

**MINUTES  
KNOXVILLE HISTORIC ZONING COMMISSION  
KNOX COUNTY HISTORIC ZONING COMMISSION  
MEETING OF MARCH 15, 2012**

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**City HZC Present**

Sean Bolen  
Faris Eid  
Sandra Martin  
Andie Ray  
Jason Woodle  
Melissa McAdams  
Melynda Whetsel

**County HZC Present**

Steve Cotham  
Kenneth Gresham  
Carol Montgomery  
Linda Claussen

**Others Present:**

Mark Donaldson  
David Kerns  
Russ Davidson  
Arin Streeter  
James Pierce  
Tom Reynolds  
Sam Daniel, Jr.  
Melvin Wright  
Lisa Hatfield

**Members Absent**

Scott Busby  
Lorie Huff

**Members Absent**

Charles Faulkner

Commission Vice-Chair Sandra Martin called the meeting to order and noted that she would be chairing the meeting as Commission Chair Scott Busby was absent. Dori Caron, Administrative Assistant, announced the roll call for the Commissioners.

Vice Commission Chair Martin reviewed new procedures that are now in effect:

- Anyone from the public that wish to speak at the meeting will be sworn in first and also must sign the "Sign Up To Speak" sheet. Comm. Vice-Chair Martin performed the swearing in of those attendees wishing to speak.

There were no visitors to introduce.

There were no reports to the Commission by either Melvin Wright or Lisa Hatfield.

Kaye Graybeal reviewed the Level I Certificates. There was no discussion.

Vice Comm. Chair Martin turned the meeting over to the Knox County Historic Zoning Commission Chair, Kenneth Gresham.

**KNOX COUNTY HISTORIC ZONING COMMISSION**

**Village of Concord HZ**

***10817 Third Drive*** – Gene Mac Abel (owner) – 020612CON

Minutes 3-15-12

Knoxville Historic Zoning Commission

Knox County Historic Zoning Commission

**Work Description:**

Replacement/Repair resulting from April 27, 2011 hail storm. Remove aluminum siding that was installed in 1973 to cover asbestos shingles installed in 1945 which cover the original wood siding. The asbestos shingles will be left intact. Install fiber cement board that is the same exposure as original siding and retain window and door surround detail. Remove and replace shingled roof in-kind. Replace damaged aluminum shutters with louvered wood shutters of the appropriate dimension for the windows.

**Staff Recommendation:** Approval based on Concord Village Design Guidelines

**Discussion:** Comm. Gresham noted that the Concord Village guidelines were ultimately a form of compromise to preserve the village feel of Concord Village with narrow streets and without sidewalks. With regards to the appearance of the buildings, the guidelines were more general in nature.

Comm. Montgomery noted she was in favor of this proposal. It was clarified that the Applicant was replacing damaged aluminum shutters with wood louvered shutters with the appropriate dimension to the windows.

There was not a representative from Concord Village who wished to speak.

**Action:** A move was made by Comm. Montgomery that the Knox County Historic Zoning Commission approve the Applicant’s proposal for 10817 Third Drive based on the compatibility of the project with the adopted design guidelines and the Secretary of Interior’s Standards for Rehabilitation. It was seconded by Comm. Claussen. The motion carried unanimously.

County Comm. Chair Gresham turned the meeting back over to the City.

**KNOXVILLE HISTORIC ZONING COMMISSION**

**Old Mechanicsville H-1**

*1021 Tulip Avenue* — Sam Daniel (owner) – 020712 MEC

**Work Description:**

**Level II:** Replace 13 aluminum windows (25 years in age) with one-over-one vinyl-clad windows. A total of six windows have already been replaced on the back and one side of the house. Four bedroom windows have been added within existing non-historic openings with 8" of added height to allow for legal egress. Replace existing vinyl siding with new vinyl siding to match existing 6"-exposure. Existing vinyl siding is covering a variety of earlier siding material including areas of wood siding, asphalt shingles, plywood, and felt blackboard.

