



REGULAR MEETING MINUTES
of the
TULSA PRESERVATION COMMISSION

Thursday, January 11, 2007, 11:00 a.m.
111 South Greenwood, 2nd Floor - Conference Rooms A&B
Tulsa, OK 74120-1820

- 1. Roll Call** - Chairman Turner called the regular meeting to order at 11:09 a.m., and Mrs. Warrior announced the Roll Call.

Members Present:

Chairman, James Turner; Acting Vice-Chairman, David Breed; Secretary, Barbara Imel Smallwood; Charles Gilmore; Jack Hodgson; Mary Lee Townsend; Rex Ball; Bill Andoe; Chip Ard; Dusty Peck; Karen Rogers; & Alice Rodgers;

Members Absent:

Vice-Chairperson Breniss O'Neal; Herb Fritz; & Bob Winchester;

Others Present:

Amanda DeCort, Fannie Warrior, Kurt Ackermann, Ed Sharrer, Denise Towsley, Scott & Christine Lambert, Lou Reynolds, Rusty Patton, Tracy Robinette, Rodger Goodhead, Paul & Kathy Gilling, James Kincaid, Frank Wolfe, Ron Brown, Susan McKee, Kristen Bergman, Jim Kincaid, John B. Walton, Peter Walter, Brian Hughes, Allen Litchfield, Scott Aycock, Dan Staudt, Karen Moulton & Todd Lang.

- 2. Approval of Meeting Minutes: Regular Meeting Minutes from December 14, 2006**

Chairman Turner asked if there was a motion on the floor to approve the meeting minutes from last month.

Commissioner Townsend made a motion to approve the Regular Meeting Minutes from December 14, 2006, of adding a statement noted below.

On page 15 of the December 14, 2006 Regular Meeting Minutes under B., Nominate New Officers for 2007, it reads:

- Chairperson
- Vice Chairperson; &
- Secretary

The Rules and Regulations Governing Procedure of the Tulsa Preservation Commission under Article III, Membership, Section 1, Term of Office states that:

“Officers of the Preservation Commission shall consist of the Chair, Vice-Chair, and Secretary. The Preservation Commission shall annually elect from its appointed members a Vice-Chair and Secretary. *The Vice-Chair shall succeed the Chair during the forthcoming year.* Officers shall not succeed themselves in the same office. Officers shall serve until a successor has been elected and qualified.” (Sec. 1052.G)

On page 15 of the December 14, 2006 Regular Meeting Minutes under B., Nominate New Officers for 2007, it now reads:

- Chairperson
- Vice Chairperson; &
- Secretary

Commissioner Ball made a motion that the Commission reappoints Chairman Turner for 2007. It was noted that the Rules and Regulations Governing Procedure of the Tulsa Preservation Commission under Article III, Membership, Section 1, Term of Office states that:

“Officers of the Preservation Commission shall consist of the Chair, Vice-Chair, and Secretary. The Preservation Commission shall annually elect from its appointed members a Vice-Chair and Secretary. *The Vice-Chair shall succeed the Chair during the forthcoming year.* Officers shall not succeed themselves in the same office. Officers shall serve until a successor has been elected and qualified.” (Sec. 1052.G)

Commissioner Townsend seconded.

Roll Call Vote to Approve Regular Meeting Minutes from December 14, 2006 as indicated above:

Chairman Turner – Aye;
Vice-Chairman Breed – Aye;
Charles Gilmore – Aye;
Jack Hodgson – Aye;
Mary Lee Townsend – Aye;
Rex Ball – Aye;
Bill Andoe – Aye;

Barbara Smallwood – Aye;
Chip Ard – Aye;
Dusty Peck – Abstain;
Karen Rogers – Aye; &
Alice Rodgers – Aye.

The motion was Approved by Majority by members present and voting.

3. Unfinished Business

A. Historic Preservation Committee Report

i. Announcement of Conflict of Interest

Chairman Turner asked the Commission if anyone had a conflict of interest with any of the Certificates of Appropriateness (COA) Requests that would be brought before the board for review. Members were instructed that the commissioner's name(s) would not be called when voting on the particular Certificate or Certificates of Appropriateness that he/she had a conflict of interest with. No one responded to having a conflict.

ii. Applications for Certificate of Appropriateness

Chairman Turner briefly informed the COA applicants of the COA procedures of how their proposals would be reviewed by the Tulsa Preservation Commission for a final determination.

1. 911 N. Denver Avenue (Brady Heights)

Applicant: Margee Aycock

Request:

- I. Replace plywood porch floor with 3" tongue and groove boards;
- II. Replace non-original wood porch steps with poured concrete steps;
- III. Remove existing handrail. Construct new porch railing and handrail with newel posts to resemble existing porch columns;
- IV. Replace existing lattice with new lattice.

COA Subcommittee Complete Application Date: 01-09-2007

Mr. Sharrer presented Margee Aycock's Certificate of Appropriateness application to the commission. Photographs and drawings were available for review and a slide presentation was shown of the historic home in Brady Heights.

Mr. Sharrer stated that Ms. Aycock plans to replace the plywood porch floor with a 3" tongue and groove boards; replace the non-original wooden porch steps with poured concrete steps; remove the existing handrail; construct a new porch railing and handrail with newel posts that will

resemble the existing porch columns; and replace the existing lattice with new lattice.

Mr. Sharrer read the appropriate design guidelines for this proposal, Restoring Existing Structures and Additions to Existing Structures for the Brady Heights District.

Chairman Turner asked Vice-Chairman Breed to please announce the COA Subcommittee's recommendation(s) for Ms. Aycock's proposal. Vice-Chairman Breed stated that the COA Subcommittee considered Ms. Aycock's application to be complete. He stated that the subcommittee recommended a majority vote at the January 9, 2007 meeting to approve this application.

Vice-Chairman Breed stated that the Subcommittee's decision to recommend approval of this proposal was based on the appropriate design guidelines to for Restoration in the Brady Heights district; and that he would like to move for an approval of Ms. Aycock's application of all four (4) parts. Mr. Ball seconded.

Chairman Turner asked Mrs. Warrior to please call roll.

Roll Call Vote to Approve Ms. Aycock's application:

Chairman Turner – Aye;
Vice-Chairman Breed – Aye;
Charles Gilmore – Aye;
Jack Hodgson – Aye;
Mary Lee Townsend – Aye;
Rex Ball – Aye;
Bill Andoe – Aye;
Barbara Smallwood – Aye;
Chip Ard – Aye;
Dusty Peck – Aye;
Karen Rogers – Aye; &
Alice Rodgers – Aye.

The motion was Approved Unanimously by members present and voting.

The Tulsa Preservation Commission Approved Margee Aycock's proposal based on guidelines for Porches, Second Preference, from Paragraph #1 for Restoring Existing Structures for the Brady Heights Historic District; and for Porches, from Paragraph #1 for Additions to Existing Structures for the Brady Heights Historic District.

2. 1146 N. Cheyenne Ave. (Brady Heights)

Applicant: Angela Bradley/City of Tulsa Public Works

Request: Demolish house due to extensive fire damage in order to mitigate the safety hazard that the structure poses to the neighborhood.

COA Subcommittee Complete Application Date: 01-09-2007

After Chairman Turner was informed that Angela Bradley from the City of Tulsa Public Works Department was not present to represent this proposal before the Commission, he stated that he was very reluctant to take an action on demolition without someone being here to represent the application. Chairman Turner stated that he believes that someone should be here to explain to the Commission where they are in the abatement process of this demolition. Ms. DeCort left to contact Ms. Bradley and ask her to represent the demolition proposal.

Commissioner Gilmore made a motion to temporarily table this application until the Commission hears from Ms. DeCort and/or from Ms. Bradley to represent the demolition proposal. Mr. Ball seconded. The other Commission members agreed to have this application temporarily tabled.

Chairman Turner went to the next item on the agenda, COA #3, Scott & Christine Lambert's application in North Maple Ridge. Chairman Turner stated that the Lamberts' proposal has been brought before the Commission previously and this is a second presentation of work that was done on the Lamberts' residence at 312 E. 20th Street.

Chairman Turner stated that the Lamberts were unable to attend the first meeting when their application was presented to the Commission on September 12, 2006. He stated that the Lamberts have asked for another opportunity to come before the Commission with a new application; and that the Commission is giving them that opportunity.

Chairman Turner stated that he would like to explain in a more detailed fashion on how the Tulsa Preservation Commission works and how the COA process works. He stated that the Tulsa Preservation Commission is basically representative of the neighborhoods. Tulsa has five (5) historic preservation zoning overlay districts/neighborhoods in the City of Tulsa. The Commission is here to represent those five (5) neighborhoods for the guidelines and zoning that the neighborhood residents asked to have in place in their historic neighborhoods. Establishing these guidelines and zoning districts were a lengthy process and they were voted on by the neighborhood residents.

