

**MINUTES
KNOXVILLE HISTORIC ZONING COMMISSION
KNOX COUNTY HISTORIC ZONING COMMISSION
MEETING NOVEMBER 19, 2015**

<u>City HZC Present</u>	<u>County HZC Present</u>	<u>Others Present</u>
Scott Busby	No County Business	Debra Bean
Bart Carey		James Bean
Steve Cotham		Phil Bonifacio
Faris Eid		Randall DeFord
Lorie Matthews		Steve Killian
Melissa McAdams		Carl H. Lansden
Andie Ray		Savannah Patin
Jason Woodle		James Pierce
		Butch Robertson
		Arin Streeter
		Kim Trent
		Bernadette West
		Steve Wise
		Jenny Wright
 <u>City HZC Absent</u>	 <u>County HZC Absent</u>	 <u>Staff Present</u>
Sean Bolen (Excused)	N/A	Dori Caron
		Marty Clay
		Crista Cuccaro
		Scott Elder
		Kaye Graybeal

Knoxville Historic Zoning 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 five minutes and to sign in when they reached the podium. He then noted that any appeals to Commission decisions can be taken to Chancery Court if appealed within 60 days. Comm. Chair Busby then swore in all Applicants and visitors that planned to speak on any Agenda item. There was no county business therefore the Knox County Historic Zoning Commission will not convene.

Action: A Motion was made by Comm. Woodle to approve the October 15, 2015 Minutes. The Motion was seconded by Comm. Carey. The Motion carried unanimously.

Reports to Commission: There were no reports to Commission.

Staff Reports: Ms. Graybeal reviewed the Level I Certificates approved since the last meeting.

CERTIFICATES OF APPROPRIATENES:

Continued - Brownlow School H-1

140 East Glenwood Avenue – Signage installation (10-E-15-HZ)

Discussion: Ms. Graybeal reviewed the revised application. It was clarified the zoning is R-2 but this does not affect the staff findings. Owner representatives Jenny Wright and Debra Bean were present. Ms. Wright again reviewed the proposed revised application. She noted their intent was to retain the purpose of the signage and to be less intrusive to the neighbors. Arin Streeter noted this property did not fall within the Fourth and Gill H-1 Overlay but the neighborhood does not object to the signage as currently proposed. It was clarified there will be no changes to the one sign that is located in the public right-of-way [it was erected by, and is maintained by the City of Knoxville].

Action: Comm. McAdams moved that the application submitted for 140 East Glenwood Ave. be approved as submitted based on the evidence submitted and the information provided in the staff report and per staff recommendation which clarifies approval of one identification and two parking-related signs as proposed. The Motion was seconded by Comm. Matthews. The Motion carried unanimously.

Continued - Jackson Ave. (H-1)

118 East Jackson Avenue - Exterior restoration and renovation (10-F-15-HZ)

Discussion: Owner representative Savannah Patin was present and had no further information to add.

Action: Comm. McAdams moved that the application submitted for 118 East Jackson Ave. be approved as submitted based on the evidence submitted and the information provided in the staff report and per staff recommendation. The Motion was seconded by Comm. Eid.

Further discussion: Comm. Carey noted it appears that there were two 45 degree angled walls in the recessed area of 118 further noting the proposed screening does not reflect that same angle. Staff clarified that the screen is free-standing and could be angled. Additionally, he voiced some concern over how the run-off water would be handled as it appears to dump directly onto the sidewalk. He suggested that be revisited by the Applicant.

Action: Comm. Chair Busby called for a vote on the Motion on the floor. The Motion carried unanimously.

Continued - Market Square (H-1)

36 Market Square - Signage and awning installation (10-J-15-HZ)

Discussion: Ms. Graybeal reviewed the revised application. Applicant Bernadette West was present and noted they had permission from the landlord to take the outdoor patio seating down to 5 feet back from the residential entrance [along Wall St.], which equals the 5 ft. to the east of the residential entrance, which they feel balances it [with regards to the building].

