described property, do hereby make application and petition the City Council to approve the special use permit as hereinafter requested</p>					
Applicant Name: <i>Jason Rios</i>			Applicant Phone: <i>405-222-8075</i>		
Applicant Address: <i>2505 N Tropicana ave Bethany, OK 73008</i>					
Signature of Applicant: <i>Jason Rios</i>				Date: <i>05/01/23</i>	
FOR OFFICE USE ONLY					
<input type="checkbox"/> No Special Use Needed			<input type="checkbox"/> Special Use Permit Needed		
<input type="checkbox"/> Valid License	<input type="checkbox"/> Insurance	Zoning:	Permit Fee:	Flood Zone:	
Approved By:				Date:	

Projects that most closely follow the conditions listed below will have the most success in gaining City Council approval. The City Council will consider each project on a case by case basis. The City Council may impose specific conditions regarding location, design, operation, screening and security to assure safety, to prevent a nuisance, and to control the noxious effects of excessive sound, light, odor, dust or similar conditions. The City Council may also impose specific design requirements for accessory buildings to assure that such buildings are aesthetically compatible with the surrounding neighborhood.

For accessory building greater than 240 square feet in size the following additional conditions and restriction shall apply.

Ordinance 158.044(j) SPECIAL PERMIT USES.

For accessory buildings greater than 240 square feet in size, the following additional conditions and restrictions shall apply:

1. The height of the accessory building measured at its highest point shall not exceed the height of the primary building measured at its highest point;
2. The accessory building shall not be used as a dwelling unit;
3. Roof pitch of the accessory building should be the same as the predominant roof pitch of the primary structure;
4. An accessory building shall not be located on a lot not occupied by a primary building, except on lots larger than two acres in size.
5. If the primary building on a residential lot is destroyed or removed and not rebuilt within a two-year period from time of destruction or removal of the primary building, then the accessory building shall be removed.
6. Accessory building(s) approved as a special permit use under this section should not exceed in size the greater of 50% of the gross floor area of the primary building or 10% of the total recorded lot area of the lot on which the primary building is located.

Questions: The city Council shall use the following criteria to evaluate your special use permit. Please circle yes or no where indicated and provide a brief narrative if needed.

Will The proposed use be in harmony of the policies of the comprehensive plan?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Will the proposed use be in harmony with the general purpose and intent of the applicable zoning district regulations?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Will the proposed use generate pedestrian or vehicular traffic that is hazardous or in conflict with the existing and anticipated traffic in the neighborhood?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Will the facility present a health or safety hazard to neighboring properties or the community at large?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Will the facility be located in proximity to elementary or secondary public and/or private schools, or other incompatible uses?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Will the utility, drainage and other necessary public facilities to serve the proposed use meet the adopted codes of the City?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Have you been advised that an accessory building cannot be used for a home-based business?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Have you located utility lines at the site? If no, please call OKIE at 1800-522-	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Will the building have a garage door? If yes, what direction will it face? west	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Will you be paving a driveway to the building?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Will you be installing a privacy fence or any other type of screening? <i>already</i>	Yes	<input checked="" type="radio"/> No
Will the color/exterior of the building match the house? <i>have</i>	<input checked="" type="radio"/> Yes	No

