

**MINUTES**  
**KNOXVILLE HISTORIC ZONING COMMISSION**  
**KNOX COUNTY HISTORIC ZONING COMMISSION**  
**MEETING OF JANUARY 20, 2005**

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**Members Present:**

Nic Arning  
Duane Grieve  
Linda Claussen  
Finbarr Saunders  
Cassandra McGee  
Steve Cotham  
Lila Wilson  
Herb Donaldson  
Faris Eid  
Melynda Whetsel

**Others Present:**

Joe Hultquist  
Tom Reynolds  
Sharon Boyce  
Hugh Morgan  
Dot Kelly  
Dave Hill  
Kim Trent  
David White  
Ann Bennett  
Charlotte West

**Members Absent:**

Kenneth Gresham (ex.)  
William Hoehl (ex.)  
Carol Montgomery (ex.)

Arning called the meeting to order and asked if there were any conflicts of interests on the certificates.

**MOTION BY CLANCY AND SECOND BY SAUNDERS TO APPROVE THE DECEMBER 16, 2004 MINUTES. THE MOTION CARRIED UNANIMOUSLY.**

Arning stated that Clifford Quinton's lawsuit against the City is being heard today, and Bennett, Boyce and Reynolds will have to leave when they are called to court.

Reynolds reported Mr. Haas has made a full offer to buy the Pickle Mansion.

**MOTION BY EID AND SECOND BY DONALDSON TO MOVE THE FORT HIGLEY H-1 OVERLAY UP ON THE AGENDA. THE MOTION CARRIED UNANIMOUSLY.**

Consideration of significance statement for Fort Higley requested by Knoxville City Council.

Arning stated that the Knoxville Civil War Roundtable has submitted a letter requesting that the Knoxville Historic Zoning Commission (HZC) recommend an H-1 overlay for Fort Higley to City Council. David White and Steve Eagleton, developers representing Log Haven Development Group, have an option to purchase property, which is the site of Fort Higley where a siege took place during the Civil War. They plan to build condos on a portion of the site and preserve portions of the fort as open space. Boyce has asked for legal advise from Morris Kizer and Charles Swanson of the City Law Department and Steve Wise, MPC's lawyer, and they told her that the Commission does not have the authority to pass this. They were given the option of debating the issue. The Knoxville Civil War Roundtable has appeared before other government bodies and has not been approved. Boyce read from City of Knoxville Zoning Ordinance that the Commission has the right to recommend an H-1 only after other authorized applicants have begun the process.

Hugh Morgan, 3316 Bunker Hill Lane, President of the Knoxville Civil War Roundtable, noted he interpreted the Zoning Ordinance to say that the Commission shall review an H-1 request and advise City Council of their decision. The Roundtable made the request because they could not get on City Council. They did attend a City Council meeting and were postponed for two weeks. He stated that the property should have a historic overlay. Fort Higley is one of 16 forts and cannon locations constructed by the Union Army in 1863 to defend Knoxville from the Confederate Army. Fort Dickerson and Fort Higley are the only two forts left. He feels the property should have an overlay because there should be something binding so the owners would be bound by the overlay.

Dot Kelley, 2921 Forestdale Avenue, Preservation Chair of the Roundtable, stated that forts were built on tops of ridges and controlled Knoxville. If the Confederates had been able to take the forts, the Union Army would have been captured. The Union Army won the battle. The fort is 141 years old and since a battle was fought there, it should have an H-1 Overlay on the property. Trenches come down to the driveway encircling the property next to it. The owners have applied to the East Tennessee Historical Society and support this. Fort Sanders is gone, which was another important fort within the city. Genealogy is important to people and there are descendants coming through Knoxville who would be interested in seeing the forts. Heritage tourism is the second largest tourist attraction in Tennessee. She asked that the commission consider this fort to protect our heritage. The current owner of the property will not let anyone on the land. She is surprised that the land will be been sold and that condos are to be built there.

