



CITY OF Tulsa

Board of Adjustment

Case Number: BOA-23618

Hearing Date: 01/09/2024 1:00 PM

Case Report Prepared by:

Sean Wallace

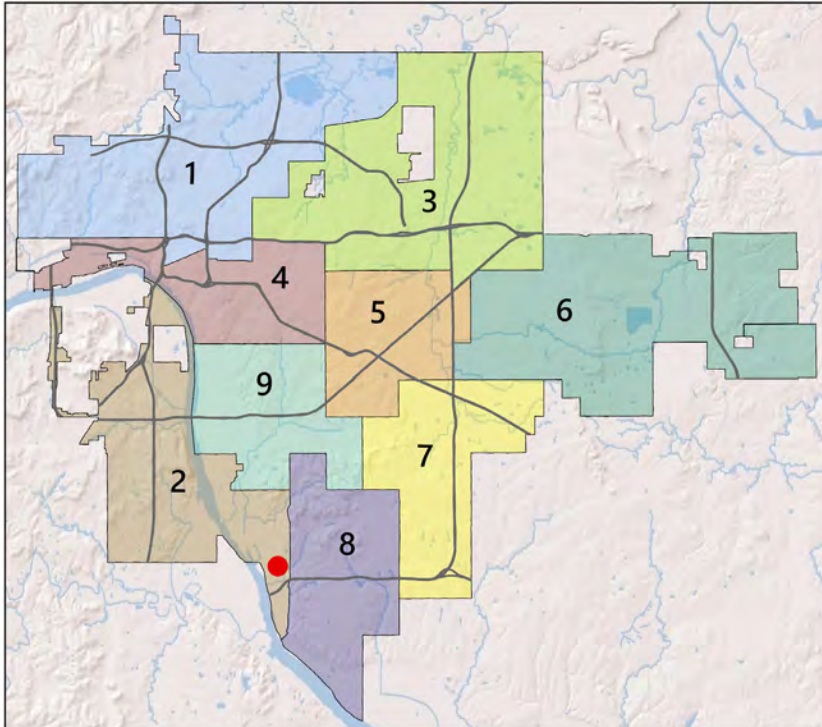
Owner and Applicant Information:

Applicant: Jeff Ogilvie

Property Owner: Roger Marshall LLC ETAL

Action Requested: Modification to extend for an additional 10 years the approval of case BOA-21686 for a Special Exception to permit tent sales and the use of gravel parking materials and a Variance to permit sales up to 200 days per year.

Location Map:



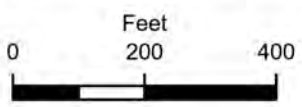
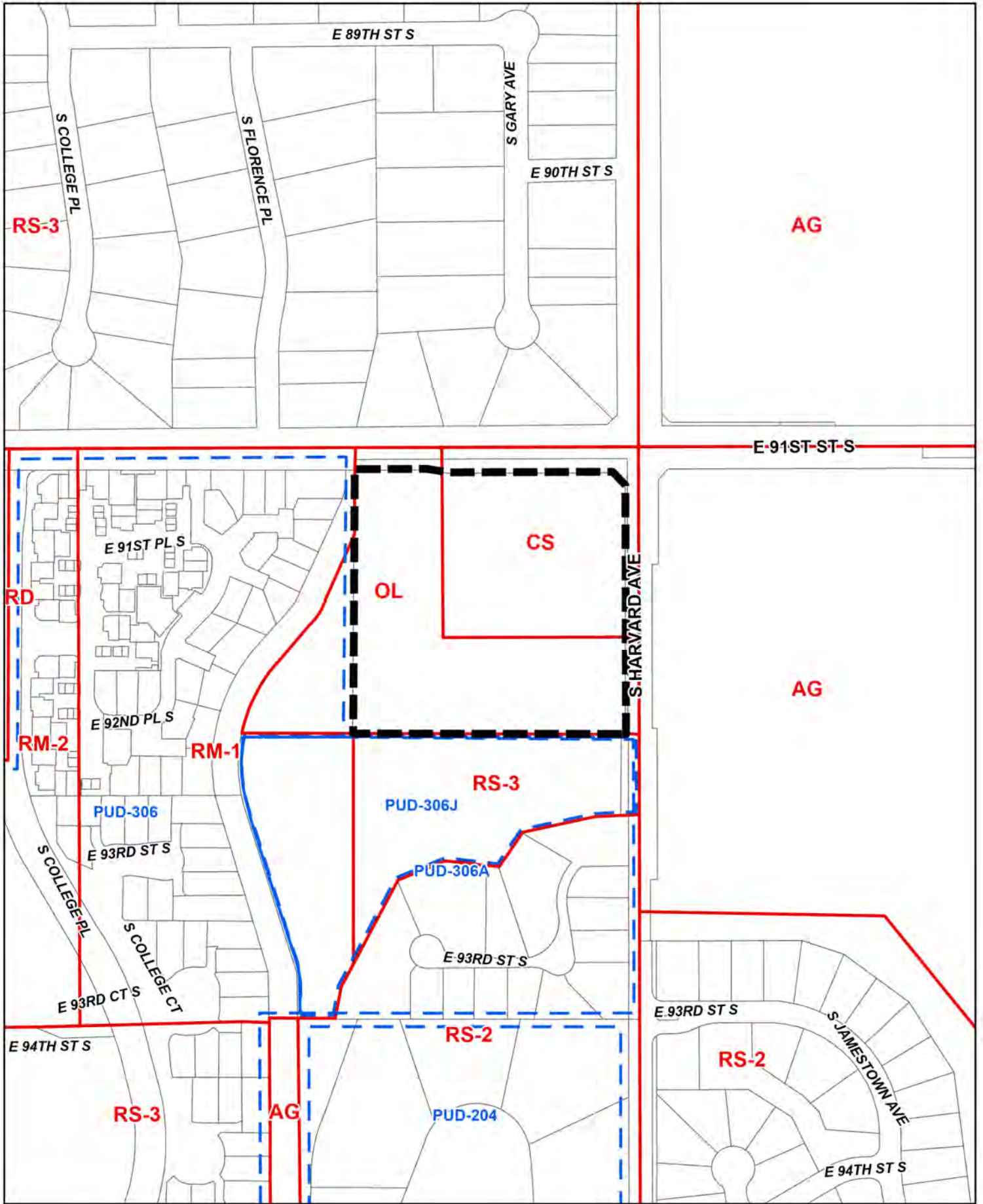
Additional Information:

