



STAFF REPORT
Board of Adjustment
April 18, 2024

Item No. IV.B. 17.

Case No. 15573: An Application for Special Exception of Hema Krishna on behalf of Emerald Investment Group, LLC to allow Lodging Accommodations: Home Sharing (short term rental) in the R-1 Residential District located at 2428 Northwest 49th Street.

I. GENERAL INFORMATION

A. CASE HISTORY:

This is a new application.

B. EXISTING ZONING AND LAND USE:

Subject site:	R-1/Residential
North:	R-1/Residential
South:	R-1/Residential
East:	R-1/Residential
West:	R-1/Residential

C. SUMMARY OF APPLICATION:

**§ 59-8300.51.1 Lodging Accommodations: Home Sharing.
Use Unit Classification.**

Lodging accommodations that are provided in a dwelling or room(s) in a dwelling for rent for a temporary period of time not to exceed more than 30 consecutive days per renter/guest, and the dwelling is the host's primary residence; provided if the dwelling is located within a Historic Preservation District or said dwelling is not the primary residence of the host, a special exception must be obtained from the Board of Adjustment. The use of a dwelling for such purpose must meet the use standards of Section 9350.38.1 Lodging Accommodations: Home Sharing.

§ 59.9350.38.1. Lodging Accommodations: Home Sharing.

- A. The rental of the entire home or bedroom(s) may not exceed 30 consecutive days per renter/guest.
- B. The owner/host shall be required to comply with any applicable building or fire codes adopted by the City, including but not limited to working smoke detectors, a carbon monoxide detector and functioning fire extinguisher.
- C. The owner/host must obtain a home sharing license.
- D. All applicable fees and taxes must be collected and paid.

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- E. A special exception must be obtained for home sharing where the property is not the primary residence of the host.
- F. A special exception pursuant to Subsection E of this section may be granted for a maximum period of ten (10) years. When the time period expires, if the applicant desires to continue the use, the applicant shall file a new application for a special exception and have the case reviewed by the Board of Adjustment.

The applicant has provided this information on the home share application:

See attached proposal and parking photo.

D. ZONING ORDINANCE:

Chapter 59, Section 9350.38.1 of the Oklahoma City Municipal Code, 2020, as amended, Home Sharing in the R-1 District upon the grant of a Special Exception.

Chapter 59, Section 4250.1.E provides the general standards the Board must consider and apply the facts when making its determination on this 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

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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 could meet all the specific use standards for § 59-9350.38.1. Lodging Accommodations: Home Sharing, for the issuance of a Special Exception.