



STAFF REPORT

Historic Preservation Commission

December 4, 2024

BOA-15800

Case Number: BOA-15800

Property Address: 924 NW 17th Street

District: Mesta Park Historic District

Owner: Jordan Elledge
924 NW 17th Street
Oklahoma City, OK 73106

A. CASE ITEMS FOR CONSIDERATION

1. Request for a recommendation from the Historic Preservation Commission to the Board of Adjustment regarding an application for a Special Exception to allow for Home Sharing.

B. BACKGROUND

1. Project Description

The applicant requests a renewal of their Special Exception to the allowed uses in the HP district in order to allow use of a portion of the existing home for home sharing. No additional alterations to the property are proposed.

2. Location

Project site is located on the south side of NW 17th Street between Olie and Francis Avenues.

3. Site History

Date of Construction: 1923

Zoned Historic Preservation/Historical Landmark: 1994

National Register Listing: 1983

Additional Information:

The 1922 Sanborn maps show a two-story dwelling with a one-story, full-width front porch and a one-story accessory structure ("autohouse") at the southeast corner of the property. No substantive changes are illustrated on subsequent editions of the maps.

There is a second accessory structure located in the southwest corner of the property. County Assessor records cite 1940 as the year of construction. However, the Sanborn maps do not support this.

4. Existing Conditions

The primary structure appears to be in good condition and remains a single-family home. The applicant proposes to use the accessory building at the southwest corner of the property

for home sharing.

5. Previous Actions

Previous actions included replacement of siding and installation of a fence.

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. Item 1, Request for a recommendation from the Historic Preservation Commission to the Board of Adjustment regarding an application 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, including an existing accessory building. Any future 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.

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 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 a functioning fire extinguisher.
- C. The host must obtain a home sharing license.
- D. All applicable fees and taxes must be collected and paid.
- E. A special exception must be obtained for home sharing where the property:
 - (1) is not the primary residence of the host; or
 - (2) is located within the boundaries of a Historic Preservation District, in which case the property shall be the host's primary residence and occupied by the host at the time of the rental.

Provided, a special exception shall not be required for any property at which, prior to January 15, 2019, lodging accommodations in a dwelling or room(s) in a dwelling were provided for rent for a temporary period of time not exceeding 30 consecutive days per guest and for which a home sharing license has been granted by the Supervisor of Licenses pursuant to [Section 13-510](#) of this Code.

- F. A special exception pursuant to Subsection E of this section may be granted for a maximum period of ten 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.

- c. Considerations: An accessory building that appears to accommodate a dwelling or rental space already exists at the property. The age is unknown, but it is not a new structure. It appears that the property can accommodate rental of this space without altering existing historic fabric or compromising the historic integrity of the property or district.

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.

E. BOA-15800 STAFF RECOMMENDATION:

Recommend approval to the Board of Adjustment for the Special Exception request regarding BOA-15800 and forward the following comments:

1. The continued use of the property for 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 continued use of the property for 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.
3. The continued use of the property for Home Sharing, as proposed, indicates that the volume of Home Sharing rentals, and the owner's intention to be living on-site at the time of rentals, minimizes the impact of the Home Sharing use for this property and complies with the requirements established by the Municipal Code.

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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