Present Use: Vacant with seasonal tent sales.

Tract Size: 8.73 acres

Location: 3212 E. 91st St. S

Present Zoning: CS, OL



BOA-23618





 Subject Tract

Feet
0 200 400

BOA-23618

Note: Graphic overlays may not precisely align with physical features on the ground.



Aerial Photo Date: 2021

**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 8320

Case Number: **BOA-23618**

CD: 2

HEARING DATE: 01/09/2024 1:00 PM

APPLICANT: Jeff Ogilvie

ACTION REQUESTED: Modification to extend for an additional 10 years the approval of case BOA-21686 for a Special Exception to permit tent sales and the use of gravel parking materials and a Variance to permit sales up to 200 days per year.

LOCATION: 3212 E. 91st St. S

ZONED: CS, OL

PRESENT USE: Vacant with seasonal tent sales.

TRACT SIZE: 380197.59 SQ FT

LEGAL DESCRIPTION: NE NE NE LESS N24.75 & E24.75 THEREOF & LESS BEG 24.75W & 24.75S NEC NE TH S638.67 W5.25 N572.16 NW46.92 W380.15 NWLY50.64 W167.53 N25.25 E636.22 TO POB SEC 20 18 13 8.728ACS, WOODSIDE VILLAGE IV REPLAT PRT WOODSIDE VILLAGE I CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

BOA-21686; on 3/25/14, the Board APPROVED a Special Exception to permit tent sales for produce and bedding plants in the CS district for 10 years; a Special Exception to permit gravel parking material; and a Variance to increase the maximum number of days for tent sales in a calendar year to 200 days.

BOA-19764; on 2/24/04, the Board APPROVED a Special Exception to allow produce, bedding plants, and Christmas tree sales for a maximum of 179 days per year for 10 years: and a Special Exception to allow gravel parking on subject property.

BOA-18376; on 4/13/99, the Board APPROVED a Special Exception to permit a waiver of the all-weather parking surface requirement for a period of 5 years to coincide with temporary sales operation.

BOA-17672; on 4/8/97, the Board APPROVED a Special Exception to permit temporary produce and Christmas tree sales for 120 days beginning 5/1/98 and from Thanksgiving Day through Christmas Day for 2 years, extending conditions of previous approval of dust-free all-weather surface granted 4/9/96 to extend the time to coincide with the Special Exception.

BOA-17346; on 4/9/96, the Board APPROVED a Special Exception to permit a temporary tent for produce sales for 120 days beginning 5/11 and Christmas tree sales from Thanksgiving Day through Christmas Day; both periods of sale to occur in 1996 and 1997.

BOA-16595; on 3/8/94, the Board APPROVED a Special Exception to permit a produce tent and Christmas tree sales for the years 1994 and 1995.

BOA-15331; on 2/1/90, the Board APPROVED per conditions and a one-year time period, a Special Exception to permit Christmas tree sales and certain uses in a CS district.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Local Center."

Local Centers serve the daily needs of those in the surrounding neighborhoods. This designation implies that the center generally does not serve an area beyond the nearby neighborhoods. Typical uses include commercial or retail uses that serve the daily needs of nearby residents. In order to introduce a regional trip generator, the entire

local center designation should be amended to be Regional Center with significant input from all affected properties and nearby neighborhoods.

STAFF ANALYSIS: Applicant is requesting to extend for an additional 10 years the approval of case BOA-21686 for a Special Exception to permit tent sales and the use of gravel parking materials and a Variance to permit sales up to 200 days per year.



(Subject Property)

SAMPLE MOTION:

Move to _____ (approve/deny) an additional 10 years the approval of case BOA-21686 for a **Special Exception** to permit tent sales and the use of gravel parking materials.

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):

_____.

The Board finds that the requested 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.

Move to _____ (approve/deny) an additional 10 years the approval of case BOA-21686 for a **Variance** to permit sales up to 200 days per year.

- Finding the hardship(s) to be (Hardship stated in previous case: The additional days allow them to be set up continuously between Spring and Falls Seasons without having to breakdown the tents for the month of September.)
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”*

BOA-19764



HARVARD

ENTRANCE

GRASS

CASE NO. 19764
OFFICIAL RECORDS EXHIBIT F-1
ENTERED IN THE 2340K
MINUTES OF THE TULSA BOARD OF
ADJUSTMENT.

PARKING

ENTRANCE

91ST

GRAVEL

GRASS

PARKING

PARKING

Tent

GRASS

ENTRANCE

PARKING

PARKING