She felt the contrasting color, close to color of the existing beige brick [pilaster] makes it look more sectional without having to do actual insets as is done on Tomato Head and others [on Market Square]. She noted the railing will start there as well and there will be seating underneath the entire awning and she feels it would look odd to have an entire section of seating that was not under the awning. It was noted there was no neighborhood representative present. Discussion ensued surrounding the awning with regards to the residential entrance on Wall Street. Comm. Chair Busby noted the building is still under the tax credit caveats. Ms. West noted she had received information that as long as an awning was canvas and a non-permanently mounted structure it would not fall under those requirements. She noted they have a patio agreement in progress with Rick Emmett and the City of Knoxville with regard to the allowable seating and will have enough entrance/exists [that will be 5 feet wide] in the fenced –off area to meet the requirements of the fire marshal. She noted they do plan to have a side entrance [on Wall St.] which will be covered by the awning, but the main entrance will be the corner entrance on Market Square, where they have proposed to increase the size of the arch in the awning over that entrance. Ms. West also noted the patio area will not be manned by a host. Further discussion ensued surrounding the expanse and the overall horizontalness of the Wall St. awning as well as pros and cons of the now proposed striping on the awning. It was then noted that the Applicant has also proposed a navy blue awning with black stripes and a rendering with this scheme was passed around. Comm. Eid noted his concern that it appears that the bottom of the awning is too low and certain parts of the architectural detail of the storefront, specifically the already recessed and architecturally detailed corner entrance, hiding rather than complimenting it. There was continued discussion surrounding the overall expanse of the entire awning as well as not having a second arch in the awning over the Wall Street entrance. Ms. West stated she felt the awning was overall more inviting and aesthetically pleasing for pedestrians along Wall St. and from Gay St.

Action: Comm. Eid moved that the application submitted for 36 Market Square, based on the evidence submitted and the information provided in the staff report and per staff recommendation be approved as described in the following: Approval of the hanging wall sign as submitted and approval of the awning with the following modifications: the awning support rod size is to be a diameter of 1 and 1/2 inches thick, if [engineering dictates] they be larger they must first be approved by staff; the canopy as shown facing Market Square and facing the corner would be acceptable so long as the bottom of the awning is not lower than the top of the storefront window [not the transom]; that on Wall St. there is no arch at the middle entrance; and that out of the five Wall St. bays the awning is proposed to cover, only the four western-most bays are to be covered and not the fifth, eastern-most bay; and that the stripes as proposed may be retained; such that these conditions will not cover up the architectural details below the sill. The Motion was seconded by Comm. Carey.

There was further discussion surrounding regarding the awning. Ms. West indicated that there would be no lettering on the awning on the Wall St. side.

Action: Comm. Eid moved to amend his Motion such that in lieu of a continuous awning, at the location where the stripes are shown on the submitted rendering, that those areas are to be recessed and that they may be the same color as the main awning, and these depressed areas are to be the width of the building pilasters. The Amended Motion was seconded by Comm. Carey. It was clarified that the proposal will still need to go through City permitting and that the Applicant should have a letter from [from the Industrial Development Board as holders of the tax credits] stating that they authorized this application.

Action: Comm. Chair Busby called for a vote on the Amended Motion on the floor. The Amended Motion carried unanimously.

Emerald Academy - Former Moses School

220 Carrick Street - Install signage (11-F-15-HZ)

Discussion: There was no owner representative present. Ms. Graybeal reviewed the application. She clarified her approval is contingent on the Applicant receiving a BZA variance for the total signage size and number. There was a brief discussion on sign placement. Both ground signs proposed to be approved will be rendering "A" as noted in the application for a total sign square footage of 30 square feet each.

Action: Comm. Eid moved that the application submitted for 220 Carrick St., based on the evidence submitted and the information provided in the staff report and per staff recommendation, be approved as submitted for the 2 ground signs reflecting Rendering A as submitted in the application, with the denial of the retention or replacement of the existing, non-conforming wall sign. The Motion was seconded by Comm. Cotham. The Motion carried unanimously.

