

**MINUTES
KNOXVILLE HISTORIC ZONING COMMISSION
KNOX COUNTY HISTORIC ZONING COMMISSION
MEETING NOVEMBER 21, 2013**

City HZC Present

Sean Bolen
Scott Busby
Faris Eid
Sandra Martin
Lorie Matthews
Melissa McAdams
Andie Ray
Jason Woodle

County HZC Present

Bill Belser
David Butler
Bart Carey
Mike Crowder
Carol Montgomery

Others Present

Kenn Davin
Chris King
Sean Martin
Michelle Mauer
James Pierce
Cynthia Stancil
Arin Streeter
Jessica Wright

City HZC Absent

Melynda Whetsel
(Excused)

County HZC Absent

None

Staff Present

Dori Caron
Christa Cuccaro
Kaye Graybeal
Lisa Hatfield
Melvin Wright

Comm. Chair Busby called the meeting to order and noted there was a quorum. Roll call was taken. He stated that the meeting was being televised and recorded. He also asked that speakers limit their presentations to 5 minutes and to sign in when they reached the podium. He also noted that any decisions can be taken to Chancery Court if appealed within 60 days. Comm. Chair Busby then swore in all visitors and Applicants that planned to speak on any Agenda item.

Action: Comm. Woodle moved that the October 17, 2013 Minutes be approved. The Motion was seconded by Comm. Ray. The Motion carried unanimously.

Mr. Wright reported to the Commission that if commercial property (owner) does not have Certificate of Appropriateness, they cannot get a Certificate of Completion or Occupancy, and the penalties are questionable at best. He noted if the case were to go to court, the judge can fine them but it rarely gets that far. The greatest penalty presently appears to be financial, in that financial institutions are beginning to require Certificates of Completion or Occupancy. He further clarified that a commercial property with retail tenants did not get their Certificate of Occupancy they could still sell goods and occupy the building.

Kaye Graybeal reviewed the Level One Certificates approved by staff this month.

Knoxville HZC Chair Busby turned the meeting over to Knox County HZC Chair David Butler.

CERTIFICATES OF APPROPRIATENESS

Village of Concord (HZ)

10905 Gilian Lane / 925 Olive Road – renewal of COA for side additions 11-F-13-HZ

Discussion: Bill Threlkeld, owner, was present and shared larger sized plans with the Commission. He noted he has shared these plans with the neighborhood at a recent executive meeting of the neighborhood association and received no negative feedback and tended to support the project. Ms. Graybeal noted the layout of the rural Concord Village is less dense than that of the urban historic districts. Additions to the sides of houses do not impact the rhythm of the streetscape in the same way as in the urban districts, which have very regular spacing and patterns. There is a precedent from earlier in the year for approving a much smaller side addition for a bathroom, visible from the right-of-way. The proposed additions would be set back 10 feet. Brief discussion ensued about how adjacent neighbors would be notified of the project. It was noted that everyone was in agreement that the neighborhood revisit their guidelines with regards to additions given the nature of Concord and how the houses are sighted, which the neighborhood targets to happen sometime next year.

Action: Comm. Chair Butler moved that the application submitted for 10907 Gilian Lane be approved based on the evidence submitted and the information provided in the staff report, with the so noted conditions. The Motion was seconded by Comm. Carey. The Motion carried unanimously.

Knox County HZC Chair Butler turned the meeting back over to Knoxville HZC Chair Busby.

Old North Knox (H-1)

