

**MINUTES**  
**KNOXVILLE HISTORIC ZONING COMMISSION**  
**KNOX COUNTY HISTORIC ZONING COMMISSION**  
**MEETING OF JULY 21, 2005**

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**Members Present:**

Nic Arning  
Finbarr Saunders  
Lila Wilson  
William Hoehl  
Kenneth Gresham  
Duane Grieve  
Steve Cotham  
Melynda Whetsel  
Linda Claussen  
Herb Donaldson  
Faris Eid  
Carol Montgomery

**Members Absent (excused):**

Art Clancy  
Cassandra McGee

**Others Present:**

Sharon Boyce  
Mark Donaldson  
Dwight Guinn  
Chester Kilgore  
Jamie Rowe  
Kim Trent  
Tom Reynolds  
Chris Kinser  
Russell Baumann  
Brian Pittman  
Barbara Simpson  
Charles Wagner  
Dalton Townsend  
Frank Gray  
Russell Fredrick  
Cathy Irwin

**Others Present:**

Ed Echenrod  
Elizabeth Eason  
Larry Horton  
Tim Sparer  
Anne Wallace  
Ellen Adcock  
Cathy Shuck  
Clint Harrison  
Craig Daniel  
Michael Tomlinson  
Rob Frost  
Bob Becker  
Reed Massengill  
Ann Bennett  
Charlotte West

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

**MOTION BY SAUNDERS AND SECOND GRIEVE BY TO APPROVE THE  
JUNE 16, 2005 MINUTES. THE MOTION CARRIED UNANIMOUSLY**

- Staff Report (Level I Certificates): Ann Bennett
- Certificates of Appropriateness

Tom Reynolds, Chief, Building, Zoning and Plans Review stated that the commission mandated on May 19 that 238 Oklahoma be put on the “demolition by neglect” list, and a copy of the letter that was sent to the owner, Chris Plate was distributed. Plante says he will do the work that he has a certificate for. He has 30 days to start and 180 days to complete the project.

**KNOXVILLE HISTORIC ZONING COMMISSION**

**Level 1 Certificates**

**230 E. Oklahoma** – Old North Knoxville – Knoxville Preservation & Redevelopment, LLC – 60605ONK – Remove artificial siding, roof, gutters, masonry, window repair.

**1518 Fremont** – Old North Knoxville – Jo Willey, Owner – 62305ONK – Repair front steps, siding gutters, storm windows.

**712 E. Scott** – Old North Knoxville – Collette Matias – 62705ONK – Front step buttressing repair, repair wood siding on garage, replace metal garage door.

**400 E. Oklahoma** – Old North Knoxville – Donna/James Nahmod – 70605ONK – Roof, siding repair, brick infill on foundation including rear foundation repair.

**32 Market Square** – Market Square – Jeff Gencay, Owner – 60905MKT – Point & repair masonry, back entry, install wood windows in existing openings, remove unusable 2<sup>nd</sup> story door.

**812 Gratz** – Fourth & Gill – Rae Becker, Owner – 622054&G – Point chimneys and masonry, replace beadboard porch ceiling, repair windows and porch floor, install HVAC repair siding.

**809 Wells** – Fourth & Gill – Janice Williams, Owner – 615054&G – Replace screen door and added front door with appropriate half-view historic door.

**General H-1:**

**6501 Kingston Pike**, Community Tectonics Architects (Russell M. Baumann, Architect) and Jefferson Federal Bank (Owner)

**Description of Work:** Construction of new 2-1/2 story frame and brick bank building, with approval of landscaping and site design.

**Staff Recommendation:** APPROVE Certificate No. 70705GEN. Proposed building, together with landscaping and site design, are consistent with the design guidelines adopted for the Knollwood development.

Arning noted that the owners and architects met with some of the commissioners earlier concerning this project.

Russell Baumann for Community Tectonics explained that the drawings and illustrations of the viewshed from Kingston Pike were provided for the proposed Jefferson Federal Bank site at 6501 Kingston Pike. Landscaping and lighting designs will be submitted later, and the intention is to meet the adopted design guideline provisions.