Dave Hill, Chief Operating Officer for the City of Knoxville and Interim Executive Director of MPC passed the plan for the condos to the commissioners. The Commission is looking at this to recommend an H-1, but City Council will hear it on February 1. Everyone recognizes that the fort should be saved, and it will have to be determined how the site should be treated. City Council will discuss this issue and will look at the Log Haven development and review process. The Commission could advise the developer to help in preparation of the concept plan and suggested that City Council consider holding in H-1 abeyance in the future. It is premature if we are going to work with the developer for the entire site. Three neighborhood meetings have been held for the developer to meet with interested parties. This is a possible opportunity for the Commission to advise and take a look at the developer's interest and utilize Bennett's expertise. The likely submittal deadline is March 7 to meet the April 14 MPC meeting. MPC would hear the Use on Review and concept plan. The developer will have to hold more neighborhood meetings. Hill is concerned about designation being started with the Log Haven review process going at the same time. Everyone needs to work together. The fort should be made publicly accessible. Arning agreed that a committee should look at this to help City Council make a decision.

City Councilman Joe Hultquist stated that he has been involved in this process and is the one who asked that it be placed on the City Council agenda. He wanted it on the table for City Council. The overall use of the property is a concern. Karen Nolt is working through the Water Conservancy to preserve the natural areas. Hultquist is asking for input from the Commission and suggested that it not be acted on at this time. Arning stated that Hultquist wants direction to suggest to Council for their February 1 meeting.

Cotham stated that he sees this as an opportunity for Knoxville to include Fort Higley in historical tourism and would like to see the site preserved.

Hill made the suggestion that the Commission make a decision whether to serve as an advisor to City Council by February 1. Questions should be asked on how deal with the site in more detail. The developer says it is important and will make it accessible to the public. The Commission may want to review more details of the site. Arning noted he has received a list of Commissioners willing to work with the developers.

David White, 6255 Lakeview Drive, Buford, Georgia, who is a partner in the Log Haven Group, has an option on the property where the fort is. He is in favor of what Hill says in having the Commission be a part of the process working with the H-1 Overlay and concept together. They are willing to compromise to build the development they have planned. They have to develop on the ridge top because of the lay of the land. This is private property and putting an H-1 on it does not open this up to the public. There is no public access to the property, but they will create public access on a portion of it.

Morgan stated that he is concerned that in the context of the Use on Review, historical is not addressed and the City Council cannot consider it. The property has to be designated for a historical overlay for them to consider it. Hill stated that concept plan is subject to approval by MPC and appeals are heard by City Council. The Commission's suggestions could accompany the concept plan.

Kim Trent, Executive Director of Knox Heritage, stated they support the H-1 overlay. She cannot say where the overlay should go, but would like to see another body be able to review the overlay in the future.

Arning stated that a vote should be taken. He reminded members that Boyce has stated the Commission does not have the authority to approve the overlay without City Council, Mayor or property owner application. Arning stated that he hopes the Commission will make a decision today to accept the legal staff's recommendations. The Commission will help with the development of a concept plan. He will inform White what the Commission's decision is. If City Council wants an H-1 Overlay, the Commission will start working on the guidelines for it. He asked that a committee be formed on the Commission and to come to a decision by March 7.

**MOTION BY EID AND SECOND BY CLANCY TO ACCEPT THAT THE HISTORIC ZONING COMMISSION DOES NOT HAVE THE AUTHORITY TO ISSUE AN H-1 OVERLAY AND TO ACCEPT THE LEGAL STAFF'S RECOMMENDATION OF SENDING THIS ITEM TO CITY COUNCIL AND MPC FOR THEIR REVIEW. THE MOTION CARRIED UNANIMOUSLY.**

**MOTION BY EID AND SECOND BY SAUNDERS TO FORM A SUBCOMMITTEE TO STUDY THIS H-1 OVERLAY. THE MOTION CARRIED UNANIMOUSLY.**

Arning asked how the Commissioners feel about working with the developer. Saunders stated that he is glad everyone is talking to preserve the fort for public use. The Commission was then given the opportunity to volunteer to serve on the subcommittee. Arning wants all parties to meet to discuss the issues and try to agree before going before MPC and City Council. The subcommittee will help with the history of the fort and see what the developer wants to do. Hultquist stated that a conservation easement could be put on the property or other options are available.