**Level I:** Replace asphalt shingles roofing in-kind.

**Staff Recommendation:** Approval: Level I asphalt shingle roof replacement with in-kind material. Denial: Level II replacement of vinyl siding and windows with vinyl.

**Discussion:** The Applicant, Sam Daniel was present. Mr. Daniel stated he is the property owner. Mr. Daniel noted his intent when he began the work was a 3 fold, or “win, win, win” situation: to improve the property for himself economically, to give his tenants a safer, more attractive and more energy efficient residence by adding egress windows which are currently not up to code. Mr. Daniel stated at this point that this is a 3 unit property. Mr. Daniel noted that the property on Tulip had one third of its siding missing 25 years ago and that it was in a state of disrepair.

Mr. Daniel feels he is spending more than he needs to. Mr. Daniel disagrees with the staff recommendations that the existing blue siding be left as is because it has large holes in it. He showed the Commissioners a sample of the siding he wants to use called “Prodigy” and discussed its benefits. Mr. Daniel is not suggesting the guidelines be changed but that this is taken into consideration on a case-by-case basis.

Comm. Whetsel stated that the Commission does not rule on an individual basis but on a district as a whole to maintain a unified neighborhood. Mr. Daniel stated that he felt the restrictions were accomplishing the opposite because of the cost to renovate properties is unrealistic.

Ms. Graybeal stated that the guidelines were written before the product he wants to use was developed. Comm. Eir asked Mr. Daniel if he was aware of the fact that the Mechanicsville Historic Guidelines applied to this property. Mr. Daniel stated he was aware of the Guidelines themselves but not aware of whether or not they applied to his property.

Upon questioning from the Commission, Melvin Wright, City of Knoxville Building Codes and Plan Review, stated that this project did in fact require a building permit. Mr. Daniel did not obtain a building permit prior to beginning the work and therefore a Certificate of Appropriateness was not generated. Mr. Daniel noted he had received a “Stop Work” order.

Comm. Bolen thanked Mr. Daniel for the work he has done, but stated had he pulled a building permit, as the property is located in the historic overlay, it would have been flagged for a Certificate of Appropriateness. Comm. Bolen further stated that when one does not pull a building permit they risk having to suffer the consequences of not having done so. Comm. Bolen noted the Commission’s purpose is to ensure adherence to the historic guidelines. Mr. Daniel noted he should have pulled permit.

Mr. Daniel noted that there are a lot of properties in the neighborhood that are in disrepair because the guideline’s restrictions make repairs are so costly. Comm. Bolen stated that if Mr. Daniel wants to challenge the guidelines he needs to go before the Mechanicsville Board. Comm. Bolen further noted the Mechanicsville guidelines were updated last year and were actually made stricter. He then noted that the Commission’s purpose was to enforce the guidelines, which are now law. Comm. Bolen again stated that Mr. Daniel did not pull a permit prior to beginning the work and that there are now consequences.

Comm. Bolen clarified that both the windows and siding need be addressed and that the Commission needs to discuss what the consequences are. He voiced a possible proposal to correctly replace everything on the fully exposed side of the building, leaving the rear of the building as is, and lastly that it be allowed for replacement of the small swath of siding needing to be replaced with the proposed vinyl siding.

Commissioners Eid and Whetsel felt that the guidelines need to be enforced.

Ms. Graybeal clarified that the Commission does look at each application individually. She stated that in each case there is a specific set of characteristics that are present in each case and that with regard to “precedent setting” for approval or denial of future applications, they would have to match the exact parameters of the project that was approved in order to use that as a precedent for approval of their application.

There was no neighborhood representative present.

Rick Joyner stepped forward as a property owner in Mechanicsville. He felt the integrity of the neighborhood needs to be kept at all costs. He has come before the Commission before and been denied several items on a home he was building. However, that said, Mr. Joyner stated he knew what he was “getting into” when he decided to build a home in an historic area.

