STR: 9330
CZM: 47
CD: 9
HEARING DATE: 01/11/2022 1:00 PM

APPLICANT: Stuart VanDeWiele

ACTION REQUESTED: Variance of Section 5.030 (Table 5-3) to reduce the minimum lot area of a special exception use from 12,000 square feet to 8,691 square feet; Variance of Section 5.030 (Table 5-3) to reduce the minimum lot width of a special exception use from 100 feet to 67 feet; Variance of Section 5.030 (Table 5-3) to reduce the minimum street setback from 25 feet to 18.87 feet; Variance of Section 5.030 (Table 5-3 Table Note 4) to reduce the minimum interior side yard (to the west) from 25 feet to 8 feet; Variance of Section 5.030 (Table 5-3) to reduce the minimum interior side yard (to the west) from 25 feet to 14.33 feet; Variance of Section 90.090-A to allow parking within the planned right-of-way along Quaker Avenue, subject to granting of a right-of-way license agreement from the City of Tulsa.

LOCATION: 4920 S QUAKER AV E
ZONED: RS-3

PRESENT USE: Vacant Lot
TRACT SIZE: 8690.26 SQ FT

LEGAL DESCRIPTION: LT 8 BLK 18, BELLAIRE ACRES SECOND EXT

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-23040; On 12.09.20 the Board approved a Special Exception to allow a Public, Civic & Institutional/ Governmental Service Use or Similar Use to permit a spiritual counseling and charitable support facility and food bank in an RS-3 District.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Mixed-use Corridor" and an "Area of Growth".

Mixed-Use Corridors are Tulsa’s modern thoroughfares that pair high-capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to
increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located at the NW/c of E. 49th Pl. S. and S. Quaker Ave. The property is immediately across S. Quaker from the Church of St. Mary.

**STAFF COMMENTS:** The applicant is requesting **Variance** of Section 5.030 (Table 5-3) to reduce the minimum lot area of a special exception use from 12,000 square feet to 8,691 square feet; **Variance** of Section 5.030 (Table 5-3) to reduce the minimum lot width of a special exception use from 100 feet to 67 feet; **Variance** of Section 5.030 (Table 5-3) to reduce the minimum street setback from 25 feet to 18.87 feet; **Variance** of Section 5.030 (Table 5-3) to reduce the minimum interior side yard (to the west) from 25 feet to 8 feet; **Variance** of Section 5.030 (Table 5-3, Table Note 4) to reduce the minimum interior side yard (to the west) from 25 feet to 14.33 feet; **Variance** of Section 90.090-A to allow parking within the planned right-of-way along Quaker Avenue, subject to granting of a right-of-way license agreement from the City of Tulsa.

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| **Minimum Lot Width (ft.)** |     |      |      |      |      |      |     |     |      |      |      |      |     |
| Detached house              | 150 | 100  | 75   | 60   | 50   | 50   | 50   | 50   | 50   | 50   | 50   | 50   | 50   |
| Patio house                 | -   | -    | -    | -    | -    | -    | -    | -    | -    | -    | -    | -    | -    |
| Townhouse                   | -   | -    | 30   | 25   | 20   | 25   | 20   | 20   | 20   | 20   | 20   | 20   | 20   |
| Cottage house dev't         | -   | -    | 60   | 50   | 30   | 50   | 50   | 50   | 50   | 50   | 50   | 50   | 50   |
| Duplex                      | -   | -    | 30   | 50   | 50   | 50   | 50   | 50   | 50   | 50   | 50   | 50   | 50   |
| Multi-unit house            | -   | -    | -    | -    | -    | -    | -    | -    | -    | -    | -    | -    | -    |
| Apartment/condo             | -   | -    | -    | -    | -    | -    | -    | -    | -    | -    | -    | -    | -    |
| Other allowed buildings/uses| -   | -    | -    | -    | -    | -    | -    | -    | -    | -    | -    | -    | -    |
| Permitted by right          | 150 | 100  | 75   | 60   | 50   | 50   | 50   | 50   | 50   | 50   | 50   | 50   | 50   |
| Special exceptions          | 150 | 100  | 100  | 100  | 100  | 100  | 100  | 100  | 100  | 100  | 100  | 100  | 100  |

| **Minimum Street Frontage** |     |      |      |      |      |      |     |     |      |      |      |      |     |
| **Min. Building Setbacks (ft.)** |     |      |      |      |      |      |     |     |      |      |      |      |     |
| Street [3]                  |     |      |      |      |      |      |     |     |      |      |      |      |     |
| Arterial or fwy service rd. | 35  | 35   | 35   | 35   | 35   | 35   | 35   | 35   | 35   | 10   | 10   | 10   | 10   |
| Other streets               | 35  | 35   | 30   | 25   | 20   | 20   | 25   | 10   | 10   | 10   | 10   | 10   | 25   |
| Side (interior) [4]         | 15  | 5    | 5    | 5    | 5    | 5    | 5    | 5    | 5    | 5    | 5    | 5    | 5    |

[4] Non-residential uses requiring special exception approval in R zoning districts require minimum 25-foot building setback from R-zoned lots occupied by residential uses.