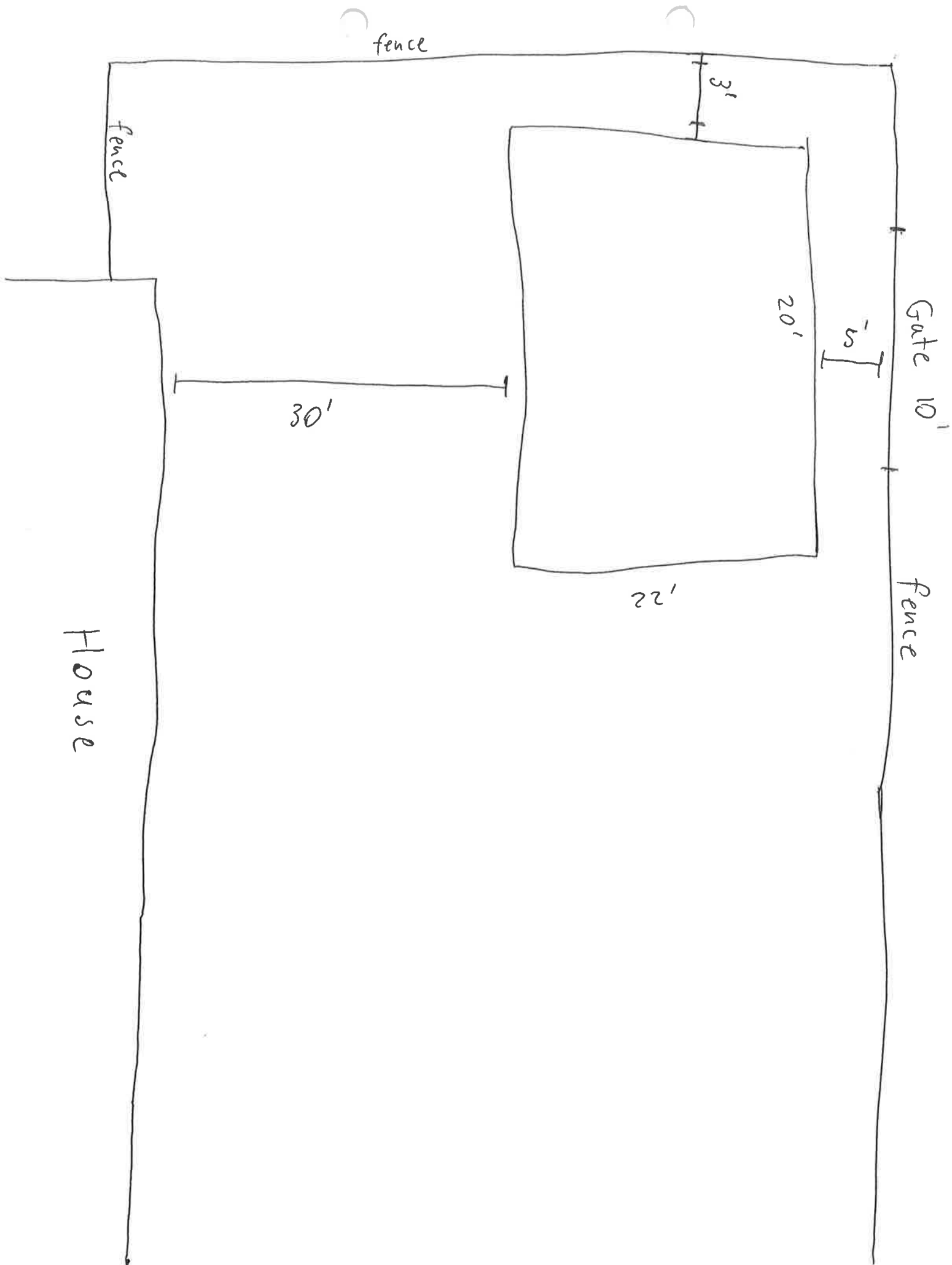
	Accessory Building:	Primary Building:
Use	<i>storage</i>	Residence
Square footage	<i>440</i>	<i>1600</i>
Height	<i>10'</i>	<i>14'</i>
Roof Pitch	<i>4/12</i>	<i>4/12</i>
Roof Material	<i>shingles</i>	<i>shingles</i>
Exterior wall covering	<i>siding</i>	<i>brick</i>

Additional Requirements for the special use permit

- 1. A current and certified list of all recoded property owners within a 300' radius of the entire boundary of the subject property. This list must be obtained from either a bonded abstractor or the County Assessor of Oklahoma County.**
- 2. The fees for a Special use permit for a residential lot is \$344.00 plus a public hearing fee of \$150.00.**
- 3. A site plan shall be included with the application.**