Chairman Turner stated that the guidelines that were put in place by each neighborhood district are very similar in their wording and how they're

structured. He stated that the Commission is concerned with the application of those guidelines to any proposal that is given to the Commission for consideration. Chairman Turner stated that there are certainly gray areas in the guidelines, and that the Commission has to make judgment calls about the intent of what the guidelines are; but that there are areas in the guidelines that are quite specific. Chairman Turner stated that the Commission reviews a lot of window and door submissions on houses in these five (5) historic overlay neighborhoods; and because of that; and because of the nature of the guidelines; and why they were created, that there is fairly specific language on windows and doors in the guidelines. Chairman Turner stated that the Commission does its best to apply those guidelines to all applications that are presented before the Commission.

Chairman Turner stated that he wanted to make that statement so that everybody understands where the guidelines come from and the role that the Tulsa Preservation Commission has when applications are submitted to the Commission for review and for a final determination.

Commissioner Ard asked the Commission and legal advisor why a court reporter was present. TPC's legal advisor, Attorney Ackermann, stated that there was not a rule or procedure in the City of Tulsa Ordinance stating that the Lamberts could not have a court reporter present to take minutes at this public meeting. The legal advisor stated that according to the City of Tulsa Ordinance, the Lamberts were within their legal rights to have a court reporter present. Commissioner Ard then asked if each TPC member could have a copy of the written documentation that will be recorded today from this meeting.

Tulsa Preservation Commission's legal advisor stated that for purposes of clarity that the guidelines that were put together by the neighborhood residents from each historic district were also presented before the City Council. He stated that the City Council adopted these guidelines, which were required by the City of Tulsa Ordinance.

3. 312 E. 20th Street (North Maple Ridge)

Applicants: Christine & Scott Lambert

Request:

- I. Replace original double-hung windows with wood casement windows with metal powder-coated exterior for energy conservation purposes;
- II. Replace front door and sidelights with heavier wood paneled door and sidelights with double-paned glass for appearance and energy efficiency;
- III. Remove railing over porte-cochere, as photographic evidence shows that they are not original to the house;
&
- IV. *Removal of shutters – Approved by TPC on September 14, 2006*

Mr. Sharrer presented Scott & Christine Lambert's Certificate of Appropriateness application to the commission. Photographs and drawings were available for review and a slide presentation was shown of the c. 1915 Colonial Revival home in North Maple Ridge.

Mr. Sharrer presented a photograph of the Lamberts' house in 1996. Chairman Turner stated that for clarification, he asked staff to go back into the records to see if they could find any earlier photos of the house; and that staff does not have any. Chairman Turner stated that staff has researched the Historic Homes of Tulsa publication and that the Lamberts' house was not found in any photographs before 1996.

Mr. Sharrer stated that there are four (4) parts of the Lamberts application that they have submitted before the Commission for review. He stated that part IV, removal of the shutters, was approved by the TPC on September 14, 2006.

Mr. Sharrer stated that Part I of the Lamberts' application proposes to replace the original double-hung windows with wood casement windows with metal powder-coated exterior for energy conservation purposes. He stated that staff has photographs of the Lamberts' house taken in 2003 when a previous application was submitted. One of the 2003 photographs shows two (2) small windows over the front gable and front door of the structure with 12-over-1 double hung windows; and the other windows on the front façade are 15-over-1 double hung windows. Mr. Sharrer presented another photograph of the Lamberts' house that was taken in August, 2006 showing that the 12-over-1 and 15-over-1 windows on the façade of the home had been changed out with wood casement windows with metal powder-coated exterior. He added that the front door was still there; and that it had not been changed at the time of that photograph.

Mr. Sharrer stated that staff was contacted by a North Maple Ridge representative when the project on the property was already underway. He stated that staff paid an initial site visit to the Lamberts' home on August 2, 2006. He stated that some of the casement windows had already been installed. On this day of August 2, 2006, staff asked Ms. Lambert to please stop the work on any unapproved projects immediately due to her being in violation of the zoning code. Mr. Sharrer stated that staff explained to Ms. Lambert that failure to remedy this violation will result in code enforcement action by the City of Tulsa.

Mr. Sharrer read the appropriate design guidelines for this proposal on Rehabilitation of Existing Buildings for the North Maple Ridge District on windows and doors. He presented photographs that were submitted by the Lamberts of other neighborhood homes that had casement windows. Mr. Sharrer stated that often, alterations that were made to these houses prior to the adoption of the North Maple Ridge Guidelines.

Mr. Sharrer stated that Part II of the Lamberts' application proposes to replace the front door and sidelights with a heavier wood paneled door and sidelights with double-paned glass for appearance and energy efficiency.

Mr. Sharrer distributed two (2) letters to the Commission for review. The first letter dated August 2, 2006 was hand-delivered to Ms. Lambert on states that she was asked to please stop work on any unapproved projects immediately because she was in violation of the zoning codes. A week later, a second letter dated August 9, 2006 was mailed to the Lamberts stating that any further exterior changes, such as replacing the door and sidelights, would require prior Tulsa Preservation Commission approval. He added that the letter stated that a COA is required to exterior work regardless of whether or not a building permit is required. Mr. Sharrer stated that staff visited the property site on September 11, 2006 and took pictures of the structure's façade that shows the door and sidelights had been replaced. He presented photographs that were submitted by the Lamberts of other neighborhood homes that have the heavier front door and sidelights.

Mr. Sharrer read the appropriate design guidelines for this proposal on Rehabilitation of Existing Buildings for the North Maple Ridge District on windows and doors.

Mr. Sharrer stated that Part III of the Lamberts' application proposes to remove the railing over the porte-cochere, as photographic evidence shows that the railing in question is not original to the house. Mr. Sharrer stated that the Lamberts have submitted to the Commission a photograph taken in 1996 that the railing was not present during this time they had purchased the house.

Mr. Sharrer read the appropriate design guidelines for this proposal on Rehabilitation of Existing Buildings for the North Maple Ridge District regarding General Requirements and Porches.

Chairman Turner asked the Lamberts if they had any comments to make or add to Mr. Sharrer's proposal. Ms. Lambert stated that she did. Ms. Lambert thanked the Commission for considering their application again and for giving them the opportunity to come before the Commission. She explained to the Commission that an emergency had occurred one hour prior to the 11:00 a.m., TPC Regular Meeting that took place on September 14, 2006 that caused her absence of attending the meeting; and that her husband was out of town.

Ms. Lambert stated that she would like to clear up a few misunderstandings that staff has brought before the Commission today. She stated that she was aware of the COA process because they had submitted an application before the COA Subcommittee and Tulsa Preservation Commission in 2003. She stated that throughout the past 10 years that they had lived in the neighborhood that they have replaced tons

of dry rot on their house; and had never had to go before the COA process, and did not realize that the maintenance issues on the home were part of this historical process. Ms. Lambert stated that construction work changing the structure was absolutely something that she knew about; but things like changing out dry rot and windows and pillars, they had no idea. She stated that she was sorry for that; and that she feels horrible that they're in this position; and that she wished that she had realized that she had to go through that. Ms. Lambert stated that she hired a new construction builder; and he did not know that they had to do anything; and Ms. Lambert stated that she told the builder "no," they don't, that this was maintenance for regular things that had to be replaced on a hundred year old home.

Ms. Lambert continued by stating that their original builder was redoing their upstairs bathroom; and that they saw where he had found some wall materials dated April 15, 1912; and that the house was extremely old. She stated that they're tried to take care of their old home over the past several years by having it painted three (3) different times since they're been in the home. Ms. Lambert stated that they're really trying to take care of their home by keeping it up to date by maintaining the 97 year old redwood siding that is on their house now instead of putting plastic siding on it. She stated that she just wanted to make sure that the Commission knows that she was not trying to go around the process system; because it seemed like it was a different set of circumstances due to them only trying to maintain their home.

Ms. Lambert stated that they had decided to sell their North Maple Ridge home about two (2) years ago because they just couldn't keep up with it anymore. She stated that they bought a lot, hired an architect, got the plans; got a builder; but that they realized they couldn't leave North Maple Ridge. Ms. Lambert stated that they realized that they loved where they lived; they loved their neighbors; and they loved everything about it; but that it was going to take something to make the house livable. Ms. Lambert stated that when they're in their home in the winter that you could see your hair move as breezes went through the house. She added that anyone who lives in an old house surely knows what that means. She stated that they're dry rotting too, most of the 53 windows don't open; and that that was a huge safety issue for her family. She stated that she has three (3) young children, in case of fire that there was no exit plan other than break a pane.

Ms. Lambert stated that mentioning the safety issue, that she felt uncomfortable because her husband was out of town a lot (and that she won't mention how much) for their business. Ms. Lambert stated that with the large panes on the back/bottom with paper-thin glass in it, it was not a secure feeling for her in my home alone with her children; so they hired professionals to figure out what they could do to help them feel the safer in their home; and maintain it in a historical manner.