1237 Armstrong Avenue – window replacement-11-G-13-HZ

Discussion: There was no further comment by the Applicant. Neighborhood representative James Pierce noted he visited the property and stated it was obvious the foundation, windows, stairs and siding are in need of attention and are in a much deteriorated state. He noted the rear pair of windows is exposed with no storms covering them and he noted he could have pushed his finger through the bottom sash. He stated the front pair was still covered by storms and inspection was not as easy. He noted the bottom sills had been removed and patched over with some wood strips, however they are probably also in a pretty bad state. He stated replacement seemed like the obvious choice. He further noted it should be said that perhaps abandoning those original windows may not be completely out of the question if during the course of the rehabilitation, when removed it was found that they could be more thoroughly inspected. Mr. Pierce noted at that time they may find that these windows could be repaired. He stated the Applicant appeared willing to do that if it did not cause any hardships with regards to timelines with respect to their removal and ordering replacements. He stated the neighborhood is in agreement with staff recommendation on all of the proposed work on the house. Ms. Graybeal noted the CoA could be issued after the front windows were further inspected. The Applicant noted the top sashes appear to be in good condition, but the bottom sashes were quite rotted and the casings on these windows may also be beyond repair. Ms. Graybeal clarified the windows in question were actually front *side-* facing windows. The Applicant noted the windows are very

rotted and they could look at exploring repair of these windows but that she was concerned about it being already well into November.

Action: Comm. Bolen moved that the application submitted for 1237 Armstrong Avenue be approved per the staff recommendation based on the evidence submitted and information provided in the staff report with the Amendment that if replacement is feasible and desired by the Applicant, they can do that, or if upon further review, they can repair them, they may either replace or repair them. The Motion was seconded by Comm. Ray. The Motion carried unanimously.

Parkridge public input

Cynthia Stancil, neighborhood representative for Parkridge, noted she wished to speak on a previously issued Level I Certificate however she did not realize the meeting had moved beyond that. She stated she has spoken with Lisa Hatfield though there was no resolution, and it appears that they “inappropriate” front door that was installed at the address in question would remain standing. She was here to explore if there was anything else they could do as well as wanted clarification on what constitutes a Level I door replacement. Ms. Stancil noted there were 5 adjacent neighbors who did not support this door. She noted they have all had to comply with the neighborhood guidelines and why was an exception made here. Ms. Graybeal noted staff in issuing the Level I Certificate relied on the fact that the neighborhood survey had identified that home as well as door were non-contributing, in addition to the fact that the door being replaced was not original. Once it was identified as an issue (a stop work order was issued) the Applicant did come to the MPC and proceed through the proper process. Ms. Graybeal also noted she has spoken to the owner and noted this should have been a Level II which she would most likely recommended denial of to the Commission. Ms. Stancil then noted the owners did more work than was even approved, a fact Ms. Graybeal noted she was unaware of and stated she would further explore this issue requesting that Ms. Stancil send her information regarding this non-approved work. Presently, it was noted they do have a building permit and a COA. Ms. Graybeal stated this instance has clearly been a difference in interpretation of the guidelines.

Fourth and Gill (H-1)

705 Eleanor Street – construct new garage 11-H-13-HZ

Discussion: Owners

Edgar Smith and Christina Phalen were present and noted their contractor has just alerted them that the proposed 3 ft. side setback would not allow the building to align properly with the existing fence (currently located 18 inches into their property line. Mr. Smith requested that they be able to amend the proposed 3 ft. setback to 18 inches. He also noted they would like to increase the proposed 5 ft. setback to 6 ft. to allow for a better turning radius in a n already narrow alley. Ms. Graybeal noted the Commission’s purview is only if the design and general placement are appropriate. Melvin Wright noted there were 2 issues: If the Commission determines the proposal is not congruent with other properties then there would need to be zoning variance for 8 ft. to whatever they want to do; in terms of the building code the structure would need to be fire rated on the side. Also, he noted, the eave may then need to be rated as well. Comm. Chair Busby again reiterated the purview of the commission is only to determine the appropriateness of the building. Mr. Smith noted they have made quite an effort to align with the integrity of the neighborhood. Neighborhood representative, Arin Streeter stated that the

guidelines are vague regarding outbuildings. He stated the neighborhood feels this is an appropriate outbuilding.

He did note that originally there was concern about the fiberglass doors but they decided to rely on staff's opinion that when painted, if there is no false wood grain, it would appropriately simulate an historic material. He further noted that with respect to the proposed board and batten the guidelines are perhaps again, vague.

Action: Comm. Ray moved that the application submitted for 705 Eleanor Street be approved per staff recommendation and conditions based on the evidence submitted and the information provided in the staff report. The Motion was seconded by Comm. Matthews.

