



CITY OF
Tulsa
Board of Adjustment

Case Number: BOA-23619

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

Case Report Prepared by:

Sean Wallace

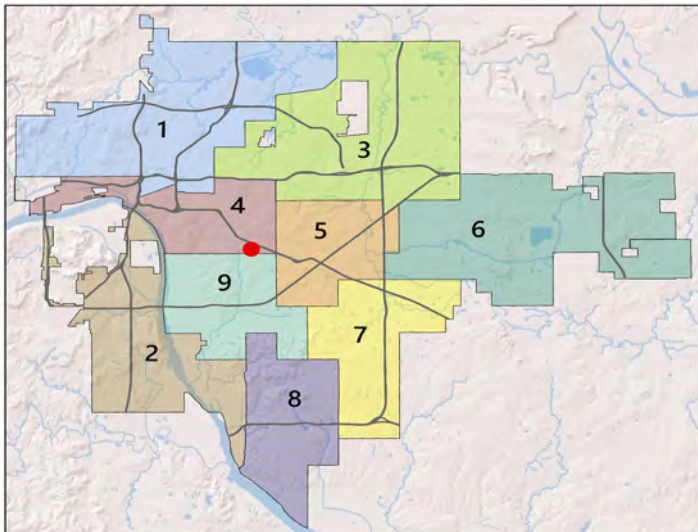
Owner and Applicant Information:

Applicant: Jeff Ogilvie

Property Owner: Harvard Village LLC

Action Requested: Modification to extend for an additional 10 years the approval of case BOA-21687 for a Special Exception to permit tent sales and a Variance to permit sales up to 200 days per year.

Location Map:



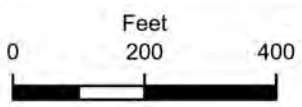
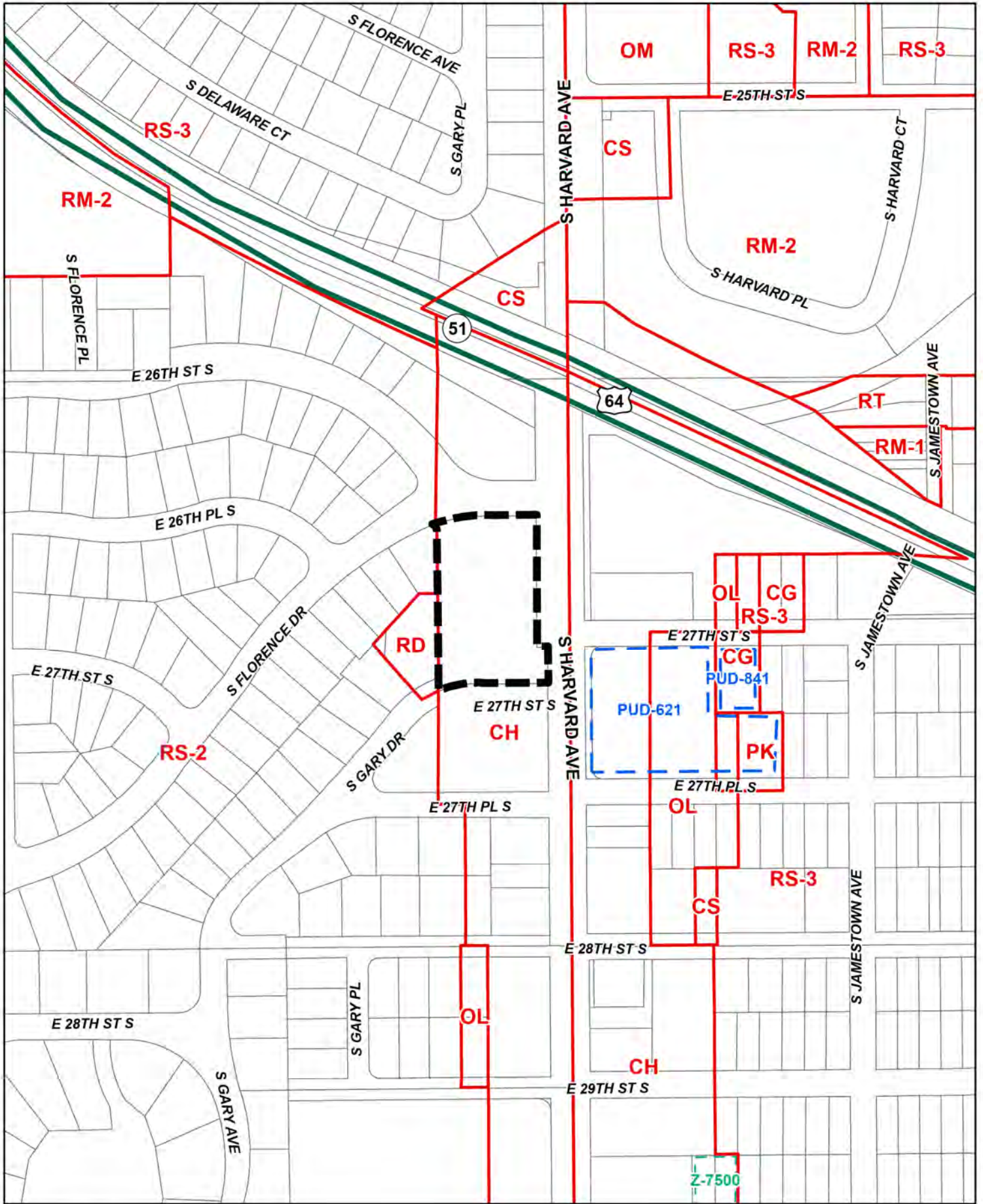
Additional Information:

Present Use: Retail Center with Tent sales of produce and plants.

Tract Size: 2.08 acres

Location: 2614 S. Harvard Ave. E

Present Zoning: CH



BOA-23619





 Subject Tract

Feet
0 200 400

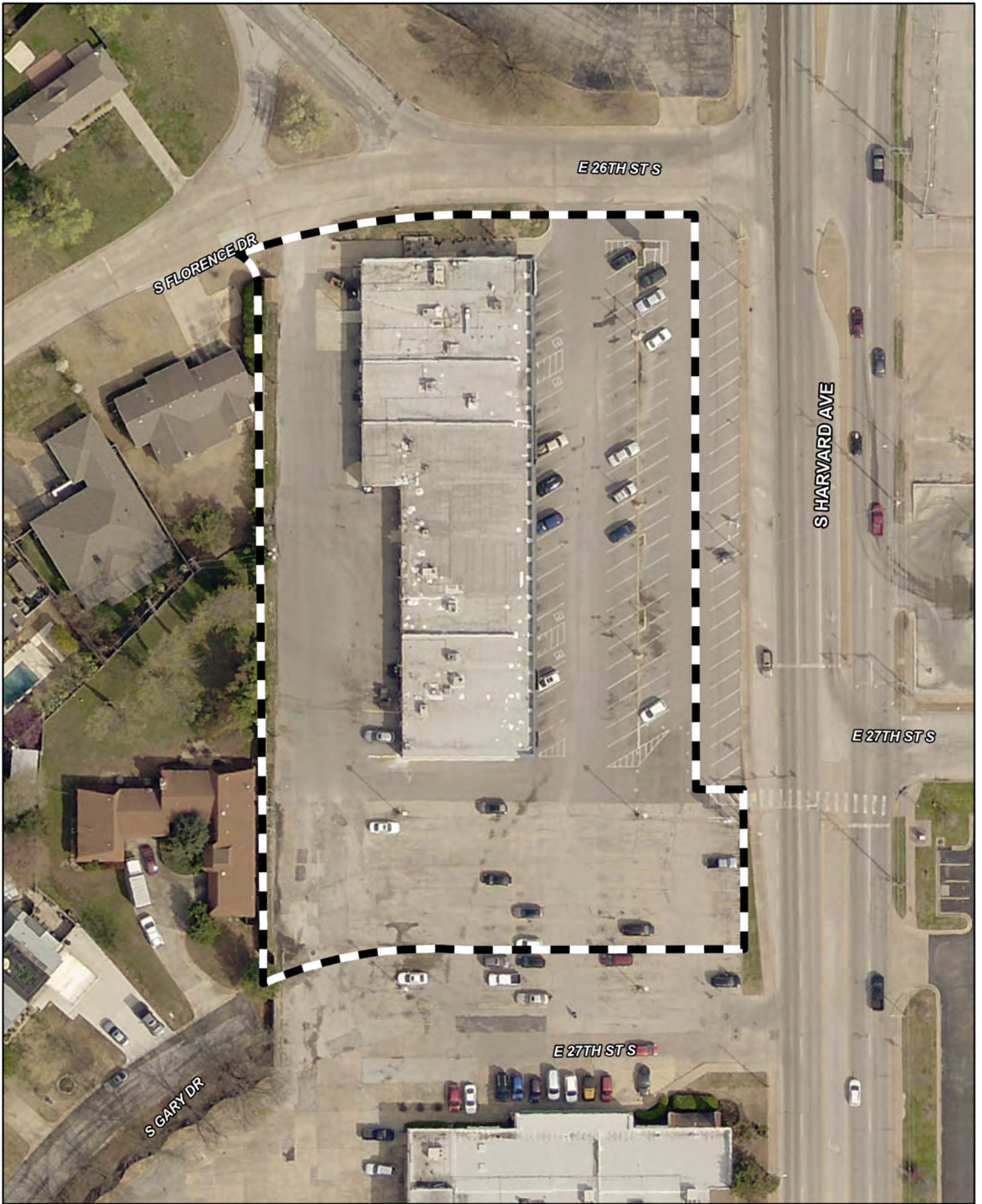
BOA-23619

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



Aerial Photo Date: 2021

9.3



S FLORENCE DR

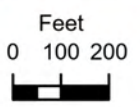
E 26TH ST S

S HARVARD AVE

E 27TH ST S

E 27TH ST S

S GARY DR



Subject Tract

BOA-23619

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

Aerial Photo Date: 2021



9.4

**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9317
CD: 4

Case Number: **BOA-23619**

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-21687 for a Special Exception to permit tent sales and a Variance to permit sales up to 200 days per year.

LOCATION: 2614 S. Harvard Ave E

ZONED: CH

PRESENT USE: Retail Center with Tent sales of produce and plants.

TRACT SIZE: 90761.99 SQ FT

LEGAL DESCRIPTION: BLK 5 & N30 VAC ST ADJ ON S THEREOF, SHEILA TERRACE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

BOA-21687; on 3/25/14, the Board APPROVED a Special Exception to permit tent sales for produce and bedding plants in a CH district for 10 years; and a Variance to increase the maximum number of days for tent sales in a calendar year to 200 days.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as "Multiple Use."

Multiple Use areas are "Mostly Commercial or Retail Uses" which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

STAFF ANALYSIS: The applicant is requesting to extend an additional 10 years the approval of case BOA-21687 for a Special Exception to permit tent sales and a Variance to permit sales up to 200 days per year.

SAMPLE MOTION:

Special Exception:

Move to _____ (approve/deny) an additional 10 years for the approval in case BOA-21687 a **Special Exception** to permit tent sales.

- 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.