She stated that they drove the neighborhood to see what's in the neighborhood, what fits in the neighborhood; and what was going to meet their energy efficiency needs, safety needs; and what was going to look appropriate in the neighborhood. Ms. Lambert stated that they had a brand new construction right next door to them that was updating things in their neighborhood already, which was great; and that they were happy to have them there. Ms. Lambert stated that they wanted to fit in with everybody, with the old and with the new; and that they wanted their house to be here for the next generation. Ms. Lambert stated that they have invested a substantial amount of money into their house to make sure that it's repaired for the next generation. She stated that when they went and looked at everything throughout the neighborhood, it seemed perfectly appropriate. Ms. Lambert stated that there are full pane divided light windows throughout Maple Ridge, and that there are casement windows throughout Maple Ridge. She stated that there was nothing in her mind; or with the people that she worked with that thought that the casement windows were not historically appropriate for this home. Ms. Lambert stated that she did not know the way the law was written got written; but that she doesn't feel that they've done a heinous crime; and that they were only trying to maintain their home into something livable for her and her family in the long term. Ms. Lambert thanked the Commission for giving her the opportunity to present her case.

Brian Hughes of SR Hughes, the Lamberts' designer, stated that they tried to help the Lamberts by replacing the old windows that were no longer operable with new efficiency windows that were no longer operable. He stated that he wanted to keep the divided light style that they thought was throughout the neighborhood. He stated that they canvassed the neighborhood and took photographs; and tried to choose something in keeping that they thought would be good for North Maple Ridge. He stated that they were trying to be as minimally invasive as possible; but answer the client for light, air and operable windows.

Ms. Lambert stated that she noticed that many of the residents in her neighborhood had storm windows and screens placed over their double hung windows (on the outside of the window) so that they can enjoy the air; but that it's not attractive from the street. She stated that their screens are installed from the inside of their windows so that people won't have to be burdened with seeing the screens on the outside. She stated that that was a huge factor with the double-hung windows verses the casement windows.

Chairman Turner stated that he's aware that Designer, S.R., Hughes does a lot of work around the City of Tulsa; but he wanted to know if he was aware that there are five (5) historic zoning overlay neighborhoods in Tulsa; and if he was aware that there are ordinances regarding design changes in these historic neighborhoods? Mr. Hughes stated that he was not aware of anything governing this district regarding design changes. Chairman Turner requested that he visit with staff and get a map of the five (5) historic neighborhoods; and possibly a copy of the guidelines for

each district. Mr. Hughes stated that he would follow up note that staff sent maps.

John Brooks Walton stated for the records that he lives at 1717 S. Baltimore. He stated that he was asked by the Lamberts to give his personal opinion of an architectural evaluation to the Commission on the Lamberts home at 312 E. 20th Street.

Mr. Walton stated that he thought that Ms. Lambert gave a wonderful presentation. He stated that he would give his honest opinion of the work that had been done to the façade of the home, and mostly about the windows. Mr. Walton stated that he wrote a letter on October 26, 2006 that had been distributed to the Commission for review.

Mr. Walton stated that he feels very strongly what the Lamberts have done to their house is an asset to the house. That he does believe that the house is not a Colonial Revival home; but that it is a Craftsman style house with classical touches like the front entrance and the columns on the side. He stated that the Colonial Revival style houses did not have large panes of glass in any of the sashes; and that he believes the Lamberts house is a Craftsman style home.

Mr. Walton stated that he and his wife lived in the Maple Ridge area for over 32 years; and during that time period, he purchased twenty (20) houses. He stated that he purchased them, restored them and then sold them; and that he always tried to keep the original intent of the house in mind. He stated that he believes that the homeowners in Maple Ridge have done their own personal ideas and theories that the houses should be kept to their original intent. He stated that he also feels very strongly that the houses need to meet the home standards of today and not the standards in the 1920s.

Mr. Walton shared information with the Commission that he and his wife lived in the Skelly Mansion for 17 years. He stated that the Skelly Mansion Garden Room windows once had large paned windows in this area; and that they were removed and replaced with casement windows. He stated that the casement windows made the garden room look beautiful; and that some of the windows were curved casement windows that enhanced the look of the garden room even more; and that it was not like what was there originally. Commissioner Ball asked Mr. Walton if, when he did work in hp-zoned areas, he personally followed the guidelines.

Chairman Turner thanked Mr. Walton for his comments and personal opinions on the Lamberts' proposal.

Commissioner Gilmore addressed the Commission asking if the Lamberts should file an appeal before the TMAPC Board due to their proposal being *reconsidered* when the Commission has already made its final determination on September 14, 2006 on this application. Chairman Turner explained to Commissioner Gilmore and to the Commission that

the Lambert's are aware of the BOA appeal process but that they chose to come back before the TPC first with a new application to be reviewed and considered for a final determination.

Commissioner Gilmore asked the legal advisor if this application brought before the TPC today was an application for reconsideration; or if it was a new application. The legal advisor stated that according to his understand from staff, that the Lamberts' application was a new application.

Chairman Turner opened the floor to the neighborhood residents and interested parties. He asked everyone who would like to speak to please briefly make their comments/and opinions and limit them to a maximum of five minutes.

Peter Walter, Real Estate Broker stated that he agrees with John Walton. He stated that he believes that the Lamberts had a problem with the process; although he believes that the work that they've done enhances the house and the neighborhood. Mr. Walter stated that this Commission has a problem due to not being flexible enough; and that he wanted the Commission to be aware of the rest of the residents in North Maple Ridge do not want preservation in their neighborhood. Mr. Walter added that he thinks what the Lamberts have done is great; and that they did not follow the process; but that he hopes that the Commission won't make them change out the windows.

Chairman Turner thanked Mr. Walter for his comments and personal opinions on the Lamberts' proposal.

Rodger Goodhead stated for the records that he is President of the North Maple Ridge Home Association; and that he lives at 12 E. 25th Street. He stated that the association is concerned about the action that is going to be taken today regarding the Lamberts' proposal. Mr. Goodhead stated that the association has the guidelines for North Maple Ridge with a total of 1,800 homes in the district; and 300 of the 1,800 homes are in the historic preservation zoning overlay.

Mr. Goodhead stated that if this Commission allows something like this to happen, with all due respect to the Lamberts and to Mr. Walton's presentation, regardless of what's been said, we still deviate from the guidelines. He asked the Commission what would happen with the next homeowner in this neighborhood that wants to do something; and there's a precedent set that "the Commission let the Lamberts do this, so why can't I do it too?" Mr. Goodhead stated that he feels like the City is at a crossroads. He stated that he and the association try to follow the process and procedures very closely in the North Maple Ridge.

Mr. Goodhead stated that these types of changes and redevelopment in the North Maple Ridge area are a big problem for them. He implied to the Commission that if they are going to have teeth in the historic preservation code that the association needs their backing, otherwise, the Commission

needs to forget about it. Mr. Goodhead stated that Tulsa has some tremendous properties; and that North Maple Ridge is one of the largest contributors. He stated that if the Commission allows this to happen, we will continue to erode the historic preservation efforts that they have in this neighborhood.

Mr. Goodhead asked the Commission if he might clarify one of the comments made by John Brooks Walton. He wanted everyone to know that the Skelly Mansion is located south of 21st Street; and that the mansion is not in a historic preservation (hp) zoned area; and that it's listed in the National Register of Historic Places, which is a big difference.

Mr. Goodhead stated that there are residents who live South of 21st Street who would like to live in a hp- zoned area; and that there are residents who live in the North Maple Ridge hp zoned area that have no hang-ups with the guidelines. Mr. Goodhead stated that most of the people who move into an hp-zoned district are not told of the guidelines; and that the Real Estate Agent should make the new homeowner fully aware of the process.

Mr. Goodhead stated in closing, that he would like to thank the Commission for giving him the opportunity to speak; and that he would like for the Commission to truly consider the Lamberts' case; and also the ramifications for the future for North Maple Ridge and for the City of Tulsa.

Someone asked Mr. Goodhead what was his opinion or why did he think residents of South Maple Ridge have repeatedly turned down historic preservation zoning. Mr. Goodhead asked Ms. Sally Davis to please answer this gentleman's question because she is the representative for North Maple Ridge. Ms. Davies stated that the South Maple Ridge residents have not repeatedly turned down historic preservation; and to her knowledge that they had only turned it down once. She stated that most of the residents in South Maple Ridge would love to have their neighborhood hp zoned.

Chairman Turner thanked Mr. Goodhead for his comments and personal opinions on the Lamberts' proposal.

Mr. Frank Wolfe stated that he is a neighbor of the Lamberts. He reported for the records that he lives at 319 E. 21st Street. Mr. Wolfe stated that the Lamberts have done a wonderful job to their home; and that he believes that the architecture wasn't damaged. He believes if the Lamberts' project was approved that it really wasn't going to change anything; and that we could save some tax dollars from fighting it. Mr. Wolfe asked Ms. Lambert how much did her windows cost? Ms. Lambert responded by stating that the windows cost them \$70,000.00. Mr. Wolfe responded by stating that the company that they bought the windows from were not going to take them back because the windows have already been installed.

