

# Jenks | BOA Staff Report



To Board of Adjustment  
Hearing Date October 14, 2021  
Case Number JBOA 21-442  
Request Special Exception | Home occupancy  
Location 614 N Emerson | Subdivision: Staplehurst  
Applicant Ruth Jules

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## Staff Report

Preparer | Marcaé Hilton

### Attachments

- CASE MAP
- DIAGRAM

Preparer  
INCOG  
Applicant

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## Background Information

**STAFF COMMENTARY** | This request is for a home-based childcare which can be conditionally allowed through the Special Exception process. The home is located within a platted subdivision, the City of Jenks does not regulate or enforce private covenants or HOA restrictions. If approved, Staff is not aware that any such violation would happen. The City of Jenks requests Ms. Jules work with staff on compliance with the listed conditions, as well as, provide a copy of an active License with the State of Oklahoma Department of Human Services, and cannot have more than seven children including children living within the residence in accordance with the regulations of the Department of Human Services.

## PLANNING DATA

Intended Use Home based childcare  
Zoning RS-3 | Single-family Residential  
Comprehensive Plan Medium Intensity Single-family  
General Location North of 96<sup>TH</sup> St. (Main) and East of Hwy 75  
Parcel ID 60962822322310  
Property Address 614 N EMERSON ST W  
Plat Staplehurst  
LT 2 BLK 4  
Plat No. 5156 | 10/31/1996

Gross Acres  
STR

0.16  
Section: 23, Township: 18, Range: 12

## SUPPLEMENTAL INFORMATION

Table 2. Accessory Uses Permitted in Residential Districts

Uses	Districts
1. Home Occupation - Intensive	(See Section 440) All R Districts <sup>1</sup>
2. Home Occupation - Minor (See Section 420.2a.5)	All R Districts
3. Amateur Radio Tower	All R Districts *
4. Roomers and Boarders:	
5. Shelters	All R Districts
6. Signs:	All R Districts
7. Swimming Pool	All R Districts
8. Management Office and Private	
9. Bed and Breakfast Inns - Limited*	
10. Small Domestic Animals	All R Districts

<sup>1</sup> By special exception requiring Board of Adjustment approval.

Sec. 440. Special exception uses in residential districts; requirements.

The Special Exception Uses, permitted in the residential districts, as designated in Table 1, are subject to the minimum requirements set out below and such additional safeguards and conditions as may be imposed by the Board of Adjustment, including without limitation, parking, traffic, and effect on adjacent property values.

- a. The accessory use provisions of the residential districts pertaining to signs are applicable to accessory signs for principal uses permitted by special exception.
- b. Home Occupations - Intensive:
  1. The home occupation shall be engaged in only by the family or person occupying the dwelling as a private residence. No person shall be employed in the home occupation other than a member of the immediate family residing on the premises.
  2. No identification sign shall be permitted for a home occupation advertising its use; unless the Board of Adjustment may consider allowing signage for a particular use subject to minimum standards requiring that only one identification sign shall be permitted for each home occupation advertising its use; the sign shall be affixed to the principal building or customary accessory building and shall not exceed six square feet in surface area and no illumination of any type shall be permitted.

3. *The home occupation shall be conducted entirely within an enclosed principal building or customary accessory building.*
4. *No mechanical equipment shall be used which create noise, dust, odor, or electrical disturbance beyond the exterior wall of the structure to which it is located.*
5. *No exterior alterations of the structure shall be made which would detract from the residential character of the structure.*
- d. *In the RE and RS Districts, children's nurseries shall comply with the lot width, lot area, height, and yard requirements for single-family use and at a minimum the following use restrictions shall apply:*
  1. *The children's nursery shall utilize a maximum floor area ratio of one-half of the principal structure.*
  2. *No identification sign shall be permitted for the home occupation advertising its use.*
  3. *The Child Care Facility shall not engage in any paid advertising for said use.*
  4. *The Child Care Facility shall provide driveway space for the loading and unloading of children.*
  5. *The child care activities shall be confined within the residence or rear yard of the subject tract.*
  6. *No exterior alterations of the structure shall be made which would detract from the residential character of the structure.*
  7. *No alteration to the premises shall be made which would detract from the residential nature of the subject tract. No playground equipment shall be allowed other than that which would be associated with one single family dwelling and not exceeding 25 percent of the rear yard.*
  8. *The Child Care Facility shall maintain an active License with the State of Oklahoma Department of Human Services for said use.*
  9. *The Child Care Facility shall be limited to no more than seven children to include children living within the residence in accordance with the regulations of the Department of Human Services.*
  10. *The Child Care Facility shall comply with all restrictions and guidelines imposed by the Department of Human Services for licensing requirements, provided that if the Jenks Zoning Code or Jenks Board of Adjustment Special Exception Requirements are more restrictive, the City of Jenks regulations shall control.*