**Action: A motion was made by Comm. Eid that the Knoxville Historic Zoning Commission deny the Applicant’s proposal for 1021 Tulip Avenue requesting the replacement of the vinyl siding and vinyl windows based on the incompatibility of the project based with the adopted design guidelines and the Secretary of Interior’s Standards for Rehabilitation. The motion was seconded by Comm. Whetsel.**

Comm. Bolen noted that we are delaying the situation for Mr. Daniel and without modification of the Motion he will need to come back. Ms. Graybeal stated that the Applicant must agree to any modification made or appear before the Commission with a new Application.

**Action: Comm. Bolen made a substitute motion and moved the Knoxville Historic Zoning Commission deny the Applicant’s proposal for 1021 Tulip Avenue requesting the installation of vinyl windows and siding based on the incompatibility of the project with the adopted design guidelines and the Secretary of Interior’s Standards for Rehabilitation, and modify the proposed work to state that the 3 sides of the property (the 2 sides not facing the main artery and the rear of the property) be sheathed with wood siding in addition to the vinyl windows being withdrawn and replaced with wooden windows in respect to the guidelines.**

Ms. Graybeal asked for confirmation that Comm. Bolen’s modification included the replacement of the 6 windows already replaced with vinyl ones and Comm. Bolen stated that was correct. Comm. Bolen noted that Mr. Daniel had not touched the front of the house and was not responsible for making any changes to that side of the house.

Tom Reynolds, Deputy Director, Building Inspections for the City of Knoxville, stated that with regard to the issue of replacement of windows in a bedroom, they must be a certain size for emergency egress. Mr. Reynolds further stated that in the past, if a building exists legally, they have allowed replacement of windows with energy efficient ones. Mr. Reynolds also noted that before a permit is issued on a “triplex” it would need to be determined that it exists legally.

Mr. Daniel stated that the windows are being replaced because they do not meet code for egress. Comm. Whetsel noted that if they are being replaced they still need to meet the guidelines. Comm. Bolen stated that the size of the windows, which includes ones large enough to meet code would be compatible but that they would need to be wood windows in order to further meet guidelines.

**There was no second on the substitute motion. Comm. Vice-Chair Martin called for a vote on the original motion. The motion carried unanimously.**

Comm. Bolen clarified for Mr. Daniel that the current Stop Work Order now in place remains effective and that he will need to submit a new application that does meet the guidelines for approval next month. Comm. Vice-Chair invited Mr. Daniel to work with Ms. Graybeal.

### **Fourth and Gill H-1**

**810 Deery Street** – (David) Kerns Construction Company (owner’s agent) – 0109124G

#### **Work Description:**

- 1) Replace all early/original windows (6 one-over-ones and 10 two-over-twos) with new double-insulated one-over-one wood windows.
  
- 2) Mount a second floor fascia board (strap) across the front gable to match the existing fascia board on the house, and replace the existing fiber cement board and Masonite siding in the front gable with cedar shake or shingles. Additionally, replace the siding in the upper section of the west-side front addition just below the roof with the same type of shakes or shingles.
  
- 3) Reconstruct front entrance to add a sidelight on the east (right) side of the door to match the existing one on the west (left) side if it is supported by physical evidence or photo-documentation.

**Staff Recommendation:** Approval (with conditions) to replace early/original windows with 1-over-1 wood windows to match, except 4 original front- and SE-facing 2-over-2 windows on upper story to be replaced with 2-over-2 simulated divided light windows with shadow bars.

Approval (with condition) to add fascia board and shingles to front gable of house with the condition that it can be demonstrated through physical evidence or photo-documentation that this design existed originally. Approval to add cedar shakes or shingles to top front of west addition.