Mr. Wolfe stated that we're living in the year of 2007; and that we look to look at reality here. He stated that they're very expensive windows that they're proud of their home; and that it is beautiful. He stated that the windows add value to the home; and that he didn't want to offend anyone; but that the Commission should use common sense. Mr. Wolfe stated that we've all listened to a great person (John Brooks Walton) who has given us his godly state of his architectural opinion; and that he just doesn't understand the issue because it should be simple. He stated that the Commission should handle this issue here in the norm; and not allow this proposal to go to court; and worry about big issues that are affecting their neighborhood like 1105 E. 21st.

Commissioner Peck, who lives in the Swan Lake District, tried to explain to Mr. Wolfe that according to the North Maple Ridge guidelines that double hung windows verses casement windows completely changes the architectural style of the home.

Chairman Turner thanked Mr. Wolfe for his comments and personal opinions on the Lamberts' proposal.

Todd Lang stated that he works with some of the people on the Coalition of Historic Neighborhoods. He stated that this process is still relatively new. Mr. Lang stated that the historic zoning issues have only been in existence for only 15 to 20 years, which in our livelihood is relatively young. He stated that he's all for historic preservation; but that there's got to be a better way to get the message out. Mr. Lang believes at this point, that the Commission should evaluate the windows. He asked if there was a way that they could have been appropriate, and if so, let's get on with it. Mr. Lang stated that if there's a penalty involved that they need to get the Lamberts involved and help spread the word to the new homeowners. He stated that he would like to see a program developed that works; and that he doesn't know if it's the Realtors or television advertising; but that our architecture is one of our biggest treasures and this City needs to get around it because we're losing buildings left and right. He stated that the Lamberts are preserving one here; and that that's a good thing; and that the system is far from perfect. He believes if the Commission makes the Lamberts their scapegoat that it's a mistake and a bad example.

Chairman Turner thanked Mr. Lang for his comments and personal opinions on the Lamberts' proposal.

Denise Towsley stated for the record that she resides at 1021 E. 19th Street. She stated that she agrees with the Lamberts believing that she would not have thought that changing out the windows would have been an issue to come before the board. She stated that she believes that the Commission should loosen up a little bit; and in good taste bring the homes into the 21st century.

Chairman Turner thanked Ms. Towsley for her comments and personal opinions on the Lamberts' proposal.

Dan Staudt stated for the records that he lives at 230 E. 30th Street. He stated that in the 1970s that his gas bills were \$300 a month due to the leakage of air from his windows. He stated that he did most of the maintenance work on the windows himself. He stated that his windows only leak a little now because he has painted them shut. Mr. Staudt believes that if we hold people saying “you can’t do this,” and they really would like to do this, but they can’t afford it; and then nothing is done that the houses start going downhill. Mr. Staudt believes if the Commission is only going to allow the residents to do “this and this” to their house; that it doesn’t help the neighborhood; and that it only hurts the neighborhood.

Chairman Turner thanked Mr. Staudt for his comments and personal opinions on the Lamberts’ proposal.

Susan McKee stated for the records that she is the President of the Coalition of Historic Neighborhoods; and that she lives at 1616 S. Victor Avenue. Ms. McKee stated that she has representatives on her board from all five (5) of the historic neighborhoods in hp zoning. She stated that she would like to remind people to get hp overlay zoning that you have 90% or more of the people in your neighborhood to agree to the guidelines. Ms. McKee stated that at the time all of the guidelines were written, 90% of the people approved those guidelines. She stated that that was what everybody wanted when they became an hp overlay zoned neighborhood. Ms. McKee further stated that she thinks the process is here for a reason; and that the Tulsa Preservation Commission is here to regulate what happens to our houses so that we don’t lose the look, the feel, the character, and the scale of the neighborhood. She stated that this is Tulsa’s history and that it’s up to us to preserve it and stay with it. Ms. McKee believes that if you don’t want to do these replacement that there are a lot of things that you can do to improve your windows. She suggested that you can change the wood; you can repair the wood; and that you can even have the windows reglazed to cut down on the draft.

Ms. McKee added that the Coalition of Historic Neighborhoods is going to put together a workshop on how to repair your windows. She stated that they will be working with some of the people on the State level. Ms. McKee stated that the opinion from the Board of the Coalition of Historic Neighborhoods is supportive of the Tulsa Preservation Commission’s previous decision of denial, due to the proposal not following the guidelines of North Maple Ridge.

Chairman Turner thanked Ms. McKee for her opinions made by the Coalition of Historic Neighborhoods on the Lamberts’ proposal.

A member of the audience asked the Commission “if the Lamberts had met and followed the guidelines.” Chairman Turner responded by stating that the Lamberts project did not, according to the North Maple Ridge guidelines.

Jim Kincaid stated for the record that he lives at 1003 E. 20th Street. He stated that he was a friend of the Lamberts and that he was there to support them. Mr. Kincaid stated that he has been before the Board with three (3) COAs; and that his concern is, should one interpret the rule as it's written, or do what is right? He stated that it is unfortunate that it happened the way that it happened; but that it's not his place to comment on whether he likes it or not because he doesn't care all that much. Mr. Kincaid stated that he hates this sort of thing; and that he believes that he should be able to do whatever he wants to do with his house. He further stated that just because the Coalition of Historic Neighborhoods doesn't want this to go forward that that doesn't mean that it shouldn't. He stated that we need to look at this as a neighborhood; and that we need to look at it as the right thing to do; and that he would encourage the Commission to approve the Lamberts' proposal.

Mr. Kincaid was asked by Commissioner Ball if he found the Commission to be rigid with him during the processing of his three (3) COAs that he had submitted before the Board or did the Commission work with him? Mr. Kincaid responded by stating that the results from his three (3) COAs from the Tulsa Preservation Commission were good; and that in fact one of his COAs was on windows. Mr. Kincaid added that he will be back before the Commission for another review in about 6 months.

Chairman Turner thanked Mr. Kincaid for his comments and personal opinions on the Lamberts' proposal.

Ms. Karen Moulton stated for the record that she lives near the Lamberts. She stated that they moved from Dallas and bought the Jeffery Jones home. She stated that they changed their door, side porch and installed shutters and awnings on their home. Ms. Moulton stated that a preservation person asked her contractor one day what he was doing. She stated that the contractor told him that he was updating the house. Ms. Moulton stated that the contractor told her that the preservation person said that that was great; and for him not to remove the two pots on the front porch area because they were original to the house. Ms. Moulton stated that they had brought those two pots from Dallas; and was concerned if preservation people were driving around policing the area.

Ms. Moulton believes that the Commission should come up with some new ideas on windows due to the North Maple Ridges' guidelines being adopted in 1993, which she believes was established a long time ago.

Chairman Turner thanked Ms. Moulton for her comments and personal opinions on the Lamberts' proposal.

Ron Brown stated for the records that he lives at 1131 E. 31st Street. He stated that he moved into this house 1 ½ years ago; and that he never received any notification of the COA processing requirements on replacing windows and doors. Mr. Brown stated that he could see himself in the Lamberts' position; and that he understands that the Commission is here

for a reason to help process that should be followed; but unfortunately believes that we're past that. Mr. Brown stated that he would like to ask the Commission to strive to affect a fair balance between the rules and the Lamberts' needs; and not ask the Lamberts to spend another \$70,000.00 plus to replace windows just to keep up with the guidelines. Mr. Brown stated the Commission should re-read the guidelines because the guidelines are one but five things that should be considered. He stated that he would like to ask the Commission to strike a fair balance; and use common sense and not charge the Lamberts for the rules.

Chairman Turner thanked Mr. Brown for his comments and personal opinions on the Lamberts' proposal.

Ms. DeCort announced that Commission staff does not drive around policing the area. She stated that staff will look into a matter when they receive a call from a neighbor stating that someone in the neighborhood is doing work to their home without a COA permit.

Allen Litchfield stated for the record that he lives at 302 E. 19th Street. He stated that his family has owned their house over 50 years; which was long before the guidelines were established and long before the Commission existed. Mr. Litchfield stated that he's seen the neighborhood at its worst and at its best. He believes what the Lamberts have done to their house is an improvement; and that they haven't done anything wrong. He stated that he was doing some work on his home and was shut down by someone in a white car. Mr. Litchfield stated that later on he was able to finish his project without going through the COA process; and that the Commission shouldn't be so rigid. Mr. Litchfield believes that the Commission is going to wind up with a snowball affect. He stated that the rules are going to change if the Commission is not very careful; and that the Commission should approve this and move on.

Chairman Turner thanked Mr. Litchfield for his comments and personal opinions on the Lamberts' proposal.