Further Discussion: It was clarified that the final building placement would fall under the permitting process, not this body. There was then discussion about the appropriate eave projection. If the outbuilding is moved closer to the fence there may need to be a building variance as well. The owner noted they were open to a shorter eave. Ms. Graybeal noted the Commission can approve placement of a structure closer to a setback than as stated in the underlying zoning code, but they cannot alter or override building code, which for example may then require fire rating. Discussion ensued surrounding final placement of the outbuilding with regards to setbacks.

Action: Comm. Ray amended her Motion to approve the overall design of the outbuilding, approve staff recommendation and conditions and further to allow for the outbuilding to be located on the rear quadrant of the property.

Further Discussion: The applicant, Mr. Smith stated they were willing to reduce the overhang. Arin Streeter noted the neighborhood did not review an alternative eave length. It was clarified that the Commission is moving towards the outbuilding being located behind the rear façade of the house in rear corner of the property, and was not looking at approving specific setbacks. Ms. Graybeal clarified the Commission could waive the setbacks in the base zoning in this case.

Action: Comm. Ray withdrew her Motion.

Action: Comm. Bolen moved that the application submitted for 705 Eleanor Street be approved based on the evidence submitted and information provided in the staff report per staff recommendation and conditions, and with the finding of fact presented before the Commission to add the Amendment that the garage be built in the rear quadrant of the property line up to the property line and that with the additional Amendment that the eave overhang be from 12 inches to 4 inches as long as they are symmetrical on both sides. The Motion was seconded by Comm. Ray. The Motion carried unanimously.

Ms. Graybeal elaborated on the Commission's ability to override zoning requirements. She noted that if the guidelines mention specific dimensional characteristics they can override what is in the base zoning. She further noted the guidelines in this case mention alignment with existing setbacks and a pattern and rhythm of the streetscape and spacing. With regard to height, the Commission can require that something be lower than what is stated in the base zoning, but cannot allow it to be higher.

906 Luttrell Street – door and window replacement 11-I-13-HZ

Discussion: Sean Martin, architect, noted the owner has found an alternative garage door made of paneled wood with hardware for straps and handles for straps to obtain the carriage house look. He noted this particular block of Luttrell still has a fair amount of apartments, and with parking being allowed only on one side parking can be very tight.

Arin Streeter, neighborhood representative, stated the neighborhood agrees with staff recommendation that originally submitted doors are not appropriate for the structure. He noted the neighborhood would defer to staff's opinion on the newly submitted garage doors. He further noted the neighborhood was in agreement with staff recommendation to deny changing the size of the side windows, noting the Secretary of Interior standards that state a desired interior use should not drive exterior changes that alter the character of a structure. It was clarified that there were no issues with the proposed back door changes. Discussion ensued regarding the side windows. Mr. Martin described how the large size of the windows as well as the interior walls having large openings, as well as an original tiled fireplace made having any length of cabinets difficult. He described the option presented by staff to cover the bottom sash would preclude them being operable. He stated their request is still to change the size of the window. He stated their second choice would be to request approval of changing the size of the window closest to the rear of the house. It was clarified that there was no further discussion about the proposed back door. It was also clarified the guidelines are very vague about garage doors and that the newly submitted proposed garage doors, when painted and with the hardware applied, may be appropriate although there may be too many panels. It was agreed that the Applicant would work with staff to receive final approval on the specifics of the doors and hardware.

Discussion moved back to the windows. It was noted the guidelines are very clear regarding the window and that windows that can be seen from the public right of way cannot be modified, especially to accommodate an interior use. There was further discussion about potential options for the final kitchen design that would leave the windows intact and operable. Owner Adam Braude stated they appreciate the Commission's work and purpose and noted they really want to do right by the house and the neighborhoods as well as his immediate neighbor. He stated he would not want to look at a blacked out window. He further stated he felt there was only about a 20-foot stretch where you can see these windows, if you are looking. He further stated they have explored many different options. Comm. Bolen offered that perhaps the window on the back of the house could be altered as it is not visible from the right-of-way.