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

**Market Square H-1:**

**23 Market Square**, Ross Fowler Architecture/Landscape Architecture (Brian Pittman, Architect).

**Description of Work:** Install wrought iron gates on front and rear facades with integrated transoms and signage, trim on columns, hanging sign 14"x24", demolishing current, inappropriate storefront and rear façade on ground floor.

**Staff Recommendation:** APPROVE Certificate No. 70705MKT. Proposed improvements will substitute for non-contributing storefront, and are designed to suggest appropriately sized elements of a Victorian-era storefront. Elements of the infill design include paired metal doors, divided into three bays that mimic the overlay bay division, with integrated signage in the appropriate position for a signboard. Above them is an open iron grid that mimics the pane division of the prism glass transoms common to Market Square. The hanging sign is also appropriately sized. The columns that are present in the current storefront will be retained.

Brian Pittman of Ross Fowler Architects, 620 Gay Street, explained the plan. Grieve asked about the columns, and Pittman stated the columns will be wrapped, with molding added to suggest capitals and bases.

**MOTION BY GRIEVE AND SECOND BY WHETSEL TO APPROVE THE STAFF RECOMMENDATION. THE MOTION CARRIED UNANIMOUSLY.**

**Fourth & Gill H-1:**

**Description of Work:** Modify Certificate No. 85044&G (previously approved) to add wrap around front and side porch and delete previously approved garage, using basement/ground floor under deck for parking; remainder of approved items do not change.

**Staff Recommendation:** APPROVE Certificate No. 70705ONK. This revision will extend the front porch to one side as a wrap-around front and side porch, and will omit the previously approved garage addition. It is consistent with the adopted design guidelines. In August, 2004, HZC approved a certificate that included a rear garage addition, wood siding, a hip roof with a flat section, new wood windows, round wood 10"

columns on front porch, a bay window on north elevation, first floor, and oriel window on second floor, same elevation, removal of the existing exterior stair, installing a new entry with transom and sidelights, installing gutters, and adding ceiling fixtures on front porch and an HVAC unit (north side elevation). This application modifies that certificate, and is consistent with the adopted design guidelines.

Dwight Guinn of 1249 Monroe Street described what the owner plans to do. Barbara Simpson of 1302 Luttrell Street stated that the neighborhood approves of the plan.

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

**Old North Knoxville H-1:**

**712 E. Scott** – Collette Matias (Owner)

**Description of Work:** Resurface front steps with brick facing.

**Staff Recommendation:** APPROVE certificate No. 62705ONK (Level II portion). Concrete steps to porch have deteriorated and are in need of repair. Brick facing is an appropriate surface for the steps.

Chester Kilgore of 1319 Grainger Avenue stated the neighborhood approves.

**MOTION BY GRIEVE AND SECOND BY SAUNDERS TO APPROVE THE STAFF RECOMMENDATION. THE MOTION CARRIED UNANIMOUSLY.**

**Report to City Council: Removal of H-1 designation for part of Lyons View H-1 Historic District – 5305 Lyons View**

Finbarr Saunders, President of Knox Heritage, stated that Knox Heritage told City Council their position before the City Council meeting and asked them not to oppose the implementation of the open space zoning. They do not want the H-1 overlay removed, and the overlay will not interfere with Cherokee Country Club's expressed plans. In the long-term, if a structure is ever built on this property, Knox Heritage would prefer that the property have a historic overlay. The Historic Zoning Commission's preservation obligation is to the designated properties on the remainder of Lyons View Pike.

Bennett stated that City Council met July 5 to remove H-1 overlay where the J. Allen Smith house once stood. They wanted to hear from the Commission before they made their final vote. Bennett tried to determine how best to protect the character of the street and the remaining historic buildings in a long-term framework.

