

**MINUTES
KNOXVILLE HISTORIC ZONING COMMISSION
KNOX COUNTY HISTORIC ZONING COMMISSION
MEETING OF FEBRUARY 17, 2011**

City HZC Present

Sean Bolen
Scott Busby
Faris Eid
Lorie Huff
Sandra Martin
Melissa McAdams
Andie Ray
Finbarr Saunders
Melynda Whetsel

County HZC Present

Linda Claussen
Steve Cotham
Charles Faulkner
Kenneth Gresham
Carol Montgomery

Others Present:

Tom Reynolds
Lisa Hatfield
Daniel Sanders
Rick Joiner
Brett Honeycutt
John King
Arthur Seymour, Jr.
Brad Salsbury
James Pierce
Arin Streeter
John Craig
Richard Wozniak
John Wampler
Ann Bennett
Charlotte West

Chair Finbarr Saunders called the meeting to order and reminded members regarding conflicts of interest.

Bolen stated that at the last meeting he asked Daniel Sanders to get quotes for the windows he plans to replace. Bennett distributed a chart summarizing the costs by supplier.

Lisa Hatfield of the City Law Department asked the commission to consider the *Secretary's Standards* as they are required. She stated she does not think reliance on the *Standards* is optional. They are set out as the basis for design standards in the ordinance establishing the H-1 process; if the commission modifies or deviates from the *Standards*, it must do so with adopted design guidelines. Bolen read from the Guidelines that when guidelines say nothing, the commission is to revert to the *Standards*. Ms. Hatfield stated that both have to be considered. If there is a conflict, then the guidelines would be used, if the *Standards* do not mention the item in question. Eid asked Ms. Hatfield what the commission should consider if the district guidelines do not address the question. Ms. Hatfield stated the guidelines and the *Standards* should be relied on equally for an answer. Bennett stated that all the local guidelines have been reviewed at the state level and are intended to be compatible with the *Standards*, but are more tailored to individual districts and the architecture that is prevalent in those districts.

Approval of Minutes – January 20, 2011, meeting

MOTION BY BOLEN AND SECOND BY MCADAMS TO APPROVE THE DECEMBER 30, 2010 MINUTES. THE MOTION CARRIED UNANIMOUSLY.

Staff Report (Level I Certificates): Ann Bennett

27 Market Square - Market Square H-1 - Darrell Bell, Jim McMichael Sign Company – Certificate No. 20311MKT - Construct signboard sign, with individual cut out letters 2' tall and total sign length of 6' approximately, with letters mounted on brick wall centered above entry way. Letters to be flat cut out aluminum, painted, and unlit at the present time, with the possibility of lighting the front of the building with gooseneck fixtures at a later date.

Certificates of Appropriateness

KNOXVILLE HISTORIC ZONING COMMISSION

Market Square H-1

407 Union Avenue – Joshua Wright, Architects Wright (Applicant) - Market Square Hotel LLC (Owner) – Certificate No. 2011MKT

Work Description

Sign design, 13' tall overall, and 6' wide at the base narrowing in the central portion of the sign, mounted on the corner at a angle to be visible from both Union and Market. Individual letters will be lit with bulbs and indirect lighting at the edges will highlight the sign background.

Staff Recommendation

APPROVE Certificate No. 2011MKT. The concept of the sign mentioned in this application was approved at the January 20, 2011 meeting, The design has been refined and the size increased slightly in this application.

Additional Comments

The proposed blade sign more nearly duplicates a historic blade sign that was present on the building around the turn of the 20th century.

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

37 Market Square – Robert A. Speck, President Blue Coast Burrito (Applicant), Glenn Laiken, Inc. (Owner) – Certificate No. 12711MKT

Work Description

Construct raised, level seating area on north side of building, terminating at the façade (east elevation) and at the western end of the building. The width of the raised area will be approximately 9 feet, and will be topped by a shelf awning. (A shelf awning was approved in

Certificate 80409MKTA; however, the original shelf awning was divided into a series that framed each bay of the reconstructed north elevation, while this awning is proposed to be continuous but with indentations.)

