



STAFF REPORT

Historic Preservation Commission

April 5, 2023

BOA-15311

Agenda Item: VII.A.

Case Number: BOA-15311

Property Address: 720 NW 28th Street

District: Paseo

Applicant: Gary Wardworth
3000 W Memorial RD
Oklahoma City, OK 73120

Owner: Ashley Laws
716 NW 28th Street
Oklahoma City, OK 73103

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.

B. BACKGROUND

1. Project Description

The applicant is seeking a Special Exception regarding their proposed home sharing. The exception is to allow the applicant to have a home share in a property other than the owner's primary residence. Since the property is zoned as HL, the typical provisions regarding the property being the owner's primary residence and the owner being on site at the time of rental are not applicable. The applicant has not indicated any alterations to the property.

2. Location

Project site is located on the south side of NW 28th St, mid-block between Shartel and N Lee Ave.

3. Site History

Date of Construction: 1924

Zoned Historic Preservation/Historical Landmark: 1998

National Register Listing: 2004

Description from National Register Nomination Intensive Level Survey:

720 Northwest 28th, 1924. This is a one-story Bungalow/Craftsman style residence with exposed rafter tails and a center projecting gabled porch with jerkinhead. Central entrance flanked by paired windows. Aluminum carport attached to west elevation.

4. Existing Conditions

The applicant has indicated that the property is currently a long-term rental property.

5. Previous Actions

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

None.

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 to the Board of Adjustment regarding an application for a Special Exception to allow for Home Sharing.

- a. Description: City-wide, when home-sharing a property that is not the owner's primary residence, the property owner must obtain a Special Exception from the Board of Adjustment. All requests considered by the Board of Adjustment for properties within an Historic Preservation (HP) or Historic Landmark (HL) district must first be reviewed and recommended by the HP Commission. This property is zoned HL, so the owner is not required to be on site at the time of rental but is required to obtain a Special Exception due to the property not being their primary residence.

The application for home sharing indicates that they plan to use the existing property in its existing configuration. 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: In general, the proposal to use this property as a home share does not appear to be at odds with the Comprehensive Plan or with the general purpose and intent of the HL District zoning (§59-7250.1). Additionally, 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 Home Sharing.

E. BOA-15311 STAFF RECOMMENDATION:

Recommend approval of BOA-15311 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 applicable requirements for home sharing.

Note: Staff recommendation does not constitute Commission action.

**Relevant Sections of the 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 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.

DC