Charles Wagner, Board Member of Cherokee Country Club, stated that Dalton Townsend, President of Cherokee and a resident and also another resident, Dr. Frank Gray are here today. Wagner submitted a summary to Arning for the Commission to consider. Wagner distributed a letter he wrote to the Commission stating that the Historic Overlay Ordinance does not specify a review procedure by the Commission regarding requests to remove an H-1 overlay. He stated that the overlay was placed on the property to protect the structure from demolition, and the structure has been removed. With the removal of the structure, the reason for the overlay on the property no longer exists. The owners of the other two properties in the Lyons View Pike H-1 District do not object to the requested zoning, including removal of the H-1 from the property. There is no neighborhood objection to the plan. Cherokee is entering into an agreement with the other owners in the District stating their intent to use the property in a manner consistent with the character of the neighborhood. The Lyons View Historic District, as contemplated in the 1994 Cultural Resources Plan for Knoxville and Knox County, is limited to the property on the south side of Lyons View Pike. The background information noted historic features of the Smith/Coughlin House, but did not recommend its inclusion in the District. The government should honor property rights and private agreements of private citizens. If it is later determined that the District should be expanded, the requested OS-1 zoning would not negatively impact any such expansion.

Arning stated that he and Saunders went to the City Council meeting and were concerned that the Historic Zoning Commission was left out of the process of removing the designation.

Wagner stated that they understand the Commission's concern because Cherokee had to go to the Tennessee Supreme Court. With the J. Allen Smith house gone, the purpose of the H-1 on the three properties was to protect the house. Cherokee chose because of economic need to exercise their private property rights. They are strong advocates of historic preservation and want to cooperate with the community. The property owners are in agreement with Cherokee to support the removal of H-1. Cherokee intends to maintain the character of the neighborhood. The neighbors can participate in the decisions of the club, but the government does not need to be involved. They will honor the OS-1 zoning. In 1988 a group recommended the south side of Lyons View Pike be eligible for historic designation. The Smith house was not included in that study. If it

was determined that this district would be expanded, MPC staff made a recommendation of rezoning to OS-1 and removal of H-1. There is no reason that we be treated differently from other landowners. At the City Council and MPC meetings there were some statements made that this is a community-wide effort. Cherokee believes that it is time for the community to put this dispute behind us.

Gresham asked if the agreement with the adjacent property owners will continue if the property is sold, and Wagner stated it will not. This is not a legal agreement between the neighbors. Gresham asked if the first 95' was left H-1, would this cause any problems. Wagner stated that this would restrict their plans, and they do not feel it is necessary.

Frank Gray, a board member and project manager for Cherokee, stated that he lives on Lyons View Pike and supports historic preservation. If he were on the commission, he would be concerned about setting precedents. If H-1 is to be effective there needs to be a cooperative effort of the neighborhood. He understands there are no provisions for removing the H-1. This situation should be put to rest. Nothing would ever be done to this property that would be detrimental.

Kim Trent, Executive Director of Knox Heritage, speaking for their board stated they oppose the removal of the H-1. Cherokee's plans would not be impacted by the H-1. Retaining the overlay will benefit the rest of the neighborhood. This is the place to start to preserve the rest of Lyons View Pike. Future development could be impacted if the H-1 was removed.

Chester Kilgore, representing Old North Knoxville, stated that the neighborhood had a board meeting concerning this issue and expressed their opinion that the H-1 not be removed. If this is allowed to be removed, one-third of the district would be removed. This could set a precedent if allowed to happen in other districts.

Carol Montgomery stated her opinion that the overlay does not impact Cherokee, and the designation should not be removed.

Grieve stated that this has been a problem from the beginning. The Commission was trying to preserve the house. Cherokee cares about their facilities. He would like to see the Commission bring the issue to conclusion. He pointed out the positive aspects of amending the ordinance to allow Historic Zoning Commission review before removing

overlay designations. He recommended that the overlay on the site of the J. Allen Smith House at 5305 Lyons View Pike be removed. Eid stated that he agrees it is hard to remove an H-1. He noted that anything can be built to the east and west because there is no H-1 there.

Arning thanked Wagner for the agreement with the neighborhood. The Commission has an obligation to consider precedents and open space zoning without other restrictions could be the site of condominium development. If this designation is removed, it could be perceived that Cherokee got this passed because of their status in the community and might cause problems in the future for other properties. He urged the Commission to consider this issue very carefully.