Lou Reynolds stated for the records that he was representing the Lamberts. He distributed a notebook of information to the Commission for its review. Mr. Reynolds stated that he had two (2) points that he wanted to make. Mr. Reynolds' first point was to let the Commission know that there are folks on both sides of the equation who care about the Lamberts situation; and that very many of them have already troubled to write in to tell them that they're supporting this. Mr. Reynolds stated that these letters are supporting the Lamberts; telling them that this is appropriate; and that it looks good. Mr. Reynolds asked the Commission to please review the pictures in the notebook that he had distributed to them for review. The pictures are of houses in the neighborhood that have casement windows and doors, that were relative to the Lamberts' casement windows and doors with sidelights that have been installed on their home.

Mr. Reynolds stated that a friend of his wanted to change his driveway. He stated that his friend went through the COA process; that he changed out his driveway; and it didn't apply; got it done; and he's out in front of his house. Mr. Reynolds stated that two gentlemen drove up (that he won't mention their names) he stated that they got out of their car and identified themselves as being from the TPC. Mr. Reynolds stated that his friend was told by the TPC gentleman that he needed a COA to do that because he was using inappropriate materials; but since he (one of the TPC gentleman) liked what he was doing that he wasn't going to say anything; and they moved on.

Mr. Reynolds went through the notebook with the Commission showing the commission members casement windows, doors and sidelights that are similar to the Lamberts. He stated that some North Maple Ridge homes have some very nice expensive wood windows with cheap storm windows on them. He asked the Commission what was historic about that? He pointed out to the Commission some casement windows on some of the homes that had been there a long time. He added that the casement windows on a particular house in the neighborhood had been approved by this Commission. Mr. Reynolds asked the Commission to review from the notebook one of the new construction projects that had new casement windows installed on it, and that he realizes that there are different rules for new construction homes.

Mr. Reynolds asked the Commission to review item G, that he believes is the most important point to make. He stated that item G, which are the guidelines from Chapter 10A of Historic Preservation that there's a lot of issues about flexibility and no flexibility; and so on and so forth. Mr. Reynolds stated that what we're really talking about here is that the Commission starts by reviewing the guidelines; and that guidelines are exactly what they are..... they're guidelines.

Mr. Reynolds asked staff to please show the guidelines on the power point to every one of the guidelines that were selected for this proposal. Mr. Reynolds pointed out that if you read the zoning codes that everything it addresses about this type of zoning has the word "shall." He stated that he's going to work with things that will get down entirely about the muntin pattern with words because he believes that this is what this is really about. Mr. Reynolds stated that this is not so much about the muntin pattern as it is about the words that apply to this process. He stated that it talks about replacement of windows and doors "should," and that's not the same as "shall." Mr. Reynolds stated that "should" by definition is something that is a moral obligation and not a legal obligation because it is not a "shall" and that it is a lot less than "shall." He stated that "should be similar" and by definition, something that is similar is different. Mr. Reynolds asked the Commission how much we allow, because there's lots of leeway. He stated that we have the "should" word and that we have "similar." Mr. Reynolds stated that for anything to be similar, it doesn't or can not be identical by definition. He stated that the Lamberts' windows are not absolutely identical in sash, design and appearance; but that he

believes they are in similar and appearance. Mr. Reynolds stated that if you'd like to argue about whether they're similar or not, he bets they are. He further stated that they maintained the original size; the shape and muntin pattern. He added that "muntin pattern" was a new word that he has learned since Christmas. Mr. Reynolds stated that he was given a book on public speaking that consisted of 100 words that public speakers should know and muntin was not in it. He stated that the Lamberts have a different muntin pattern; but he stated that the Lamberts have a muntin pattern on their windows. Mr. Reynolds stated that they have a muntin pattern; but asked the Commission if it was similar or not? He stated that when you start talking about windows that are 15-over-1, 12-over-1, 9-over-1; and that's not what this is suppose to be. He stated that the glazing area and tint is not an issue in the place of location because they're in the same place. Mr. Reynolds added by stating that those are the guidelines that you look at; but the zoning codes control the guidelines. He stated that there would be no guidelines without the zoning codes; and that the zoning codes instruct this Commission further.

Mr. Reynolds asked the Commission to review page 12 of 14 of Chapter 10A under *C. Preservation Commission Action*. He read the guidelines stating that they were the law stating that "The Preservation Commission in its review of COA applications *shall*".... he stated that that it didn't say should or maybe so or maybe not, that it says *shall*. Mr. Reynolds told the Commission that this was their directive. He continued to read the guidelines stating that it says "utilize the Design Guidelines to measure the appropriateness or inappropriateness" and that was what the Commission has to do. He stated that in the guidelines there were two (2) words that give you lots of room. Mr. Reynolds stated that the Commission could choose to give them a different meaning. He stated that the words are very clear. He again read part of the guidelines stating that it says: to "utilize the Design Guidelines to measure the appropriateness or inappropriateness of the proposed work and *shall*." Mr. Reynolds pointed out again that the guidelines says "shall" again. He continued to read the guidelines stating that "to the highest extent possible, strive to affect a fair balance between the purposes and intent of this Chapter (of the zoning codes – not the guidelines) and the desires and needs of the property owner."

Mr. Reynolds asked the Commission to look at the desires and needs of the property owner. He stated that he seen a woman standing up here telling him that she wants these for safety for her family. He added that that was pretty touching for him. He stated that she said that she wanted them to prevent fire, and to keep the bad people out. Mr. Reynolds stated that she went out and got the best, most expensive windows that she could get that were very tasteful. He stated that he want the same thing for his family; and if you had children that you would want it too. Mr. Reynolds stated that we're next to a high primary; and that was their need to bring their house into the next century. He stated that they have needs; and when you spend \$70,000.00 on windows, you would like to spend that maybe for the next 100 years. Mr. Reynolds stated that there's absolutely nothing

special about those windows. He read more of the guidelines from Chapter 10A under Preservation Commission Action reading that: “In addition, the Preservation Commission *shall* review the application and shall consider: “1) the degree to which the proposed work is consistent with the Design Guidelines.” He repeated “the degree.” Mr. Reynolds stated that the only other component where the Lamberts are out of balance is the muntin pattern. He stated that whether it’s sash or sash design, he believes that they’re very similar. Mr. Reynolds stated if you’re hung up on the muntin pattern, that that is not what this is ever intended to be, ever.

He continued to read the guidelines from Chapter 10A under Preservation Commission Action: “2) the degree to which the proposed work would destroy or alter all or part of the historic resource.” Mr. Reynolds stated that this does not alter or destroy any of the historic resource. He further stated that, indeed that it will preserve the historic resource. Mr. Reynolds stated that John Walton said it.

Mr. Reynolds read the guidelines from Chapter 10A under Preservation Commission Action: “3) the degree to which the proposed work would serve to isolate the historic resource from its surroundings.” He stated that it says, “let’s not do that.” Mr. Reynolds stated that there are casement windows all over North Maple Ridge. He added that there’ll be more request for casement windows as time goes on because they’re going to want them for security; they’re a lot prettier; and they’re lot more weather efficient. He indicated that he thought that it was very thoughtful for Ms. Lambert to say; that her screens are on the inside of her house so that her neighbors won’t have to look at them. He believes that that’s what looks nice. He stated that we have these double hung sash windows with the cheap tacky storm windows on them; and that nothing is historic about that.

Mr. Reynolds continued to read the guidelines from Chapter 10A under Preservation Commission Action: 3) “or introduce visual elements that are out of character with the historic resource,” Mr. Reynolds stated that there are no visual elements that are out of character with the historic resource. He read more of the guidelines stating that even more importantly, “and its setting, or that would adversely affect the physical integrity of the resource.” Mr. Reynolds stated that they have enhanced the physical integrity of the resource. Further reading the guidelines from Chapter 10A under Preservation Commission Action 4), Mr. Reynolds stated that: The degree to which the proposed work is compatible with the significant characteristics of the historic resource. He stated that they’re the original shape and original size, glazing and intent with placement location. Mr. Reynolds read the fifth and last guideline from Chapter 10A under Preservation Commission Action, 5) The purpose and intent of this Chapter. He stated that they’re referring to the zoning codes; and that is what we’re measured by.

Mr. Reynolds stated that he thinks that this court has a tremendous amount of responsibility; and that the Commission's hands aren't tied. If they choose to take that lead, then that's the Commission's choice. He stated that the Commission is interpreting those words as narrowly as humanly possible. Mr. Reynolds stated that the Commission has approved through various forms of others all the terms of similar work. He added that this work complies with the zoning codes. Mr. Reynolds stated that there are more pictures of casement windows and doors in North Maple Ridge that are similar. He stated that he thinks that the difficult thing to get over is that they're (the Lamberts) here because they're asking for forgiveness as to oppose to permission; but that's not really what this hearing is about. He stated that clearly, what the Lamberts have done fits within the standards of the zoning codes. He stated that they don't fit the guidelines perfectly; but then they don't have to; and it was never intended that they do. Mr. Reynolds stated that this is what this Commission has to look at; and understand completely that your hands aren't just tied by the guidelines. He stated that in the guidelines you saw words: *should* and *similar*. He added that when you think about the word *similar* that *similar* means something that's got to be different. He indicated that the word *should* means you have flexibility, as most firms states that it's a moral obligation and not a legal obligation.