**MOTION BY WHETSEL AND SECOND BY DONALDSON TO GIVE ARNING THE AUTHORITY TO FORM A SUBCOMMITTEE. THE MOTION CARRIED UNANIMOUSLY.**

**MOTION BY WHETSEL, SECOND BY EID: THAT THE KNOXVILLE CITY COUNCIL SHOULD BE INFORMED THAT THE KNOXVILLE HISTORIC ZONING COMMISSION BELIEVES FORT HIGLEY TO BE HISTORICALLY SIGNIFICANT. THAT THE KNOXVILLE HISTORIC ZONING COMMISSION REQUESTS THAT THE CONSIDERATION OF AN H-1 HISTORIC OVERLAY FOR FORT HIGLEY, TOGETHER WITH OTHER OPTIONS, BE LEFT OPEN AND AT THE DISCRETION OF KNOXVILLE CITY COUNCIL. THE MOTION CARRIED UNANIMOUSLY.**

**CERTIFICATES OF APPROPRIATENESS:**

**KNOXVILLE HISTORIC ZONING COMMISSION**

**General H-1:**

*140 Major Reynolds Place*, Michael Brady, Inc./ Kevin Sidell (Applicant)

**Description of Work:** Level II Certificate. Construct at grade 3'x3' brick veneer frame with central signboard at southeast corner of entrance to parking lot.

**Staff Recommendation:** APPROVE Certificate No. 122004GEN. Revisions contained in this application meet the stipulations of the design guidelines and the interpretation of the Historic Zoning Commission of its December 16, 2004 meeting.

Sidell filed an application at the December meeting for a sign that was too large. They had suggested putting dirt around the base and making the sign smaller. The request is to construct an at grade 3' x 3' brick veneer frame without the berm.

**MOTION BY EID AND SECOND BY WILSON TO APPROVE THE STAFF RECOMMENDATION. THE MOTION CARRIED UNANIMOUSLY.**

**Old North Knoxville H-1:**

*1129 Harvey.* Allen Harris (Owner).

**Description of Work:** Level II Certificate. Replace oversize, deteriorated siding with 4-5” lap poplar siding; patterned wood shingles in gable ends, corner boards, trim, fascia and soffit.

**Staff Recommendation:** APPROVE Certificate 10505ONK. Current wood siding is not a hallmark of the Minimal Traditional Style, is in bad condition and must be replaced, and is not available on the market. Lap wood siding will be more appropriate for 1129 Harvey and the neighboring houses.

Chester Kilgore of Old North Knoxville (ONK) sent a letter to the Commission stating that ONK supports the staff recommendation to approve this certificate. The work contemplated is consistent with the adopted ONK Design Guidelines and makes a good solution for both Harris and ONK. Harris has sought out the neighborhood representative and the staff of HZC for advice on this projects, and everyone is in agreement.

**MOTION BY CLANCY AND SECOND BY DONALDSON TO APPROVE THE STAFF RECOMMENDATION. THE MOTION CARRIED UNANIMOUSLY.**

*238 E. Oklahoma.* Chris Plante (Owner).

**Description of Work:** Level II Certificate for replacement/repair. Remove and rebuild porch roof, asphalt shingles (in kind), tongue in groove porch deck, square wood columns consistent with house design; repair/rebuild porch foundation with brick matching Preservation Brief No. 2; repair existing sashes/windows, replacing as necessary with wood double hung to match existing; replace front half-view door in kind; repair primary foundation, brick, Preservation Brief No. 2; reroof rear; install gutters; rebuilding chimneys using Preservation Brief No. 2; remove cedar shakes to reveal clapboards, repair as needed, on main portion of house, leaving cedar shakes as needed.

**Staff Recommendation:** APPROVE Certificate No. 121504ONK. Applicant received a certificate for this work in 2002. The proposed work description has not changed, but the Certificate has passed the two-year expiration date. The work is not complete, and the owner is seeking to update the previous Certificate 112002ONK.

Plante has applied before, the certificate has expired and he has not completed the work.

