



STAFF REPORT

Historic Preservation Commission

June 5, 2024

BOA-15645

Case Number: BOA-15645

Property Address: 529 NW 22ND ST

District: Mesta Park

Applicant:

Adela De Leon Veliz
529 NW 22nd Street
Oklahoma City, OK 73103

Owner:

Chris Lower
Big Truck Tacos, Inc.
1732 Westminister Place
Oklahoma City, OK 73120

A. CASE ITEMS FOR CONSIDERATION

1. **Provide a recommendation** to the Board of Adjustment regarding an application for a Special Exception to allow for Home Sharing (elective).

B. BACKGROUND

1. Project Description

The applicant requests a Special Exception to the allowed uses in the HP District in order to allow use of portions of the existing structure for “home sharing.” The applicant has indicated that they will be on site at the time of rental of the property, as required by Municipal Code. No additional alterations to the property are proposed.

2. Location

Project site is located on the north side of NW 22nd Street, at the northeast corner of NW 22nd and Dewey.

3. Site History

Date of Construction: circa 1932

Zoned Historic Preservation/Historical Landmark: 1994

National Register Listing: 1983

Additional Information:

The 1922 edition of the Sanborn Fire Insurance maps illustrates a one-story, frame dwelling with porch at the southwest corner of the structure. A one story “autohouse” is indicated in approximately the center of the rear yard. The 1949 Sanborn map illustrates a one-story, frame autohouse closer to the rear wall of the primary dwelling and closer to N Dewey,

consistent with the location of the existing garage. To the north of the garage, a second one-story frame dwelling is shown, consistent with the existing site.

4. Existing Conditions

All three structures at the site appear to be in good condition. It is staff's understanding that home sharing is proposed only for the primary dwelling, fronting on NW 22nd Street, currently leased to Ms. Veliz.

5. Previous Actions

Previous applications for Historic Preservation Certificate of Appropriateness (HPCA) filed for this property include:

Case Number	Date	Owner	Decision
BOA-14907	07-15-2021	Big Truck Tacos	Approved
1. Provide a recommendation to the Board of Adjustment regarding an application for a Special Exception to allow for Home Sharing (elective).			
BOA-14711	12-16-2019	Big Truck Tacos	Approved
1. Provide a recommendation to the Board of Adjustment regarding an application for a Special Exception to allow for Home Sharing (elective).			

Other actions, such as variances, other approvals, citations could also be described here.

C. ITEMS IN COMPLIANCE

*Unless noted below in Section D., Issues and Considerations, all other case items of this proposal comply with the Design and Sustainability Standards and Guidelines for Oklahoma City Historic Districts, and with all relevant sections of the Oklahoma City Municipal Code, 2020.**

None.

D. ISSUES AND CONSIDERATIONS

This proposal may not comply with the Design and Sustainability Standards and Guidelines for Oklahoma City Historic Districts, and with all relevant sections of the Oklahoma City Municipal Code, 2020 as referenced below:*

1. Provide a recommendation on a request for a Special Exception to allow for Home Sharing.

- a. Description: As do all base zoning districts, the HP District ordinance includes use regulations. Some uses are permitted, and others require a "Special Exception," granted by the Board of Adjustment. Home sharing requires a Special Exception.

The applicant indicates that they plan to use the existing property in its existing configuration, which is a two-bedroom house. It is staff's understanding that the Special Exception is for the house facing south onto NW 22nd but does not include the house at the rear of the property, facing west onto Dewey. Any future physical work to the property will require approval of a Certificate of Appropriateness from the HP Commission, as it does now.