Approval (with condition) to reconstruct front entrance to add a sidelight on the east (right) side of the door with the condition that it can be demonstrated through physical evidence or photo-documentation that this design existed originally.

**Discussion:** David Kerns was present and stated that he felt Ms. Graybeal's description of the project was an accurate representation of what they (owner's) want to do.

It was also clarified that there was a neighborhood representative present.

Mr. Graybeal stated although she did not receive any documentation of the door or gable being originally configured as presented, she did conduct a neighborhood survey (4<sup>th</sup> and Gill) and found the majority of houses with sidelights had two. She also surveyed for the front gable treatment and found thirty houses where the front gable was weatherboarded rather than shingled. Ms. Graybeal noted that does not mean that the weatherboard is correct and that as Mr. Kerns had stated, there has already been replacement of such on this home with a variety of other materials. Ms. Graybeal further noted that there are five other houses in the neighborhood with asymmetrical windows in the front and did note that the asymmetry of the front windows on this house is more pronounced.

Mr. Kerns noted the house is a duplex. The current owners want to convert it back to a single family home. There is a wall that was added previously to separate the two apartments, and the owners plan to remove that wall, which was not original. Should they see that there was a window there originally they would like to add one back so there are windows on both sides of the door,

Arin Streeter, neighborhood representative, was present. Mr. Streeter stated that the neighborhood has a general disagreement about the concept of replacing windows just so they all match, which is supported by the Secretary of Interior's Standards for Rehabilitation. Mr. Streeter stated that changing something for simply an aesthetic viewpoint is not supported by the guidelines.

Regarding the added fascia board and the shingles on the gable, and the added sidelight next to the door, Ms. Graybeal clarified that until additional documentation is received the staff recommendation is to deny without prejudice. Mr. Streeter stated that that is what the neighborhood would support at this time. He further noted that the neighborhood's position on the windows is for the guidelines and their specifics to be upheld. Comm. Bolen noted that he agreed and that home has been remodeled extensively and he supports waiting for additional documentation prior to moving towards approval.

A discussion ensued regarding the guidelines and the nature of true divided lights verses simulated divided light with shadow bars.

Ms. Graybeal clarified the staff recommendation was for the original 2 over 2 windows on the front facing second story of the home as well as the 1 SE facing second-story window. She further clarified that the other 2 over 2 windows on the house did not appear to be original.

Mr. Kerns stated that the owners would be willing to accept the modification that they replace the 4 original 2 over 2 windows with 2 over 2 windows. He was not sure of the cost of replacing all of the windows with 2 over 2's and subsequently unsure if the owners would accept the modification of replacing all of them. Mr. Daniel stated he and the owners did not want denial without prejudice and to have to come back to the Commission again as it is spring and they want to proceed.

It was again clarified by Ms. Graybeal that other than the 4 front and the 1 SE-facing second-story window, the remaining 2 over 2 windows appear to have been later replacements and therefore not original, though it is probable that the original windows were all 2 over 2s.

**Action: Comm. Bolen moved that the Knoxville Historic Zoning Commission deny the applicant's proposal for 810 Deery St. based on the incompatibility of the project based on the adopted design guidelines and the Secretary of Interior's Standards for Rehabilitation, and modify the proposed work to be 1) the upper story 2 over 2 front windows (4) be replaced with 2 over 2 windows (simulated divided lights) and the balance of the windows be allowed to be replaced with 1 over 1's; or**  
**2) the applicant can replace all of the 2 over 2 windows with 2 over 2 simulated divided lights; further that the commission approve in concept, the gable replacement if adequate documentation can be provided to the MPC staff that there was indeed shake there previously, and that they approve in concept the adding of the sidelight to the front door, if again proof is given to the MPC staff that the sidelight was there. The motion was seconded by Comm. Whetsel. The motion carried unanimously.**

*911 Luttrell Street*—Jonathan Wimmer and Kelly (owners) – 0228124G

Renewal of COA (expired 10/2008) to rebuild the conical roof on the turret, which was destroyed approximately 30 years ago. Rebuild using a historical photo as a guide to match as closely as possible to the original.