Chester Kilgore wrote a letter to the HZC stating that Old North Knoxville (ONK) has concerns about the seriousness of Plante to do the work in a timely manner. He has been granted a Certificate of Appropriateness for virtually the same work description for over six years in a row and only minimal work has been done during that time. The house continues to deteriorate due to the lack of work being done and is actually in worse condition now than it was when he began obtaining his Certificates from the HZC. He thinks this was in 1992 when the H-1 Overlay was enacted. ONK agrees with the staff recommendation to approve the certificate #121504ONK, as the work does need to be done, but please be aware of our reservations about whether the work will actually be done, while the house continues to deteriorate. ONK would appreciate any guidance that the HZC can give to help us with this situation.

Kim Trent, President of Knox Heritage, stated that they have purchased the house next door, and the house owned by Plante is in worse condition than it was last year and dangerous with a window broken out, and people are living there.

**MOTION BY EID AND SECOND BY DONALDSON TO DENY THE APPLICATION WITHOUT PREJUDICE AND REQUEST THAT THE APPLICANT BE PRESENT AT THE FEBRUARY 17 HISTORIC ZONING COMMISSION MEETING AND THAT CITY BUILDING CODES CITE THE OWNER FOR HAVING BLIGHTED PROPERTY. THE MOTION CARRIED UNANIMOUSLY.**

Level 1 staff reports.

2023 Washington Avenue – Edgewood-Park City – Daniel Schuh 1050EDG – repair/replace siding and soffit in kind.

1311 Kenyon Avenue – Old North Knoxville – John Wampler – 123004ONK – General exterior repair.

- Other

Consideration of proposed amendments to the City of Knoxville H-1 Historic Overlay District, NC-1 Neighborhood Conservation Overlay District and Building and Buildings Regulation Ordinance:

Arning asked Boyce to explain these amendments. She stated there are three separate ordinances that address the ruling the Tennessee Supreme Court made. One applies to H-1 and one to NC-1. Once the process application is filed, a 180-day moratorium period is instituted during which no demolition permit can be issued. The amendments to these ordinances are necessary because the Supreme Court opinion in the Cherokee Country Club case said the demolition moratorium was a zoning issue. She will send these through MPC and City Council and have them enacted. The third amends the building code where the demolition wording is. The only thing that would extend the 180-day moratorium is an appeal until a court decision is made. It is only these two districts.

1. An Ordinance of the Council of the City of Knoxville to Amend the Zoning Ordinance of the Code of the City of Knoxville, Article IV, Section 22, to prohibit application for and issuance of a demolition permit for structures and buildings located within a proposed NC-1 Neighborhood Conservation Overlay District for a period not to exceed 180 days after the rezoning and designation application process has been initiated, excluding appeals.

**MOTION BY EID AND SECOND BY SAUNDERS TO APPROVE ORDINANCE NO. 1. THE MOTION CARRIED UNANIMOUSLY.**

2. An Ordinance of the Council of the City of Knoxville to amend the Zoning Ordinance of the Code of the City of Knoxville, Article IV, Section 14, to prohibit application for and issuance of a Demolition Permit for structures and buildings located within a proposed H-1 Historic Overlay District for a period not to exceed 180 days, after the rezoning and designation application process has been initiated, excluding appeals.

**MOTION BY WILSON AND SECOND BY DONALDSON TO APPROVE ORDINANCE NO. 2. THE MOTION CARRIED UNANIMOUSLY.**

3. An Ordinance of the Council of the City of Knoxville to amend Section 6-33 of the Knoxville City Code by deleting such section in its entirety and substituting in lieu thereof a provision giving notice of a temporary prohibition of applications for and issuance of demolition permits for buildings or structures located on property within a proposed H-1 Historic Overlay District or NC-1 Neighborhood Conservation Overlay District, and to enact such ordinance as a zoning ordinance in accordance with T.C.A. Sections 37-7-201 et seq. and T.C.A. Sections 13-7-401 et seq.

**MOTION BY EID AND SECOND BY WILSON TO APPROVE ORDINANCE NO. 3. THE MOTION CARRIED UNANIMOUSLY.**

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- Adjournment

The next meeting of the Knoxville and Knox County Historic Zoning Commissions will be held on February 17, 2005 at 8:30 a.m. in the Small Assembly Room of the City-County Building, 400 Main Street, Knoxville.