The purpose of the proposed patio is to provide a level surface that allows for the decreased elevation at the western end of the building; the height of the proposed patio will be approximately 3 feet at its highest elevation. A color-clad aluminum rail will form the edge of the patio and serve as a handrail at the western end. The edge of the proposed composite decking will be finished with a 1x12" composite board. The length of the raised patio is approximately 90', ending approximately 30' short of the western edge of the building.

Sign boards are proposed above each first story window, and at the eastern bay of the north elevation on the second story.

Staff Recommendation

APPROVE Certificate 12711MKT. The proposed seating area is a modification from the original approval, but is consistent with the Market Square Design Guidelines. DENY the corner sign on the north elevation, second story. APPROVE the signboards.

Additional Comments

Incorporating a seating area on the north elevation of this building will extend the activities of Market Square to the west on Wall, linking with the Market Square Parking Garage one-half block to the west, while being non-intrusive to the historic fabric of Market Square itself. There is a corner sign included in this request, on the easternmost bay of the north elevation and on the second story. The proposed lettering and size does not meet the Market Square Design Guidelines, and should be resubmitted in another form; that sign is not recommended for approval.

Bennett described the tables, canopies and signs that are in the staff report. The sign on the side corner should be reapplied for because she is recommending denial.

Saunders stated that one drawing conflicts with the other drawing. McAdams asked about lighting shining on the awning. Richard Wozniak with Blue Coast Borrito responded that they have moved the lighting higher over the awnings.

Busby stated the sidewalk is city-owned property, so they are putting seating on a city sidewalk. Mr. Wozniak stated that Blue Coast Burrito got approval from the city for the seating. Tom Reynolds responded that he is still waiting on some of the drawings. He needs to know what the materials are and how big the seating area will be. He is uncomfortable about not seeing the seating until it is built. The drawings are not showing the width of the seating area. It is in a fire district, and the square footage may be over what is allowed in the fire district if they build it out of wood. Bennett added that if they do not build out of wood, it would be called a permanent structure, which is not allowed. Reynolds responded that they would have to get a variance for the wood deck if it is too large. Busby stated this would have to hold the people and might have to have footings, and that would be permanent. Reynolds added that this is public right-of-way.

John Craig, 12226 Brighton Court, stated that the Market Square District Association has reviewed the original plan but has not seen the new design. The slope was not addressed on the original plan; the Association encourages the commission to apply the Market Square Design Guidelines. Bennett stated that the drawings call for a composite wood decking and aluminum handrails. Busby noted that the original certificate application included a smaller deck at sidewalk level with fencing and planters that can be removed. He feels the elevated deck is a departure from other seating enclosures on Market Square. The railings could be broken up to look more like railings on Market Square. The design needs to be redone. Bennett stated that the signs are consistent with provisions in the design guidelines. Bolen wants to use the Market Square guidelines over the *Secretary's Standards*. Reynolds asked about the lighting over the awnings, and Bennett responded it has already been approved. Bennett stated that gooseneck fixtures will be used to light the signs.

MOTION BY EID AND SECOND BY BUSBY TO DENY THE APPLICATION WITHOUT PREJUDICE. THE MOTION CARRIED UNANIMOUSLY.

Whetsel asked if brick could be used since the patio is not temporary. Bennett responded her understanding was that the city will not allow that.

Bennett asked the commission what changes they were specifically concerned about having included on the next submission from the applicant. Busby stated that designing the railing and deck with the railing broken up as it was in the original design, while including a further description of the materials to be used. The deck could be built lower, then a railing does not have to be 42" high. Eid wants the drawing to show the awnings and signage.

28 Market Square – Brett Honeycutt (Applicant), Square Dream LLC (Bernadette West, Owner) – Certificate No. 1201MKT

Work Description

Add new roof deck, 46'8" x 19'2" set back 10'4" from front of building. Construction to be metal joists and composite decking material suspended above roof deck with ramp from new deck to existing stairway at rear. Continuous railing 3'6" high of 3"x3" steel tube posts 2-1/2" x 2-1/2" top and bottom rails and 1/4" steel coated cables at 4". Penthouse 34'7" long and 5'5" wide and 10'3" high at highest peak with Hardiboard siding and 4" Hardiplank trim, roofed with standing seam metal in dark color and a 5'5"x6' storage room for deck furniture.