Mr. Reynolds stated that the Lamberts made a mistake; and that they would have done it differently, had they been aware that they needed to apply, and they did not; and unfortunately it is what it is. He stated that the zoning codes are much more important than the guidelines; and that you have to follow the zoning codes when you're interpreting the guidelines.

Commissioner Ball explained to Mr. Reynolds that the Lamberts had these casement windows installed on their home that changed the scale and façade of the structure. Commissioner Ball stated that the Tulsa Preservation Commission is part of a national program and not just local. He stated that there's a series of guidelines that has past on through by the Federal Government. Commissioner Ball stated that there is a group called the National Trust for Historic Preservation that will be here in Tulsa next year holding their annual meeting. He stated that North Maple Ridge is one of the historic districts that will be focused upon its historic appearance. He stated what you see here; and what you see in our guidelines are what is done nationally; and not just locally. Commissioner Ball stated that it is a one shot thing. He further stated that for example, in Brady Heights that they have houses that are lots less substantial than the houses in North Maple Ridge that they work with everyday. Commissioner Ball stated that there were two (2) COA proposals on the agenda today in Brady Heights that raised some results; but to remember that North Maple Ridge was an endangered neighborhood at one time; and now it's one of the most desirable neighborhoods in the City of Tulsa. Commissioner Ball stated that looking at the details on some of these things really does make a difference in the scale. Commissioner Ball stated that he mentioned to Mr. Walton that if everybody wrote him a

letter (including yourself, Mr. Reynolds) had changed this sort of thing (windows and doors) in North Maple Ridge, that the neighborhood would no longer be eligible for the National Register or anything there to be zoned for.

Mr. Reynolds responded to Commissioner Ball stating that what he has said is not in the zoning codes; nor is it a part of the zoning codes; and that it's not a requirement of the zoning codes; and that it's not what they're trying to do in the zoning codes. Mr. Reynolds stated that the difference is flexibility that is built in the system; and that you have to take in that consideration. Mr. Reynolds stated that they're saying that what the Lamberts have done is appropriate and that it fits the zoning codes. Commissioner Ball responded to Mr. Reynolds stating that he (Mr. Reynolds) was challenging the competency of the Commission. Commissioner Ball stated that the Commission had several professionals in the group that consist of a banker, realtor, several members of the residential representatives, architects, educators, and a historian. Commissioner Ball stated that we all agree that the Lamberts did not meet the guidelines; and he asked Mr. Reynolds if he was challenging the positions of all the members of this Commission.

Mr. Reynolds responded by stating that he wasn't challenging against the Commission, he was challenging the interpretation. Mr. Reynolds further stated that he appreciated what Commissioner Ball was saying and that he understood what he was saying. Commissioner Ball asked Mr. Reynolds if he was trying to give the Commission a way to get around following the rules that the Commission has to abide by. Mr. Reynolds and Commissioner Ball spoke at the same time.

Chairman Turner interrupted the conversation between Mr. Reynolds and Commissioner Ball and opened the floor to the Commission for discussion. Commissioner Peck read from the zoning codes, Chapter 10A, C., under Historic Preservation District Regulations and Exemptions that says: Within a Historic Preservation District, work, as defined in this Chapter, shall not commence unless a Certificate of Appropriateness has been first approved/issued. Commissioner Peck responded to this particular zoning code stating that the Lamberts changed out their door after they had been notified; so he believes that there was no reason the door and sidelights should have been changed after they were notified. Commissioner Peck stated that he believes that the Lamberts should have followed the City Zoning Codes just as the Commission is being asked to do the same. He stated that not only should the Commission following the zoning codes; but likewise, the neighbors should too.

Ms. Lambert stated that when Ms. DeCort came to her house that she took pictures of the windows and of her door at that time. Ms. Lambert stated that she gave Ms. DeCort a brochure of the door that they were going to install. Ms. Lambert stated that Ms. DeCort had shown her a letter stating that she (Ms. Lambert) had said that the replacement windows were going to be identical. Ms. Lambert stated that that was not true, that she never

stated that the windows were going to be identical. Ms. Lambert stated that there's picture proof that they weren't that staff showed in their presentation where the side windows that hadn't been taken out yet did not match the ones that had been removed. Ms. Lambert stated that she obviously did not say that the windows were going to be identical; and that that was an error, absolutely and that you have proof of that in the pictures that she did not say that they were identical. Ms. Lambert continued by stating that she did say that the windows were solid wood with the powdered covered exterior in true divided light in the spirit of the neighborhood and the structure of the home.

Ms. Lambert stated that at the end of Ms. DeCort's site visit, that she filled out a COA application and was lead to believe that it was going to be a staff approval; and that it was not a big deal. Ms. Lambert stated that she did appreciate the help. She stated that it was not until about 10 days later that she received notification that it was a big deal. She stated that she thought things were moving forward because she filled out the paperwork; and so that is why that happened in that period of time.

Chairman Turner responded to Ms. Lambert stating that he would like to clarify this incident. He stated that Ms. DeCort talked to him on the day that she came out to Ms. Lambert's house. Chairman Turner stated that Ms. DeCort related to him that it was a simple deal that you were replacing the existing windows with the exact same windows; and that she was probably going to do a staff COA on it. He stated that when Ms. DeCort returned to the office and reviewed the files for the address at 312 E. 20th Street, that she discovered that the new windows were not the same as the windows that were there before. Chairman Turner stated that despite the fact that there were still windows on the side of the house, Ms. DeCort was talking about what was in that actual opening where the windows were replaced before. Chairman Turner stated that Ms. DeCort had to look at photographic evidence of that; and that she had informed him that she couldn't give a staff COA approval of this. He said that Ms. DeCort told him that it will have to go before the Tulsa Preservation Commission for review; and that she would have to write a letter to the Lamberts. Chairman Turner stated that Ms. DeCort did explain this to him on the day or the day after the affect.

Ms. Lambert made a comment, in the nature of stating, that it didn't happen that way. Chairman Turner responded by stating that Ms. DeCort didn't make a big deal at the time because she was told at that time that the same exact windows were going to be installed. Ms. Lambert stated that it was just a misunderstanding.

Commissioner Townsend stated that she would like to reiterate Commissioner Gilmore's earlier question. She asked if the purpose of the Commission's discussion today is to consider a new COA application and that would be to review the contents of the application; or is the Commission discussing the procedures that got us into this unfortunate situation? Chairman Turner responded to Commissioner Townsend's

question and stated that the Commission will be reviewing the contents only.

Chairman Turner opened the floor to the Commission on Part I of the Lamberts' application regarding the windows.

Commissioner Gilmore asked Chairman Turner if the Commission is suppose to review this application as a new application, as if the work had not been done; and knowing that the work has already been done? Chairman Turner responded by saying "yes," due to this application being a new application for review.

Commissioner Townsend stated that the Commission has had applications submitted before relating to windows that have been installed that are not quite right; but that the Commission could approve them with conditions. She asked the Commission if there were any conditions that could be made or any aspects of these windows that could be changed for an approval? Commissioner Ball suggested that interior storm windows could have been used by the Lamberts for security and temperature control.

Chairman Turner stated that he would like to address some of the presentation presented by Mr. Reynolds about the guidelines that this proposal does and does not meet:

Under North Maple Ridge Guidelines for Rehabilitation of Existing Buildings

A1.2 Windows and Doors

A1.2.1 Existing windows and doors, their glazing, trim, and the character defining elements should be retained through repair when reasonably possible.

Chairman Turner stated that he believes that the Lamberts have not met this guideline.

A1.2.2 Existing window and door locations should be retained, not removed and covered or filled in.

Chairman Turner stated that he believes that the Lamberts have met this guideline.

A1.2.3 Replacement windows and doors should be similar in sash design and appearance, maintaining the original size, shape, muntin pattern, glazing area and tint, and placement locations.

Commissioner Gilmore stated that all due respect to the attorney (Mr. Reynolds) that the language is pretty specific; and that he believes the word "should" means to him that you should if you can; and that it doesn't mean maybe. He stated that you should, if it's possible; and if it's a new window then it's possible. Commissioner Gilmore stated that he didn't have any problem with the word "should" meaning that the sash design

should be similar. He mentioned the word “shall” stating that if you want to use a hard word, that he believes that the Commission has interpreted the word “shall” to mean “shall:” and that that’s been the case all along for as long as he has been on the Commission; and that he’s been on the Commission a long time. Commissioner Gilmore stated that he doesn’t believe that the Commission has varied from that in their deliberations before. He stated that whenever the Commission is reviewing a window that we want it to be the same shape, same size, have the same muntin pattern regardless of whether it was wood or not, even if it was vinyl; but you have to maintain the sash proportions; and the muntin proportions in this window. Commissioner Gilmore believes if the Commission thought to do otherwise or to prove something other than that would be entirely different from the way the Commission has always done things. He stated that he doesn’t have any problem with that; and he believes that the windows don’t meet the guideline requirements are far as what they’re proposing to install. Commissioner Gilmore stated if this proposal would have come before the Commission before they did it; they would have said well fine, we’ll just do that if that’s the kind of windows to install. Commissioner Gilmore stated that the Commission isn’t saying that you can’t put energy efficient windows in your home; and the Commission isn’t saying that it has to be wood windows where they’re asking to use powder coated aluminum; but what the Commission is saying is that the windows should look like the windows that were up there as nearly as possible; and that he doesn’t believe that these windows meet that requirement.