**MOTION BY GRIEVE AND SECOND BY EID TO DENY THE STAFF RECOMMENDATION TO REMOVE THE H-1 DESIGNATION FROM THE 5305 LYONS VIEW PIKE PARCEL. THE MOTION FAILED.**

**MOTION BY GRIEVE AND SECOND BY EID TO ACCEPT THE STAFF RECOMMENDATION OF ITEM 2 ONLY (REDUCING THE PORTION OF THE H-1 OVERLAY ON 5305 LYONS VIEW PIKE TO REFLECT THE RIDGE LINE BISECTING THE LOT APPROXIMATELY 95' FROM LYONS VIEW PIKE RIGHT-OF-WAY AT ITS MOST DISTANT POINT), NOT INCLUDING ITEM 1 AND TO REDUCE THE H-1 TO A MAXIMUM OF 95'. THE MOTION CARRIED UNANIMOUSLY.**

**MOTION BY EID TO EVALUATE PROVIDING THE DESIGNATION FOR LYONS VIEW PIKE ON ITEM 1 (DESIGNATING THE POTENTIAL LYONS VIEW PIKE DISTRICT, USING EITHER AN NC-1 OR H-1 OVERLAY, TO PROTECT THE UNIQUE CHARACTER OF THE LYONS VIEW PIKE HISTORIC DISTRICT). MOTION WAS WITHDRAWN TO LET THE DESIGNATION FOLLOW THE REGULAR PROCESS.**

**Discussion of ordinance amendments to Articles 4-14 and 4-22, Knoxville Zoning Ordinance**

Bennett stated that City Council has asked that the Commission review and send to them an ordinance amendment that would include a process for removing an H-1, and incorporate a review by the Knoxville Historic zoning Commission.

Kilgore stated that Old North Knoxville thinks if an H-1 was put in place it should be there forever, without incorporating a way to remove the overlay from some properties in the district. They ask that the Commission not provide for removal of an H-1 from a district.

Mark Donaldson, MPC Director, explained that the discussion today would comment on a process that would be included in the Knoxville Zoning Ordinance to provide for removal of historic or neighborhood conservation overlay designations. A draft ordinance will be proposed for adoption at the MPC meeting on August 11, at the Historic Zoning Commission on August 18 and then at City Council. These will be changes in the Knoxville Zoning Ordinance.

Simpson stated that any ordinance amendment should treat the removal of a designation for its impact on the whole, as zoning is considered for its impact on the adjacent properties and the whole.

Chris Kinser of 217 Deaderick, representing OMNI, stated that if a property owner wants their property removed, the removal of designation should follow the same process as designation requires. Kinser added that a lot of government money has been spent on their neighborhood through grants, some of which encourage infill housing. OMNI is concerned with the design of infill housing. People may see it as a loophole to build something out of character with the neighborhood by being removed from the overlay.

Tomica Miller of 203 W. Glenwood, representing Old North Knoxville, stated that their board voted to make it as difficult to remove an overlay as it is to institute an overlay, using a duplication of the designation process.

Donaldson replied that people can request to be removed from the H-1 now, and we want the language in the code that the commission can recommend this to City Council and provide guidance.

**MOTION BY EID AND SECOND BY GRIEVE TO APPROVE THE STAFF RECOMMENDATION FOR AMENDMENTS TO BE MADE TO THE KNOXVILLE ZONING ORDINANCE WHICH WOULD ALLOW CITY COUNCIL, THE MAYOR OR ANY PURCHASER OF PROPERTY IN AN H-1 OVERLAY TO ASK THAT THE OVERLAY BE REMOVED ON A DESIGNATED PIECE OF PROPERTY WITHIN THE OVERLAY SHOULD THE OWNER DECIDE THAT HE OR SHE DID NOT WISH TO BE INCLUDED IN THE H-1 OVERLAY. THE MOTION CARRIED UNANIMOUSLY.**



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There being no further business, the meeting was adjourned.

The next meeting of the Knoxville and Knox County Historic Zoning Commissions will be held on August 18, 2005 at 8:30 a.m. in the Small Assembly Room of the City-County Building, 400 Main Street, Knoxville.