

**MINUTES
KNOXVILLE HISTORIC ZONING COMMISSION
KNOX COUNTY HISTORIC ZONING COMMISSION
MEETING OF APRIL 19, 2012**

City HZC Present

Sean Bolen
Scott Busby
Lorie Matthews
Sandra Martin
Melissa McAdams
Andie Ray
Melynda Whetsel
Jason Woodle

Members Absent

Faris Eid

County HZC Present

Steve Cotham
Kenneth Gresham
Carol Montgomery

Members Absent

Charles Faulkner
Linda Claussen

Others Present:

Kaye Graybeal
Jeff Talman
Ben Stewart
Arin Streater
James Pierce
Randy Harris
Roger Roberts
Anne Wallace
David Kerns
Jamie Rowe
Kim Davis
Arthur Seymour, Jr.
Melvin Wright

Commission Chair Scott Busby called the meeting to order. He noted to the attendees that the meeting was being televised and to please speak clearly. All attendees that wished to speak on an Agenda item were sworn in by Comm. Chair Busby. Attendees were also reminded to please sign in prior to speaking.

There were 2 name related corrections stated on the March 15, 2012 Minutes and they were so noted.

Action: A motion was made by Comm. Bolen and seconded by Comm. Martin to approve the March 15, 2012 Minutes with corrections. The Motion carried unanimously.

- Reports to Commission: There were no reports.
- Staff Reports (Level I Certificates and other): Kaye Graybeal, Historic Pres. Planner

KNOXVILLE HISTORIC ZONING COMMISSION

Fourth and Gill Neighborhood (H-1)

1104 Luttrell – Jeff Talman (applicant/owner)

Approval to add double-leafed, 2-over-2 SDL casement in front gable. Add 36", 6-over-1 SDL wood double-hung 3x3 window in each end gable on each side of house. Condition to offset/raise horizontal muntin on front gable window. Refurbish wood siding.

Discussion: Kaye Graybeal stated that there would be no character defining elements removed by the addition of these windows. She further noted that the scale and design of the proposed windows is appropriate for the house and fits with other similar homes in the neighborhood.

The owner, Jeff Talman, was present and stated that he and his wife's objective for the house was to come up with the most flattering iteration of what the house was and what it can be. Comm. Bolen clarified that the architectural renderings show the front window being 8 over 1's where the application is for 6 over 1's, which would maintain consistency with all of the windows on other elevations which are 6 over 1's. A discussion then ensued concerning simulated divided lights (SDLs). A definition of SDLs was established for the sake of consistency with the Commission: Ms. Graybeal stated that a simulated divided light has a muntin on the inside and the outside, whether or not it has a shadow bar. She further stated when the SDL windows can be seen from the right of way, the Commission has required shadow bars, and that SDLs without shadow bars, while not typically referred to as "false" muntins, have been allowed in rear windows. It was clarified that going forward, staff recommendations with regard SDLs, would include the language "with or without shadow bars".

Arin Streeter, neighborhood representative was present. Mr. Streeter stated that the neighborhood supports the staff recommendation on this application with the exception of the front gable window. Referencing the neighborhood design guidelines do not discuss adding windows to the front elevation of a home, and further referenced the Secretary of Interior Standards for Rehabilitation. Mr. Streeter stated that there is an identical twin (1122 Luttrell) of this home in the neighborhood that does not have a window in the front gable.

Mr. Talman stated that he was quite familiar with the home Mr. Streeter identified as an identical twin to 1104 Luttrell. Mr. Talman agreed the the homes are similar but not identical. He further stated that although the home at 1122 Luttrell does not have a window in the front gable, the side gables on the sides of 1122 Luttrell *do* have windows. It was acknowledged that the guidelines state that rehabilitation of a home should not create a false sense of history. Ms. Graybeal again noted that the addition of a front gable window would not remove any character defining elements, and therefore the staff recommendation was to approve it.

Comm. Chair Busby noted that the siding on the home was not original and that we do not know what is under it.

David Kerns, contractor for Mr. Talman, stated that in his opinion, the home at 1104 Luttrell is framed for use of the second-story space and specifically noted the above-average ceiling height of the second story is an example of that.