Chairman Turner asked the Commission if anyone saw a different meaning of this particular section of the guidelines other than what Commissioner Gilmore had interpreted them to be. No one from the Commission responded; but Mr. Reynolds asked the Chairman if he could ask a question. Chairman Turner granted him permission to ask his question. Mr. Reynolds stated that he wasn’t an architect; but he asked the Commission, what is similar; and how far can you be away from a 12 pane window and be similar and fall within what we’re reviewing here? Commissioner Gilmore responded to Mr. Reynolds question stating how the Commission has handled window installment request in the past. Commissioner Gilmore stated that sometimes the Commission has had a window that was maybe 9-over-1 and the applicant wanted to replace it with a 6-over-1 instead of a 9-over-1; and the Commission believed it was close enough as being similar, but not exact. Commissioner Gilmore stated that he believes that there are some things that can be similar. He stated that if the Lamberts wanted to change out their existing 15-over-1 windows that the Commission would probably accept them install 6-over-1 or even 9-over-1 instead of the 15-over-1 that the Commission would consider “similar.” He stated that it still maintains the same character; but it’s not exactly the same.

Commissioner Townsend stated “similar” also means that you don’t have to go out and salvage for old wavy glass to new glass. She stated that residents in Brady Heights very much want the old wavy glass to be retained so that they would get that wavy look, which is a very important

element; but if you can't find the old glass, then you'll have to use new glass. Commissioner Townsend stated that this would be another example of "similar" with old wavy glass to new glass.

Commissioner Gilmore stated that the unfortunate part about this whole thing is that the work was done without a COA; and that the Commission did not have a chance to review it. He stated that he had to be sitting here and having to make judgment on something that has already happened; and cause a hardship on the person that owns the home and the contractor who had done the work. Commissioner Gilmore stated that by the same token, the residents have asked the Commission to interpret the guidelines, to apply the guidelines to the best of the Commission's ability. He further stated that, consequently he's saying had this proposal come before the Commission for review, without the work having been done that the Commission would have made these comments; and probably would have made these requirements for the Lamberts to go by.

Commissioner Gilmore stated that he may like the windows that the Lamberts have installed; and then again he may not; but that he's not here to judge whether or not if he does them or does not. He stated that he's here to interpret the guidelines; and try to apply them to this application to the best of his ability; and that he's going to do that.

Chairman Turner stated that after reviewing the guidelines again on Section A.1.2.3, that he tried to find some wiggle room to see if he could make an argument for what had been installed. Chairman Turner stated that there were two things that strike his eye in the section of these guidelines; and they are the "sash design" and the "muntin pattern."

Chairman Turner stated that as far as the sash design goes on a residential structure; a casement window couldn't be much farther away from a double hung window if you tried because it's as different as apples are to oranges. Chairman Turner stated that the muntin pattern is different; and that it doesn't look the same when you have two (2) 12 light casement windows as you did if you had a 15-over-1 double hung window. Chairman Turner stated that those were the two things that struck his eye in that section of the guidelines.

Chairman Turner read guidelines section A1.2.4 – Replacement windows having thermal and maintenance reducing qualities may be used. He stated that he didn't have any problem with this part of the section, but the guidelines continue stating: but must maintain those appearance and character defining elements described in 1.2.3. Chairman Turner stated that it takes you back to section A1.2.3; and that that was really the section that applies more than anything else to him.

Commissioner Gilmore stated that this Commission has approved in the past for casement windows to be installed where double hung windows

were; however, the owner was going to put an extra heavy muntin within that window to make it appear to be a double hung window. He stated that a casement window could be used if we could make it look like a double hung window. Commissioner Gilmore stated that this is another instance where it's not exactly the same; but it's similar.

Chairman Turner stated that guidelines from section A1.2.3 also apply to the front door. He stated that we had a solid wood door, panelized colonial style door before with no glass in it; and now we have a fairly modern looking door with 3 large lights of glass in it and matching sidelights. Chairman Turner read guidelines from section A1.2.8 – Door features and accessories, such as storm doors, screens, sidelights, and transoms should maintain the appearance of the main door, and the buildings' façade proportions and rhythms. Chairman Turner stated that as far as what the Lamberts have done that this part of the guidelines are met; but when you go back to section A1.2.3 that the door probably doesn't meet the requirements.

Chairman Turner asked the Commission if there were any further discussion on Part I on the windows. No one responded. He asked the Commission if anyone would like to make a motion on Part I of this proposal.

Commissioner Gilmore made a motion to deny Part I of the Lamberts' application. Commissioner Ball seconded. Chairman Turner asked Mrs. Warrior to call the roll.

Roll Call Vote to “Deny Part I” of the Lamberts’ application:

Chairman Turner – Aye to deny;
V-Chairman Breed – Aye to deny;
Charles Gilmore – Aye to deny;
Jack Hodgson – Aye to deny;
Mary Lee Townsend – Aye to deny;
Rex Ball – Aye to deny;
Bill Andoe – Aye to deny;
Barbara Smallwood – Aye to deny;
Chip Ard – Aye to deny;
Dusty Peck – Aye to deny;
Karen Rogers – Aye to deny; &
Alice Rodgers – Aye to deny.

The motion was Approved Unanimously to Deny by members present and voting.

*The Tulsa Preservation Commission **Denied Part I of Scott & Christine Lamberts’ proposal** based on guidelines for Rehabilitation of Existing Buildings on Windows and Doors, A.1.2.1, A.1.2.2, A.1.2.3 & A.1.2.4 for the North Maple Ridge Historic District.*

Chairman Turner asked the Commission if there were any further discussion on Part II on the front door and sidelights. No one responded. He asked the Commission if anyone would like to make a motion on Part II of this proposal.

Commissioner Rodgers made a motion to deny Part II of the Lamberts' application. Commissioner Rogers seconded. Chairman Turner asked Mrs. Warrior to call the roll.

Roll Call Vote to “Deny Part II” of the Lamberts’ application:

Chairman Turner – Aye to deny;
V-Chairman Breed – Aye to deny;
Charles Gilmore – Aye to deny;
Jack Hodgson – Aye to deny;
Mary Lee Townsend – Aye to deny;
Rex Ball – Aye to deny;
Bill Andoe – Aye to deny;
Barbara Smallwood – Aye to deny;
Chip Ard – Aye to deny;
Dusty Peck – Aye to deny;
Karen Rogers – Aye to deny; &
Alice Rodgers – Aye to deny.

The motion was Approved Unanimously to Deny by members present and voting.

The Tulsa Preservation Commission Denied Part II of Scott & Christine Lamberts’ proposal based on guidelines for Rehabilitation of Existing Buildings on Windows and Doors, A.1.2.1, A.1.2.2, A.1.2.3 & A.1.2.8 for the North Maple Ridge Historic District.

Chairman Turner asked the Commission if Part III was the item that was added from seeing in record photographs that the railing had been removed since the Lamberts' 2003 application. Chairman Turner stated that to his understanding, the applicant applied in 2003 to replace the wooden railing with a metal railing, and that the Commission denied that application at that time.

Ms. DeCort stated that the railings were added for safety at some point due to the door leading from the house onto the roof of the porte-cochere. Now that the Lamberts have covered up the door, by City code they are no longer required to have a railing there. Ms. DeCort noted that the Lamberts' 1996 photograph showed that there was no railing present at that time; since no older photographs had been found, there is no evidence of a railing being original to the house. Ms. DeCort stated that some homes in North Maple Ridge have such railings, and some do not.

Chairman Turner asked the Commission if there were any further discussion on Part III on the railing. He asked the Commission if anyone would like to make a motion on Part III of this proposal.

Commissioner Peck made a motion to “Approve Part III” of the Lamberts’ application. Commissioner Gilmore seconded. Chairman Turner asked Mrs. Warrior to call the roll.

Roll Call Vote to “Approve Part III” of the Lamberts’ application:

Chairman Turner – Aye;
V-Chairman Breed – Aye;
Charles Gilmore – Aye;
Jack Hodgson – Aye;
Mary Lee Townsend – Aye;
Rex Ball – Aye;
Bill Andoe – Aye;
Barbara Smallwood – Aye;
Chip Ard – Aye;
Dusty Peck – Aye;
Karen Rogers – Aye; &
Alice Rodgers – Aye.

