

MINUTES
KNOXVILLE HISTORIC ZONING COMMISSION
KNOX COUNTY HISTORIC ZONING COMMISSION
MEETING SEPTEMBER 19, 2013

City HZC Present

Scott Busby
Faris Eid
Sandra Martin
Lorie Matthews
Andie Ray
Melynda Whetsel
Jason Woodle

County HZC Present

David Butler
Bart Carey
Mike Crowder
Carol Montgomery

Others Present

Reta S. Bowman
Hollie Cook
Kenn Davin
Brett Honeycutt
Steve Horn
Ray Jenkins
Sean Martin
Michelle Mauer
Arin Streeter

City HZC Absent

Sean Bolen (Excused)
Melissa McAdams (Excused)

County HZC Absent

None

Staff Present

Dori Caron
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.

Discussion: Corrections to the August 15, 2013 Minutes: Correct spelling of Crista Cuccaro's name; Acting Comm. Chair Whetsel moved to approve Certificate 072913MEC; Comm. McAdams (Excused) requested in an e-mail that her statement with regard to 32 Market Square that "typically the upper stories of buildings on Market Square are enclosed with windows" be so noted in the findings of fact for that application (070113MKT) noting the typical aesthetic of Market Square.

Action: Comm. Whetsel moved to approve the August 13, 2013 Minutes with corrections. The Motion was seconded by Comm. Woodle. The Motion carried unanimously.

Reports to Commission: Chair and Vice Chairs, Lisa Hatfield, Melvin Wright. There were no reports to the Commission.

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

CERTIFICATES OF APPROPRIATENESS

Fourth and Gill (H-1)

815 N. 4th Avenue 091013ONK

Revisions to July 2013 submittal for additions to south and rear elevations

Discussion: Given the fact that this proposal has come before the Commission multiple times, staff briefly summarized changes from previous submittals. Ms. Graybeal referenced a new rendering that indicates revisions to the staircase addition proposed on the south elevation. She noted the guidelines note that prominent additions viewable from the street are recommended to be placed on the rear or less visible side of a structure. This proposal now shows a more open staircase although it retains the high bricked façade on the enclosure, with siding above that and then railings above the sided level. Further, she noted, there is a proposal to add solar panels on the roof facing the south side. The proposal continues to show composite windows and siding and that material has already been denied (June 2013 meeting), subsequently the Applicant has been made aware that that portion of the proposal cannot come back before the Commission for one year. The proposal can only be approved with wood siding and wood windows or another material that can be approved by the Commission. She stated the solar panels need to be situated so they are not highly visible from the right-of-way per the guidelines so staff cannot recommend approval of them as proposed. Ms. Graybeal stated the brick facing on the staircase should be lowered to a more typical foundation height.

Owner representative, Michelle Mauer, stated she was representing Mr. Davin as he has apparently been detained. She stated the staircase is now more open and that there was now a definite line between the garage and the new stair tower. She stated she understood that the windows and railings and they (per staff comments) were not an issue. She asked that the Commission consider the proposed placement of the solar panels from the standpoint that this property abuts vacant lots and they feel they need to be placed as proposed to gain their full benefit. Ms. Mauer sought suggestions regarding placement of the solar panels and agreed to revisit their placement at a future meeting with staff. There was discussion surrounding the third level railings/deck and whether or not it could be reduced to just the rear of the house and front of the garage, minimizing it. This discussion included the brick and siding on the facade of the stair tower and that more transparent material(s) need to be used instead. Ms. Graybeal clarified that the new proposal does not indicate a roof covering on the upper level (3rd floor) of the stair tower. It was clarified that a wrought iron screen could be substituted (or some other more open material) for lattice, but reiterated that wrought iron is not appropriate for a visible landing or porch balustrade. Ms. Graybeal noted the proposed doors are half-light on the upper level and full-light on the lower level and further noted that per the guidelines, they would also need to be wood-framed doors. There was discussion surrounding the brick enclosure around the HVAC equipment and Ms. Mauer noted it was still the same height as originally constructed. Staff had recommended that latticed or open brick be used or that landscaping be used.

Action: Comm. Whetsel moved to table this discussion until the owner, Kenn Davin, could appear. The Motion was seconded by Comm. Matthews. The Motion carried unanimously.

The Commission returned to the review of this application.

Subject property owner, Kenn Davin, arrived and was sworn in. It was clarified the exit stairs do not require a cover. Melvin Wright clarified that the occupancy classification is what most drives the building codes and noted that it remains unclear to the City how this building will be classified and that it still needs to be determined. Ms. Graybeal noted the Commission was only tasked with reviewing the aesthetics of the application. It was again noted the guidelines state the solar panels cannot be visible from the street. It was suggested that the owner mount the panels on the north side of the garage on a bracket to face them south. The owner agreed to table the solar panels for today.

