

MINUTES
KNOXVILLE HISTORIC ZONING COMMISSION
KNOX COUNTY HISTORIC ZONING COMMISSION
MEETING OF OCTOBER 18, 2012

City HZC Present

Sean Bolen
Scott Busby
Faris Eid
Lorie Matthews
Sandra Martin
Melissa McAdams
Melynda Whetsel
Jason Woodle

County HZC Present

David Butler
Linda Claussen
Kenneth Gresham

Others Present:

Kaye Graybeal
Arin Streecher
Cheryl Ball
Hunter Purnell
Lisa Hatfield
Melvin Wright
Arthur Seymour, Jr.
Dori Caron

Members Absent

Andie Ray (Excused)

Members Absent

Steve Cotham (Excused)
Carol Montgomery (Excused)

Commission Chair Scott Busby called the meeting to order and noted there was a quorum. Roll call was taken. Comm. Chair Busby stated that the meeting was being televised and recorded. He also asked that speakers limit their presentations to 5 minutes. Comm. Chair Busby then swore in all visitors and applicants that planned to speak on any Agenda item.

Action: A Motion was made by Comm. Martin and seconded by Comm. Eid to approve the September 20, 2012 Minutes. The Motion carried unanimously.

Reports to Commission: Lisa Hatfield, Chair Scott Busby, Melvin Wright
Code Enforcement cases: 940 Eleanor, 1239 Armstrong, 1021 Tulip, 1417 Clinch: There was no report.

Staff Reports: Kaye Graybeal, MPC Historic Preservation Planner. Ms. Graybeal reviewed the Level I Certificates approved.

CITY of KNOXVILLE HISTORIC ZONING COMMISSION

Fourth and Gill Neighborhood (H-1)

315 Gill Avenue (092812FG)

Install mechanical lift chair to the right side of the front stair landing, wood-paneled architectural elements and lighting to facade.

Discussion: The Applicant has requested postponement until the November meeting. They are working with their architect to revise their proposal. Their intent is to construct a handicapped accessible ramp in lieu of the originally proposed chair lift.

Action: A Motion was made by Comm. Whetsel and seconded by Comm. Woodle to approve postponement of this application until the November 2012 meeting. The Motion carried unanimously.

611 Gill Avenue (100112FG)

Improvements to rear/side concrete decking/foundation. Fill gap in rear porch foundation with concrete. Relocate metal crawl space door to east side. Install decorative leaded/beveled clear glass into existing small west side window opening.

Discussion: Cheryl Ball, owner, was present had nothing to add. Neighborhood representative Arin Streeter was present and stated the neighborhood was in agreement with the staff recommendation.

Action: Comm. Whetsel moved that the submitted application be approved based on the evidence submitted and the information provide in the staff report. The Motion was seconded by Comm. Bolen. The Motion carried unanimously.

613 Luttrell Street (092012FG)

Replace non-original weatherboarded porch balustrade.

Discussion: The owner representative, Hunter Purnell, general contractor, was present and had no additional comment. Neighborhood representative Arin Streeter stated that the neighborhood had a slightly different interpretation of the guidelines with respect to this application. He felt there was a fine line as both the porch and rail are replacements but that the columns could be contributing factors to the nature of the house. Mr. Streeter noted there could be historic materials remaining. Quoting established publications (Technical Preservations Brief) on alterations without historic basis published by the National Park Service, which states that substituting new building elements with a different design than the historic elements, embellishing simple facades with high-style details or adding features borrowed from a different period. He stated conjectural changes are contrary to the Secretary of Interior Standards for Rehabilitation. He noted that the current rail, possibly from the 1940s, could be a contributing element. He did stated it was a gray area. He further noted that there was no documentation for what was original. Mr. Streeter then noted the neighborhood was generally not in favor of conjectural changes that remove historic material.

Staff noted that porches in the neighborhood typically exhibit balustrades that are not solid, and that staff's intent was to maintain the Craftsman style of the porch through retaining the Craftsman columns and bases.

There was substantial discussion on what elements are and are not historically significant on this porch. Staff clarified that the style of the current rail could indeed be considered historically contributing due to its age, even though later-added. It was also noted that Craftsman porches often have pickets. It was further noted that it could be considered appropriate to retain in the current porch formation. Mr. Purnell stated that they had done a fairly extensive, albeit unsuccessful search for documentation of the original porch. He further noted that the porch is in significant disrepair and needs to be repaired as quickly as possible, further noting that the repair work will be extensive.

Ms. Graybeal interjected that similarly situated properties need to be treated similarly and that there are at least four other Craftsman porches with the district that have similar solid balustrades. She further noted that lack of documentation of what was original results in a choice between retaining the existing or revising it to a more simple, non-descript design that reflects a typical design evolution in the neighborhood. Ms. Graybeal noted that the goal of the guidelines is to *preserve existing* historic material but do not recommend the *recreation* of a detailed period porch when there is no documentation of such. It was noted that what is existing is a footprint, but not the style of original columns and handrails. Subsequently, discussion ensued around allowing the owner to proceed with a reasonable and desirable outcome.

It was also clarified by Mr. Streeter and Ms. Graybeal that historical significance currently ends at structures built/added in the 1940s. Mr. Streeter noted the block wall itself is not historically significant. Mr. Purnell stated that they were fine with repairing the porch with the same style of railing. He noted their goal is simply to repair the porch. He noted they like the style of the proposed railings but again would be fine with replacing the porch with what is currently there.