The motion was Approved Unanimously by members present and voting.

The Tulsa Preservation Commission Approved Part III of Scott & Christine Lamberts’ proposal based on guidelines for Rehabilitation of Existing Buildings from General Requirements, A.1.0.2 and Porches, A.1.4.1 for the North Maple Ridge Historic District.

Mr. Sharrer stated that Part IV of this proposal was shown on the agenda stating that the Commission approved the Lamberts’ request to remove the shutters from their home on September 14, 2006. He stated that no action should be taken on this part of the application.

Chairman Turner thanked everyone for attending the meeting and for sharing their comments and opinions with the Commission at today’s meeting.

Chairman Turner moved back to agenda item #2., 1146 N. Cheyenne Avenue in Brady Heights. Commissioner Gilmore removed the proposal from the table so that the Commission could review and take action upon it.

Ms. DeCort reported to the Commission that Ms. Bradley was unable to attend the meeting to represent the City of Tulsa’s proposal; however, she spoke with Ms. Bradley and received a copy of the public nuisance filing on the address.

2. 1146 N. Cheyenne Ave. (Brady Heights)

Applicant: Angela Bradley/City of Tulsa Public Works

Request: Demolish house due to extensive fire damage in order to mitigate the safety hazard that the structure poses to the neighborhood.

COA Subcommittee Complete Application Date: 01-09-2007

Commissioner Turner was interested to know if any of the Brady Heights residents wanted any salvageable materials (if any) from the structure before the house is demolished. One of the Commissioners responded by stating that some Brady Heights neighbors attended the COA Subcommittee meeting earlier this week; but no one came to this meeting regarding to the proposal.

Chairman Turner asked Ms. DeCort when the City demolishes the structure, will they turn the property back into a green lot; and Ms. DeCort responded by stating that the City will remove everything from the ground up and that they will turn it back into a buildable lot.

Chairman Turner asked the Commission if there were any further discussion on this proposal; and no one responded. He asked if anyone would like to make a motion on this application.

V-Chairman Breed made a motion to approve Ms. Bradley's application based on General Requirements, paragraph #3 – Demolition may be approved to remedy an emergency condition determined to be dangerous to life, health, or property, and/or has been condemned by the City of Tulsa or City-County Health Department. V-Chairman Breed added the following conditions:

- That the City of Tulsa remove the foundation, fill in the basement with compacted fill material to avoid settlement, remove any paving (exclusive of the continuous front sidewalk) and debris and return the site to a suitable condition for new construction. If the continuous front sidewalk is damaged during demolition, repair or replace the existing walk.

Commissioner Ball seconded.

Chairman Turner asked Mrs. Warrior to call the roll.

Roll Call Vote to “Approve” Angela Bradley’s application for demolition:

Chairman Turner – Aye;
V-Chairman Breed – Aye;
Charles Gilmore – Aye;
Jack Hodgson – Aye;
Mary Lee Townsend – Aye;
Rex Ball – Aye;
Bill Andoe – Aye;
Barbara Smallwood – Aye;
Chip Ard – Aye;
Dusty Peck – Aye;
Karen Rogers – Aye; &
Alice Rodgers – Aye.

The motion was Approved Unanimously by members present and voting.

*The Tulsa Preservation Commission **Approved Angela Bradley's proposal** based on guidelines for Rehabilitation of Existing Buildings from General Requirements, A.1.0.2 and Porches, A.1.4.1 for the North Maple Ridge Historic District.*

B. Elect New Officers for 2007

- Chairperson – Nominated on 12-14-2006/Jim Turner
- Vice-Chairperson – Nominated on 12-14-2006/Breniss O'Neal; &
- Secretary – Nominated on 12-14-2006/Barbara Smallwood.

Commissioner Ball made a motion to elect the following new officers for year 2007:

- Jim Turner for Chairman;
- Breniss O'Neal for Vice-Chairperson; &
- Barbara Smallwood for Secretary.

Commissioner Townsend seconded.

Roll Call Vote to elect the new officers for year 2007:

Chairman Turner – Abstain;

V-Chairman Breed – Aye;

Charles Gilmore – Aye;

Jack Hodgson – Aye;

Mary Lee Townsend – Aye;

Rex Ball – Aye;

Bill Andoe – Aye;

Barbara Smallwood – Aye;

Chip Ard – Aye;

Dusty Peck – Aye;

Karen Rogers – Was not present during this vote;

Alice Rodgers – Aye.

The motion was Approved by Majority by members present and voting.

C. Rules & Regulations

None.

D. Program Planning & Neighborhood Conservation

- i. Ranch Acres National Register Nomination consultant selection

Ms. DeCort stated that they received five (5) responses to the RFP advertising the consultant contract for the Ranch Acres National Register Nomination. Ms. DeCort stated that all of the proposals had been reviewed, and that any Commissioner could review them if they chose. She stated that the selection committee has recommended that the TPC

select Dr. Cathy Ambler because she is well-qualified, demonstrates a history of interest in the project, and is local and thus not listing travel expenses. Ms. DeCort stated that the Ranch Acres Homeowners' Association president, Steve Novick, has also recommended selection of Dr. Ambler for the National Register Nomination contract.

Commissioner Ball made a motion to select Dr. Cathy Ambler for the Ranch Acres National Register Nomination consultant.

Roll Call Vote to select consultant, Dr. Cathy Ambler:

Chairman Turner – Aye;
V-Chairman Breed – Aye;
Charles Gilmore – Aye;
Jack Hodgson – Aye;
Mary Lee Townsend – Aye;
Rex Ball – Aye;
Bill Andoe – Aye;
Barbara Smallwood – Was not present during this vote;
Chip Ard – Aye;
Dusty Peck – Aye;
Karen Rogers – Was not present during this vote;
Alice Rodgers – Aye.

The motion was Approved Unanimously by members present and voting.

4. Chair Report

Chairman Turner reported that he has made several attempts to contact Bell Amusement Park's owners; but that he has been unsuccessful in doing so. He added that none of the owners have responded to any of his calls.

Chairman Turner presented outgoing Vice-Chairman David Breed with a proclamation signed by Mayor Kathy Taylor, thanking him for his years of service to the Commission.

5. Staff Report

A. Camp – January 27th

Ms. DeCort distributed the draft agenda for the Saturday, January 27th Training Session that will be held in Norman, Oklahoma from 8:30 a.m., to 4:00 p.m. She asked the members to please let her know by emailing her of those who will be attending the Camp.

B. Commission self-evaluation forms

Ms. DeCort asked the Commission to please submit their self-evaluation forms to her at their earliest convenience.

C. Final report of COA statistics for 2006

Mr. Sharrer reported that the COA statistics for 2006 are as following:

The TPC reviewed 54 applications in 2006.
47 applications were approved @ 87%;
4 applications were partially approved @ 7%; &
3 applications were denied @ 6%.

Mr. Sharrer stated that 91% of all proposed work was approved by the TPC in 2006.

The Commission was very pleased to learn that the Commission had such a high percentage rate of COA approvals in 2006.

6. Discussion of liaisons to the Commission – David Breed

Vice-Chairman Breed stated that in December of 1993, members of the TPC put together a list of prospective liaisons to the TPC. The Southwest Tulsa Historical Society (STHS) is one of the groups identified. Vice-Chairman Breed stated that he has a letter from Mr. Roy Heim, President of the Southwest Tulsa Historical Society. He stated that this letter states that the members of the historical society have voted to appoint him as their official representative to the Tulsa Preservation Commission.

Commissioner Ball made a motion to appoint David Breed as the Southwest Tulsa Historical Society's representative to the Tulsa Preservation Commission. Commissioner Townsend seconded.

Roll Call Vote to appoint David Breed to the TPC as STHS representative:

Chairman Turner – Aye;
V-Chairman Breed – Aye;
Charles Gilmore – Aye;
Jack Hodgson – Aye;
Mary Lee Townsend – Aye;
Rex Ball – Aye;
Bill Andoe – Aye;
Barbara Smallwood – Was not present during this vote;
Chip Ard – Aye;
Dusty Peck – Aye;
Karen Rogers – Was not present during this vote;
Alice Rodgers – Aye.

The motion was Approved Unanimously by members present and voting.

7. Absence Report

Chairman Turner announced that Herb Fritz has asked for a leave of absence for a couple of months due to personal reasons; and that he has granted him permission to do so.

8. New Business

Commissioner Ard announced that Michelle Cantrell will be replacing him on the TPC board as Planning Commissioner.

A vote made by acclamation was unanimously approved to wish Commission Ard well; and to welcome Michelle Cantrell aboard.

9. Adjournment

There being no other business, Chairman Turner adjourned the meeting at 2:35 p.m. The Tulsa Preservation Commission Regular Meeting Minutes of January 11, 2007 were transcribed by Fannie Warrior.

*K:/Planning/Fannie Warrior/MINS 01 11 2007R TPC
Minutes Approved by TPC on 02 08 2007*