Comm. Whetsel expressed concern that as one of the reasons for staff's recommendation to approve the application is that there are other homes in the neighborhood with a front gable window and that we are creating one more home with a possible exception to the guidelines. She then asked if a window in the front was absolutely necessary. She stated her inclination was to approve the application because staff already has and that she feels the applicant has been led to believe that the application has already been approved. Mr. Talman stated that he wanted to "correct" that and stated that he has not been led to believe this and stated that he has had a lot of support from everyone in the community they had solicited. He noted that there is an organic quality to this architecture and that we cannot make ownership of these homes an irrational decision or we will get less and less revitalization of these neighborhoods. He also stated he felt that the neighborhood guidelines need to be revisited.

Comm. Busby asked Mr. Streeter if the louver was an original character-defining element. It was noted that it was vinyl. Mr. Streeter clarified the guidelines' intent is to keep the integrity of the front of the homes and they already allow for adaptability by allowing windows to be added on side and rear elevations. He stated that he felt that preserving the front elevations of these homes was a minimal concession on the part of the homeowner. It was noted the front elevation has already not been preserved. Mr. Streeter noted the front elevation had been preserved with the exception of the aluminum siding and that once removed, if there was evidence of a window it would be appropriate put a window in. Comm.

Bolen suggested there be further investigation as to what is under the aluminum siding on the front gable. Mr. Streeter felt the neighborhood would support Comm. Bolen's suggestion.

Mr. Talman expressed frustration in where the discussion was going. He noted that the owners of 1122 Luttrell would probably have had a window in the front gable had the second story space been more livable. He further noted he and his wife feel a window in the front gable would flatter the house and that it was historically appropriate.

Mr. Talman stated he felt the guidelines can go too far in delineating how houses can be adapted going forward.

Comm. Ray stated that the Applicant is not asking for something outrageous and this is not "the horrible imaginary". She stated she felt it would improve the overall look of the neighborhood.

Mr. Kerns clarified that where the Applicants want to place the window has some kind of framed opening or some kind of original vent. The proposed window would be taller than the existing opening behind the louver but narrower.

There was discussion about approving the staff recommendation with the modification that a window only be approved if upon demolition there is evidence of an earlier window. Mr. Talman noted there was never a window there because occupancy was never intended for that space, and they would not find evidence of one.

Action: Comm. Martin moved that the submitted application be approved based on the staff recommendation and the evidence submitted. The Motion was seconded by Comm. Ray. The Motion carried.

Comm. Whetsel asked that it be clearly noted that she voted to approve the application as staff recommends because the applicants have been led to believe that it would be approved. She further asked that the Minutes also reflect that she is against the idea of using other homes in the neighborhood as justification for what is being done to a home in that neighborhood.

Comm. Chair Busby noted the Motion carried with 5 Commissioners voting to approve the application and 3 Commissioners opposing. Ms. Graybeal also

clarified that Commission approvals are not based on what an Applicant wants to do on the inside of their home and that the staff recommendation does note that the front gable had already been modified and that there was already an opening there. Chair Busby noted the Motion carries as stated in the staff recommendation.

Tazewell Pike Neighborhood Conservation District (NC-1)

4212 Tazewell Pike – Ben Stewart (applicant/owner)

Approval of construction of detached garage based on the compatibility of the submitted design with the Tazewell Pike Neighborhood Conservation Overlay District Design Guidelines.

Discussion: The owner of the property, Ben Stewart, was present and agreed with staff's description of the proposed work. The neighborhood representative, Jamie Rowe, stated that the neighborhood also supported the proposed work as it meets the guidelines and further stated the neighborhood is in agreement that the proposed work would add to the house.

Action: Comm. Ray moved to that the submitted application be approved based on the staff recommendation and the evidence submitted. The Motion was seconded by Comm. Whetsel. The Motion carried unanimously

Old North Knoxville Historic District (H-1)

226 West Glenwood Avenue – Kim Davis (owner/applicant)

Approval of the proposed work/materials to repair/replace roof overhang are in-kind. The replacement of the eave braces (kingposts) will not change the overall style and appearance of the overhang.

Discussion: The owner, Kim Davis was present and had no additional comments to Ms. Graybeal's description of the work. James Pierce, the neighborhood representative stated the neighborhood supports the staff recommendation.