Variance:

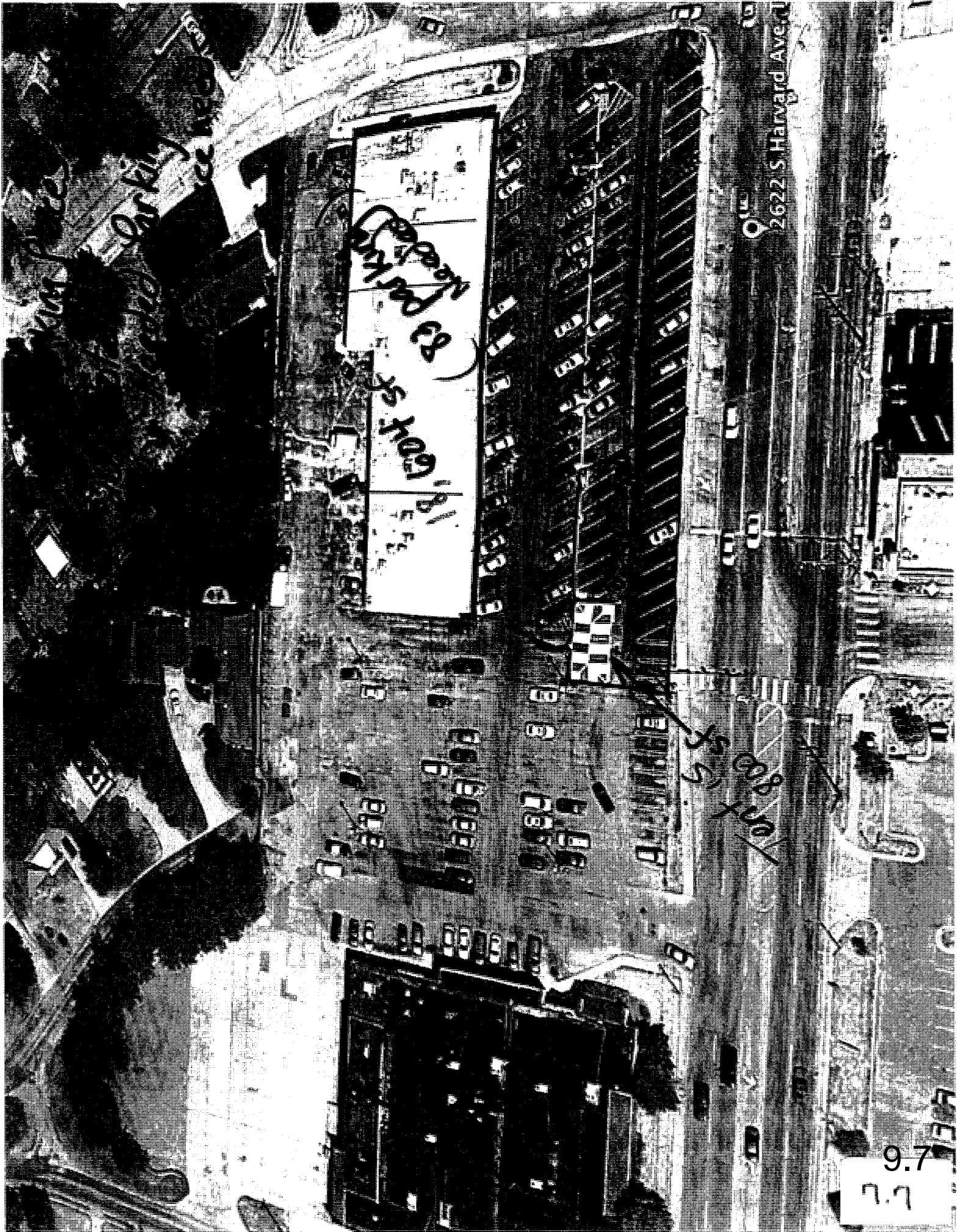
Move to _____ (approve/deny) an additional 10 years the approval of case BOA-21687 for a **Variance** to permit sales up to 200 days per year.

- Finding the hardship(s) to be _____.
- 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.”*



1001
1002

83 Parkview
1001
1002

Q (1st)
2622 S Harvard Avenue

1003
1004

1005
1006

9.7