



STAFF REPORT
Board of Adjustment
April 18, 2024

Item No. IV.B. 2.

Case No. 15570: Application for Special Exception of Johnny R. Hill and Sherri Maskell to allow a mobile home to serve as a temporary second dwelling to relieve a medical hardship in the AA Agricultural District, at 12428 SE 59th Street.

I. GENERAL INFORMATION

A. CASE HISTORY:

This is a new application for Special Exception for medical hardship.

B. EXISTING ZONING AND LAND USE:

Subject site: AA/Residential
North: AA/Residential
South: AA/Residential
East: AA/Residential
West: AA/Residential

C. SUMMARY OF APPLICATION:

This is an application for Special Exception for medical hardship in the AA Agricultural District. The physician documentation submitted indicates there is a need for medical care for his mother from the family.

For this request, the Zoning Code has specifically set forth the following conditions required for the approval of this request:

Eligible in AA, R-A, R-1, R-2, R-3, R-4, SPUD and PUD.

A. The special exception may be granted for a period of one, two, or three years depending on the situation. When the time period expires, the applicant shall file a new application for a special exception and have the case reviewed. At that time, the Board shall determine if the need that led to the granting of the original special exception is still present and if there has been any material change of conditions relevant to the granting of the special exception.

B. Conditions for Approval:

1. The principal for whom the special exception is requested shall be a relative by blood or marriage, and the extenuating conditions shall not be caused by the applicant.

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2. The special exception shall not be granted unless medical hardship exists caused by physical condition, such as age or infirmity, or by mental condition of the principal.
- C. Only one mobile home shall be allowed accessory to a permanent single-family detached residential structure.
- D. The location of such mobile home shall conform to all lot area, setback, height, and off-street parking requirements of the district in which located, and the mobile home shall be located only behind the front wall of the main dwelling.
- E. The proposed mobile home installation shall meet all City and City-County Health Department standards and regulations.
- F. The Board of Adjustment may include additional conditions as it considers necessary, to include, but not be limited to, extraordinary setbacks, landscaping, and installation of utilities.
- G. The use of the mobile home shall terminate at any time when the hardship that led to the granting of the original special exception ceases.

D. ZONING ORDINANCE:

Chapter 59, Section 9350.43.A of the Oklahoma City Municipal Code, 2020, as amended, permits a mobile home to serve as a temporary second dwelling to relieve a medical hardship in the AA District upon the grant of a Special Exception.

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 Oklahoma City Code 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 Section 59-11100 of this Chapter.

II. COMMENTS FROM OTHER DEPARTMENTS AND AGENCIES

III. PLANNING DEPARTMENT REVIEW

IV. SUMMARY

In summary of the standards and the conditions of the Special Exception, it is Staff's opinion that the application can meet the ordinance requirements for the granting of a Special Exception, and that the application should be approved for a period of 3 years.