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## Staff Evaluation & Recommendation

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### ***Evaluation | Please see BOA action below***

*Sec. 1380. Special exceptions.*

*1380.1. General.*

*The Board of Adjustment, upon application, and after notice (when notice is required) and public hearing, subject to the procedural and substantive standards hereinafter set forth, may grant the following special exceptions:*

- a. Special Exception uses as designated and regulated within the permitted use provisions of the zoning districts.*
- b. The change of a nonconforming use as provided in Section 1220(f), Chapter 12, Nonconformities.*
- c. The restoration of a partially destroyed structure containing a nonconforming use as provided in Section 1220(g), Chapter 12, Nonconformities.*
- d. The restoration of a partially destroyed nonconforming structure as provided in Section 1260, Chapter 12, Nonconformities.*
- e. The modification of a screening requirement, as provided in Section 250, Chapter 2, District Provisions: General.*
- f. Off-street parking use of property located within a residential district, when the property is abutting an office, commercial or industrial district and not considered special event parking.*

**1380.2. Application.**

*A request for a Special Exception shall be initiated by the filing of an application with the City Clerk and shall be set for public hearing by the Secretary in accordance with the rules established by the Board.*

**1380.3. Board of Adjustment Action.**

*The Board of Adjustment shall hold the public hearing and, upon the concurring vote of three members, may grant the Special Exception after finding that the Special Exception will be in harmony with the spirit and intent of the code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Provided that the Board in granting a Special Exception shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bonds as it may deem necessary to enforce compliance with the conditions attached.*

**1380.4. Time Limitation on Special Exceptions.**

*A Special Exception which has not been utilized within two years from the date of the order granting same shall thereafter be void. For the purpose of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion*

**Sec. 420. - Accessory uses permitted in residential districts.**

**420.1. Accessory Uses Permitted.**

*Accessory uses customarily incident to a principal use permitted in a residential district are permitted in such district. In addition, the following uses set forth in Table 2 are permitted as accessory uses.*

**Staff Comments | Conditions for approval**

1. The children's nursery cannot occupy more than ½ the floor area ratio of the principal structure.
2. No identification sign for the home occupation is allowed.
3. The Child Care Facility shall not engage in any paid advertising for said use.
4. Loading and unloading of children shall take place in the driveway of the residence.
5. All childcare activities shall be confined within the residence or back yard.
6. No exterior alterations of the structure shall be made which would detract from the residential character of the structure.

7. No playground equipment shall be allowed other than that which would be associated with one single-family dwelling and not exceeding 25 percent of the rear yard.
8. The Child Care Facility shall maintain an active License with the State of Oklahoma Department of Human Services for said use and provide a copy of such license
9. The Child Care Facility shall be limited to no more than seven children to include children living within the residence in accordance with the regulations of the Department of Human Services.
10. The Child Care Facility shall comply with all restrictions and guidelines imposed by the Department of Human Services for licensing requirements, provided that if the Jenks Zoning Code or Jenks Board of Adjustment Special Exception Requirements are more restrictive, the City of Jenks regulations shall control.

