

**MINUTES**  
**KNOXVILLE HISTORIC ZONING COMMISSION**  
**KNOX COUNTY HISTORIC ZONING COMMISSION**  
**MEETING JANUARY 17, 2013**

**City HZC Present**

Sean Bolen  
Scott Busby  
Faris Eid  
Sandra Martin  
Lorie MAtthews  
Melissa McAdams  
Andie Ray  
Melynda Whetsel  
Jason Woodle

**County HZC Present**

David Butler  
Bart Carey  
Steve Cotham  
Carol Montgomery

**Others Present:**

Dan Brewer  
Kaye Graybeal  
Lisa Hatfield  
David Kerns  
Suzanne McCarter  
Arin Streeter  
Melvin Wright  
Dori Caron

**Members Absent**

None

**Members Absent**

Linda Claussen (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. Woodle and seconded by Comm. Ray to approve the December 20, 2012 minutes. The Motion carried unanimously.**

Reports to Commission: Chair and Vice Chairs, Lisa Hatfield, Melvin Wright  
Code Enforcement cases: 940 Eleanor, 1239 Armstrong, 1021 Tulip, 2011 Jefferson Avenue, 319 Deaderick. There were no reports this month.

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

**CITY of KNOXVILLE & KNOX COUNTY HISTORIC ZONING COMMISSION**

**General Business**

Election of Officers. A Chairman and Vice-Chairman shall be elected from the Commissions from among their members. Each term of Office shall consist of one year, with elections to be held annually. Terms of office shall begin in January.

**Knoxville Historic Zoning Commission:**

**Action: Comm. Ray moved to nominate Comm. Chair Scott Busby for Knoxville Historic Zoning Commission Chair and further moved to nominate Comm. Vice Chair Sandra Martin for Knoxville Historic Zoning Commission Vice Chair. The Motion was seconded by Comm. Eid. The Motion carried unanimously.**

**Knox County Historic Zoning Commission:**

**Action: Comm. Butler moved to nominate Comm. Steve Cotham as Knox County Historic Zoning Commission Chair. Comm. Montgomery moved to nominate Comm. David Butler as Knox County Historic Zoning Commission Vice Chair. The Motions carried unanimously.**

**CITY of KNOXVILLE HISTORIC ZONING COMMISSION  
Certificates of Appropriateness**

**Market Square (H-1)**

**12-14 Market Square #120312MKT–request for postponement to February 21, 2013**  
Facade renovation and installation of new storefront and awning

**Discussion:** Ms. Graybeal stated that the Applicant has requested postponement for one month.

**Action: A motion was made by Comm. Whetsel and seconded by Comm. Chair Busby to postpone this application for one month until the February meeting. The Motion carried unanimously.**

**Scenic Drive –Sequoyah Hills (NC-1)**

**1105 Scenic Drive #122712SCEN**

Construction of front gable porch roof and steps and installation of front gable shingles and light tubes into rear roof

**Discussion:** The neighborhood representative, Nancy Bills emailed Ms. Graybeal stating she had contacted the residents seeking input on this proposal and as of yet had not received any feedback that indicated anyone did have an issue. She also noted she herself was in support of the project and agreed with staff recommendation.

The owner representative, Suzanne McCarter stated she had no further comments. Clarification was made regarding the proposed PVC column wrap and that it was strictly for maintenance purposes. She noted it can be painted to very closely resemble wood. She further noted they would follow the Commission's recommendation with regards to wrapping the columns. Ms. McCarter stated they are now in the final stages of material selection.

**Action: Comm. Bolen moved that the submitted application be approved based on the evidence submitted and the information included in the staff report with the condition that the porch columns be wrapped in either wood or composition board. The Motion was seconded by Comm. Whetsel. The Motion carried unanimously.**

**Further Discussion:** There was brief discussion regarding the Applicant checking with Codes to identify whether or not hand rails were necessary and the Applicant stated she would do that and install one/ them if necessary per code.

### **Fourth and Gill Neighborhood (H-1)**

#### **315 Gill Avenue #092812FG**

Installation of façade enhancements and handicap ramp

**Discussion:** The neighborhood representative Arin Streeter stated the neighborhood believes this is an aesthetic improvement to the building and are in agreement with staff recommendation to approve.