b. References: *Oklahoma City Municipal Code, Chapter 59*

4250.1. Special Exception Uses.

- A. *Establishment and Purpose.* The City of Oklahoma City has previously established the process for granting special exception uses. The special exception allows the location of certain uses while maintaining adequate protection of the surrounding area. If consideration is given to setting, physical features, compatibility with surrounding land uses, and traffic and aesthetics, certain uses may locate in an area where they will be compatible with existing or planned land uses, even though they generally do not conform with traditional use groupings in specific zoning districts.
- B. *Parties Entitled to Request Special Exception Uses.* Applications for special exception uses may be filed by the owner of, or any person having a right of ownership in, any property in the City.
- C. *Authority and Execution.* The Board of Adjustment shall review each case on its own merits, apply the criteria established herein and, if appropriate, authorize said use by granting a special exception for it.
- D. *Procedure.*
- (1) *Applications.* Applications for special exception uses shall be filed in accordance with the requirements of this section on forms provided by the City.
 - (2) *Site Plan to Be Filed.* A complete site plan shall be filed with each application for a special exception. The site plan shall show location of all structures and shall give graphic evidence of compliance with all development regulations of the zoning district in which the special exception is to be located and compliance with the general standards for the specific use.
 - (3) *Acceptance of Application.* Staff shall review the application for completeness. Upon receipt of a complete application, Staff shall schedule the application for an upcoming Board of Adjustment agenda for consideration and shall distribute the application to other appropriate departments for review.
 - (4) *Action by the Board of Adjustment.* The Board of Adjustment shall consider the application in accordance with adopted deadlines. The Board may take action in the form of approval, approval with conditions or denial of applications for special exceptions.
- E. *Standards for Special Exception Approval.* Prior to approval of an application for special exception, the Board of Adjustment shall make a determination that the following standards have been met:
- (1) The proposed use shall be in harmony with the policies of the adopted Comprehensive Plan.

- (2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
- (3) The proposed use shall not adversely affect the use of neighboring properties in accordance with the applicable zoning district regulations.
- (4) The proposed use shall not generate pedestrian and vehicular traffic that is hazardous or in conflict with the existing and anticipated traffic in the neighborhood.
- (5) Adequate utility, drainage, parking, loading, access, signs and other necessary public facilities to serve the proposed use shall meet all standards and provisions of City codes applicable to the zoning district classification of the property.
- (6) The Board of Adjustment shall ensure that all reasonable precautions are taken to protect nearby existing and anticipated development from hazardous and obnoxious conditions. The Board of Adjustment can impose specific conditions regarding location, design and operation to assure safety and to prevent a nuisance.
- (7) If necessary to protect the general public and to protect the use of neighboring property from potential loss of use or decrease in land value, the Board of Adjustment may require additional sight-proof screening and landscaping according to standards contained in Article XI, Landscaping and Screening Regulations, of this chapter.

F. *Conditions.*

- (1) *Site Plan Must Be Followed.* All uses approved by a special exception shall commence and be maintained in accordance with the approved site plan.
- (2) *Failure to Comply.* Whenever Staff finds that any proposed construction or occupancy does not, in its opinion, substantially comply with the terms of the special exception, it shall refer the question to the Board of Adjustment for its review at a public hearing.

- c. Considerations: The building is currently leased to a tenant who will sub-lease it to home sharing renters. The property owner has indicated that the property will remain the tenant's primary residence and that they understand the requirement that the home be occupied by them at the time of rental, as per Section 59-9350.38.1, E. (2).

In general, the proposed use does not appear to be in conflict with the Comprehensive Plan or with the general purpose and intent of the HP District zoning (59-7250.1). The proposed use does not appear to adversely affect the use of neighboring properties according to applicable regulations, or to generate hazardous or conflicting pedestrian or vehicular traffic. The site appears capable of physically accommodating the proposed use and does not appear to create hazardous or obnoxious conditions, or to necessitate additional screening or landscaping. As indicated by the owner, the proposed use is in compliance with the specific requirements of the ordinance as it pertains to the Home Sharing "host's" occupation of the property at the time of rental.

E. STAFF RECOMMENDATION:

Recommend approval of BOA-15645 to the Board of Adjustment on a request for a Special Exception in the Historic Preservation District to allow for Home Sharing and forward the following comments:

1. The introduction of Home Sharing, as proposed by the applicant, at this property does not appear to have an adverse effect on the character of the specific property or the historic district as a whole;
2. The introduction of Home Sharing, as proposed by the applicant, utilizes existing spaces that are consistent with the historic condition of the property and that do not require alterations to the exterior of the home; and
3. The introduction of Home Sharing, as proposed, complies with the specific requirement stated in Section 59-9350.38.1, E. (2) that the property be “occupied by the host at the time of the rental;”

Note: Staff recommendation does not constitute Commission action.

**Relevant Sections of Chapter 59 the Oklahoma City Municipal Code governing HP/HL Districts are: §59.3300.1-5; §59.4150.4; §59.4250; §59.7250.1-4; §59.7300.1-7; §59.12200.1-4; §59.13300.1-6.*

Copies of the Standards/Guidelines and Relevant Sections of the Oklahoma City Municipal Code, 2020, are available online at www.okc.gov/planning/hp/index.html ; at Planning Department offices located at 420 W. Main, 9th floor, and each HP Commission Meeting.

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