Special Use Permit Procedure

1. Return the application and all other required documentation to the Community Development Department. Once the application has been received and reviewed for completeness, the community Development Director will schedule your application on the next available Planning and Zoning Commission Agenda.
2. Legal Notice of the request will be published in a newspaper of general circulation in the City of Bethany, as required by State Law. At the same time, every property owner within 300' of the property will be notified by letter.
3. The Planning Staff will prepare a staff report with recommendation, which will be mailed to each member of the Planning and Zoning Commission and City Council.
4. At the next scheduled Planning and Zoning Commission meeting, your request will be considered at a public hearing. The Planning Staff will introduce your request, and you and any interested citizens will have the opportunity to speak to the Commission concerning your request. You or your representative must be present.
5. At the conclusion of the public hearing the Commissioners will, by majority vote, convey their recommendation to the City Council.
6. The City Council will then hold another public hearing to vote on the Special use Permit Ordinance. You or your representative must be present at this meeting.



PC 23-07

Larry Stein
Oklahoma County Assessor's
Office



Ownership Radius Report

This Official Report is for Account Number **R173893185** and is a **300-foot** radius from the outside of the polygon. If the minimum number of different owners was not reached it was extended by 100-foot increments until the required number of different owners was reached, or the maximum distance was reached. This report does not constitute a legal survey or document, for definitive description of real property and ownership; consult the deeds recorded in the Oklahoma County Clerks Office. **Official Record of this Certified Radius Report will expire 30 days from the date of creation stamped on the back of this sheet.**