Comm. Chair Busby asked Ms. Graybeal to restate the staff recommendation conditions for approval including additional conditions added per today's discussion:

- Only wood material is utilized where either metal, concrete and composite have been proposed
- Lower the brick portion of the stairwell to a more typical foundation height as seen on the house
- Remove the brick enclosure at the HVAC and replace it with a more open-type screen material
- Differentiate the brick on the garage from the brick on the stairwell
- Portion of the second level deck that wraps around the house on the third level be removed

It was clarified that when it states wood needs to be used where there is metal, the existing metal could be faced with wood (metal support posts). Discussion ensued around creating a more open appearance for the stairwell. Comm. Chair Busby suggested removing the brick around the stairwell altogether and adding back some type of screen wall to make it more open . . .-perhaps some type of fence. Mr. Davin felt he could not remove the brick as it is part of the structural nature of the stairwell. He suggested putting siding over the brick on the stairwell, perhaps vertical siding, taking it all the way down to the foundation.

Neighborhood representative, Arin Streeter, asked for and received confirmation that the composite materials proposed were indeed already denied. He stated the neighborhood was not in agreement with the proposed placement of the solar panels. The neighborhood is also concerned about the incremental creation of something that otherwise as a whole would not be approvable based on the guidelines. They remain concerned about the overall size of the house.

Comm. Busby directly asked Mr. Davin if the brick on the stairwell could just simply be removed. Mr. Davin noted that would be very difficult for multiple reasons. General consensus on the Commission was that the materials on the staircase are simply too heavy. Mr. Davin stated he is willing to remove the brick on the stairwell if that is the only option that would be approved. Comm. Whetsel noted she would make a Motion but that removal of the brick on the stairwell would be a condition of approval. It was clarified that the staff recommendation would be to remove the brick down to the foundation level. She noted that if the brick was removed on the stairwell she felt the Commission has stated they were OK with the brick enclosure of the HVAC as long as the Applicant adds appropriate shrubbery to minimize its appearance. Siding could also be used.

Action: Comm. Whetsel moved that the application for 815 N. 4th street be approved with the following conditions: all materials utilized will be wood where concrete, metal or composite have been proposed, that the brick facade from the stairwell be removed, the existing HVAC screen be given an additional shrub screen around it, the railing on the 3rd

level that wraps around the house be removed, the solar panels are *not approved* as shown, the doors would be wood (as noted earlier in approved materials) and stucco to be used on the foundation of the stairwell to match existing stucco; based on the evidence submitted and the information provided in the staff report. The Motion was seconded by Comm. Ray.

Further discussion ensued surrounding what could be used to replace the removed brick on the stairwell.

Comm. Whetsel Amended the Motion to include that an open type lattice fencing or metal fencing could be used where the brick will be removed on the stairwell with the design and material used to be approved by staff. The Amended Motion was seconded by Comm.

Chair Busby. General consensus was that metal steps would be more aesthetically appropriate than concrete steps. There was further discussion to add that the 3rd level stairs must be of a dark metal. It was noted that for additions, the guidelines recommend lighter and less heavy materials wherever possible. If the brick / stairs cannot be constructed per the recommendation, the Applicant may come back to the Commission with a different proposal. **The Amended Motion was approved unanimously.**

Market Square (H-1)

2 Market Square /325 Union Avenue (postponed from 8/15/13) **072913MKT**

Modifications to existing penthouse on roof deck

Discussion: Ms. Graybeal reviewed the revised application. The revision is for a flat roof with the overall height of the roof (9 feet) remaining the same as originally proposed for the sloped roof, with fixed panel-panel windows. The Applicant would lower the rear eave by 5 feet and raise the front eave to a maximum height of 9 feet. The Applicant would also remove a previously proposed brick arch at the top of the building as well as add etched/textured glass to the proposed new storefront (just the residential portion entry at the Union elevation). Brett Honeycutt, architect and owner representative, noted they were taking an existing penthouse and raising it up to create more usable space for an office. Comm. Chair Busby, assuming the neighborhood representative role as a business owner on Market Square, noted he felt the proposal meets the guidelines and has no objections to the small portion that would be visible from Market Square. Ms. Graybeal clarified that the guidelines state that storefront windows must be transparent for the windows and door.