Action: Comm. Eid moved that the submitted application be denied based on the evidence submitted and the information provided in the staff report. Comm. Eid further moved to approve the repair/reconstruction of the porch rails and columns to match what exists now. It was clarified the wrought iron step rails will be salvaged. **The Motion was seconded by Comm. Whetsel.** It was further clarified that the solid wood balustrade would be retained. **The Motion was approved with Comm. Chair Busby voting no.**

Old North Knoxville Historic District (H-1)
700 E. Scott Avenue (092712ONK)

Replace original French cement tile roof with 30-year dimensional asphalt shingles

Discussion: There was no owner representative present. Neighborhood representative, James Pearce, was not present but had noted via email to Ms. Graybeal that the neighborhood supports replacement of the roof with asphalt shingles especially given the condition of the current roof. It was clarified that the Applicant is not the current owner but a prospective buyer of the property. It was also clarified that the guidelines do allow for use of asphalt shingles. It was further clarified by Ms. Graybeal that staff wants to see a sample of the replacement material prior to installation.

Action: Comm. Bolen moved that the submitted application be approved based on the evidence submitted and the information provided in the staff report with the conditions that the replacement materials be dimensional asphalt shingles of a color to match the existing roof color as closely as possible, and that the actual shingles to be used be submitted to staff for approval prior to installation. The Motion was seconded by Comm. Matthews. The Motion was approved unanimously.

Decertification of portions of the H-1 Historic Overlay District –request to postpone 9320 Kingston Pike (portion of the Kennedy-Baker-Walker-Sherrill House H-1 Overlay boundaries)

Discussion: Owner representative Arthur Seymour, Jr. was present and gave an update on the project timeline. Mr. Seymour stated the Applicant was requesting postponement of consideration of the proposal until the November 15, 2012 meeting. He further stated the perspective owner would be present to request a Certificate of Appropriateness to change the boundary lines of the current H-1 overlay as well as for the proposal on the actual building itself. The Application will then need to go to the MPC and then on to City Council for final approval. He also stated the intent is to use the building for as an office. Mr. Seymour noted he has been working closely with the Applicant. It was clarified that the property is within the City limits.

Action: Comm. Bolen moved to approve postponement of the Application to the November 2012 meeting. The Motion was seconded by Comm. McAdams. The Motion carried unanimously.

Frazier Bend Draft National Register Nomination Update

Discussion: Not discussed

Discussion no exparte communication with City Attorney

Discussion: Lisa Hatfield, Knoxville Law Department, discussed exparte communication of behalf of the Commissioners and at their request. Ms. Hatfield wanted to refresh the Commission's recollection that Commissioners are not to engage in exparte conversations and discussions with anyone having a pending application before the Commission. She further noted, recognizing that some Commissioners live in neighborhoods with Historic Zoning overlays and may even be involved in their neighborhood organizations, such that exparte conversations may be unavoidable, and should the Commissioners find themselves involved in such a conversation, or because they have special knowledge about a property or application, that they should disclose any conversations/special knowledge prior to deliberation of that application when before the Commission. Ms. Hatfield further noted that should a Commissioner have any questions/concerns or discomfort about the deliberation of any application because of

previous conversations and/or special knowledge, they should recuse themselves from that application.

Ms. Hatfield note and reviewed 3 tiers:

- Avoid exparte conversations altogether
- Disclose content and nature of any conversations/special knowledge to the other Commissioners
- Recuse themselves from deliberation altogether

Further clarification revealed:

- Commissioners can speak to persons if there is no pending application
- Commissioners must disclose such conversations/ special knowledge should an application come before the Commission about which a conversation(s) had taken place
- Commissioners cannot at any time indicate how they would vote during such conversations regardless of whether or not there is a pending application.
- Commissioners are only to consider information presented at the meeting

It was suggested that should they be approached, to simply ask if there is a pending application. If the answer is yes, they need to let the person(s) know that they cannot discuss it at all.

It was again clarified that Commissioners can participate in neighborhood organizations but they must disclose any conversations/information obtained as a result of that participation should an application come before the Commission that the Commissioner has discussed any part of with the now “Applicant” or their representative, or been present when such discussions took place.

Ms. Hatfield noted that the purpose of the exparte prohibition is to prevent the Commissioners from being lobbied to vote in a certain way on an application, and to ensure that all of the Commissioners are privy to the same information. Ms. Graybeal noted that the website can state that once an application is submitted an Applicant may not contact a Commissioner. She further stated this can also assist in directing the Applicant to their neighborhood organization or guidelines and staff. Ms. Graybeal also stated she can make this clear to the Applicant when an application is submitted. Further, once the Agenda is finalized, she can email the Commissioners so they know what applications are now pending.

Ms. Hatfield also noted that if there is any written communication on a now pending application that that communication be provided to the other Commissioners.

Dr. Charles Faulkner

Ms. Graybeal noted that Dr. Faulkner’s term on the Knox County Historic Zoning Commission has expired. She noted David Butler has assumed his chair. Dr. Faulkner has stated that he would be most willing to continue and the Commission would be most

welcome to that. She noted that Dr. Faulkner will be presented with a Certificate of Appreciation and additionally, a Proclamation of Recognition for many years of dedicated service will be forwarded to the Knox County Commission. Dr. Faulkner was profusely thanked and unanimously applauded for his invaluable service and input to the Historic Zoning Commission.

Dr. Faulkner spoke briefly. He has been here for almost 50 years and noted that Knoxville is a very historic town. He was very interested in the build environment and as an historical archeologist and instructor, he took students out into the field where they did a lot of recording of historic houses, many of which are now gone. When he retired, being on the Commission has afforded him the opportunity to continue his interest and contributions to historic preservation. Dr. Faulkner thanked the Commission for the opportunity to participate and noted it has been a pleasure to serve as a Commissioner. He was again generously applauded.

Action: A Motion was made by Comm. Gresham and seconded by Comm. Claussen to adjourn. The Meeting was adjourned.