Fort Sanders NC1 and Individual H-1

219 Twelfth Street - Demolition (11-D-15-HZ)

Comm. Eid disclosed he was the designer of the Jefferson Commons Apartments and noted at one time earlier owners did seek a design for rehabilitating the house but did not proceed.

Discussion: Ms. Graybeal noted she is in receipt of an executed Owner-Authorization for Agent form from the owner, Trevor Hill, authorizing Mr. Steve Killian to apply for this demolition. Ms. Graybeal reviewed the application.

Comm. Carey disclosed he received a phone call from the Carl Lansden yesterday (11.18.15) that was not part of the application and when he realized what the call was about he referred him to a neighborhood representative and provided him with a phone number. Ms. Graybeal noted that neighborhood liaison for the Fort Sanders Neighborhood Conservation Overlay C-1 is Randall DeFord, an architect.

Steve Killian, owner representative, referenced the Fort Sanders NC-1 guidelines in noting when a structure can be demolished in the neighborhood. He referenced a complaint filed by the City codes Enforcement Office in late 2013 citing that "conditions exist at the property that render it unfit, unsafe or dangerous as defined in the Unfit Buildings Ordinance". Following that complaint was an order filed by the City in December 2013 such that when his title company reached out to the Codes Enforcement Office they were instructed to let the buyer know that when he purchases the property he needs to contact them ASAP to review his plans as well as to keep them up to date as he works through the process. He noted as the City has condemned the property, it is his understanding that they will demolish the structure and then bill the owner. Ms. Graybeal noted the City would coordinate with the Knoxville Historic Zoning Commission to obtain an approval for demolition prior to proceeding with any action as the house has an H-1 overlay. Mr. Killian noted he and his wife have explored the possibility salvaging and remodeling the house and he has been to the house with an engineer and contractor. He iterated the many reasons he feels the house cannot be saved. Mr. Killian further stated that there is very little historic fabric of the house, possibly only some original studs covered by dry wall and siding.

Their intent is to come back with a new structure that fits the neighborhood fabric.

It was clarified that the building has been in disrepair for some time through several owners. Mr. Killian clarified that he is under contract to purchase the property and that the current owner purchased it noted that the current owner purchased the house this past June (2015).

A significant discussion ensued regarding the long history of neglect of this house by previous owners. He noted the owners of Jefferson Commons across the street purchased the house to use the associated land for parking for its tenants. Mr. Killian noted he will absorb that land lease but was unsure what he would do with the parking area going forward.

Comm. Eid disclosed for the record that he was the architect for Jefferson Commons under the "JPI Corporation" (who built them) and that JPI purchased this property was purchased at the same time as the property for Jefferson Commons and at the end of the apartment complex, he was asked by them to design a renovation for the house to allow for multiple bedrooms, which he did, but those plans did not move forward. He noted it was in approximately 2000 and at that point they did at least contemplate the use of the house for student housing. [The apartments were done in 1998 and the H-1 overlay on the house occurred in 1999.] He then noted that the engineer's report does not quantify the damage.

Neighborhood representative Randall DeFord noted this property was purchased by JPI in their massive development of the area. The property was also part of an Agreement with JPI and the Fort Sanders Neighborhood Association and the City of Knoxville [their role being in the designation of the H-1 overlay on the property] that the house would be renovated and restore its livability, further pointing out the house was livable when JPI purchased it. He stated the common theme here is neglect by JPI for 15 years. He then stated that this house is the prime example of Demolition by Neglect as well as failure to comply with an agreement and asked that the Commission not reward this bad behavior. He stated he was making three requests: To deny demolition, to initiate today Demolition by Neglect with the City of Knoxville and ask the MPC of City Codes Enforcement to enforce the zoning ordinance. He stated Jefferson Commons is using the parking there illegally.