Action: Comm. Martin moved that the application for 2 Market Square / 325 Union Avenue be approved based on the evidence submitted and the information provided in the staff report. The Motion was seconded by Comm. Matthews. It was clarified that the submitted bubbled glass sample meets the “transparent” criteria as stated in the guidelines. **The Motion carried unanimously.**

32 Market Square (postponed from 8/15/13) **070113MKT**

Remove and rebuild front façade

Discussion: Ms. Graybeal noted this proposal was denied without prejudice in July 2013. It was postponed last month due to the need for clarification of the proposed loggias/window openings and such there has been no change to the submittal other than additional drawings to further illustrate their intent. She noted that the Applicant proposes to demolish the existing non original facade and rebuild it using the same brick materials. The Applicant also wants to restore the second-level facade to closer to its original configuration of 3 openings but without windows in

those openings. The new drawings also clarify placement of proposed second-level window railings. Ms. Graybeal pointed out the comparative photos of the second level facade as it is now proposed (2013), as proposed in 2005 and its current appearance. The 2005 proposal reflects the original configuration of the second level windows. The proposed metal balustrade is proposed to be a more curvilinear wrought iron design. She noted staff had suggested Jeffersonian-type windows that would recede into a top sash to the Applicant. Staff recommendation would be for the proposed second level openings to match the size and shape of the original window openings as shown in the photograph of the 2005 facade which as it would raise the bottom of the proposed openings, may eliminate the need for the balustrades. She further noted the doors would also need to be wood as stated in the guidelines though the 2013 proposal drawings indicate metal. Ms. Graybeal noted that she wanted to add another statement to the findings of fact: The further finding of fact is that the only other buildings on Market Square that don't have much of their original facade removed or any of their original facade remaining are the Subway at 25 Market Square and Rococo at 2 Market Square and the Chamber Partnership building from 13 to 19 Market Square, which is a totally rebuilt facade with a loggia. There is an existing building at 7 Market Square that has the original openings as an arched loggia. It is staff's opinion that the idea of loggias would not proliferate throughout the Square since the finding of fact needs to be present that the facade is not original. Of the three buildings that would have that finding of fact, one already has a loggia, leaving only two other buildings that could meet that criteria.

Brett Honeycutt, owner representative, had no more to add other than this facade having nothing historically significant left other than some corbelling they intent to take off then put back. He noted they do not want to recreate an historical facade. Mr. Honeycutt noted they would be OK with rising up the sills to be in line with the original openings. He clarified that the owners do not want windows, they want an open loggia. He clarified that the secondary facade will be French doors. Ms. Graybeal added staff had suggested at the last meeting that the French doors have fewer lights. Mr. Honeycutt noted those changes have been made. He further clarified that the sidewalls of the inside of the loggia would be brick and the rear wall would be painted. He also noted he would revisit the final location of the original dental molding to be more relevant to its probable original location. He also clarified that the first- level elevation will be as shown in the 2013 proposal but with wood doors. Ms. Graybeal read into the record from the Market Square Design Guidelines: The color and texture of storefront materials shall be simple and unobtrusive, whether they are wood, cast iron or anodized aluminum. Bulkheads can be wood panels, polished stone, glass, tile or aluminum-clad panels. A storefront cornice shall be wood, cast iron, or sheet metal. She asked to Commission to clarify if fiber cement board would be an acceptable material for the framing as opposed to wood on the storefronts. Comm. Chair noted he was OK with the use of fiber cement board as long as it is smooth, as it will not rot as does wood. Mr. Honeycutt stated they did attend the Market Square District Association meeting and although a quorum was not present, attendees did not express any concern with their proposal.

As requested, Ms. Graybeal reviewed the staff recommendation: To approve the reconstruction of the facade with the conditions that brick samples to match the original size and texture be submitted with a mock-up for staff approval that would include the mortar proposed, the upper-facade window openings that are proposed shall match the original widow openings as closely as possible using the 2005 photograph as guidance (with further research perhaps yielding further guidance on the exact location of the bottom sill), the brick cornice corbelling/brick dentils at the top of the building be located in their original location which would be closer to the tops of the windows and to ensure the doors on the first/bottom level are of wood frame as opposed to metal, and if there is a window railing needed that it be approved by staff (no railing would be necessary if the bottom of the sill was 42 inches in height). Comm. Chair Busby added that the interior of

the loggia be brick. Comm. Eid clarified that the second-floor loggia openings be so noted to match the original window configuration as shown in the 2005 photograph. Mr. Honeycutt clarified the second-story secondary facade French doors would be wood with minimal divided lights or full lights.

