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## Focus: Saved and confused



*By* [P.J. LASSEK](#) *World Staff Writer*  
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Tulsa Preservation Commissioner Rex Ball stands in front of his home in Ranch Acres and discusses the architectural attributes of his neighborhood. The commission is reviewing Ranch Acres' eligibility for a listing on the Nation Register of Historic Places.  
*A. CUERVO / Tulsa World*

### Historic preservation doesn't necessarily mean restrictive codes for home building and improvements.

Nearly everyone agrees that preserving historic neighborhoods makes sense.

Historic designations and historic preservation zoning districts not only secure the ambience of a neighborhood, but significantly increase property values, experts say.

"With it comes predictability," said Daniel Carey, director of the Southwest National Trust for Historic Preservation.

So, why is there confusion over historic designations and heated battles over historic preservation zoning?

Some say it is the fear that taking the first step of getting on the National Register for Historic Places ultimately leads to the next step -- "the taste police" -- outsiders dictating to homeowners and developers what they can or cannot do with their property.



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Some residents in Ranch Acres fear that very thing.

The midtown neighborhood packed with 1950s ranch-style homes may not seem a likely candidate for historic designation.

But its age and its unique architecture has city officials reviewing its eligibility for the National Register, a move that would bring it one step closer to protecting its character.

"It was clear the residents are

skeptical about the historic designation because they do not want the historic preservation zoning," Ranch Acres resident Pat Cowan said during recent discussions about the National Register. "They don't want anyone telling them what they can do with their property. I'm afraid they are confusing the two."

City Planner Kent Schell said his greatest hurdle when addressing neighborhoods about historic designations is distinguishing between the National Register listing and the sometimes controversial Historic Preservation Zoning Districts.

One is a moniker of historical significance worthy of preservation and the other is the creation of preservation zoning. The two often overlap each other but don't have to, Schell said.

There are seven Tulsa neighborhoods on the National Register, five of which also have the preservation zoning overlay. The five zoned districts include Swan Lake, North Maple Ridge, Brady Heights, Gillette and Yorktown.

The National Register, which is administered by the National Park Service, has "absolutely no zoning restrictions" unless federal funding is involved, Schell said.

The Historic Preservation District is the creation of special zoning overlay. But it can only be created if a majority of property owners want it, Schell said.

Each neighborhood drafts its own set of zoning guidelines for rehabilitation, demolition and new construction.

All home improvements or new constructions in historic districts are funnelled through the Tulsa Preservation Commission, a 15-member, quasi-judicial board made up of residents, professionals and a historian, that oversees each set of zoning guidelines.

Mayor Bill LaFortune said Tulsa has a wealth of historic buildings and neighborhoods, and "We must do everything we can to preserve it and the best vehicle to do that is through the historic preservation zoning overlay."

But whether a majority of the property owners want the zoning or not, it still remains contentious pitting property owners against each other, neighborhoods against builders, and property owners and builders against commission members.

Everyone remembers the news reports about a Swan Lake resident who failed to go through the commission for approval of a storm-door and subsequently had to make changes. Then there was the lengthy argument the public didn't read about over whether a house should have a mail slot or a mail box.

There also have been heated appeals of the Tulsa Preservation Commission's decision to allow new construction that some residents think were inappropriate and hurt the area's historic character.

Emily Warner, chairwoman of the commission, contends that publicity on only a few cases out of hundreds unfairly paints the commission and the zoning guidelines as something negative.

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A former resident of Brady Heights, Warner said the preservation zoning has pumped new life into that deteriorated area of historic significance.

Warner admits that it's hard work making some of the zoning decisions.

"Sometimes the meetings are grueling. Sometimes people want to do something to their house that the guidelines don't allow," Warner said.

The guidelines dictate such things as building materials, scale and setbacks. It also regulates architectural items that can be seen from the curb.

"It's a subjective thing, and we do our best to balance it with the understanding people have to update their homes to keep them timely, yet timeless," Warner said.

Carey said there are more than 2,300 local historic zoning districts in the nation.

"When more than 2,000 communities have adopted the preservation zoning commissions, I think that speaks for itself. Why would people be doing it if it wasn't important and palatable. Property rights today are no different than they were 30 years ago," Carey said.

"People who raise the claims that the taste police is ruling their right to do what they want with their property are more often than not ill informed and then it becomes seemingly personal or political."

When controversy arises, Carey said "fault is usually on both sides -- an applicant not working within guidelines or a commission that is injecting subjectivity when there should be no subjectivity."

Realtor Francine Bandy with Roger Erker said often the zoning districts eliminate buyers who have interest in a house with the intent to either expand it or make changes to the exterior.

She also said there are many buyers who like the historic districts.

Builder Phil Marshall said if his neighborhood tried to get historic preservation zoning he'd protest it.

"It's very restrictive," he said.

Marshall recently got approval to tear down a home and replace it with new construction in the Gillette area.

"It was very frustrating and took me three months longer to just get through the approval process," he said. "But I do think when I complete the home it will sell because a lot of people like to buy in historic areas because they know their property values will be protected."

Not only are there complaints that the zoning is too restrictive, but there are complaints it is not restrictive enough when dealing with new construction.

Carey said there are many good examples, "but there also are a lot of good solid historic neighborhoods losing so much of themselves to bad construction which comes from poor decisions by the commission."

The commission also oversees demolitions. The commission assisted the homeowners in preventing demolition a vacant residence in Yorktown that was abated by code enforcement.

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### Criteria for Historic Preservation Zoning Districts:

- At least 50 years old
- Site of historic event, person or group with role in history

- Embodies distinguishing characteristics of architectural style
  - Meets criteria for the National Register of Historic Places
- 

### Historic Preservation zoning process:

- Neighborhood initiates zoning request
- Tulsa Preservation Commission assists area with design guidelines
- The commission polls area for zoning support
- The commission prepares map of proposed district and reveals polling results
- The commission submits a Report of Recommendation to the Tulsa Metropolitan Area Planning Commission
- The planning commission submits recommendation to the City Council for final approval

By P.J. LASSEK World Staff Writer

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