Action: Comm. Ray moved that the application submitted for 906 Luttrell St. be approved based on the evidence submitted and the information provided in the staff report per the staff recommendation and conditions with the denial of the originally submitted garage door and allowing for staff approval of the final replacement garage doors and hardware specifics, denial of the proposed changes to the side windows but approval of reconfiguration or removal of the rear wall window (on the back of the house). The Motion was seconded by Comm. Bolen.

Further Discussion: Mr. Braude requested that the Commission consider approval of maintaining the existing opening of the side windows but allowing for different actual windows.

The Commission reiterated the side windows could not be altered such that the outside would appear different.

Comm. Chair Busby called for a vote. The Motion carried unanimously.

726 Deery Street – window replacement 11-J-13-HZ

Discussion: It was noted that staff had not yet received information on any effort to obtain window repair estimates at the time of writing this report but understand that obtaining these estimates is now in progress. Ms. Graybeal reiterated the three windows proposed to be replaced are original. It was noted that staff does not have evidence that the proposed windows are beyond repair and that energy efficiency can be gained by other methods. Jessica Wright, architect, stated she was representing the owner. She noted they recommended replacement mainly due to a concern that once you scrape everything off the windows there would not be enough wood left to repair. They also recommended replacement for continuity purposes to match the upper story windows which were replaced a few years ago. She stated they have gained better energy efficiency by other methods throughout the house. Ms. Wright further noted the first floor windows have not been well maintained and any previous repairs done were done poorly. She also noted that repair would require stripping and identification of perforations and gaps in the glazing throughout the sashes and wood framing. Ms. Wright noted they do not yet have repair estimates.

Action: Comm. Ray moved that the application submitted for 726 Deery Street be denied without prejudice based on the evidence submitted and information provide in the staff report, pending repair estimates being received and reviewed. The Motion was seconded by Comm. Eid.

Further Discussion: It was noted by neighborhood representative Arin Streeter that the neighborhood agrees with staff recommendation. It was clarified that staff can approve repair but any proposed replacement wild need to come back before the Commission.

Comm. Chair Busby called for a vote. The Motion carried unanimously.

815 N. 4th Street – revisions to previous COA for staircase addition 11-K-13-HZ

Discussion: Kaye Graybeal reviewed previous submittals and noted an application for a partially brick and weather board (fiber cement) enclosed stair case was approved previously. She noted the Applicant wants to make some amendments to the previously approved application, shown in the first side elevation. She noted they would like to have glass under the stairs between the second to third levels with multiple steel mullions for support. Ms. Graybeal noted the Applicant wants to increase security for the stairwell entry and exit. She further noted the guidelines state that any addition must make a distinction between the old and new, and further should be on an inconspicuous side or rear. Ms. Graybeal also noted there was no Certificate of Appropriateness or building permit originally issued prior to work commencing on this stairwell. She noted the Applicant has not yet determined if an exit is required by fire code at the location of the upper story window proposed to be replaced with a door (that replacement would need to be brought back to the Commission for approval). She noted the newly proposed stairwell does have a more open design than the previously submitted one. However, it is still visible form the right-of-way and the newly proposed glass enclosure would now add yet another material element to an addition that will already incorporate the materials of steel, concrete, fiver cement board and

brick. Further, Ms. Graybeal stated it was staff opinion that the steel mullions would be obtrusive and add another vertical element to an already cluttered facade.

Ms. Graybeal noted the need for a railing on the cement pad on the south side although the Applicant has indicated he will move dirt up around the base of the pad to lower its drop. Owner Kenn Davin was present and stated he would now agree to take the siding all the way up the stairwell to enclose it. Ms. Graybeal noted the totally enclosed stairwell is what the Commission has been working to avoid. Mr. Davin noted the enclosure is for both security and weather related. He noted water is getting trapped at the bottom of the stairwell. It was clarified that there were no solar panels. Comm. Eid asked for clarification that the final drawing matched the previous approval.