Action: Comm. Ray moved that the submitted application be approved based on the staff recommendation and the evidence submitted. The Motion was seconded by Comm. Bolen. The Motion carried unanimously.

Fort Sanders Neighborhood Conservation District (NC-1)

1417 Clinch Avenue – Randy Harris (applicant)

Denial of replacement of round-in-section wood porch columns w/6x6 posts or aluminum columns. Approval to rebuild porch and round wood columns to match those in survey photo/descript. Balustrade to match that formerly on east porch (in survey photo)

Ms. Graybeal stated that no permit or Certificate of Appropriateness had been obtained to remove the porch and that the Applicant stated he had fixed a badly deteriorating situation which was no longer salvageable and was also a safety hazard. Ms. Graybeal further noted the original materials have been discarded. She referenced a 2003 survey photo with the original porch roof showing round-in columns. The 2003 photo also shows a balustrade of metal on the left side of the house which is not original and on the right side a turned wood balustrade which appears to be original and is appropriate for the house. Ms. Graybeal stated that the applicant has been trying to find replacement columns and submitted a specification for round aluminum columns. The Fort Sanders guidelines do note to foster development that is compatible with historic buildings in the Fort Sanders neighborhood. The guidelines further note that for houses to provide porches with proportions and materials that compliment pre-1940 housing; for houses with clapboard type construction, wood is the most appropriate primary material, although alternative materials that adequately reflect older materials are not specifically disallowed.

Discussion: Owner representatives were present, Arthur Seymour, Jr., Randy Harris (contractor) and Roger Roberts (owner's architect). Mr. Seymour passed out additional photographs and related materials. Mr. Seymour discussed the photographs in some detail. These are photos of houses located in the immediate vicinity of the subject property that demonstrate the variation of columns that exist along this section of Clinch Avenue. He stated the Applicant wants to put columns such as the ones shown in the 1409 Clinch Avenue photo, which are square with decorative features, in addition to installing a wood balustrade exactly like the one shown in the same photograph of 1409 Clinch Avenue. Mr. Seymour stated that the columns and balustrade would be replaced with wood.

Randy Harris noted that the porch roof was straight and did not project out over the deck. Comm. Bolen clarified that the one-foot step out was originally there and would need to be retained. Comm. Bolen further clarified that there is a difference between H-1 and NC-1 guidelines and that in H1 the guidelines would not allow round columns to be replaced with square ones. Staff clarified that NC-1's guidelines did not specifically denote column replacement material and that the

intent is to foster development that is compatible with historic buildings in the Fort Sanders neighborhood and that development must compliment pre-1940's housing.

There was not a neighborhood representative present.

Mr. Harris clarified that they chose square columns for replacement because they are structurally sound and in keeping with other homes. Ms. Graybeal offered to provide additional resources for round columns. Comm. Chair Busby brought forward discussion about the intent of the guidelines and asked if they require returning the house to its original features. Comm. McAdams stated she felt it would be great to keep the original character of the house. Ms. Graybeal clarified that the Applicant intends to replace the roof as it existed originally but they do intend to use a different type of column.

Comm. Bolen noted the Commission is here only to support guidelines and we should not push for round over square. He stated that as the guidelines are so vague the Commission should allow for the columns to be replaced with square ones. Ms. Graybeal further noted that the photo of 1409 Clinch with the square columns is the only one that shows columns that would be compatible with the architecture. Discussion ensued with regard to the balustrade. Mr. Harris stated that his intent is to make the porch look very similar to that of 1409 Clinch Avenue.

Comm. Whetsel asked Mr. Harris if he was aware of the guidelines when he began the project. He stated that the this project started out to be a simple repair and that it became more of a project as they realized they needed to remove the porch. He further stated he was not aware of the guidelines when he began the project.

Roger Roberts stated that he was called into the project after it had begun and this is why there were no architectural drawings. He was called in when the Applicant received the stop work order. He stated that the roofers are always instructed to remove damaged materials. As they continued to work it became apparent that this was much more than a repair. Mr. Roberts noted that the City had not been requiring permits on the repair of hail damaged roofs so work was begun. He further stated he was aware of the guidelines.

