

AGENDA
JENKS BOARD OF ADJUSTMENT
6:00 P.M., THURSDAY, MAY 12, 2022
JENKS CITY HALL, 211 NORTH ELM STREET
JENKS, OKLAHOMA 74037

I. CALL TO ORDER

II. ROLL CALL

III. BUSINESS

Official action can only be taken on items which appear on the agenda. The Board of Adjustment may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item.

1. Approve minutes of the regular meeting on October 14, 2022

Documents:

[2021.10.14 BOA MINUTES.PDF](#)

2. JBOA 22-445: Request by Jeanette O'Hara for approval of a Special Exception to allow for a respite care house. General Location: 921 N Ivy Pl



Emailed comments in support and opposition removed/redacted from the agenda packet backup material.

Documents:

1. [SR.JBOA 22-445 921 N IVY.PDF](#)
2. [WILLS HOUSE SPECIAL EXCEPTION LETTER.PDF](#)
3. [PUBLIC NOTICE - JBOA 22-445 \[921 N IVY\].PDF](#)

IV. OTHER BUSINESS

V. ADJOURNMENT

MINUTES
BOARD OF ADJUSTMENT
6:00 P.M. THURSDAY, OCTOBER 14, 2021
JENKS CITY HALL, COUNCIL CHAMBERS, 211 N ELM ST

The Jenks Board of Adjustment was called to order at 6:01 p.m. on October 14, 2021, by Chair Erik Enyart. A roll call vote was taken as follows:

Present

Ricky Patel
Sarah Foley
Chair Erik Enyart

Absent

Gina Wilson
Spencer Pittman

Request to approve minutes of September 16, 2021. Ricky Patel made a motion to approve the minutes. Sarah Foley seconded the motion. A roll call vote of members was taken as follows:

YEA: Patel, Foley, Enyart

NAY: None

Motion carried

Business

1. BOA 21-442: Request by Ruth Jules for approval of a Special Exception to allow for a home occupancy child care facility. General Location: 614 N Emerson

Planning Director Marcaé Hilton presented her staff report and answered questions. She read a letter from a resident who was unable to attend the meeting (Mark Zumwalt; letter attached). Rod Evans (HOA president) spoke about concerns and gave information about requirements in their Deed of Dedication (copy attached). Sherrye Wilkie (611 N Emerson St) addressed the Board asking about the total number of children allowed. Sarah Foley made a motion to approve the special exception. Ricky Patel seconded the motion. A roll call vote of members was taken as follows:

YEA: Patel, Foley, Enyart

NAY: None

Motion carried.

Erik Enyart made a motion to reconsider the vote in order to add requirements to the motion. Sarah Foley seconded the motion. A roll call vote of members was taken as follows:

YEA: Patel, Foley, Enyart

NAY: None

Motion carried.

Erik Enyart made a motion to approve Item 1 with the staff recommendations and the condition that the garage would not be able to be converted into a room for child care. Ricky Patel seconded the motion. A roll call vote of members was taken as follows:

YEA: Patel, Foley, Enyart

NAY: None

Motion carried.

Other Business:

1. Other Business. Planning Director Marcaé Hilton gave an update on the Unified Development Ordinance.

Adjournment. Erik Enyart made a motion to adjourn. Sarah Foley seconded the motion. A roll call vote of members was taken as follows:

YEA: Patel, Foley, Enyart

NAY: None

The Jenks Board of Adjustment adjourned at 6:28 p.m.

From: Mark Zumwalt <mzumwalt@jenksok.org>
Sent: Wednesday, October 13, 2021 1:43 PM
To: bmacy@cityofjenksok.org
Subject: Case# JBOA21-442

Mr. Macy my name is Mark Zumwalt. I live at 3005 West F Street in Staplehurst addition in Jenks Oklahoma. I will be working my police job on 10/14/2021 and will not be able to attend the meeting on JBOA21-442 and wanted to express my concerns on the proposed day care zoning change in my neighborhood. I purchased this home new in 2001 due to how well kept the neighborhood looked and how quiet the area was. I bought my home wanting to live in a nice residential neighborhood. I do not want this passed where you can turn homes into business's, I'm afraid their property will get ran down and the traffic this could bring to the neighborhood is not what I would like. I know these homeowners have only been there a few years and if they want to start a business there are plenty of empty commercial buildings in Jenks that are vacant that they could lease. This family also has a family member that drives a semi and parks it out on Franklin Street around F Street and that is not permissible by city codes and interferes with traffic trying to get to Jenks West schools in the morning and afternoons. It's like these homeowners do not care they impact others. I would like to keep our residential neighborhood nice and property values up.