**Recommendation** | Grant the Special Exception to allow for a childcare in a single-family residence

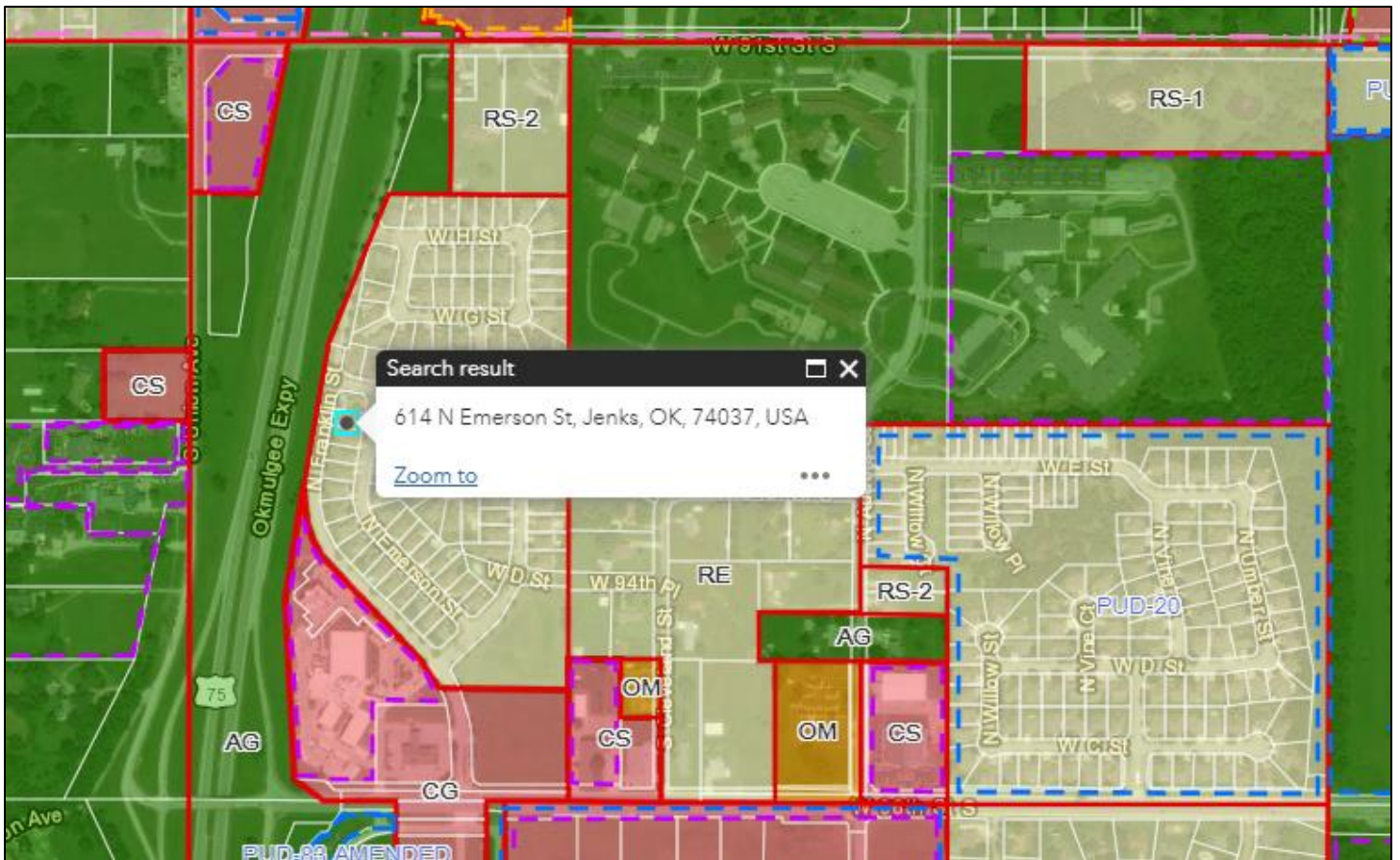


Figure 1: Zoning Map with Aerial View

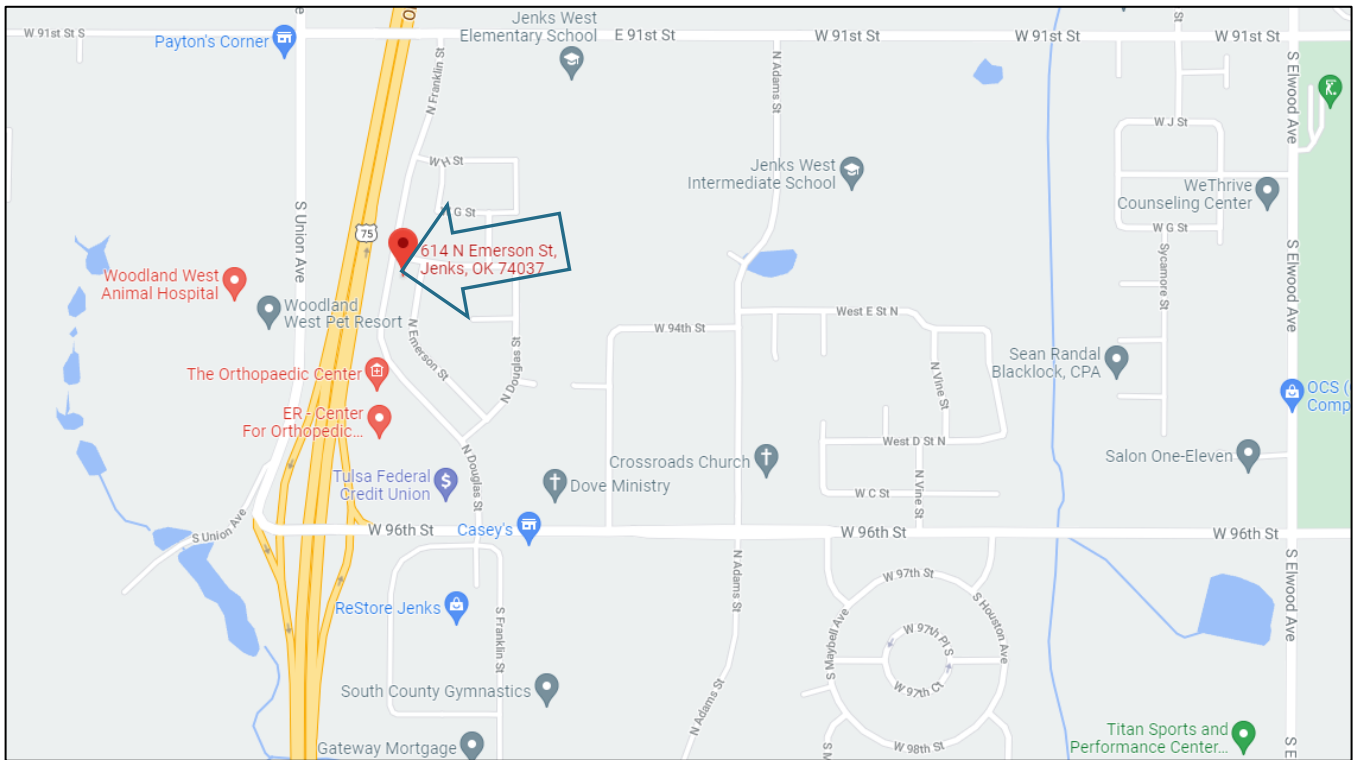


Figure 2: Google earth view



