

MINUTES
KNOXVILLE HISTORIC ZONING COMMISSION
KNOX COUNTY HISTORIC ZONING COMMISSION
MEETING OF APRIL 15, 2010

City HZC Present

Sean Bolen
Scott Busby
Faris Eid
Sandra Martin
Melissa McAdams
Finbarr Saunders
Melynda Whetsel

County HZC Present

Linda Claussen
Steve Cotham
Kenneth Gresham
Carol Montgomery

Others Present:

Sharon Boyce
Tom Reynolds
James Pierce
Lauren Rider
Arin Streeter
Jamie Rowe
Cynthia & John Stancil
Brian Quinley
Heather Joyner Spica
Steve Finnegan
Karen Simpson
Ashley Stoudt
Ann Bennett
Charlotte West

Members Absent:

Andie Ray (ex.)

Members Absent:

Charles Faulkner (ex.)

Chair Melynda Whetsel called the meeting to order and reminded members regarding conflicts of interest.

MOTION BY MARTIN AND SECOND BY EID TO APPROVE THE MARCH 18 MINUTES. THE MOTION CARRIED UNANIMOUSLY.

Whetsel distributed ticket booklets for 4th & Gill tour.

Staff Report (Level I Certificates): Ann Bennett

711 Gratz Street - 4th and Gill H-1 - Dana McNutt (applicant) – Certificate No. 319104&G - Replace asphalt shingle roof in kind, repair wood siding on house and carriage house in kind as necessary, repair gutters, repair front steps in kind, all with like materials.

NOTE: This Certificate is a renewal of Certificate No. 226084&G. Although the applicant has continued to work on the project, there are still some items to be completed, so it was necessary to obtain a renewal certificate.

121 E. Scott Avenue - Old North Knoxville H-1 - Mark Parker (applicant) - Certificate No. 329100NK - Straight sawn spindles of approximately 2" set into the top and bottom rails with 3" spaces between spindles; rear porch not visible from Scott.

KNOXVILLE HISTORIC ZONING COMMISSION

General

300 Main Street – Jayne Burritt – Public Building Authority (applicant) – Knox County (owner) - Certificate No. 32610GEN

Description of Work

Repair two historic windows, one on the east elevation that will be repaired in place, and one on the north elevation to the west of the main entrance that will be removed and repaired; both windows are on the second story.

Staff Recommendation

Certificate 32610GEN has been issued under a Level I application. The interest in the application dictated that the HZC be given a fully documented application, even though the Certificate was issued on March 26, 2010.

Bennett stated this is a level 1 certificate for the Public Building Authority. They will be repairing two windows in the Old Court House and will determine the cost. Elevations are included that show where the windows are that are being repaired.

4th and Gill H-1

631 Eleanor Street – Brian Quinley (applicant/owner) – Certificate No. 315104&G

Description of Work

Replace existing windows with wood double hung windows, sized to fit existing openings with bottom windows to be one over one and upper windows to have calmes on windows facing Eleanor and Third and one over one on other elevations; install color-clad gutters and downspouts; rebuild steps to front porch to be wood, with wood risers.

Staff Recommendation

APPROVE Certificate No. 315104&G. Windows currently in dwelling have been allowed to severely deteriorate and are not weather tight. Remainder of work items are also allowed under design guidelines. Front steps would originally have been wood.

Additional Comments

Windows - see Design Guidelines, Windows, pg. 11, #4

Brian Quinley, 631 Eleanor Street, will be replacing the windows to make them air tight.

Arin Streeter, 120 S. Gay Street, stated that the windows are in terrible shape and do not match, and this will be an improvement. The neighborhood approves of the work.

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

613 Luttrell Street - Hunter Purnell (applicant) – Lloyd N. Smith (owner) – Certificate No. 322104&G

Description of Work

Resubdivision of lots to result in 4 lots approximately 49-50' wide. Lots are currently divided into two small lots (6.01 & 7) and one larger lot (10) with an existing dwelling located on lot 9. Width of lots remaining will vary from current subdivision requirements by width of less than 75', and by lot area of less than 7500 sq. ft. Any new residences should have approximately 5' side yard setbacks, and 15' to 20' front yard setbacks. Lot coverage should be allowed at greater than 30%.

Staff Recommendation

APPROVE Certificate No. 322104&G. Proposed subdivision will return lots to approximately original configurations (see city ward map) and will encourage new construction that is consistent with the overall neighborhood and the remaining houses.

Additional Comments

See adopted design guidelines, pg. 16, Infill Buildings.