Thank you, Mark Zumwalt
10/13/2021

STAPLEHURST
DEED OF DEDICATION
AND
RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

GROUNDWORKS LTD., an Oklahoma limited partnership, hereinafter referred to as the "Owner and/or Developer", is the owner of the following described land in the City of Jenks, Tulsa County, State of Oklahoma, to-wit:

A tract of land lying in the W/2 NW/4 Section 23, Township 18 North, Range 12 East, of the Indian Base and Meridian according to the U.S. Government Survey thereof, City of Jenks, Tulsa County, State of Oklahoma, more particularly described as follows:

Beginning at a point on the East line of said W/2 NW/4, said point lying 33.00 feet North of the Southeast Corner thereof; thence N89°54'45"W and parallel to the South line of said W/2 NW/4 a distance of 792.76 feet; thence N0°02'09"W a distance of 7.00 feet; thence N89°54'45"W a distance of 24.00 feet; thence N44°52'37"W a distance of 42.40 feet; thence N89°54'45"W a distance of 104.29 feet to a point on the Easterly Right-of-way line of U.S. Highway 75; thence Northerly along said Right-of-way as follows:

thence N3°-0'36"W a distance of 638.88 feet; thence N9°17'47"E a distance of 603.80 feet; thence N11°06'08"E a distance of 285.29 feet; thence S78°53'54"E a distance of 70.00 feet; thence N11°06'17"E a distance of 360.00 feet; thence N18°43'00"E a distance of 210.19 feet;

thence Due East a distance of 633.78 feet to a point in the East line of said W/2 NW/4; thence S0°00'29"E along said East line a distance of 2,081.00 feet to the point of Beginning, containing 41.9536 Acres, more or less.

and has caused the above described land to be surveyed, staked, platted and subdivided into lots, blocks, reserve areas and streets, in conformity with the accompanying plat, and has designated the subdivision as "STAPLEHURST", an Addition to the City of Jenks, Tulsa County, Oklahoma.

SECTION I

STREETS, EASEMENTS AND UTILITIES

A. Public Streets and General Utility Easements

The Owner/Developer does hereby dedicate for public use the streets, as designated on the accompanying plat, and does further dedicate for public use the utility easements as depicted on the accompanying plat as "U/E" or "UTILITY EASEMENT", for the several purposes of constructing, maintaining, operating, repairing, replacing, and/or removing any and all public utilities, including storm sewers, sanitary sewers, telephone and communication lines, electric power lines and transformers, gas lines, water lines and cable television lines, together with all fittings, including the poles, wires, conduits, pipes, valves, meters and equipment for each of such facilities and any other appurtenances thereto, with the rights of ingress and egress to and upon the utility easements and right-of-ways for the uses and purposes aforesaid, provided however, the Owner/Developer hereby reserves the right to construct, maintain, operate, lay and re-lay water lines and sewer lines, together with the right of ingress and egress for such construction, maintenance, operation, laying and relaying over, across and along all of the utility easements depicted on the plat, for the purpose of furnishing water and/or sewer services to the area included in the plat. The Owner/Developer herein imposes a restrictive covenant, which covenant shall be binding on each lot owner and shall be enforceable by the City of Jenks, Oklahoma, and by the supplier of any affected utility service, that within the utility easements depicted on the accompanying plat no building, structure or other above or below ground obstruction shall be placed, erected, installed or maintained, provided however, nothing herein shall be deemed to prohibit drives, parking areas, curbing and landscaping.

B. Underground Service

- Overhead lines for the supply of electric, telephone and cable television services may be located along the East boundary of Block 1, and the South perimeter boundary of the subdivision, if located within a utility easement as depicted on the accompanying plat. Street light poles or standards shall be served by underground cable and elsewhere throughout the subdivision all supply lines shall be located underground in the streets and easement ways dedicated for general utility services as depicted on the accompanying plat. Service pedestals and transformers, as sources of supply of secondary voltages, may also be located in easement ways.
- Underground service cables and gas lines to all structures which may be located within the subdivision may be run from the nearest service pedestal or transformer or gas main to the point of usage determined by the location and construction of such structure as may be located upon the lot, provided that upon the installation of a service cable or gas line to a particular structure, the supplier of service shall thereafter be deemed to have a definitive, permanent and effective easement on the lot, covering a 5 foot strip extending 2.5 feet on each side of the service cable or gas line, extending from the service pedestal, transformer or gas main to the service entrance on the structure.
- The supplier of gas, electric, telephone and cable television services, through its agents and employees, shall at all times have the right of access to all easement ways shown on the plat or otherwise provided for in this Deed of Dedication for the purpose of installing, maintaining, removing or replacing any portion of the underground gas, electric, telephone or cable television facilities installed by the supplier of the utility service.
- The owner of the lot shall be responsible for the protection of the underground service facilities located on his lot and shall prevent the alteration of grade or any construction activity which would interfere with the gas, electric, telephone or cable television facilities. The supplier of service shall be responsible for ordinary maintenance of underground facilities, but the owner shall pay for damage or relocation of such facilities caused or necessitated by acts of the owner or his agents or contractors.
- The foregoing covenants set forth in this paragraph B shall be enforceable by the supplier of the gas, electric, telephone or cable television service and the owner of the lot agrees to be bound hereby.