Comms. Ray, Martin and Whetsel all disclosed they were contributors to Interfaith Health Clinic. Comm. Chair Busby and Lisa Hatfield clarified that since they did not benefit from the proposal they would not need to recuse. Owner representative, architect Dan Brewer was present. Mr. Brewer clarified that although the original proposal included a wood paneled banding on the front and around to the east side, they are having difficulty finding appropriate wood that is within the budget, and requested the Commission approve the use of fiber cement board if it proves necessary to use it as opposed to wood. Ms. Graybeal noted the guidelines would support either material. It was requested that the banding go all the way around the east side as it is the side that faced the neighborhood. Mr. Brewer indicated they could do that as requested.

**Action: Comm. Eid moved that the submitted application be approved based on the evidence submitted and the information included in the staff report, further noting that the material used for the banding can be wood or fiber cement board and that the Applicant can continue the banding around the entire east side at his discretion. The Motion was seconded by Comm. Whetsel. The Motion carried unanimously.**

#### **704 Eleanor Street #121312FG**

After-the-fact chimney removal and reconstruction of chimney stacks

**Discussion:** Additional photographs were distributed to the Commissioners. The owner representative, Jacqueline O’Grady was present. She noted there have been new developments since she last spoke with staff. She stated she had brought a petition of request from the surrounding neighbors requesting the chimneys stay down. Ms. O’Grady stated the chimneys were only taken down as a last resort as the contractor was unable to correct the leaks associated with them. She further stated the mortar between the bricks was disintegrating.

Neighborhood representative Arin Streeter was present. Mr. Streeter stated he was unsure of how the Commission would respond to a select group of neighbors who do not want to see the guidelines enforced. The neighborhood is in favor of having the chimneys replaced and stated he did not feel the neighborhood would have supported their removal in the first place for any reasons other than safety. Noting the guidelines and Secretary of Interior Standards for Rehabilitation, both require replacement with original or like materials, in this case, brick.

Ms. O’Grady stated they are a nonprofit with a limited budget and that they had done a lot of work inside, including new floors as well as addressing a mild issue in one bedroom. It was clarified that the internal chimney brick is covered with mantle and wall material and their condition is unknown. Luke Wilkerson, project contractor, had noted to staff that the base of the chimney stack and foundation of the fireplace was deteriorated and that he did not feel that it would support a new chimney stack and hence, would need to be completely rebuilt down to the foundation. Ms. Graybeal clarified the issue before the Commission is a compromise due to the financial constraints of the owner and that the Secretary of Interior Standards notes the need for “visual quality” being matched, and therefore may not necessarily require rebuilt chimneys to be functional but to just achieve the same look. She also clarified that the policies and procedures of the Commission do not allow for petitions—decisions are only based on the guidelines and findings of fact.

Mr. Wilkerson brought sketches of the proposed new chimney stacks. He noted that the proposal does reflect the need to keep costs as low as possible but also to lighten the overall weight of the chimney stacks as the structural soundness of their foundation is already compromised. He agreed that the aesthetics of the finished chimney is important. Mr. Wilkerson clarified that the chimneys were removed resultant from an on the spot safety decision which is why a permit to do so was not obtained prior to doing so. A discussion ensued regarding the use of stucco and how it is correctly done. It was clarified that the guidelines support the use of stucco if that was what was there before and it was applied during the appropriate period of time as stucco was commonly done in the 1920s through the 1940s. It was clarified that the building at 708 Eleanor is actually not in the historic district. Mr. Streeter did note that there is an economic hardship provision in the Fourth and Gill guidelines and read them to the Commission and Attendees, noting that they reflect economic hardships of the project, not the economic hardships of the owner.

Further clarification of the guidelines state that the chimneys would need to be repaired/replaced and the question again is what materials the Commission will allow for use in the replacing of the chimney stacks.

**Action: Comm. Ray moved to deny without prejudice the submitted application based on the evidence submitted and the information provided in the staff report.**

**Further Discussion:** It was again noted stucco would be an appropriate material. Mr. Wilkerson clarified he could use metal framing material and then use noncombustible materials for the remainder. Mr. Wilkerson noted he would use concrete board with a house wrap underneath it. He further noted the finished material on the outside will be stucco which will be painted. He further clarified that there will be a screen under the stucco. It was also clarified by staff that there are other houses in the neighborhood with stuccoed chimneys.