Bennett stated that this is a house surrounded by vacant land that, although it was divided into separate lots by deed, was never subdivided officially on the City Ward Maps. Mr. Purnell has a contract to purchase the remaining house and vacant land and wants to build back on these lots. He is requesting to subdivide the lots to make them the way they were, so they are consistent with the lot width in the remainder of the neighborhood. He asked the Commission to approve the lot dimensions he is requesting; these dimensional requirements reflect the size of the parcels as they were originally sold, but never officially subdivided. Variances will probably be required in order to make the side yard and front yard setbacks consistent with the remaining Fourth & Gill buildings. If approved, the Commission is telling the Board of Zoning Appeals that these lots allow infill buildings that meet the adopted design guidelines. This proposed lot size is consistent with other lots on the street and in the district.

Mr. Streeter stated that these lots were this size on the original maps, which would be fine with the neighborhood.

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

Old North Knoxville H-1

1325 Armstrong Avenue – Heather Joyner Spica (applicant/owner) – Certificate No. 319100NK

Description of Work

- 1) Install 8x10 gable roofed shed on pre-existing concrete pad located at rear of house. Shed to be shingled in cedar shingles, with double doors at 4' opening and cedar shingled roof. Shed will not be visible from Armstrong.
- 2) Install antique lamp and lamppost at top of front steps (where ADT sign is located in photo).
- 3) Install round top wood arbor adjacent to lamp, painted to match house trim.
- 4) Add 18x12 deck outside kitchen doors on south side of yard, within fence, with lattice panels. Deck not visible from Armstrong.

Staff Recommendation

APPROVE Certificate No. 31910ONK. Proposed outbuilding is not visible from the street, with wood siding, and suggest the original sheds that would have been found in the neighborhood, although it uses wood shingles rather than lap siding.

Additional Comments

Remainder of items proposed in application are recommended in design guidelines or are appropriate to the historic district.

Saunders asked about the pitch requirements for a shed. Bennett stated that the Old North Guidelines state in Outbuilding “garages 12x12 roof pitch and carriage doors,” and work shed pitches are not listed.

James Pierce, 122 Leonard Place, stated that in regard to the shed, he has discussed its design with Ms. Spica, and the siding, windows and roof do not meet at least three of the guidelines. He asked that the commission not approve this application. Any outbuilding, even if it is not visible from the street, should meet the guidelines. The deck and arbor are fine.

Tom Reynolds stated there is a fine line between an arbor and a trellis. An arbor is considered a structure.

MOTION BY EID AND SECOND BY SAUNDERS TO APPROVE NOS. 2 AND 4 AND DENY WITHOUT PREJUDICE NOS. 1 AND 3. THE MOTION CARRIED UNANIMOUSLY.

409 E. Oklahoma Avenue – Steve Finnegan (applicant/owner) – Certificate No. 40110ONK

Work Description

Tuckpoint foundation as needed using the prescribed cement mixture.
Replace windows as needed, with appropriately sized wood double hung two over two windows.

Redesign and replace window on front gable of house - The current window dimensions are 36x62. Proposed is to resize window to approximately 36x36 and install as first preference of owner a wood casement window, or to install a two over two wood double hung window.

Install a balcony at the second story side entrance, with balcony being 6x6 constructed of pressure treated wood and sawn wood railing with spindles of 2"x2" set into top and bottom rails.

Repair or replace wood bead board front porch ceiling in kind.

Staff Recommendation

APPROVE Certificate No. 40110ONK. Proposals are consistent with adopted Old North Knoxville Design Guidelines. Balcony will be visible from Oklahoma, but not intrusive; door opening exists now.

Additional Comments

Applicant has installed vinyl double hung windows and intends to replace them with wood double hung windows.

Steve Finnegan, 409 E. Oklahoma, apologized to the Commission. He did not know the house was in the historic district when he purchased it. He bought it as an investment in rental property. Although there had previously been three apartments in the house (with a fourth in the building to the rear of the lot) only after he purchased the building did he find those units were not grandfathered, and he would be allowed only two units on the lot. Now, he plans the house to be a single family residence, while retaining the garage apartment. When he got the building permit, he was planning to pursue interior work only, and to replace the front door, but found that the wood was rotten. Instead of replacing the door, he decided to install new siding and vinyl windows. He did not seek a Certificate for that work. He received a stop work order for putting on Hardi Plank and replacing the windows. He did change to wood siding, but for the trim used a composite wood product. He understands he is responsible for replacing the vinyl windows and the composite trim, but would like to replace a portion now and the rest later because of the financial strain.

Busby asked Mr. Finnegan if anyone from the neighborhood came by and he said they did not. Lauren Rider contacted him after the stop work order was issued.