Action: A Motion was made by Comm. Whetsel to deny the submitted application based on the staff recommendation and evidence submitted. Comm. Woodle seconded the Motion.

Further Discussion: Comm. Bolen suggested the Commission modify the Motion so work could resume. He again proposed the Motion be modified. Staff noted that the application can be modified with the Applicant's agreement. Comm. Chair Busby further noted that the guidelines do not specifically state that the house needs to be put back exactly as it was originally.

Action: Comm. Whetsel withdrew her Motion.

Action: Comm. Bolen moved that the submitted application be approved based on the staff recommendation and the evidence submitted with the following modifications:

- 1) Square columns can be used if they duplicate 1409 Clinch Avenue and are made of wood;**
- 2) Offset porch roof projection above the staircase and entry door be added as originally there;**
- 3) Spindles to be added are to be turn spindles, made of wood (allowing for the grandfathering of the existing steel spindles), of code complaint height, and must match as closely as possible the spindles in the 2003 survey photo.**

The Motion was seconded by Comm. Ray.

Further discussion: Melvin Wright, City of Knoxville, was asked to address the issue of rail (balustrade) code compliance. He noted that if the existing rail is noncompliant, it can be restored to its original condition if it is restored in place. If it is removed, then replaced, it must then meet code. It was clarified that if the intended use is a single family home, the rail height for a 30-inch drop would be 36 inches. If it was a multifamily home, the rail height for the same drop would increase to 42 inches. It is currently zoned for single family use. Mr. Wright further noted that the enforcement of these is based on the Certificate of Appropriateness. Ms. Graybeal stated she would add this to the CoAs going forward.

The Motion carried unanimously.

Fourth and Gill Neighborhood (H-1)

815 Luttrell Street – Barry Bruce (applicant/owner)

Approval for Level I replacement of pented roof metal, repair in-kind of roof and skylights on late rear addition. Approval of Level II installation of skylights based on their not being visible from Luttrell and total approximately 3% of roof surface.

Discussion: The owner was not present. Neighborhood representative, Arin Streeter, stated that the neighborhood supports the staff recommendation to approve the application.

Action: Comm. Ray moved that the submitted application be approved based on the staff recommendation and the evidence submitted. The Motion was seconded by Comm. Matthews. The Motion carried unanimously.

Market Square Historic District (H-1) – Anne Wallace, City of Knoxville (applicant/owner)

Approval of steel landscape fencing (powder-coated black) at 2 feet high around 8 tree wells in Market Square with the condition that the fencing is made "lighter" in scale with a smaller profile.

Discussion: It was noted that the landscape fencing is to protect the newly planted trees in the existing tree wells. Previous trees planted there have died most likely due to the soil compaction from heavy traffic on Market Square. It was noted there has been concern voiced about the weight of the profile of the proposed fencing; however, the City felt it needed to be sturdy enough to withstand the traffic on the square. Ms. Graybeal noted the neighborhood guidelines do not specifically cover landscaping or streetscaping and that there are already black metal benches on the square.

Anne Wallace, City of Knoxville, noted the new trees are a different species that are better suited for an urban environment. These new types of trees are more columnar than the previous maples and will not have branches hanging down blocking the sight lines. Ms. Wallace noted that the City had spent approximately \$15,000 per tree on the maples which were 8 inches in diameter. They now know that it is too much stress to relocate a tree of that size and have replanted with Zelcova trees with a three inch caliber, as this should also significantly increase

survival rate. Ms. Wallace pointed out that the City does have a lighter fencing option available as well. She further noted that there is a company that is willing to donate additional landscape materials to the City. Another company has also offered to upgrade the sprinkler irrigation system. The soil will also be aerated. This system was also negatively impacted by the impaction from traffic. The Plan View was also donated. The City is trying to accomplish this project on a shoestring budget. She further stated that there is only a small difference in cost between the lighter and heavier fence options. Ms. Wallace stated that there is also vehicular traffic on Market Square on occasion and these landscape fencing sections can be temporality removed relatively easily. She noted that the fencing can also double as seating.

A discussion ensued about the use of benches instead of fencing, and whether or not to provide for more seating verses encouraging long term or inappropriate use of benches. Ms. Wallace noted it was possibly counterintuitive to have benches on the perimeter of the square planting areas as some would face away from the stage. She also noted benches would be more expensive.