C. Water and Sewer Service

- The owner of the lot shall be responsible for the protection of the public water and sewer mains located on his lot.
- Within the utility easement areas depicted on the accompanying plat, the alteration of grade in excess of 3 feet from the contours existing upon the completion of the installation of a public water main or sewer main, or any construction activity which would interfere with public water and sewer mains, shall be prohibited.
- The City of Jenks, Oklahoma, or its successors, shall be responsible for ordinary maintenance of public water and sewer mains, but the owner shall pay for damage or relocation of such facilities caused or necessitated by acts of the owner, his agents or contractors.
- The City of Jenks, Oklahoma, or its successors, shall at all times have right of access to all easement ways depicted on the accompanying plat, or otherwise provided for in this Deed of Dedication, for the purpose of installing, maintaining, removing or replacing any portion of underground water or sewer facilities.
- The foregoing covenants set forth in this paragraph C shall be enforceable by the City of Jenks, Oklahoma, or its successors, and the owner of the lot agrees to be bound hereby.

D. Reserve Areas

Reserve "A", Reserve "B" and Reserve "C" shall be operated and maintained by the Owner/Developer until such time as the same are conveyed to the homeowners' association to be formed as set forth in Section IV. From and after the date of such conveyance, the homeowners' association shall be responsible for the maintenance of the same and pay for all costs and expenses associated therewith. In the event such areas are not properly maintained, the City of Jenks or its contractors may enter upon said property, perform the maintenance and bill the Owner/Developer or homeowners' association, whoever is the then owner of such property, for the same. Such cost of maintenance shall become a lien on all the Residential Lots (as hereinafter defined), which may be foreclosed by the City of Jenks, Oklahoma; or the City of Jenks or the Jenks Public Works Authority may add such billing prorata upon the Residential Lot owner's water bill, which method of collection is agreed to by all Residential Lot owners.

E. Surface Drainage

Each lot shall receive and drain, in an unobstructed manner, the storm and surface waters from lots and drainage areas of higher elevation and from public streets and easements. No lot owner shall obstruct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across his lot. The foregoing covenants set forth in this paragraph E shall be enforceable by any affected lot owner and by the City of Jenks, Oklahoma.

F. Limits Of No Access

The undersigned, Owner/Developer hereby relinquishes rights of vehicular ingress or egress from any portion of the property adjacent to North Franklin Street and West 96th Street, South within the bounds designated as "Limits Of No Access" (L.N.A.) on the accompanying plat, which "Limits Of No Access" may be amended or released by the Jenks Planning Commission, or its successor, and with the approval of the City of Jenks, Oklahoma, or as otherwise provided by the statutes and laws of the State of Oklahoma pertaining thereto, and the limits of no access above established shall be enforceable by the City of Jenks, Oklahoma.

G. Paving and Landscaping Within Easements

The owner of the lot affected shall be responsible for the repair of damage to landscaping and paving occasioned by necessary installation or maintenance of underground water, sewer, storm sewer, natural gas, communication, cable television or electric facilities within the restricted water line, sewer line or utility easement areas depicted upon the accompanying plat, provided however, the City of Jenks, Oklahoma or the supplier of the utility service shall use reasonable care in the performance of such activities.

SECTION II

PLANNED UNIT DEVELOPMENT RESTRICTIONS

WHEREAS, the Residential Development Area (as defined below) was submitted as a planned unit development (designated as PUD No. 8) as provided within Sections 900-970 of Chapter 9, Jenks Ordinances (Jenks Zoning Code), as the same existed on February 1, 1993, which PUD No. 8 was approved by the Jenks Planning Commission on February 22, 1996, and by the Council of the City of Jenks, Oklahoma, on March 4, 1996 and published on March 14, 1996; and

WHEREAS, the planned unit development provisions of the Jenks Zoning Code require the establishment of covenants of record, inuring to and enforceable by the City of Jenks, Oklahoma, sufficient to assure the implementation and continued compliance with the approved planned unit development; and

WHEREAS, the Owner/Developer desires to establish restrictions for the purpose of providing for an orderly development and to insure adequate restrictions for the mutual benefit of the Owner/Developer, its successors and assigns, and the City of Jenks, Oklahoma.

THEREFORE, the Owner/Developer does hereby impose the following restrictions and covenants which shall be covenants running with the land and shall be binding upon the Owner/Developer, its successors and assigns, and shall be

enforceable as hereinafter set forth.

A. Use of Land

The development of the Residential Development Area pursuant to PUD No. 8 shall be subject to the planned unit development provisions of the City of Jenks Zoning Code, as such provisions existed on February 1, 1993, or as may be subsequently amended.

B. Residential Development Area

Lots 1 through 30, Block 1, and Lots 1 through 10, Block 2, and Lots 1 through 16, Block 3, and Lots 1 through 16, Block 4, and Lots 1 through 33, Block 5 (hereinafter referred to as the "Residential Lots") and Reserve "A", Reserve "B" and Reserve "C" (together with the Residential Lots, collectively hereinafter referred to as the "Residential Development Area") shall be subject to the following restrictions and limitations:

1. Use

The use of the Residential Lots shall be limited to detached single family residential purposes, having an attached garage providing space for a minimum of two automobiles. The use of Reserve "A" within Block 1 and Reserve "B" within Block 1 shall be limited to paved walkways and Reserve "C" within Block 7 shall be limited to a stormwater detention pond, open space and parking and is reserved for subsequent conveyance to a homeowners association to be formed as set forth within Section IV.