Staff Recommendation

APPROVE Certificate No. 1201MKT, with modifications to disallow installation of awnings, umbrella tables, or planters or other improvements that be visible from the street level of Market Square, and to reduce the visibility of the front wall.

Additional Comments

The current proposal from the applicant begins the deck and the railing at 10'4" back from the front parapet wall; the railing is 42" above the height of the deck and is a metal railing that will be barely visible from the floor of Market Square. The penthouse roof slope has been altered so

that the lowest point is at the front, but there is still a small portion of the front wall at the top of the wall that is visible; the applicant has agreed to make every effort to minimize or do away with that visibility if building codes can be satisfied while doing so.

Preservation Brief No. 14 provides that any addition should not harm the character of a historic building by altering historic materials, features and form and should be compatible but differentiated from the historic building. The Brief also provides that any addition should not add more than one story to the height (this penthouse is 10' tall at its highest, rear point, and that it should be set back one bay from the front of the building (which would be true for the penthouse). The current design should be acceptable, provided no umbrellas, canopies or awnings or planters are installed that would be visible from the floor of Market Square.

Bennett stated that she received more photos yesterday for 28 Market Square and distributed them. She described what Ms. West is planning to do on the roof.

John King, Attorney, P.O. Box 2425, representing the applicant, stated that the deck is marginally visible from Market Square. Other properties on Market Square have roof top additions and railings. They are 4 Market Square and three others that have rooftop utilization. Ms. West is seeking approval for rooftop utilization above the Preservation Pub. Mr. King read from the Administrative Rules that stated that “commissions shall take into account the Guidelines and *Secretary’s Standards*.” The proposed rooftop deck will not make any changes in the visual appearance of the building. We are only dealing with a front façade because this is not a corner building. Looking at the *Standards*, there are provisions on page 24, “Contemporary design shall not be discouraged when it does not destroy the architectural structure.” This structure could be removed, and you would still have the same building. He read from Preservation Brief No. 14 that rooftop additions are permissible. There is an illustration in that brief that showed a rooftop structure. Page 12 concerns rooftop structures. It fits the *Standards* because there are two- and three-story buildings on either side. Ms. West has received some letters of support. It is understand no awnings or umbrellas can be used. Preservation Pub is one of the most frequented restaurants on the mall, and Ms. West does not want to detract from her property or Market Square. They respectfully ask it be approved.

Bennett stated that under Section 106 of the National Historic Preservation Act, the *Secretary’s Standards* are used to review cell towers and other federally licensed or funded undertakings, and are not just limited to tax credits. Ray noted she had talked to the owner of the building behind this building, and he is concerned about the noise. She asked if a noise barrier is going to be built. Mr. King responded that they would have to come back if there were any changes. John Craig stated there needs to be a clear, consistent standard that can be applied. People have said that if you cannot see it, then it does not matter. We need to decide what the standard is going to be and how much of a railing can be seen, etc. The guidelines could be redone. Busby stated that the commission takes into consideration neighbors because people live on the upstairs floors.

McAdams noted that creating decks takes Market Square from a pedestrian area to providing activity areas above the floor of Market Square, which changes the focus of Market Square. Whetsel added that the *Standards* state there should not be any rooftop additions that are visible

on buildings lower than four floors. Bolen noted that the Bulletin explaining the standard regarding rooftop additions was recently published and was not widely available. The railing will still be visible. Reynolds stated that they are using Hardiplank, and the railing will be made out of steel. Hardiplank is allowed.

Mr. King asked if a railing is considered a structure. Saunders stated that the commission takes each case separately and does not set a precedent. Mr. King responded that if the railing is treated as not being a structure, the commission is going to have a problem with each application that wants to do the same. Bennett stated that the guidelines need to be reviewed to reach an agreement about what should be on top of the buildings.

MOTION BY EID AND SECOND BY MARTIN TO APPROVE THE STAFF RECOMMENDATION. THE VOTE WAS BOLEN - YES; BUSBY - NO; EID – YES; HUFF – YES; MCADAMS - NO; MARTIN – YES; RAY - NO; SAUNDERS - YES; AND WHETSEL – YES. THE MOTION PASSED SIX TO THREE.