Figure 3: Google Earth Aerial View

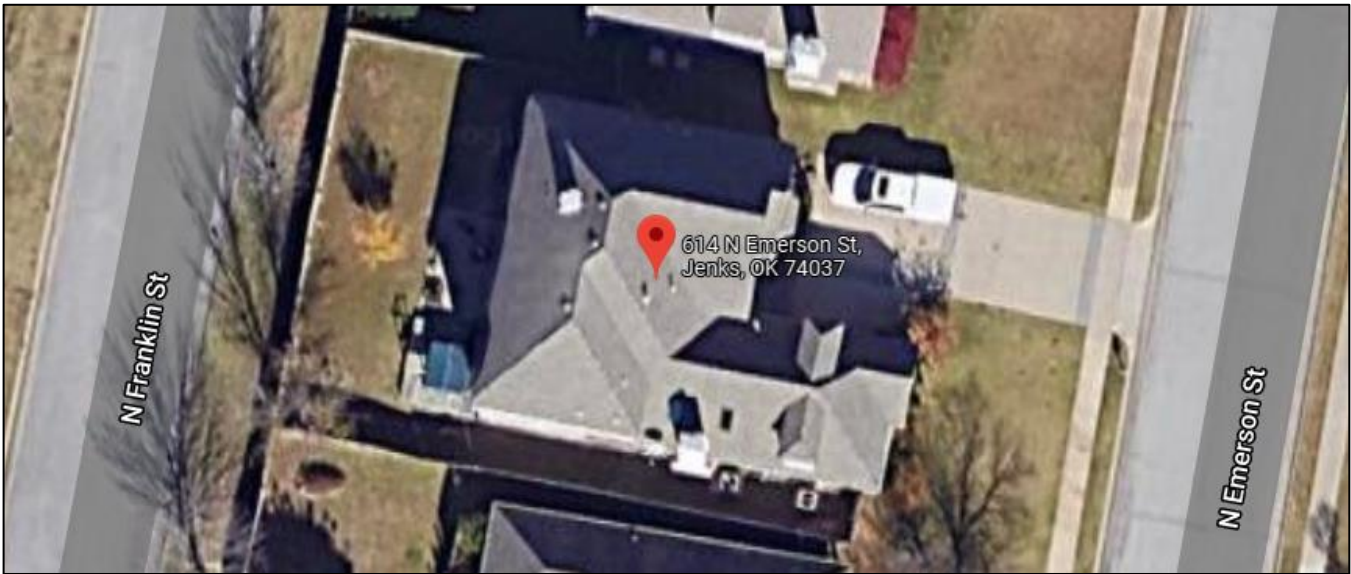


Figure 4: Google Earth



Figure 5: Street View



Figure 6: Street View looking north | LNA along east side of street creates a potentially safer drop off and pick up