**There was no second and the Motion died.**

**Action: Comm. Woodle moved that the submitted application be approved based on the evidence submitted and the information provided in the staff report. The Motion was seconded by Comm. Vice Chair Martin.**

**Comm. Eid moved to Amend the Motion such that cement stucco be used and that Styrofoam not be used for the corbeling. Comm. Woodle accepted the Amendment to the Motion. The Amended Motion was seconded by Comm. Vice Chair Martin. The Motion carried with Comms. Bolen and Ray voting no.**

#### **924 Eleanor Street #110512FG**

Install new porch balustrade and step rail

**Discussion:** Ms. Graybeal stated this application was denied without prejudice at the December 2012 meeting. There was discussion and clarification with regards the need for 36 inch railing when the drop is 30 inches or higher from the ground. It was clarified the height requirement is based on the finished grade at the base and that raising garden mulch, for example, would not constitute raising the grade.

Further clarification noted that in order for the actual grade to be considered raised (and in order to meet code with respect to drop/rail height) the surrounding plain would need to be raised 5 feet out from the foundation. Mr. Wright further clarified that if a railing never existed, one would not be required going forward. Mr. Wright also clarified that in cases where the building is condemned, the neighborhood codes enforcement could require that everything in the building be brought to code, even it is in an historic district.

The project contractor, David Kerns, was present. Mr. Kerns stated the owner did not want a railing. He stated he needed to put the railing up so as to have the City “uncondemn” the building so KUB would bring power to the house. Ms. Graybeal spoke with multiple City staff involved with Codes Enforcement: Robert Moyers, Melvin Wright and Tom Reynolds who noted that the Commission does not have the authority to override the building and life safety codes; however, if a structure is completely rebuilt, it must meet code. Ms. Graybeal noted the Commission has gone on record stating that the railing as it stands does not meet the neighborhood guidelines, but the Commission is not going to recommend to an owner that they not install a railing if it is needed to meet the building code, just that if they do have one it needs to meet the guidelines. Mr. Wright clarified that any existing railing can be *repaired* to its existing height, but if it is completely removed, then *rebuilt*, it must meet code. Brief removal to repair it, then reinstall it, is acceptable. He further stated the only other option is to obtain a variance from the Zoning Board of Adjustment.

**Action: Comm. Bolen moved that the submitted application be approved as written in the staff recommendation which includes 4 Conditions based on the evidence submitted and information in the staff report. Mr. Kerns clarified that the rear deck had simply been repaired and that it had been previously inspected. The Motion was Amended to include approval of the rear deck. The Motion was seconded by**

**Comm. Vice Chair Martin. Comm. Eid further Amended the Motion to include painting of the railings. The Motion carried with Comm. Whetsel voting no.**

Comm. Chair Busby asked if a meeting can be set up between the Commission and Codes Enforcement staff.

**Other Business:** Ms. Graybeal noted the information handed out on Alternative Materials. She asked the Commissioners to consider scheduling a work session to discuss these materials. If done immediately after a work session, the next month that she could be prepared would be the April meeting. We could also meet at a different time, not on a meeting day, which might be preferable as there would be a definitive amount of time allotted. She would like to have samples available. It was clarified that the Commission could only recommend certain materials be allowed.

Ms. Graybeal noted that we would not have any indication on the whether or not we will receive the grants applied for to obtain assistance with updating the neighborhood guidelines until the spring at the earliest. She further noted it would be the Fall until we could realistically engage a consultant. Comm. Whetsel stated that she felt neighborhoods would welcome “best practices” recommendation from the Commission. It was agreed that the neighborhood representatives would be invited to participate in the work session(s). Ms. Graybeal also stated that these work sessions would also be an opportunity to discuss porch balustrade design and heights.

Ms. Graybeal handed out pamphlets on Ethics to the Commissioners in attendance.

**Action: Comm. Farris moved to adjourn. The Motion was seconded by Comm. Butler. The Motion carried and the meeting was adjourned.**