2. Fronting and Access Limitation

Each dwelling shall front a dedicated public street.

No house shall front on North Franklin Street.

3. Yards and Setbacks

a. Street Setback: No building shall be erected nearer to a public street than the building setback lines depicted on the accompanying plat.

Garages facing side streets having a 15' building line shall be set back 20' from the property line. The front of the house must face the most restrictive building line.

b. Rear Yard: The minimum rear yard shall not be less than 20 feet in width.

c. Side Yard: The minimum side yard shall not be less than 5 feet nor the width of any utility easement located within the lot and along the side lot line.

d. Dwelling Separation: Dwellings shall maintain a separation of not less than 10 feet.

e. Easement Setbacks: No building, whether principal or accessory, shall encroach upon any utility easement as depicted on the accompanying plat.

4. Screening

A 6' high wood fence will be constructed along the West boundary of Lot 1, Block 1 and Lots 1 through 5, inclusive and Lot 16, Block 3 and Lots 1 through 16, Block 4 and along the East boundary of Lots 9 through 30, Block 1 and Reserve C.

Trees, shrubs and ground cover will be planted at the entrance of the addition (North Douglas Street at North Franklin Street) in the median, and along the West boundary of Reserve "C", also along the West boundary of Lot 1, Block 1, Block 3 and Block 4. Also, low shrubs and ground cover will be planted in the Median of West "H" Street at North Franklin Street.

5. Signage

One monument sign identifying the residential development may be located at the Southwest corner of Reserve "C" not exceeding 6' in height nor 32 square feet of display surface area.

FINAL PLAT

CERTIFICATE OF APPROVAL

I hereby certify that this plat was approved
by the Jenks City Council

on April 29, 1996
M.S. ...

SECTION III

ADDITIONAL RESTRICTIONS

WHEREAS, the Developer desires to establish additional restrictions for the purpose of providing for the orderly development of the Residential Development Area and to ensure adequate restrictions for the mutual benefit of the Developer, its successors and assigns.

THEREFORE, the Developer does hereby impose the following additional restrictions and covenants on the Residential Development Area, which shall be covenants running with the land, and shall be binding upon the Developer, its successors and assigns:

A. Architectural Committee - Plan Review

1. No building, fence or wall shall be erected, placed or altered on any Residential Lot in this subdivision until the building plans and specifications and plot plan, which plot plan shows the location and facing of such building, have been approved in writing by a majority of an architectural committee composed of John R. Woolman, Denny L. Woolman and Inez Jamison, or their duly authorized representative, representatives or successors. In the event of the death or resignation of any member of the above named committee, the remaining member or members shall have full authority to approve or disapprove such plans, specifications, color scheme, materials and plot plan, or to designate a representative or representatives with the like authority, and said remaining member or members shall have authority to fill any vacancy or vacancies created by the death or resignation of any of the aforesaid members, and said newly appointed member shall have the same authority hereunder as their predecessors, as above set forth. In the event the Architectural Committee fails to approve or disapprove any such plans, specifications and plot plans submitted to it as herein required within thirty (30) days after such submission, or in the event no suit to enjoin the erection of such building or the making of such alteration has been commenced prior to the completion thereof, such approval shall not be required and this covenant shall be deemed to have been fully complied with.
2. The Architectural Committee's purpose is to promote good design and compatibility within the subdivision and in its review of plans or determination of any waiver as hereinafter authorized may take into consideration the nature and character of the proposed building or structure, the materials of which it is to be built, the availability of alternative materials, the site upon which it is proposed to be erected and the harmony thereof with the surrounding area. The Architectural Committee shall not be liable for any approval, disapproval or failure to approve hereunder, and its approval of building plans shall not constitute a warranty or responsibility for building methods, materials, procedures, structural design, grading or drainage, or code violations. The approval, disapproval or failure to approve of any building plans shall not be deemed a waiver of any restriction, unless the Architectural Committee is hereinafter authorized to grant the particular waiver.
3. The powers and duties of the Committee or its designated representative shall cease on the 1st day of January, 2005, or when ninety percent (90%) of the lots have been closed, whichever occurs first. Thereafter, the powers and duties of the Architectural Committee shall be exercised by the home owners' association hereafter provided for.

B. Building Material Requirements

1. Stem Walls
All exposed foundation or stem walls shall be of brick or stone or stucco. No concrete blocks, poured concrete or any other foundation will be exposed. No stem walls will be exposed.
2. Roofing
The roof of the dwelling erected on any Residential Lot

shall be Heritage II, Timberline or equal and shall be weathered wood in color.

3. Exterior Walls

The first story exterior walls of the dwelling erected on any Residential Lot shall be of at least fifty percent (50%) brick, stone or stucco, provided, however, that the area of all windows and doors located in solid exterior walls and the area adjacent to patios and under porches shall be excluded in the determination of the area of exterior walls, and further provided that where a part of the exterior wall is extended above the interior room ceiling line due to the construction of a gable-type roof, then that portion of the wall extending above the interior room ceiling height may be constructed of wood material and shall be excluded from the determination of the area of the exterior walls. (Exclusive of fireplace chase.)