**Staff Recommendation:**

Approval of replacing conical roof on the turret based on photo-documentation.

**Discussion:** Ms. Graybeal noted that the Applicants were unable to be present. Comm. Whetsel stated that Mr. Streeter had received a very positive response from the neighborhood with regards to this project.

**Action:** A move was made by Comm. Whetsel that the Knoxville Historic Zoning Commission approve the Applicant’s proposal for 911 Luttrell Street to replace the conical roof on the turret based on the compatibility of the project with the adopted design guidelines and the Secretary of Interior’s Standards for Rehabilitation. It was seconded by Comm. Ray. The motion carried unanimously

*714 Luttrell Street* – Regina/Rudy Santore (owner) – 0224124G

**Work Description:**

**Level II**

1. Masonry/Chimneys. Rebuild SE chimney from roofline, reusing existing brick. If new brick must be added, match existing as closely as possible. Add appropriate cap to west and SE chimneys. Remove non-historic NE stove chimney to ground. Where stove chimney was removed, patch roof to match existing roofline and add in-kind siding milled to match currently existing historic wood siding.
2. Porch. Replace rotted column plinths (due to insufficient porch slope) with paintable aluminum plinths. Add an abacus to the capital of each column (standard for Tuscan columns of the style and in the neighborhood.)
3. Windows. Replace existing later-added windows on rear enclosed porch with wood divided light window to simulate existing. Where stove chimney was removed, add wood casement window.

**Level I** – Standard Repair/Replace

Repair damaged wood details. Refabricate with wood where repair is impossible. Tuckpoint west and SE chimneys and foundation where needed using historic mortar formula. Replace existing porch decking in-kind. Repair storm windows.

**Staff Recommendation:** Approval

**Discussion:** Regina Santore, owner, was present. Ms. Santore stated that the columns on her home lacked the “square piece” at the roof that she has seen on other columns in her research.

Comm. Bolen asked whether or not the guidelines allowed metal plinths. Ms. Graybeal stated that although there is nothing specific about metal plinths in the design guidelines she does not believe they would be incompatible with the guidelines.

Arin Streeter, neighborhood representative, stated that though aluminum plinths may be a slight variation of the guidelines, using them would solve an ongoing problem. Normal



repair would involve placing them on a raised piece of metal platform for drainage purposes anyway. The neighborhood is in agreement with the rest of the staff recommendations although there is some concern about adding pieces to the tops of the columns. Mr. Streeter noted the home has several unique features. Mr. Streeter referenced the Secretary of Interior Standards for Rehabilitation and further noted the purpose of the guidelines is to promote authenticity.

Regarding the addition of the square pieces, Ms. Santore stated that the columns are far too large for the size of the current and relatively small porch. She does not believe the columns are original to what is actually the second porch on this home. The Sandborn map shows an earlier and different porch configuration.

Ms. Santore confirmed that the windows are unique. There are muntins on the inside of the window, but not the outer sides. A discussion ensued surrounding the replacement windows on the rear porch. The current windows are not original. The proposed replacement windows are called "Colonial Grill". There was further discussion about whether or not these were simulated divided lights (SDLs). A discussion ensued noting that different window manufacturers refer to simulated divided lights by different trade names. Ms. Graybeal noted that the Commission had not approved Colonial Grill windows on any application for them to be placed on the main or original parts of a house. Ms. Graybeal further stated that the proposed replacement windows would be approvable because the existing windows are not true divided lights and they are on a later addition, and also that this is more of a glass wall, not a window. It was clarified that all windows being replaced are on the rear of the home.

Mr. Streeter stated the neighborhood is fine with replacing with simulated divided lights but would not support false muntins. He could not speak more specifically as he did not present the window replacements to the neighborhood as he did not understand what was being applied for.