Approval conditions restated by Ms. Graybeal:

- upper level outer facade window openings to be configured to match the original ones as closely as possible based on the photographic and physical evidence available
- the second-level inner facade doors to be wooden double-leafed doors with full-light glass or fewer multi-panes than shown on the submitted drawings
- the brick dentil molding at the second level of the building to be located more closely to its original position as shown by the documentary photographs
- the first-level double-leaf entry door to be of wood with full glass as shown in the latest submittal
- the railing design to be approved by staff if it is required by code to be installed
- mock-up of the brick, including mortar, to be presented for staff for approval.

Action: Comm. Eid moved that the application for 32 Market Square be approved with the above noted conditions restated by Kaye Graybeal, based on the evidence submitted and the information provided in the staff report. The Motion was seconded by Comm. Ray. The Motion carried unanimously.

Fourth and Gill (H-1)

1022 Eleanor Street 090313FG

Replace front entry door and sidelights

Discussion: Owner representative, architect Sean Martin had no further comments to add to the staff report. He did state that they are going to paint the surround and replace the glass sidelights as budget constraints prohibit the preferred replacement of it. Neighborhood representative, Arin Streeter, stated the neighborhood is very happy the owner is doing this, especially as it on a voluntary basis as there is nothing in the guidelines that requires the replacement of the present door.

Action: Comm. Whetsel moved to approve the application for 1022 Eleanor Street based on the evidence submitted and the information provided in the staff report. The Motion was seconded by Comm. Ray. The Motion carried unanimously.

Old North Knox (H-1)

416 E. Oklahoma Avenue 090313ONK

Gazebo for public park

Discussion: Comm. Ray disclosed that she sits on the Old North Knoxville Board. It was consensus that Comm. Ray would also stand for the neighborhood representative at today's meeting. It was clarified that City of Knoxville will maintain the structure for life with the neighborhood continuing to maintain the park. Comm. Ray noted there was a gazebo there before which was demolished by a tree. The neighborhood Board was able to convince the City to construct the gazebo using wood, not metal.

Action: Comm. Whetsel moved that the application for 416 E. Oklahoma Avenue be approved based on the evidence submitted and the information provided in the staff report. The Motion was seconded by Comm. Matthews. The Motion carried unanimously.

National Register Nomination Recommendations

The meeting was turned over to the Knox County Historic Zoning Commission Chair, David Butler.

Ms. Graybeal noted the National Register is not a regulatory district. A regulatory district is our local H-1 overlay. It is a federally administered program whereby the federal government puts a system of checks and balances in place for the sake of its own entities such that any proposed projects funded by the federal government for an area on the register will create a red flag, notifying the government that a sensitive area is involved. Firstly, this designation precipitates the government looking more closely at the impact that any proposed project may have within those districts, and ensures mitigation of negative impacts should they occur. She further noted there are no imminent impacts to these proposed areas but that this is a proactive activity. Secondly, she noted, this designation qualifies the buildings that contribute to the history of the area that are considered historically significant for the opportunity for the owners, should they so desire, to take advantage of rehabilitation tax credits should they choose to restore their house using those federal standards. She clarifies use of the tax credits for this purpose is not mandatory under the designation. Lastly, she noted it is an honor to be with the National Park Service as one of the nation's great historic treasures. A thorough documentation of the history along with photographs, maps and descriptions and area significance is preserved for posterity in the NPS archives. She again clarified there are no regulatory associations for the private property owner within a National Register District. Ms. Graybeal clarified they are free to make any changes to their home including demolition.

Ms. Graybeal noted the role of the Historic Zoning Commission is advisory only. The Commission only reviews to the degree that the nomination is correct and complete and whether they are in agreement with the historic significance of the nominee based on their collective expertise related to the preservation of historic buildings. She noted the Commission does not have a say in whether or not there is sufficient support of a nomination as they are not elected officials. She further clarified the role of the Commissioners is to decide if an area is historically significant. Their recommendation then goes to the Tennessee Historical Commission in Nashville, which will meet on September 25th to review the applications. She noted that the Tennessee Historical Commission is the body that will assess the level of support based on petitions and letters they have received. Ms. Graybeal noted she is in receipt of information indicating that over 50% of the property owners oppose the designation and therefore, the proposal going forward will be for a determination that the area is eligible, but not for official designation based on the lack of support. She clarified that the Commissioners still need to express their opinion on whether or not the area is historically significant. She clarified that the Knox County Historic Zoning Commissioners will not need to vote on whether to approve the nomination based on the historical significance of the area.

Frazier Bend Historic District

(North of Thorn Grove Pike/Kodak Rd. intersection to end of Frazier Rd.)