Oklahoma County Assessor's
300ft Radius Report
5/2/2023

accountno	name1	name2	mailingaddress1	city	state	zipcode	subname	block	lot	legal	location
R173892365	BAKER PHYLLIS J TRS	BAKER PHYLLIS J REV TRUST	7730 NW 25TH ST	BETHANY	OK	73008-4918	DEVILLE PARK	007	000	DEVILLE PARK 007 000 LOT 8 EX E3FT & W3FT	7730 NW 25TH ST BETHANY
R173893205	BARLOW SHERI RENEE		2601 N TROPICANA AVE	BETHANY	OK	73008-4956	DEVILLE PARK	012	000	DEVILLE PARK 012 000 N10FT LOT 5 & S80FT LOT 6	2601 N TROPICANA AVE BETHANY
R173892555	BEVERLY DONALD G & SANDRA G		7728 NW 25TH TER	BETHANY	OK	73008-4928	DEVILLE PARK	008	008	DEVILLE PARK 008 000 W71FT	7728 NW 25TH TER BETHANY
R173893095	BROWN DINDY LISA M		7804 NW 25TH TER	BETHANY	OK	73008-4930	DEVILLE PARK	011	002	DEVILLE PARK 011 002 E72FT LOT 10 & W28FT LOT 11 EXEMPT	7804 NW 25TH TER BETHANY
R173892385	CITY OF BETHANY		PO BOX 219	BETHANY	OK	73008	DEVILLE PARK	007	000	EXEMPT	0 UNKNOWN BETHANY
R173893165	CKC HOLDINGS LLC		8701 HUNTER CREEK DR	EDMOND	OK	73012	DEVILLE PARK	012	000	DEVILLE PARK 012 000 N20FT LOT 1 & S40FT LOT 2	2409 N TROPICANA AVE BETHANY
R173892565	CLEVELAND VICKIE		2600 N TROPICANA AVE	BETHANY	OK	73008-4957	DEVILLE PARK	008	000	DEVILLE PARK 008 000 ALL LOT 9 & W25FT LOT 10	2600 N TROPICANA AVE BETHANY
R173892405	EICHELBERGER KELSEY		7725 NW 24TH ST	BETHANY	OK	73008	DEVILLE PARK	007	000	DEVILLE PARK 007 000 E36FT LOT 12 & W27FT LOT 13	7725 NW 24TH ST BETHANY
R173893105	HAMMOND RESIDENCE TRUST		7812 NW 25TH TER	BETHANY	OK	73008-4930	DEVILLE PARK	011	000	DEVILLE PARK 011 000 W48FT LOT 3 & E21FT LOT 4	7812 NW 25TH TER BETHANY
R173893100	HOWARD JENNA		7808 NW 25TH TER	BETHANY	OK	73008-4930	DEVILLE PARK	011	000	DEVILLE PARK 011 000 W18FT LOT 2 & E42FT LOT 3	7808 NW 25TH TER BETHANY
R173892235	HUTCHINS DAVID L	HUTCHINS DARLENE L	7728 NW 24TH ST	BETHANY	OK	73008-4910	DEVILLE PARK	006	000	DEVILLE PARK 006 000 E82FT OF LOT 8	7728 NW 24TH ST BETHANY
R173892395	JACOBSON MADELINE CATHERINE		7729 NW 24TH ST	BETHANY	OK	73008	DEVILLE PARK	007	000	DEVILLE PARK 007 000 E34FT LOT 11 & W26FT LOT 12	7729 NW 24TH ST BETHANY
R173893170	KENNEDY BRIGIDA S	SAMORA BOBBY	2413 N TROPICANA AVE	BETHANY	OK	73008-4952	DEVILLE PARK	012	000	DEVILLE PARK 012 000 N40FT LOT 2 & S20FT LOT 3	2413 N TROPICANA AVE BETHANY
R173892415	KIMES GEORGE D		7721 NW 24TH ST	BETHANY	OK	73008	DEVILLE PARK	007	000	DEVILLE PARK 007 000 E35FT LOT 13 & W20FT LOT 14	7721 NW 24TH ST BETHANY
R173893085	KUMARI NEELAM		2609 N TROPICANA AVE	BETHANY	OK	73008-4956	DEVILLE PARK	011	001	DEVILLE PARK 011 001 UNPLTD PT SEC 20 12N 4W 000 000 PT SW4 SEC 20 12N 4W BEG 830FT E & 50FT N OF SW/C SW4 TH E95FT TH ALONG A CURVE LEFT 39.27FT N95FT W120FT S120FT TO BEG	2609 N TROPICANA AVE BETHANY
R173787711	KUYKENDALL RONALD D & JOAN K TRS	KUYKENDALL FAMILY TRUST	3121 N BRIARCLIFF AVE	BETHANY	OK	73008-3728	UNPLTD PT SEC 20 12N 4W	000	000	UNPLTD PT SEC 20 12N 4W 000 000 PT SW4 SEC 20 12N 4W BEG 830FT E & 50FT N OF SW/C SW4 TH E95FT TH ALONG A CURVE LEFT 39.27FT N95FT W120FT S120FT TO BEG	7801 NW 23RD ST BETHANY
R173892255	LOCAL FEDERAL BANK FSB		3817 NW EXPRESSWAY STE 100	OKLAHOMA CITY	OK	73112	DEVILLE PARK	006	000	DEVILLE PARK 006 000 LOTS 10 & 11 & W15FT OF LOT 12	7737 NW 23RD ST BETHANY
R173892345	LUTON GERALD A & BARBARA A TRS	LUTON GERALD & BARBARA DEC 16 2019 TRUST	7724 NW 25TH ST	BETHANY	OK	73008	DEVILLE PARK	007	000	DEVILLE PARK 007 000 W49FT LOT 6 & E11FT LOT 7	7724 NW 25TH ST BETHANY