7.3 REVISED 12/27/2021
The board approved the Special Exception previously to allow the use. At the time the case was heard the additional items were not addressed in the Letter of Deficiency or by the previous applicant.

**STATEMENT OF HARDSHIP:** The applicant provided a Statement in your packet addressing the hardship.

**SAMPLE MOTION:**
Move to _________ (approve/deny) a Variance of Section 5.030 (Table 5-3) to reduce the minimum lot area of a special exception use from 12,000 square feet to 8,691 square feet; Variance of Section 5.030 (Table 5-3) to reduce the minimum lot width of a special exception use from 100 feet to 67 feet; Variance of Section 5.030 (Table 5-3) to reduce the minimum street setback from 25 feet to 18.87 feet; Variance of Section 5.030 (Table 5-3) to reduce the minimum interior side yard (to the west) from 25 feet to 8 feet; Variance of Section 5.030 (Table 5-3, Table Note 4) to reduce the minimum interior side yard (to the west) from 25 feet to 14.33 feet; Variance of Section 90.090-A to allow parking within the planned right-of-way along Quaker Avenue, subject to granting of a right-of-way license agreement from the City of Tulsa.

- Finding the hardship(s) to be__________________________________________.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions ____________________________.

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

a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
Exhibit “A”

Legal Description

Lot Eight (8), Block Eighteen (18), BELLAIRE ACRES SECOND EXTENSION, an addition to City of Tulsa, County of Tulsa, State of Oklahoma, according to the Recorded Plat No. 1705.
Exhibit “B”

Action Requested

**Variance #1 (Lot Area)** – Variance of Section 5.030 (Table 5-3) for the minimum lot area of a special exception use from 12,000 square feet to 8,691 square feet.

**Variance #2 (Lot Width)** – Variance of Section 5.030 (Table 5-3) for the minimum lot width of a special exception use from 100 feet to 67 feet.

**Variance #3 (Setback from Quaker Avenue)** – Variance of Section 5.030 (Table 5-3) for the minimum street setback from 25 feet to 18.87 feet.

**Variance #4 (Setback from Interior Side Yard – West)** \(^{1,2}\) – Variance of Section 5.030 (Table 5-3) for the minimum interior side yard (to the west) from 25 feet to 8 feet.

**Variance #5 (Setback from Rear Yard – North)** – Variance of Section 5.030 (Table 5-3) for the minimum interior side yard (to the west) from 25 feet to 14.33 feet.

**Variance #6 (Parking in Quaker Planned Right of Way)** – Variance of Section 90.90-A to allow parking within the planned right-of-way along Quaker Avenue, subject to granting of a right-of-way license agreement from the City of Tulsa.

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\(^1\) Note that the LOD incorrectly labels the “interior side yard” as being to the “east” instead of to the “west”.

\(^2\) Note that this requirement is only required (per note 4 on Table 5-3) “from R-zoned lots **occupied by residential uses**”. The lot to the west is zoned R-3 but is a vacant lot. As such, applicant would contend this variance is not required.
Exhibit “C”

Hardship Statement

The use of the Subject Property as an outreach center for the Church of St. Mary was approved on December 8, 2020 (BOA-23040). That approved use triggered the need for several variance requirements, all of which relate to the size of the Subject Property.

The development of the Subject Lot as an outreach center will be in conjunction with the religious, civic and charitable activities that have been conducted by the Church at its adjoining (across Quaker) campus since 1954 – specifically, these types of outreach services have been provided directly across Quaker for 25 years. The new use at the Subject Property will be small in scale and is merely a relocation of the same use from directly across Quaker.

The majority of the visitors to the outreach center (i) are by appointment, (ii) come to the center on foot or by bus routes along Peoria, and (iii) are outside of heavy traffic flow times.

The historic religious, civic and charitable activities of the Church are unique to Subject Property and, when coupled with the small scale of the planned development, clearly satisfy the requirements of Section 70.130-H. The variances not only will not (i) alter the essential character of the neighborhood, (ii) impair use or development of adjacent properties, or (iii) cause substantial detriment to the public good – to the contrary, the variances are in keeping with the character of the neighborhood and are of a tremendous need and benefit to the community.

For a more detailed description of the project, see the attached summary by Rev. Jack Gleason of the Church of St. Mary.
City councilors, local officials tour 61st and Peoria, explore options to improve neighborhood

Kevin Canfield  
Dec 14, 2021

Tulsa City Councilors Jayme Fowler (from left) and Jeannie Cue speak to local officials on a tour of a vacant lot near 61st Street and Peoria Avenue.