Discussion: Comm. Chair Butler noted that discussion and/or determinations today is only focused on the whether the historic significance of the area supports the designation. Ray Jenkins noted he represented many of the persons in attendance today who have expressed their interest in not being included in this designation. He noted their reasoning involves multiple factors. They question the makeup of the proposed historic district noting there appears

to be a “chunk” of the actual area not included. Also, several properties that are included in the proposed area have not historic buildings on them, and they suggest that as proposed it doesn’t qualify as it is proposed as an historic area. Kaye Graybeal noted the Metropolitan Planning Commission and the University of Tennessee are the entities that conducted the survey initiated the proposal. The boundaries were drawn according to the Tennessee Historical Commission standards used in the initial survey. The buildings not included were considered to be outside of the period of significance. Mr. Jenkins indicated he understands this body does not draw the boundaries. He stated it was his position that the inclusion or exclusion of properties is arbitrary and based on that he feels the Commission should not forward a recommendation to the state to approve this. Ms. Graybeal noted staff have driven the boundaries and supports them. Comm. Chair Butler clarified the Commission’s charge here is only to make a determination on the area’s historic significance. Discussion ensued with regards to the perceived harm. Mr. Jenkins noted the overriding consensus is the property owners just want to be left alone. There was further discussion about merits of the designation verses what they want for their properties. He also noted the property owners feel they were not notified that this designation was proposed and only found out about it via recent letters from the state. Ms. Graybeal noted letters were sent out using tax record addresses to the property owners included in and abutting the proposed area to be designated in September 2012. She noted we are actually not required to send individual letters as this is not a regulatory overlay. We are required to have a public meeting which was announced in the letters as well as the public notice. The public information meeting was not well attended. She noted the property owners, as they have clearly done, need to voice their opposition to the state. Property owners spoke personally with regards to their position of this issue. It was repeatedly stated that not only did they did not agree and/or understand the procedure but also that they do not want this designation. Commissioners attempted to clarify that this designation is neither an H-1 overlay nor a precursor to it, and that they themselves would be the only ones to initiate an H1 overlay. Ms. Graybeal stated that it is clear that regardless of the fact that the designation would not be regulatory and that their property rights will not be restricted in any way, the majority of the property owners do not want this designation. She again reiterated she has confirmed with the state, that if approved by the state, the area will be listed as eligible for the National Register. The nomination will still be sent to the National Park Service for their archives, but at his time, based on the opposition of greater than 50% of the property owners will not be officially on the National Register. Consensus was that there could have been a better job done across the board to have informed all of the property owners and that there was clearly a disconnect between reality and perception; however, the reality stands that greater than 50% of the property owners do not want this designation. Comm. Chair Butler reiterated the very narrow scope of what is before the Commission today.

Action: Comm. Chair Butler called for a vote. The Knox County Historic Zoning Commission unanimously agreed to affirm that Frazier Bend is an historically significant area.

Ms. Graybeal noted that in the future staff will send these types of letters via Certified mail. She further affirmed that she would pass along to the state that their letters were only recently received by the property owners.

The meeting was turned back over the Knoxville Historic Zoning Commission Chair, Scott Busby.

Westmoreland Waterwheel and Gatepost
(NE and NW corners of Sherwood Dr. and Westland Ave.)

Discussion: Hollie Cook, co-author of the nomination, noted she has an updated Draft nomination. She noted the final Draft will be ready for the September 25th meeting. She has been able to confirm that it was indeed a Fitz waterwheel and also that there were some other corrections to the Draft necessitating revisions. Ms. Cook stated the neighborhood was very excited about the designation. Comm. Carey, a resident of the sponsoring neighborhood, noted the wheel is not decorative. He noted the wheel drove a pump that powered the original homes there and ultimately pumped water that fed the entire neighborhood. He noted the arrival of electricity in the neighborhood replaced the need for the energy needed to turn the pump, but not the wheel. The wheel has turned since 1929 just as did originally; the shaft simply no longer turns the pump. It was again noted the neighborhood initiated the application and is in full support of the designation, which only encompasses the waterwheel, the wheel house and the gatepost. There was discussion regarding the dam and the collection boxes, critical parts of the water wheel which lies on property that is owned by private citizens and an abutting church. Inclusion of them could be revisited at a later date after exploring the owners' consent. It was clarified that the waterwheel, wheel house and gatepost had been annexed by the City but that the neighborhood is responsible for maintaining them.

Action: Comm. Chair Busby moved to approve the National Register nomination recommendation for the Westmoreland Waterwheel and Gatepost. The Motion was seconded by Comm. Whetsel. The Motion carried unanimously.

Ms. Graybeal noted this recommendation now goes to the Tennessee Historical Commission for review on September 25th.

There was no other business and the meeting was adjourned.