Ms. Graybeal noted the Commission identified simulated divided lights as having muntins on the inside and the outside of the window with possibly a shadow bar in between the muntins.

Ms. Santore stated she did not know how long the current windows have been there. She further clarified the proposed windows have depth to them.

Comm. Bolen clarified with Ms. Santore to confirm that she would agree to place simulated divided lights on the windows and further noted that he felt the Commission would be comfortable approving that.

Ms. Graybeal offered the possibility of denying the column modification without prejudice as we currently do not have enough evidence to support making changes to the columns outside of adding the aluminum plinths. Ms. Santore agreed with that option.

**Action:** Comm. Bolen moved that the Knoxville Historic Zoning Commission deny the Applicant's proposal for 714 Luttrell Street requesting chimney removal, porch modifications and window replacements based on the incompatibility of the project based on the adopted design guidelines and the Secretary of Interior's Standards for Rehabilitation, and modify the proposed work to be as follows: the chimney removal and rebuild is acceptable, replacing the column plinths with aluminum ones is acceptable, replacement cap to the columns is denied without prejudice and the replacement of windows approved but only with simulated divided lights as defined by the 4<sup>th</sup> and Gill guidelines which state that there is wood material on both the interior and exterior of the window, and that the possible window addition follow the same 4<sup>th</sup> and Gill guidelines for simulated divided lights. The motion was seconded by Comm. Ray. The motion carried unanimously.

*940 Eleanor Street*—Vanessa Todd (owner) – 0103124G

**Work Description**

Add spindlework balustrade with the top rail mounted at 36 inches high to front porch (in place of a late-added balustrade that had been removed at some earlier point.)

**Staff Recommendation:**

Denial of installation of spindlework balustrade on front porch based on guidelines that details must present a visually and physically appropriate appearance historically and lack of documentation of this type of balustrade being original to the house.

**Discussion:** The owner was not present.

Ms. Graybeal stated that there is no building permit on file for installation of the balustrade. The Applicant installed it voluntarily to meet code and height-wise, it exceeds code. There is no Certificate of Appropriateness (CoA) on file for the balustrade on the front of the home. There are 2 CoAs on file that indicate that there was approval for this type of balustrade on the rear of the house. The Applicant's letter states that her understanding that the application approved this type of balustrade on all sides of the home including the front. Ms. Graybeal noted the application clearly states the approval was only for the rear of the home. Ms. Graybeal further noted that the 2 issues are the lack of a permit and the placement of an inappropriate balustrade on the front of the house. She further stated this was a misunderstanding by the Applicant, who thought she had the necessary approval. Another issue is that historically, balustrades on this style of house were much shorter. Upon staff survey, there were 6 houses in this neighborhood where similar spindle-work balustrades were used that were not original to the house. There were no CoA's on file for these balustrades and either they were grandfathered in if they were in place before the historic overlay or they were installed with no neighborhood complaint. The addition of the balustrade activates a code requirement that if this balustrade is removed due to denial from the HZC, another balustrade must be installed.

With regard to porches, their floors and balustrades, Ms. Graybeal stated the guidelines state to duplicate the original design and materials, while maintaining the historical appearance. Ms. Graybeal stated the staff recommendation is denial of the porch balustrade on the front. She further stated the front balustrade does not need to match the rear one.

Arin Streeter, neighborhood representative, stated that the neighborhood agrees with the staff recommendation. The house existed for years without a balustrade.

Tom Reynolds, Field Inspections, Codes Enforcement, City of Knoxville, was present. Mr. Reynolds stated that in his department balustrades are referred to as guardrails and are necessary when the porch drop is 30 inches or greater. Ms. Graybeal stated a building inspector noted that the portion of the porch to the north or left front face of the house was under a 30-inch drop but that to the right exceeds 30 inches. She stated that there are other houses in the neighborhood with balustrades only on the side that exceed 30 inches.