Bolen stated that the commission has had many issues such as the windows and composite wood trim. He proposed that Mr. Finnegan be required to replace both the composite wood and the vinyl windows on the front third of the house by June 15. He will have to custom order the windows.

Sharon Boyce stated that the Commission's role is to apply the guidelines, and the city enforces the guidelines. Bennett stated that she makes the recommendations only; the Commission does not enforce guidelines, but does make recommendations that reflect them through issuance of Certificates of Appropriateness.

Mr. Reynolds stated that his office does not enforce the design guidelines. When they issue a building permit, they have a letter (Certificate) of appropriateness. Adding a time frame might not work. If there is no activity on the project, then the permit would expire. As long as progress is being made, the permit is valid. The city cannot enforce a time frame. He has the letter from the neighborhood. If they see illegal work going on, the City issues a stop work order and a compliance letter, then takes the owner to court. As long as the owner is trying to work it out, the city will not do anything. Reynolds can cite them to court if they do not do any work or comply.

Bennett stated that the bylaws say a Certificate generally expires at a maximum of two years. If the Commission issues a Certificate that expires in three months to replace windows and trim, will the Certificate's expiration void the building permit? Reynolds needs a valid Certificate of Appropriateness to issue a building permit. The Commission could authorize her to issue a certificate on the conditions to meet the deadline.

Mr. Pierce stated that this is noncompliance to a building permit dealing with windows that were replaced with no building permit. There is a stop work order now. The wood trim is also inappropriate to the Certificate that was approved earlier. A metal soffit and fascia was added that is not appropriate.

Bolen stated that the Commission should amend the previous Certificate. The work was done erroneously, so the Commission cannot give him two years.

Bennett noted that the siding is wood but the trim is not.

Mr. Finnegan stated that replacing the windows would cost \$8,000, in addition to the \$1,900 additionally paid for the wood siding. He noted that Meritek (the trim material) is a wood product.

Whetsel responded that the Commission has to go by the guidelines.

MOTION BY BOLEN AND SECOND BY MCADAMS TO AMEND THE PREVIOUS CERTIFICATE TO GIVE THE APPLICANT UNTIL JUNE 15, 2010, TO REPLACE THE NONAPPROVED TRIM AND SIDING FOR THE FRONT THIRD OF THE HOUSE AND JUNE 15, 2011, TO REPLACE THE REST OF THE TRIM SIDING AND WINDOWS.

MOTION BY MARTIN AND SECOND BY MCADAMS TO AMEND THE ORIGINAL CERTIFICATE TO GIVE THE APPLICANT UNTIL JANUARY 25, 2012, TO FINISH THE SECOND TWO-THIRDS. ISSUE A NEW CERTIFICATE WITH THE DATES FOR THE REPLACEMENT OF THE WINDOWS. THE MOTION TO AMEND CARRIED WITH TWO VOTES IN OPPOSITION.

Lauren Rider, 229 E. Scott Avenue, stated that enforcement of the guidelines is important to the neighborhood. They would be willing to help him and find him refurbished windows. The guidelines went into effect in 1992, and they are trying to preserve Knoxville's history.

Mr. Pierce asked what would happen if he does not finish the work and then sells the property. Would the house ever be finished? Tom Reynolds responded that if illegal work has been done, it does not matter who owns it. Gresham stated that the certificate goes with the land no matter who owns it.

THE COMMISSION ADOPTED THE AMENDED RESOLUTION TO ISSUE A CERTIFICATE THAT REQUIRES REPLACEMENT OF THE FRONT ONE-THIRD OF THE WINDOWS WITH WOOD WINDOWS, APPROPRIATELY SIZED TO FIT THE EXISTING OPENINGS, BY JUNE 15, 2011, AND REPLACEMENT OF THE REMAINDER OF THE WINDOWS WITH WOOD WINDOWS APPROPRIATELY SIZED BY JUNE 25, 2012.

MOTION BY EID AND SECOND BY SAUNDERS TO APPROVE THE TUCK POINTING, BALCONY AND REPAIR AND REPLACEMENT OF THE WOOD BEAD BOARD CEILING.

Mr. Pierce stated the neighborhood is in opposition to the balcony, which will be visible from Oklahoma and is in appropriate, and asked that the door be replaced with a window, as would have been the original situation. Mr. Eid then introduced an amendment to his motion to omit the balcony, with Mr. Saunders agreement. The motion before the Commission was as follows:

MOTION BY EID AND SECOND BY SAUNDERS TO AMEND THE PREVIOUS MOTION TO EXCLUDE THE BALCONY BUT TO APPROVE THE TUCK POINTING AND REPAIR AND REPLACEMENT OF THE PORCH WOOD BEADBOARD CEILING. THE MOTION CARRIED UNANIMOUSLY.