Ms. Graybeal stated it did except for the door on the second level, the concrete pad (height) as well as the glass. Mr. Davin noted the pad will be less than 30 inches upon completion and it was further noted that it will be covered in stucco. Melvin Wright clarified that the only way this structure will be approved as it exists is as single family, and continuing it with a pre-existing non-conforming use. Ms. Graybeal noted staff would only recommend approval of replacement of the second-level window with a door if it is the only alternative allowed by code. Comm. Bolen again reiterated the disallowance of the interior use driving exterior changes in the guidelines. Ms. Graybeal the Commission is asking the Applicant to explore other egress options as necessary to meet code. Comm. Eid noted he thought the proposed glass would be OK if it were recessed, not flush as proposed, with maximum glass and minimum framing utilized.

Action: Comm. Eid moved the application submitted for 815 N. 4th Avenue be approved based on the evidence submitted and the information provided in the staff report per the staff recommendation with the following conditions; the concrete stoop be approved with a less than 30-inch height and that it be covered with stucco, the glass underneath the stairwell in 3 sections be allowed but with a design that reflects the least obtrusive effect and that will be recessed as much as possible in the opening, the final design requiring prior staff approval, and denial of replacement of the second story window with a door. The Motion was seconded by Comm. Woodle.

Further Discussion: It was clarified that the door to the stoop was approved as a wood frame, full light door. Neighborhood representative Arin Streeter stated that the neighborhood still does not understand the application at all in general and were relying on staff's interpretation of the situation. Ms. Graybeal noted the Commission needs to approve adding the cement board over the brick as opposed to first removing the brick, and further noted the HVAC screen still needs additional shrubs. Solar panels were denied as well. Comm. Ray suggested an onsite meeting with staff to review and ensure that the work is completed as approved.

Action: Comm. Eid amended his Motion to allow for the fiber cement board to be applied over the existing brick pending review and prior staff approval of final details of terminations and top caps. The amended Motion was seconded by Comm. Woodle. The amended Motion carried unanimously.

Market Square (H-1)

27 Market Square – remodel of non-original storefront 11-L-13-HZ

Discussion: Comm. Chair Busby recused himself and turned the meeting over to Comm. Vice Chair Martin. Comm. Ray disclosed herself as a former owner of the building and it was determined that did not represent any conflict necessitating recusal. Christopher King, architect, was present to answer any questions. Comm. Ray noted the storefront proposed to be replaced was done circa 1959, is metal and was very poorly constructed.

The owner, Margaret Rouse stated the current storefront is in very poor condition and she has always intended to replace it. Neighborhood representative Scoot Schimmel stated the Market Square District Association happily supports staff recommendation to approve the application and appreciates the owner redoing the lower facade. Melvin Wright stated the framing will need to be of a noncombustible material (steel or wood treated with fire retardant material).

Action: Comm. Woodle moved that the application submitted for 27 Market Square be approved based on the evidence submitted and the information provided in the staff report per staff recommendation. The Motion was seconded by Comm. Eid. The Motion carried unanimously.

H-1 Designation Recommendation

Kerns Bakery Building (former) – 2110 Chapman Highway

Discussion: Ms. Graybeal noted City Council passed a resolution on November 12th for Vice Mayor Nick Pavlis to submit an application for the building to have an H-1 designation. MPC staff feels there has not been sufficient time to notify the owner. She stated the HZC's action is only advisory and makes recommendations to the Council. Staff could not find documentation stating that legally the owner has to be notified; however, staff recommends at this juncture waiting until the owner has been notified prior to taking any action. Ms. Graybeal noted the city law office has potentially identified the owner although they only have an address. She stated she felt it would serve the Commission in the long run to attempt to contact this person. Comm. Ray recommends notification by certified letter.

Action: Comm. Ray moved to postpone action by the Commission pending notification of the owner. Comm. Woodle offered “attempt to contact” as an amendment and seconded the Motion. The Motion carried unanimously.

Comm. Ray noted the Old North Knoxville Christmas Tour was happening on December 7th and 8th. She asked if Kaye could bring an update to the next meeting on where we were at with regards to the grant for updating the guidelines. She further noted her concern that demolitions in Fort Sanders are unfolding. Ms. Graybeal clarified the potential role(s) of the HZC in reviewing the demolitions in Fort Sanders should they come forward.