Mr. Reynolds clarified if the guardrail is new, and stressed new *or* newly replaced, it would need to meet building code which is 36 inches high with no more than 4 inches between spindles.

Ms. Graybeal clarified with Mr. Reynolds that if the Applicant removed the balustrade on the front part of the porch where it exceeds 30 inches, it would need to be replaced. She stated that if replaced it would need to have a building permit and a CoA.

**Action: A move was made by Comm. Bolen that the Knoxville Historic Zoning Commission deny without prejudice the Applicant's proposal for 940 Eleanor Street requesting the addition of a guardrail based on the incompatibility of the project based on the adopted design guidelines and the Secretary of Interior's Standards for Rehabilitation. Comm. Bolen further clarified the reason for the denial was specifically the height and the style of the guardrail. The motion was seconded by Comm. Ray. The motion carried unanimously.**

### **Old North Knoxville H-1**

***1239 Armstong Avenue*** – Russ Davidson (owner) – 022912ONK

#### **Work Description:**

Original windows were mostly destroyed by fire, so they were not repairable. Window openings have been filled with wood 1-over-1 windows. Survey description on file indicates the original windows were 9-over-1 light.

**Staff Recommendation:** Denial of one-over-one replacement windows.

**Discussion:** Russ Davidson, owner and applicant, was present. Mr. Davidson noted that a fire had damaged most every window on the home and he had subsequently walked the property Ann Bennett (former Historic Preservation Planner for MPC).

Buzz Goss, contractor for the project, was present. Mr. Scott noted that the home has had a variety of windows. The second-story windows on the front of the house were not damaged and therefore were not replaced. The windows on the side and rear of the house were damaged and were replaced. Mr. Scott stated that after meeting with Ms. Bennett it was his understanding that they had permission to “replace the windows.”

Comm. Bolen stated that any replacement of windows would need to be with in-kind ones, with the same pane division and pane size and also out of wood. He further stated that is what would have been approved then and what would be approved at this time. The original application that was approved was referenced to note that was approved was “replacement of windows with double hung wooden windows with matching muntins on the upper sashes” which also noted the original windows were 9 over 1s. This was and is consistent with design guidelines.

Comm. Bolen stated that the work done was in clear conflict with the guidelines and the Commission’s approved application and that the windows would need to be replaced. It was clarified that the Certificate of Appropriateness does not expire until 6-17-2012 and that approval of replacement of the windows with 9 over 1s was still current.

Ms. Graybeal stated that if the windows were replaced with simulated divided lights, 9 over 1s as was approved by 6-17-2012 the Applicant would not need to return. She further stated that if they wanted to submit another application with a new proposal they would need to return.

James Pierce, neighborhood representative, stated that the neighborhood supports the staff recommendation for denial of current the 1 over 1 windows and supports the original application’s approval for replacement with 9 over 1s with the muntins matching the original windows.

Comm. Eid clarified that if the Commission denies this application the original one is still in place.

**Action: A move was made by Comm. Eid that the Knoxville Historic Zoning Commission deny the Applicant’s proposal for 1239 Armstrong Avenue requesting the replacement of windows with 1 over 1s vinyl ones based on the incompatibility of the project based on the adopted design guidelines and the Secretary of Interior’s Standards for Rehabilitation. The motion was seconded by Comm. Bolen.**

Mr. Pierce asked that there be a timeline placed on the correction as this is a clear violation of the original application. Ms. Graybeal offered to work with Code Enforcement on Mr. Pierce’s request. At the applicant’s request, Ms. Graybeal offered to work with the City Attorneys’ Office in seeing if there is any compromise that can be worked out on the basis of financial hardship.