Kim Trent, Executive Director of Knox Heritage, reviewed Knox Heritage's history with the house. They came to an impasse in acquiring the property when they were unable to take on a property with an illegal parking lot. She echoed the neighborhood's sentiments and that JPI has actively neglected this house for 15 years. She noted if the owner claims it is too much for the owner to bear they need to put it on the market. She asked the Commission not reward this terribly bad behavior. She then asked for the same 3 things as did the Mr. DeFord equally stressing the need to address the issues with this property. Carl Lansden, interested party and potential buyer, noted the current owner accepted an earnest check and he assumed they had agreement although he did not have a formal contract [to purchase it]. He noted he was absolutely interested in this property and would restore it. Scott Elder, Zoning Coordinator, spoke briefly noting he was not aware of the specifics of this property and whether the parking lot is legal or illegal at this time. Ms. Graybeal clarified staff's recommendation noting staff believes there is enough architectural integrity left in the structure to be reasonably established to deny demolition. She noted if the Commission were to deny the request for demolition today the owner does have an opportunity to present evidence for economic hardship which says that the cost to renovate exceeds the value of the property. Comm. McAdams noted the primary reason for an H-1 overlay is to prevent demolition and supports denial of the request for demolition and initiating Demolition by Neglect.

Action: Comm. McAdams moved that the application submitted for 219 Twelfth St. be denied as submitted based on the evidence submitted and the information provided in the staff report and per staff recommendation. The Motion was seconded by Comm. Eid.

Ms. Graybeal noted she was in receipt of letters from Randall DeFord, one dated October 7, 1999 from Cannon & Cannon, Inc. to Ms. Anne Bennett [the MPC Historic Preservation Planner at the time] applying for the H-1 designation for the property which also mentions that the house is one of the few remaining original houses in the surrounding block, noting the significance of the house. Mr. Killian requested a definition of the Demolition-by-Neglect ordinance. Ms. Graybeal stated that Demolition by Neglect is meant to be preventative maintenance strategy whereby the City notifies an owner that certain repairs need to be made to their house if located in either an NC-1 or H-1 overlay district. Please let me know if you have any questions. There repairs would be necessary to stabilize the house and prevent any further deterioration. She further noted the owner is given a certain amount of time to complete the repairs. If the owner refuses or are unable to make the repairs the City can step in and make the repairs and place a lien on the property. It is meant to stabilize a house before it deteriorates to the point of needing to be demolished. She also noted this house had been considered for implementing the Demolition-by-Neglect ordinance in the past.

Comm. Chair Busby suggested the Applicant seek a second opinion/third party engineer regarding the structural integrity of the house rather than have the existing report fleshed out with more detail. Comm. Ray stressed the burden of proof [to prove that the house is beyond repair] is on the Applicant. Different options for the Applicant were discussed.

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

It was discussed that the Commissioners can visit the house together if publically advertised. Ms. Graybeal noted she would move forward to arrange this.

Comm. Eid requested that staff initiate Demolition-by-Neglect [refer it to the Abandoned Vacant Buildings Board] with the City of Knoxville and to seek clarification of the legality of the parking lot. Further, that he asks that staff seek clarification with the law department on whether or not the original Agreement would transfer with the property. Crista Cuccaro noted she was not familiar with the Agreement specifics and also noted the City would not be involved in enforcing Agreements between private parties.

Fourth and Gill H-1

706 Luttrell Street - Construct Carport with deck (11-H-15-HZ)

Discussion: Ms. Graybeal noted this was an after the fact application, further noting this carport will require a Board of Zoning Appeals approval lot coverage and setbacks, and possibly height if there is any additional height added to the structure. The owner's contactor, Phil Bonifacio noted a new designer/project manager from his company who was involved did not realize they needed a permit and further noted that this could have been avoided earlier had they obtained a permit. After speaking with Ms. Graybeal, they are now proposing to finish the underside of the deck and paint it white (perhaps

more consistent with the guidelines) or stain it. They also now propose a planter wall or half pitched roof to address a privacy concern expressed by a neighbor. Arin Streeter, neighborhood representative, noted the neighborhood is in agreement with staff recommendation to deny this application. They are in sympathy with the Applicant due to how far along the structure is however they do not think that should be part of any consideration made regarding the application and its being approved.