Mr. Pierce stated that the neighborhood is in agreement to resizing the front gable end window and the tuck pointing. Bolen stated that the balcony is inappropriate.

MOTION BY BOLEN AND SECOND BY EID TO DENY THE BALCONY. THE MOTION CARRIED UNANIMOUSLY.

MOTION BY EID AND SECOND BY BOLEN TO APPROVE THE REPLACEMENT OF THE INAPPROPRIATE GABLE WINDOW IN A 36X36 SIZE WOOD WINDOW, EITHER CASEMENT OR DOUBLE HUNG AS APPLIED FOR WITH THE DEADLINE FOR REPLACING TO BE JUNE 15, 2010. MOTION CARRIED UNANIMOUSLY.

Mr. Pierce stated the soffit and fascia has been altered and is not appropriate and should be replaced by wood.

Mr. Reynolds stated that the original permit, which was January 25, 2010, was only for work on the inside, and the certificate was not for the outside. If the soffit was metal originally, it can be replaced back with metal. If it has to be replaced, it would have to be wood.

Saunders asked that Mr. Finnegan not be charged a fee when he applies for replacing the metal soffit. Ms. Bennett noted that the Commission records do not indicate whether the soffit was metal or wood, but her memory from inspecting the house about a year ago was that there was some metal in that area. Ms. Boyce stated that if the commission does not have all the facts, they cannot vote.

Bolen and Whetsel thanked Mr. Finnegan and the neighborhood for their cooperation.

Fairmont-Emoriland NC-1

2045 Emoriland Boulevard – Karen Simpson (applicant) – Edward B. and Karen Simpson (owner) – Certificate No. 32510FEM

Work Description

Construct one story 12'x13'6" rear addition, set in from nearest side wall of primary structure 1'6" so it is not visible from street, with lap sided walls and shed roof to blend in with existing building; repair and enlarge parking area at rear of lot to accommodate two vehicles.

Ms. Bennett noted that the Certificate issued following consultation with neighborhood representative. The owner was delayed because of misinformation regarding zoning and was not informed of NC-1 status.

Staff Recommendation

APPROVE Certificate No. 32510FEM. Proposed addition is consistent with the adopted design guidelines.

Additional Comments

The proposed addition is located at the rear and the existing building and will not be visible from Emoriland Boulevard (Design Guidelines, pg. 5, A-4). The applicant inquired about a Certificate from Plans Review, but was not informed that the property was in an NC-1 overlay. When she did receive that information, it was too late to apply

for the March meeting, and delaying to the April meeting poses a hardship for the owner. Following consultation with Steve Cotham, and his review of the plans, the Certificate was issued.

Bennett stated that Karen Simpson missed the deadline last month because of misinformation, which created a hardship. Cotham felt it was appropriate to issue a certificate. Bennett has already issued the certificate.

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

Mechanicsville H-1

1020 Oak – Ashley Stoudt (applicant) – Kathy Ellis, Knoxville’s Community Development Corporation (owner) – Certificate No. 32910MEC

Work Description

Construct new single family house with side yard setbacks no less than 5 nor greater than 10 feet, for a combined total of 15-18 feet for both sideyards, and with a front setback of 18-20.

Proposed building will be on conventional foundation, possibly with incorporation of basement. Side gable roof with shingled roof covering, wood lap siding with 4-5" reveal. Wood skirt boards, corner boards and soffit, wood lap-sided gabled dormers, one over one double hung wood windows with height approximately twice the dimension of the width on the first floor, 8' deep front porch with shed roof continuous with gable roof, square wood columns 6-8", sawn wood railing with balusters set into top and bottom rails, tongue and groove porch floor and beadboard ceiling; extended rear side porch with gable roof and details to match front porch. Front porch steps with risers. Front piers or solid foundation to be parge-coated concrete block. Proposed plans do not include central chimney.

Staff Recommendation

APPROVE Certificate No. 32910MEC. Proposed work is consistent with adopted Mechanicsville Design Guidelines.

Additional Comments

Applicant intends to combine the general design and overall plan of No. 151035 with the gabled dormers shown in plan No. 131041 on their submission. Their application does not include the central chimney.

Ashley Stoudt, 1020 Oak, stated that the driveway will come in from the back alley.

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

Bennett stated there will be a special meeting of the commission on April 21 at 4:30 p.m. at the Time Warp Tea Room, 1209 N. Central, to discuss Certificate of Appropriateness enforcement, and the proposed guidelines revisions for solar applications.

The next meeting will be May 20 at 8:30 a.m. in the Small Assembly Room of the City County Building.

There being no further business, the meeting was adjourned.