Ian Maule, Tulsa World
City Councilor Jayme Fowler has been quietly working to improve living conditions in and around 61st Street and Peoria Avenue since he took office a year ago.

Now he’s speaking up and urging nonprofits, civic leaders and the city itself to join in the effort.

“We are going to execute the playbook,” Fowler said last week before leading about a dozen people on a tour of the area. “There is not going to be an incredible big, big bang. But there will be incredible attention to detail with everything that we do, and every little thing that we do, it will begin to add up — on a week, on a month, on a year.

“And after about two or three years it will be all of a sudden just this cool place. Good things are going on.”

The tour began at the South Tulsa Community House, a nonprofit organization at 5780 S. Peoria Ave., and included stops at Johnson Park, Cox Cash Saver supermarket and an empty lot across the street. Along the way, the visitors got to see some of the rundown and dangerous apartment complexes that are all too common in the neighborhood. An overnight fire at one complex left about a dozen residents displaced on Monday.

Lindiwe Chaza Jangira, executive director of the Community House, said she was grateful to have guests to the neighborhood who are genuinely interested in making the area a better place.

“We have become overshadowed by the affluence of south Tulsa,” Jangira said. “And when you talk about south Tulsa, everybody is just thinking big mansions and the (Southern Hills) golf course, the River Spirit.
“They don’t see in between. So this is a very good indication for us that you have noticed that we are here, and more than that, that we are willing to actually take some actions to be transformative players in this community.”

Fowler said the 61st and Peoria neighborhood as he defines it is bounded by 55th Street to the north, 64th Street to the south, Riverside Drive to the west and just east of McClure Elementary School on 61st Street to the east.

The densely populated area has long been one of the city’s poorest and most crime ridden — a fact not lost on people like Elizabeth Osburn with the Tulsa Regional Chamber.

“We think that to have a city that can attract businesses we have to have a city that invests in all its neighborhoods and all of its residents, and we have seen some amazing things happen when the community comes together in north Tulsa and when the business community comes together,” Osburn, the chamber’s senior vice president of government affairs, said during the stop at Johnson Park. “We want prosperity for all of the city.”

Fowler stood in front of the park’s restrooms, which he said have not been operable for decades, and promised better times ahead for the long under-used green space along Riverside Drive.

The city has $3.125 million in Improve Our Tulsa II funds allocated for the park, an effort Fowler believes will be a catalyst for more changes throughout the neighborhood.

“When you talk about public-private engagement, a renaissance, that is kind of where it starts right there with the city and that $3 million spark,” he said.

Parks and Recreation Director Anna America said the process begins with community engagement that is likely to start soon after the new year.
“We have brought on a consultant to help make sure we are really engaging with the neighborhoods,” America said. “The No. 1 goal is to have it be an awesome park that serves that community.”

America said she believes the park also can serve as a regional draw, depending on what amenities are put in it.

“We know we will want a great playground and some kind of water play and other amenities to keep kids active and engaged and places for the community to come together,” America said.

“I also think we have significant opportunity for additional private investment to supplement the public funding, if that becomes necessary.”

Before its last stop at Cox Cash Saver, 6207 S. Peoria Ave., the group stood in an empty field across the street and heard Fowler’s vision for that property. He suggested that it could one day be home to townhouses or cottage homes — better and safer housing options that would not require bulldozing existing apartments or driving residents out of the neighborhood.

Not that he is pleased with the poor conditions in which many apartment dwellers in the area find themselves living. There is a page in Fowler’s playbook for the owners of those properties.

“We want to engage apartment owners and land owners and managers. We want to be good partners with them, and we will go to the lengths to try and develop a partnership,” Fowler said. “But, you know, in lieu of that, if they don’t want to be good stewards, they don’t want to be good landlords, if they don’t want to be good partners, then, you know what, we will play that chronic nuisance card at some point.”

Councilor Jeannie Cue, another longtime advocate for improving the lives of residents in the area, did the talking at Cox Cash Saver.
“This is the center of the community. This is the best blessing that we have in our community, having a store,” Cue said. “Because I can’t even imagine what my residents would do if they didn’t have a grocery store, because they would have to take a bus to Walmart.”

And that, she made clear, is not as easy as some people might think.

“There again, how do you get on the bus?” Cue asked. “You have got to have the money; you’ve got to take your kids. How many bags can you actually carry on a bus? So it is a challenge.”

Another participant in the tour, A.J. Johnson, owner of Oasis Fresh Market in north Tulsa, not only appreciates Cox Cash Saver’s value to the south Tulsa neighborhood around 61st and Peoria, but he believes its impact could be even greater.