Mechanicsville H-1

1012 Oak Avenue – Rick Joiner (Applicant), Knoxville’s Community Development Corporation (Owner) – Certificate No. 11811MEC

Work Description

Construct new 1-1/2 story Craftsman-derived cottage with one over one windows, Craftsman styled front door, full front porch 8 feet deep with sawn wood railing and columns, brick pier with inset lattice panels and central wood stair with riser panels, masonry foundation with parge coat, 12/12 pitch roof with dimensional shingle roof covering and front facing dormer with single window surrounded by imbricated shingles of Hardi-board, paired second story windows on side elevations, shed roof at rear with one-half rear porch. Railing on front and back porches to be sawn wood, set into top and bottom rail, with 2" spindles on 3-4" centers. Sited with 25' setback and combined side yard setbacks of 17', 6' on east and 11' on west, in accordance with design guideline requirement that front and side setbacks match other properties on the block.

Staff Recommendation

APPROVE Certificate No. 11811MEC. Proposed residence meets the provisions of the Mechanicsville Design Guidelines.

Additional Comments

This applicant received approval to construct a Victorian-inspired infill design on this lot several years ago, but did not receive the lot. A second infill design with another applicant, for a Craftsman-inspired design, was approved for this location, but was not built. This design is the third design, more appropriate to the applicant's needs, and in keeping with the design of other houses on the street.

Rick Joiner, 3705 Forest Lane. Saunders asked about the Hardiplank on the front dormer and thought it was not allowed in Mechanicsville. Bennett responded that it is not allowed. Mr. Joiner stated they can use cedar shake. Bennett said the Mechanicsville neighborhood approves.

MOTION BY BUSBY AND SECOND BY RAY TO APPROVE THE STAFF RECOMMENDATION AND CHANGE THE WORDING FROM HARDIPLANK TO CEDAR SHAKE. THE MOTION CARRIED UNANIMOUSLY.

Fourth & Gill H-1

714 Haynes Place – Daniel Sanders (Applicant/Owner) – Certificate No. 207114G

Work Description

Install new wood double sash windows, with one over one lights, to replace existing rotted out three over one windows. Structure has 32 windows, all of which are extremely deteriorated and cannot be repaired but should be replaced. Three light sashes are not available except in custom windows, and in custom windows would not be true divided lights.

Staff Recommendation

APPROVE Certificate No. 207114G. There are 32 windows in this building, all of which are deteriorated due to lack of maintenance by a previous owner. They must be replaced; duplicating the original pane division would cause a financial hardship.

Additional Comments

One over one windows were often used in buildings constructed at the time of this building. One over one windows can be found in similar buildings and would be appropriate to this structure.

Daniel Sanders, P.O. Box 236, Knoxville, explained there were actually 39 windows in the dwelling, and stated that he came before the commission last month and wants to address an economic hardship for replacing the windows in his house. He offered to address the concerns of the neighborhood through a compromise that would replace the front elevation windows with single divided light and the side and back windows with one over one windows.

Arin Streeter, 120 S. Gay Street, stated that the neighborhood did meet with Mr. Sanders. The guidelines and *Secretary's Standards* are clear. The neighborhood does not want the windows to be mixed. Divided light windows would be acceptable for the front with affixed dividers on front and inside. Whetsel stated that the neighborhood has met and commended Streeter for his work, and Mr. Sanders now understands the guidelines and has been willing to comply.

Bennett agreed that there are 39 windows instead of 32 windows as she first stated. She discussed the chart that was distributed showing the cost comparisons from different companies.

MOTION BY WHETSEL AND SECOND BY EID TO ACCEPT A COMPROMISE OF THREE OVER ONE WINDOWS FOR THE FRONT AND ONE OVER ONE FOR THE SIDES AND BACK OF THE HOUSE AND ACCEPT WITH THREE OVER ONE SIMULATED LIGHT AND THE REMAINDER ONE OVER ONE CONFIGURATION LIGHT. THE MOTION CARRIED WITH BOLEN OPPOSING.

Old North Knoxville H-1

1410 Grainger Avenue – Erin Beaver and Casey Kalb (Applicant/Owner) – Certificate No. 20311ONK

Work Description

Install new Pella one over one double pane windows with wood inside and vinyl cladding on exterior. Replaces two over one double hung windows that were present on building.