4. Windows

All dwellings with windows other than wood will be either anodized or electrostatically painted. Metal window frames will be in color harmony with the exterior color and texture of the residence. No unpainted aluminum will be permitted for window framing. Wood frames will be painted, sealed or stained.

5. Siding

No steel, aluminum or plastic siding shall be permitted on any building on any Residential Lot.

6. Mail Boxes

All mail boxes visible from the street shall be constructed of brick or stone to match the primary residence.

7. Waiver

The Architectural Committee may waive, in a particular instance, the building material requirements set out in this Subsection; PROVIDED, such waiver to be effective must be in writing, dated and signed by a majority of the Architectural Committee.

C. Noxious Activity

No noxious or offensive trade or activity shall be carried on upon any Residential Lot, nor shall any trash, or other refuse be thrown, placed or dumped upon any vacant Residential Lot, nor shall anything be done which may be or become an annoyance or nuisance to the neighborhood.

D. Existing Building

No existing or erected building of any sort may be moved onto or placed on any Residential Lot.

E. Temporary Structures and Outbuildings

1. No trailer, tent, garage, barn, outbuilding, nor any structure of a temporary nature shall be at any time used for human habitation, temporarily or permanently.
2. Except for buildings existing at the time of filing of this plat, any building which is detached from the principal dwelling structure shall be limited to buildings customarily accessory to a single-family dwelling and shall be of a similar architectural design as the principal dwelling.

F. Vehicle Storage and Parking

No inoperative vehicle shall be stored on any Residential Lot except within an enclosed garage. No motor home, boat trailer, travel trailer or similar recreational vehicle shall be located, parked or stored within a side or front yard, and if not located within an enclosed garage, shall be screened sufficiently to prevent any view thereof from any street within the plat.

G. Antennas

No radio or television tower, aerial or antenna shall be

located on any Residential Lot. Satellite dishes shall be screened from view from the street within STAPLEHURST.

H. Minimum Square Footage

All single family dwelling units shall have a minimum of 1,500 square feet of finished heated living area.

SECTION IV

HOMEOWNERS' ASSOCIATION

A. Formation of Homeowners' Association

The Owner/Developer has formed or shall cause to be formed an association or associations of the owners of the Residential Lots within STAPLEHURST to be established in accordance with the statutes of the State of Oklahoma, and to be formed for the general purposes of maintaining the common areas, and enhancing the value, desirability and attractiveness of STAPLEHURST.

B. Membership

Every person or entity who is a record owner of the fee interest of a Residential Lot shall be a member of an association, and shall be subject to assessment for maintenance of the common areas. Membership shall be appurtenant to and may not be separated from the ownership of a Residential Lot.

SECTION V

ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

A. Enforcement

The restrictions herein set forth are covenants to run with the land and shall be binding upon the Owner/Developer, its successors and assigns. Within the provisions of Section I Streets, Easements and Utilities are set forth certain covenants and the enforcement rights pertaining thereto, and additionally the covenants within Section I whether or not specifically therein so stated shall inure to the benefit of and shall be enforceable by the City of Jenks, Oklahoma. The covenants contained in Section II Planned Unit Development Restrictions are established pursuant to the Planned Unit Development provisions of the City of Jenks Zoning Code and shall inure to the benefit of the City of Jenks, Oklahoma. If the undersigned Owner/Developer, or its successors or assigns, shall violate any of the covenants within Section II, it shall be lawful for the City of Jenks to maintain any action at law or in equity against the person or persons violating or attempting to violate any such covenant, to prevent him or them from so doing or to compel compliance with the covenant.

B. Duration

These restrictions, to the extent permitted by applicable law, shall be perpetual but in any event shall be in force and effect for a term of not less than thirty (30) years from the date of the recording of this Deed of Dedication unless terminated or amended as hereinafter provided.

C. Amendment or Termination

The covenants contained within Section I Streets, Easements and Utilities may be amended or terminated at any time by a written instrument signed and acknowledged by the owner of the land to which the amendment or termination is to be applicable and approved by the Jenks Planning Commission, or its successors, and the City of Jenks, Oklahoma. The covenants contained within Section II Planned Unit Development Restrictions may be amended or terminated at any time by a written instrument signed and acknowledged by the owners of more than 75% of the Residential Lots and approved by the Jenks Planning Commission, or its successors. The covenants contained within Section III Additional Restrictions may be amended or terminated at any time by a written instrument signed and acknowledged by the owners of more than 75% of the Residential Lots. The provisions of any instrument amending or terminating covenants as above set forth shall be effective from and after the date it is properly recorded.

D. Severability

Invalidation of any restriction set forth herein, or any part thereof, by an order, judgment, or decree of any Court, or otherwise, shall not invalidate or affect any of the other restrictions or any part thereof as set forth herein, which shall remain in full force and effect.

IN WITNESS WHEREOF, Groundworks Ltd. has executed this instrument this 21 day of October, 1996.