Ms. Wallace noted that this project involved balancing a lot of issues. Time is a factor as they want to get the trees protected. Also, John Craig of the Market Square District Association (MSDA) stated to Ms. Wallace he would like to see the lighter weight fences used as they would be less visually distracting. Ms. Wallace stated the City feels this is a reasonable approach to the various issues that were presented. It was clarified that the fencing was indeed a deterrent to long-term seating and that it is meant to keep people out of the tree wells to allow for the flora to grow. Ms. Wallace noted that a further benefit of this option is that it can be changed in the future.

Comm. Ray noted that the MSDA is currently working to update their guidelines and this will include outside plaza areas and fencing.

Action: Comm. Whetsel moved that the submitted application be approved based on the staff recommendation and the evidence submitted. Comm. Ray seconded the Motion.

The Motion carried.

Other Business

Presentations

- 1) South Waterfront Historic Structures Survey– Anne Wallace, Policy and Communications Project Manager

Anne Wallace, City of Knoxville, introduced Dawn Michelle Foster who is the new South Waterfront Zoning Administrator for the City. Ms. Foster spoke briefly about the City's current redevelopment projects. TVA is the lead agency to complete the Section 106 compliance with the Tennessee Historical Commission on the South Waterfront Project and they are requesting the City's Historic Zoning Commission review the Historical Survey and provide them with comments or suggestions in orders to proceed with the Section 106 compliance.

Ms. Wallace noted that that the complete survey document was available on the City's website. The South Waterfront process started in 2005 with the Fregonese Carthorpe feasibility study. Public Process ensued and subsequently 12 major projects were identified from the City side as improvements to the South Waterfront. It was recognized that as they were working on the riverfront, federal permitting would be required through TVA and the Core of Engineers. TVA is the lead agency is reviewing this document and is passing it around to other federal agencies as necessary. In 2009 the Tennessee Historic Commission and state Historic Preservation Officer requested a comprehensive architectural survey of the area. The 2011 survey builds off the work that was done for the City of Knoxville between 1982 and 1986. The objectives were to document the existence and conditions of the resources identified in the early eighties, and to identity resources that have reached the benchmark age of 50 years since 1986. She noted that there are 12 properties that are or are deemed eligible to be on the national historic register. There are also three Civil War sites located in the area. Ms. Wallace went on to point out multiple interesting historic events that took place in the area as well as provided a chronological review of its growth over the years, noting significant highlights. Ms. Wallace then described the methodology used to complete the survey and gave a brief overview of the survey results. Ms. Wallace requested that the Commissioners submit any questions or comments to Kaye Graybeal by May 1st so that the feedback can be sent to TVA.

2) Review of Annual Report on status of Historic Preservation – Kaye Graybeal

Ms. Graybeal stated that the Annual Report will be provided to the Mayor for the May Council meeting. She noted that she has requested the opportunity to give highlights of the Report to the City Council at their meeting on May 1st. She also noted that May is National Historic Preservation. This Report has been required since the 2002 City Charter and this would be the first time there was an actual presentation of the Report. Ms. Graybeal reviewed the statistics that clearly reflect the high approval rate of the Commission. Out of 115 Certificates of Appropriateness (CoAs) only 3 were denied. This shows that the Commission is not a deterrent to residents/property owners who want to restore or renovate their home. Further, the number of CoAs denied without prejudice show that the Commission clearly works closely with the Applicants to offer guidance with design review in order to achieve approval. Ms. Graybeal stated that she is currently working with City staff to develop a process for handling violations.

Ms. Graybeal noted that she needs any comments about the Report by 4/23. She will compile any comments received for the Commissioners to review.

Action: Comm. Ray moved to approve the Annual Report. Comm. Whetsel seconded the Motion. The Motion carried unanimously.

3) National Register of Historic Places nominations—introduction for May meeting

- Ayres Hall
- Tyson Alumni House

Ms. Graybeal noted that these 2 properties are eligible to be placed on the National Register of Historic Places and they will be on the Agenda next month for voting. Both are part of UT's Implementation of Campus Heritage Plan.

As there was no other business the meeting was adjourned.