About 50% to 60% of Cox Cash Saver’s customers use food stamps, a figure that is similar to the numbers Johnson sees at Oasis Fresh Market. But at Oasis, customers can take advantage of the federally funded Double Up Program.

“In partnership with Oklahoma Hunger Free, it’s a federal dollar-for-dollar matching program, and it is really a way that pushes healthy, sustainable living for those that are receiving federal benefits,” Johnson said. “So, for example, $20 per day over 30 days, that’s an additional $600 a month that can be allocated for a family specifically for fresh produce and veggies — that’s a game changer for families.”

Johnson said he would be glad to assist Cox Cash Saver in participating in the program.

“Because this community, just like north Tulsa, needs it — needs it for sure,” he said.

Perhaps no one in the tour group knew the area better than Steven Watts, CEO and co-founder of Rose Rock Development Partners. He grew up just south of 61st and Peoria and attended school in the neighborhood. He is a long-serving member of the South Tulsa Community House board of directors.
Watts said he would like to see the city upgrade Peoria Avenue from 61st Street to Riverside Drive.

“It floods when it rains. ... It doesn’t have good storm drainage. It doesn’t have curb and gutter,” he said. “So it is essentially an old county road. And what does that signal to developers and existing property owners?”

Watts said improving the street is on the city’s list of capital projects but that he believes it should be prioritized.

“I personally feel like once that happens, the strip centers will begin seeing new occupants and eventually you’ll see some activity in the real estate space adjacent to that road,” he said.

**Featured**

Our photo staff shares moments to remember from this year

**Photo gallery: 2014 block party draws thousands to 61st and Peoria**

Community event offers food and access to social services
Johnson Block Party

Lacresha Brown (left) dances with Cinnamon Lewis (right) at a block party in Tulsa, Okla.'s Johnson Park on Saturday, September 20, 2014. MATT BARNARD/Tulsa World

kevin.canfield@tulsaworld.com
Kevin Canfield
Staff Writer
I cover local government in Tulsa from the mayor to city council. Phone: 918-581-8313
Councilor Jayme Fowler  
Council District 9  
175 East 2nd Street, 4th Floor  
Tulsa, OK 74103  

December 15, 2021

Dear Councilor Fowler,

I was pleased to read in the paper yesterday morning of your interest and advocacy for the residents in and around 61st and Peoria. We, at the Church of Saint Mary, share your interest in providing for this underserved area of our city. For the last 25 years, we have provided services to our neighbors that reside in zip codes 74105, 74135 & 74136. Our largest demographic is 74105, specifically at 61st and Peoria.

Historically, we provided assistance through a space that was a part of our existing campus, the “Annex” located at 1347 E 49th Place. The space was inadequate to store the groceries and other items we regularly distributed to our neighbors at 61st and Peoria. Even with this inadequate space, on average we served 300 households a month, distributing the equivalent of over $250,000 a year in assistance.

In the hope of better serving our neighbors, we purchased a property across the street at 1319 E 49th Place so that we could build a better space to continue the services we provide. It was part of a larger building project for the church. The larger project required that we tear down our existing outreach center. A Special Exception has been given by the city for this space, but deficiencies have been delineated.

The specific services that were provided through our old building were as follows: 1) financial assistance in the form of transportation needs (bus tokens and some gas gift cards), assistance for medicines and prescriptions, assistance for unpaid utility bills, and rental assistance; 2) groceries to take home; 3) spiritual and emotional support (counseling); 4) maternal and infant needs; 5) some food delivery for the handicapped and elderly; and 5) some seasonal hard goods (furniture, fans, air conditioners, blankets, and some household items). We desire to continue providing these services through a new space.

We have been at a standstill in securing what we need from the city to move forward with our project. Unforeseen delays have impacted movement through the city requirements for the zoning and permitting process (it was a residential space, as we are located in a neighborhood). The pandemic shut down the city offices for several months and then the cyberattack resulted in more delays. We have been granted a zoning Special Exception and are now addressing additional requests for variance in articulated deficiencies. All in all, we are more than one year into the process of navigating the city process and still awaiting a decision. In the meantime,
those families and individuals we served are doing without the assistance we provided—we simply have no space until the new Outreach Center is built.

We will go before the Board of Adjustment (Case No. BOA-23232) on January 11, 2022, to address the deficiencies articulated by the city and to request the needed variances. The cumbersome process has necessitated that we hire legal counsel to help us navigate the city process. We are hopeful that we will receive a favorable decision to build a better space to provide services once again for our neighbors at 61st and Peoria. I alert you to this to keep you in the loop and perhaps, seek out your endorsement and support at the January 11th Board of Adjustment hearing.

Thank you for your advocacy for our neighbors. Please let me know if there are projects with which you would like us to partner. We are open to serving our neighbors in providing for their current needs and building a better future.

Sincerely,

[Signature]

Rev. Jack Gleason
Pastor