GROUNDWORKS LTD., An Oklahoma Limited Partnership

By: INTERAK CORPORATION,
A Corporation
its General Partner

By: W. Douglas Jones
its President

STATE OF OKLAHOMA }

COUNTY OF TULSA }

This instrument was acknowledged before me on this 21st day of October, 1996, by W. Douglas Jones as President of Interak Corporation, a corporation, as General Partner of Groundworks Ltd., an Oklahoma limited partnership.

My Commission Expires:

October 2000

Jack C. Cox
Notary Public

CERTIFICATE OF SURVEY

I, Jack C. Cox, of Cox and Associates, Inc., a Registered Professional Land Surveyor, in the State of Oklahoma, do hereby certify that I have carefully and accurately surveyed, subdivided, and platted the tract of land described above, and that the accompanying plat designated herein as "STAPLEHURST", a subdivision in the City of Jenks, Tulsa County, State of Oklahoma, is a representation of the survey made on the ground using generally accepted practices and meets or exceeds the Oklahoma Minimum Standards for the Practice of Land Surveying as adopted.

Jack C. Cox
JACK C. COX, Registered Land Surveyor

STATE OF OKLAHOMA }

COUNTY OF TULSA }

Before me, the undersigned, a Notary Public, in and for said County and State, on this 19th day of October, 1996, personally appeared Jack C. Cox to me known to be the identical person who subscribed his name as Registered Professional Land Surveyor to the foregoing Certificate, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

My Commission Expires:

January 13, 1998

L. Elaine W. Henry
Notary Public

FINAL PLAT

CERTIFICATE OF APPROVAL

I hereby certify that this plat was approved by the Jenks City Council

on April 29, 1996

Mike Tucker
MAYOR - VICE MAYOR

This approval is void if the above signature is not countersigned by the City Manager,

[Signature]
CITY MANAGER

Jenks | BOA Staff Report



To	Board of Adjustment
Hearing Date	May 12, 2022
Case Number	JBOA 22-445
Request	Special Exception Respite Care House (Children's Nursery)
Location	921 N Ivy Place Subdivision: Melody Lane V
Applicant	Jeanette O'Hara

Staff Report

Preparer | Marcaé Hilton

Attachments

- ☐ CASE MAP
- ☐ Background information and emails

Preparer

INCOG
Public

Background Information

STAFF COMMENTARY | This request is for a respite care facility, the code for the City of Jenks and Oklahoma Statutes, as a whole, do not address "Respite Care Facilities." After much consideration, staff believes a Special Exception for a children's nursery, adequately allows for the Board of Adjustment to hear neighborhood concerns, while providing a legal path forward. The code states: "The Special Exception Uses, permitted in the residential districts, are subject to the minimum requirements 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." The City of Jenks requests the Board of Adjustment hear and consider approving the case for a respite care facility located at 921 W Ivy Place, a platted residential subdivision, as provided by Ms. O'Hara. This request does not fit neatly within any specific Special Exception category. After review of the initial letter from Ms. O'Hara, staff requested an application be submitted for a home-based childcare. This application was received prior to the adoption of the UDO; however, staff does not note any significant changes in the zoning code in regard to a homebased childcare. This request does not negate any licenses including a License with the State of Oklahoma Department of Human Services.

RESPITE CARE DEFINITION | [N.Y. Comp. Codes R. & Regs. tit. 18 § 435.2 \(d\)](#) *Respite care and services means the provision of brief and temporary care and supervision of children for the purpose of relieving parents or foster parents of the care of such children or foster children when the family or foster family needs immediate relief in order to be able to maintain or restore family functioning or to provide relief for foster parents from the stress of providing care for a severely handicapped or emotionally disturbed foster child or for a foster child with a chronic or recurring illness.*

PLANNING DATA

Intended Use	Respite Care through a special exception similar in nature to a home-based childcare
Zoning	RS-2 Single-family Residential
Comprehensive Plan	Medium Intensity Single-family
General Location	North of 96 TH St. (Main) and East of Hwy 75
Parcel ID	60795822446610
Property Address	921 N Ivy Place
Plat	Melody Lane V LT 10 BLK 5 Plat No. 3591 10/01/1975
Gross Acres	0.22
STR	Section: 24, Township: 18, Range: 12
HOA	The City of Jenks does not regulate or enforce private covenants or HOA restrictions.

Applicant Questions/Details:

1. This is a lease purchase with an ownership agreement | The applicant began cleaning up the yard and updating the house for handicap accessibility upon contract agreement.
2. This request is for a Respite Care (childcare facility) not a Home Occupation (i.e. wig shop)
3. The Use has not been initiated
4. No one resides at the home
 - a. 921 N IVY PL would likely meet the requirements of a secondary residence for Mrs. O'Hara with the number of hours she will be at the house.
5. Childcare prototype for a respite care business
 - a. Drop in care
 - b. Short Term Care
 - i. 9-4 M-F | general hours
 - c. Other Occasions
 - i. Occasionally on weekends 8-12
 - ii. Long Term Care is available as requested
6. State Licensing requires Jeanette to be present 85% of the time
 - a. Jeanette will have volunteers and other medical assistance as needed
7. Limited number of staff and children
 - a. Max of 6 children at a time
8. Jeanette has received insurance for the concept after proving the concept
9. NY State allows for respite care, Jeanette is using NY as the model
10. Residential | The model requires a residential home setting