X

Oklahoma County Assessor's
300ft Radius Report
5/2/2023

R173893155	MORALES JAVIER ALEXANDER CIFUENTES		2405 N TROPICANA	BETHANY	OK	73008	DEVILLE PARK	012	001	DEVILLE PARK 012 001 560FT	2405 N TROPICANA AVE BETHANY
R173787713	NGO LOVE LLC		3300 S FRISCO RD	YUKON	OK	73099-7286	UNPLTD PT SEC 20 12N 4W	000	000	UNPLTD PT SEC 20 12N 4W 000 000 PT SW4 SEC 20 12N 4W BEG 215FT N & 50FT E OF SW/C SW4 TH N445FT E277.82FT N83.68FT E498.56FT S695FT W440FT N25FT TH NLY ON A CURVE 219.91FT W198.95FT TO BEG EX A TR BEG	2408 N COUNCIL RD BETHANY
R173892245	NGUYEN THUY T & DAVIS V TRAN		7732 NW 24TH ST	BETHANY	OK	73008-4910	DEVILLE PARK	006	000	DEVILLE PARK 006 000 W13FT LOT 8 & ALL LOT 9	7732 NW 24TH ST BETHANY
R173893215	OLSEN BIFF A & MARY		2605 N TROPICANA AVE	BETHANY	OK	73008-4956	DEVILLE PARK	012	000	DEVILLE PARK 012 000 N5FT LOT 6 & ALL LOT 7	2605 N TROPICANA AVE BETHANY
R173893175	PATTERSON DOUG G	PATTERSON JONI L	2501 N TROPICANA AVE	BETHANY	OK	73008-4954	DEVILLE PARK	012	003	DEVILLE PARK 012 003 N60FT	2501 N TROPICANA AVE BETHANY
R173893185	RIOS JASON	HERNANDEZ MAGALI	2505 N TROPICANA AVE	BETHANY	OK	73008	DEVILLE PARK	012	004	DEVILLE PARK 012 004 575FT	2505 N TROPICANA AVE BETHANY
R173892585	ROSS BENNY G & JAMIE L		7725 NW 25TH ST	BETHANY	OK	73008-4917	DEVILLE PARK	008	000	DEVILLE PARK 008 000 E44FT LOT 11 & W16FT LOT 12	7725 NW 25TH ST BETHANY
R173893195	SAENZ JOSE D		2509 N TROPICANA AVE	BETHANY	OK	73008	DEVILLE PARK	012	000	DEVILLE PARK 012 000 N5FT LOT 4 & 570FT LOT 5	2509 N TROPICANA AVE BETHANY
R173892355	SLAUGHTER WILLIAM TRS	SLAUGHTER PATRICIA ANN TRUST	8117 NW 80TH ST	OKLAHOMA CITY	OK	73132	DEVILLE PARK	007	000	DEVILLE PARK 007 000 W57FT LOT 7 & E3FT LOT 8	7726 NW 25TH ST BETHANY
R173892225	SMITH RYAN A & ADDALYN P		7724 NW 24TH ST	BETHANY	OK	73008	DEVILLE PARK	006	007	DEVILLE PARK 006 007	7724 NW 24TH ST BETHANY
R173892375	VAIL GARY & ALVERA TRS	GARY & ALVERA REV TRUST	2504 N TROPICANA AVE	BETHANY	OK	73008-4955	DEVILLE PARK	007	000	DEVILLE PARK 007 000 W3FT LOT 8 & ALL LOT 9	2504 N TROPICANA AVE BETHANY
R173892575	WILLIAMS FRANK EDWARD & PATTY JEAN		7729 NW 25TH ST	BETHANY	OK	73008-4917	DEVILLE PARK	008	000	DEVILLE PARK 008 000 E40FT LOT 10 & W21FT LOT 11	7729 NW 25TH ST BETHANY
R173892545	YOHN DONNY E		7724 NW 25TH TER	BETHANY	OK	73008	DEVILLE PARK	008	000	DEVILLE PARK 008 000 W63FT LOT 7 & E9FT LOT 8	7724 NW 25TH TER BETHANY