Staff Recommendation

DENY Certificate No. 20311ONK. See adopted Design Guidelines, pg. 15, which call for reusing original windows (B.1) or replacing with exact copies (B.2) with replacement windows to have true divided lights (B.3).

Additional Comments

The applicant did not obtain a building permit or a Certificate of Appropriateness prior to replacing the windows.

Bennett stated that the applicant could not attend. They are trying to find windows that will be acceptable. Bennett changed the staff recommendation to deny without prejudice so the applicant can come back next month. The original staff recommendation was to deny. They are working on doing the work correctly. The contractor did not pull a permit.

James Pierce, 122 Leonard Place, stated that the neighborhood agrees with the staff recommendation. He added that they try to educate neighbors about the guidelines. Tom Reynolds stated that the City Building Permit Department sees this every day where contractors do not get a permit, but the owners are responsible. The contractor should have a license.

MOTION BY WHETSEL AND SECOND BY MARTIN TO DENY WITHOUT PREJUDICE. THE MOTION CARRIED UNANIMOUSLY.

Boundary Adjustment

9320 Kingston Pike – Kennedy/Baker House

Staff Recommendation: APPROVE the reduction in area designated under the H-1 Overlay, as shown on the attached staff report prepared for the rezoning by MPC staff.

Kennedy Baker House. Bennett explained that the owner has submitted a plat, and there is a discrepancy regarding the zoning boundary and the parcel boundary to the east. The designated area would be reduced to remove a small sliver of land approximately .15 acres from the H-1 restrictions and place the parcel on the east completely within the PC-1 zone. Bennett drew the line on the map, and it will need to be adjusted when the final plat is presented. They are moving the line to the west.

Gresham stated that there is nothing to show the dimensions and now we are moving the line back to the west. He is concerned that originally there was H-1 to provide adequate access around the house and septic needed to be within the boundary. He asked if the property is served by sewer, where the lateral line connects in the eastern boundary. KUB has sewer there. We need to know that we are not cutting out the area that includes the sewer. Bennett stated that the GIS map shows it is included. The survey has been approved.

Arthur Seymour, Jr., 550 W Main Street, explained that sewer was present to serve the property and that MPC will not rezone the property unless it has access to all utilities.

MOTION BY BOLEN AND SECOND BY RAY TO APPROVE THE STAFF RECOMMENDATION. THE MOTION CARRIED UNANIMOUSLY.

Saunders turned the meeting over to Kenneth Gresham, Knox County Commission Chair, and Gresham asked if there were any conflicts.

KNOX COUNTY HISTORIC ZONING COMMISSION

Village of Concord H-1

1000 Clay Street – John Wampler, High Oaks Construction (Applicant), Mark & Florence Turner (Owner) – Certificate No. 11811CON

Work Description

Replace four multi-paned windows with replacement windows that duplicate the size and pane configuration of the deteriorated original windows; replace deteriorated front door with new front door of identical design.

Staff Recommendation

APPROVE Certificate No. 11811CON. Window replacement was discussed when prior certificate was approved, and is consistent with Village of Concord Design Guidelines.

Additional Comments

In 2004 this property was rehabilitated on the interior and exterior, and a rear addition was approved. At that time the applicant discussed the need to replace the remaining windows in the house, but did not make application for the replacement windows. This Certificate describes the work necessary to complete the house rehabilitation. The windows to be replaced are deteriorated and not repairable due to prior lack of maintenance. The new windows will match the pane configuration of the original windows.

John Wampler, 621 Eleanor Street, stated he is replacing the windows with simulated light instead of true divided light. Whetsel thanked him for understanding about replacement windows. Montgomery stated that the neighborhood did not know anything about this application, but she does not see any problem with it. Bennett stated that Mr. Wampler did a renovation to this house several years ago; at that time the replacement windows were approved but not installed.

MOTION BY MONTGOMERY AND SECOND BY CLAUSSEN TO APPROVE THE STAFF RECOMMENDATION. THE MOTION CARRIED UNANIMOUSLY.

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 March 17, at 8:30 a.m. in the Small Assembly Room of the City-County Building.