SUPPLEMENTAL INFORMATION

Table 2. Accessory Uses Permitted in Residential Districts

Uses	Districts
1. Home Occupation - Intensive	(See <u>Section 440</u>) All R Districts ¹
2. Home Occupation - Minor (See Section 420.2a.5)	All R Districts
¹ 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. **SIGNS** | *The accessory use provisions of the residential districts pertaining to signs are applicable to accessory signs for principal uses permitted by special exception.*
- b. **GENERAL OCCUPATION** | *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. **CHILDRENS NURSERY** | *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.*

Staff Evaluation & Recommendation

Evaluation | Staff recommends approval and believes the request to own and operate a respite care at 921 N Ivy Place will be in harmony with the spirit and intent of the code and the neighborhood. Staff understands the business model is like a children's nursery. Staff believes it will not be injurious to the neighborhood or otherwise detrimental to the public welfare, the applicant has begun the process of cleaning up the yard and providing a safe, quiet home for families to bring their children for a brief period while they get a brief respite. Staff believes that the Board, in granting a Special Exception, could prescribe additional appropriate conditions and safeguards as it may deem necessary to enforce compliance with any conditions, however staff had no conditions to recommend. This is a unique request that by nature is not disruptive and provides an opportunity for families to get relief from the stress of providing ongoing care for their children with special needs. Approving this request is specific to "Will's House" the use is not transferrable to another entity or address.

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.

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.

Recommendation | Grant the Special Exception to allow for a respite care facility similar to home based childcare in a single-family residence.



Figure 1: Street View



Figure 2: Google earth view

STATE STATUTE REQUIREMENTS | THIS REQUEST IS NOT A FOR A TREATMENT FACILITY, MULTIPLE FAMILY FACILITY, TRANSITIONAL LIVING FACILITY, HALFWAY HOUSE AND ANY HOUSING OR FACILITY THAT MAY BE USED FOR MEDICAL OR NONMEDICAL DETOXIFICATION WHEN...

If the Map Amendment requested would permit the use of treatment facilities, multiple family facilities, transitional living facilities, halfway houses and any housing or facility that may be used for medical or nonmedical detoxification as these terms are defined pursuant to Section 3-403 of Title 43A of the Oklahoma Statutes, the entity proposing the change in district regulation, restriction, or boundary shall mail a written notice within thirty (30) days of the hearing to all real property owners within one-quarter (1/4) of a mile where the area to be affected is located and shall be responsible for all costs incurred in mailing this notice.

Community Group Home: A specialized residential care home serving persons with disabilities that have been determined to be eligible for services by an independent service coordination agency, and which agency has determined that joint occupancy of a residential property is medically necessary or beneficial for the person with disabilities. A community residence does not include a residence that serves persons as an alternative to incarceration for a criminal offense.

UDO Language | (B) Community Group Home. (New Language to City of Jenks)

(1) The occupancy of a community group home may not exceed fifteen (15) inhabitants. Consideration of approval must, at least in part, be based upon a showing that, but for the economic need associated with the number of inhabitants requested to be permitted in the proposed group home:

(a) The dwelling would otherwise be available to the applicant, and

(b) The requested number of inhabitants is reasonably calculated to offset the increased economic costs associated with the Group Home use.

(2) Community group homes must have all licenses required by the state. A Specific Use Permit granted for a community group home use will immediately become void upon final revocation of any required state license.

(3) To avoid over-concentration, community group homes in RE, RS or RD zoning districts may not be located within one-thousand three hundred (1,300) feet of any other community group home. This separation requirement is established, not on the basis of any disability status, but on the basis of the non-family status of the groups. The required separation distance must be measured in a straight line from the nearest lot lines of the lots occupied by the community group home uses.

(4) In order to allow for special accommodations for inhabitants of community group homes, the City is authorized, by Specific Use permit approval, to reduce or eliminate the separation distance requirement upon a finding that the federal Fair Housing Amendments Act, as amended, requires it, or that the grant of the Specific Use permit will not be injurious to the neighborhood or detrimental to the public welfare and will be in harmony with the spirit and intent of this UDO. In consideration of granting this Specific Use permit, the City must specifically consider the following factors:

(a) Traffic and parking congestion given the capacity of nearby streets,

(b) The likelihood that any other applicable group home use will impact traffic and parking congestion,

(c) Traffic hazards,

(d) Availability of off-street parking,

(e) Availability of public transit and the likelihood of its use,

(f) Feasibility of traffic mitigation measures, and

(g) Impacts on public utilities, including water and sanitary sewer capacities.

UDO Language | Child Care: A service that provides for the care, health, safety, supervision, or guidance of a child's social, emotional, and educational growth on a regular basis.

(G) Home Based Childcare.