**The motion carried unanimously.**

## **Market Square H-1**

*1 Market Square* – Joshua Wright (owner’s agent) – 022812MKT

### **Work Description:**

Addendum to previous HZC approval on the date of 03-17-2011, 30311MKT:

- 1) Relocate entry door of the south bay to one section north of that bay.
- 2) Eliminate *proposed* cornice along Union Avenue elevation.
- 3) Modify the existing awning: Lower slope to expose new cornice and prism glass over storefront. Add new fabric. Remove center awning.
- 4) Installation of a temporary clear plastic enclosure under the awning to be occupied during colder months.

**Staff Recommendation:** Approval to eliminate proposed cornice on 407 Union Avenue and to modify existing awning. Denial of relocating central entry door to the north and installation of clear plastic enclosure at Market Square side of building.

**Discussion:** Phillip Welker, owner, was present. Mr. Welker had no other comments.

Mr. Welker clarified that the restaurant management was fine in proceeding with the project without the plastic enclosure.

Mr. Welker also clarified that the reason the application included a request to relocate the entry door is because relocating it simply made the restaurant flow better. The entry door could always be moved back to the original location should the restaurant relocate elsewhere. It was noted there were multiple storefronts on the square that do not have the entrance in the original location. It was further clarified that the applicant no longer plans to continue the cornice along the Union Avenue elevation.

John Craig, Market Street Association, stated that enclosures had been an issue and that is why he is in attendance today. The Association does not have an opinion on any other part of the application as they did not have a chance to review it. Mr. Craig indicated that perhaps something regarding enclosures should be inserted into the guidelines. Comm. Ray suggested that the Association update its guidelines and noted the Ann Bennett has offered to assist.

**Action:** A move was made by Comm. Bolen that the Knoxville Historic Zoning Commission deny the Applicant’s proposal for 1 Market Square requesting the installation of a temporary enclosure made of clear plastic based on the incompatibility of the project based on the adopted design guidelines and the Secretary of Interior’s Standards for Rehabilitation and approve the request to relocate the entry door of the south bay to one section north of that bay, to eliminate the proposed cornice along the Union Avenue elevation, and to lower the awning as outlined in the application based on the compatibility of the project based on the adopted design guidelines and the Secretary of Interior’s Standards for

**Rehabilitation . The motion is further amended by Comm. Eid to state that the reasons for approval of the relocation of the entry door is that it is reversible and that the storefront is not original. The amended motion was seconded by Comm. McAdams. The motion carried unanimously.**

### **Other Business**

- 1) Process Improvements for the Certificate of Appropriateness Application Process

Ms. Graybeal asked for clarification that it was appropriate to continue as the Vice Chair needed to leave. The City Attorney stated that there was still a quorum and we could continue.

Ms. Graybeal initiated a discussion with regards to the application submittal deadline which currently does not give staff sufficient time to review the application for completeness before the advertising publishing deadline. Ms. Graybeal suggested changing the application submittal deadline to the Monday two weeks before the meeting instead of the current Thursday deadline for the ad, extending the staff work period 3 days. This would be consistent with other MPC submittal deadlines.

It was noted that the change in submittal dates can be put on the website fairly quickly to expedite notification to the public.

**Action: A motion was made by Comm. Bolen and seconded by Comm. Eid to change submittal deadline to the Monday before the ad deadline. The motion carried unanimously.**

Comm. Eir initiated a discussion pursuant to the amount of time allotted to the Applicants to present their projects. It was noted that other Councils/Boards limit this time. Ms. Graybeal will start by telling each Applicant at submittal, that they will, going forward, have 10 minutes to present their applications. The Commission further decided that they would proceed informally and will move to a more formal process to limit the time if this is ineffective. The Commission felt that the Chair should be the one to monitor the time with Ms. Graybeal assisting.

The next meeting of the Knoxville and Knox County Historic Zoning Commissions will be held on April 19, at 8:30 a.m. in the Small Assembly Room of the City-County Building.

### **Adjournment:**

**Action: A motion was made by Comm. Bolen and seconded by Comm. Woodle to adjourn.**