- (1) All home based childcare shall be required to receive a Special Exception, as detailed in Section 16-9-6 of this UDO.*
- (2) The primary use of the lot shall be residential in nature.*
- (3) No person other than a resident of the dwelling unit shall be engaged or employed in the home based childcare on the premises.*
- (4) No additional sign area, beyond what is permitted in residential districts in Sections 16-7-2, 16-7-5, and 16-7-6 of this UDO shall be granted to a home based childcare.*
- (5) No alteration of the residential appearance of the premises shall occur, including the creation of a separate entrance for the home based childcare.*



To whom it may concern,

Thank you for your interest in Will's House! My name is Jeanette O'Hara and I am the founder of Will's House, named after my son, William O'Hara, who passed away in 2017. I am a pediatric physical therapist, was a foster parent for 4 years, and am the mother of 4 sons (two of whom have medical needs). In my years in these roles, I have seen the immense need for communities to provide more support for families caring for individuals with disabilities, especially in the areas of childcare and respite opportunities. In the Tulsa area, there are more than 3,000 children under 16 who have diagnosed disabilities. As of the 2015 census, there were over 190,000 Oklahomans over age 18 who were unable to live independently due to their disability. There are no businesses in the Tulsa area that exist for the purpose of providing respite care, and there is one small childcare facility for children with medical needs. Families must find a skilled individual to stay with their child, or travel outside of Tulsa to a respite care facility. The need for supports is profound. The vision of Will's House is to provide medical needs childcare, respite care and support groups in a home environment within our community. Will's House was structured to provide multiple opportunities to support families in a new and exciting way!

We are so excited about our new house in Jenks and are seeking a special zoning permit for Oklahoma's FIRST non-profit owned respite care house for children and young adults. The use of our house would be similar to a small home child care/ or an air bnb with customized care for our children/young adults, with very small ratios and only a small number of people utilizing the house at one time. We have NO intentions of building onto this property or causing traffic concerns due to a high volume of clients. Our services are for people with disabilities that require medical care and we would not be a disturbance to the homes around us. Jenks is known for its extraordinary school system and a high standard of excellence in special education. We have no doubt that our business can succeed here in Jenks, and set the example for other communities in providing respite care. Below are some of our services outlined.

Will's House provides opportunities for medical needs childcare utilizing a home environment, skilled workers, and small ratios. The home will be comforting, inviting and safe

for parents who cannot find childcare for their children due to their medical needs. The home environment will also be utilized to offer social group childcare, structured as parent nights out. The Will's House home will establish relationships that can support children as they grow and continue to need childcare or respite care.

Will's House provides respite care for young adults with disabilities with opportunities to customize their experience based on their specific interests, abilities, and friendships. Respite care is traditionally provided by a person the family hires to care for the young adult in their own home. Unfortunately, the traditional model does not allow the individual being cared for to have a break from being at home, which is JUST as important as giving a caregiver a break. Will's House provides an opportunity for the young adult to have a break from their home while the caregiver is also having a break. This experience also allows the young adult to feel as independent as they can be, while skilled caregivers provide the needed supports.

Will's House provides support groups for families who are full time caregivers. Utilizing a home environment, families will be able to sit on comfy couches and drink coffee while investing in community with other families on similar journeys. Families will know that Will's House is a safe place that they can rely on long term to encourage them, offer rest, and increase meaningful relationships.

Since our launch in the Fall of 2020, we have met over 250 needs for medical needs childcare and young adult respite care. We have been in communication with over 150 families who are reaching out for help with childcare and community building. Families have had access to local respite care from Will's House without having to complete a lengthy application process, qualify based on their income or lack thereof, or wait on a waitlist. Families have been provided with safe care for their children at either no cost or utilizing respite vouchers provided by the state. We have met needs for children ages 6 months to age 25. We have served families with one child and families with 9 children. We have provided services from 30 minutes to 10 days. We are so proud of all we have been able to accomplish this year! Our progress is revitalizing hope in families that truly need it! Will's House is confident that our model of service can significantly improve the overall quality of life for families living with disability.

We thank you for your consideration and support of Will's House! If you would like more information on Will's House feel free to reach out to me via email at jeanette@willshousetulsa.org or call me at 918-260-1432. Thank you!

Jeanette O'Hara, MPT



CITY OF JENKS

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NOTICE TO THE PUBLIC OF A HEARING OF THE BOARD OF ADJUSTMENT OF THE CITY OF JENKS, OKLAHOMA

Board of Adjustment Case JBOA 22-445

Notice is hereby given that a public hearing will be held before the Jenks Board of Adjustment, in Jenks City Hall, 211 North Elm Street, Jenks, Oklahoma, at 6:00 p.m. on 12 May 2022, in consideration of the following:

An application to approve request by Jeanette O'Hara for approval of a Special Exception to allow for a respite care house.

Legal Description: Lot 10 Block 5 of Melody Lane Fifth Addn

General Location: 921 N Ivy Pl

All persons interested in this matter may appear at these hearings and present their objections to or arguments for any of the above matters.

Dated at Jenks Oklahoma on 7 April 2022.

Marcaé Hilton, Secretary
Jenks Board of Adjustment