He noted the Board has not expressed any support for this project and he has received direct comments from neighbors who are very opposed to the way that the structure has progressed. Comm. Carey noted the structure was not compatible with everything else on the alley. Mr. Bonifacio replied yes when asked if either he or someone in his company was a licensed contractor. He further stated that in 12 years of owning this company permits were obtained for projects. He also clarified that the primary purpose of the structure was a carport. There was a discussion surrounding ways to potentially mitigate the multiple issues identified with this project. It was noted that the decks typical of this neighborhood are one story, attached to the house and set well back off the alley. There was general consensus that the structure simply does not fit the neighborhood. Concern was also noted that the structure is quite visible from Luttrell between houses.

Action: Comm. Eid moved that the application submitted for 706 Luttrell St. be denied as submitted based on the evidence submitted and the information provided in the staff report and per staff recommendation. The Motion was seconded by Comm. Woodle. The Amended Motion carried unanimously.

Ms. Graybeal offered to work with the Applicant to attempt to mitigate the issues and noted the Applicant must also work with Plans Review and Inspections regarding mitigation timelines.

Old North Knoxville H-1

125 West Glenwood Avenue -

Discussion: Ms. Graybeal noted the Applicant was not present and then reviewed the application. Neighborhood representative James Pierce noted the neighborhood has supported steel garage door replacements but as with before he noted care needs to be taken to ensure the appropriate finish which would be smooth and not faux wood. He noted these doors at this location are very visible from the street and additionally noted the finish needs to not have too much sheen to it. He noted it would be desirable to continue the Tudor influence of the house into the door replacement. He did note there are wood or composite options available for the same proposed manufacturers that could be painted although a one color steel door would be their only other choice. He requested that the new hardware be appropriate to a door that swings out [strap hinges] and Ms. Graybeal noted that could be part of the recommendation. Ms. Graybeal noted she would work with the Applicant to see if they would use a composite door which could be painted with a matte finish. She noted the applicant was open to suggestions of style and the Commission debated several appropriate options.

Action: Comm. Carey moved that the application submitted for 125 West Glenwood Ave. be approved as submitted based on the evidence submitted and the information provided in the staff report and per staff recommendation. Ms. Graybeal noted she had made a correction to staff recommendation that stated that the Applicant can use either the Grand Harbor or Coachman collection door, whichever one had a smooth finish [not faux wood grained]. Comm. Carey Amended his Motion to include staff's afore-stated correction. The Amended Motion was seconded by Comm. Ray. The Amended Motion carried unanimously.

Other Business:

- The City Law Department added a clarification that there was not a separate application for economic hardship. That avenue may be pursued by an owner after a Demolition by Neglect order is issued by the City. There was substantial discussion about the Applicant coming back before the commission pursuing financial hardship. Concern was also noted that when/if the Applicant returns with additional supporting information, he will still be requesting demolition and with the denial of that today, he may need to wait one year. Ms. Graybeal clarified that with an individual H-1 overlay on the house, the applicable Secretary of Interior standards do not regulate demolition or new construction [infill]. If the neighborhood NC-1 Designation is definitively identified for this house as well [upon research] that designation would offer guidelines on demolition and subsequent infill. Further discussion resulted in a request that staff send the Applicant a letter of clarification subsequent to this discussion. It was noted that the owners have the overall financial responsibility for these properties, but the City is ultimately responsible if it becomes a safety issue.
- Comm. Chair Busby noted his term is up next month. Therefore, the Commission needs to nominate a new Chair and Vice-Chair at next month's meeting for as January vote. He will remain on the Commission until he is replaced by the mayor's office.
- Comm. Ray noted the Old North Knoxville's home tour is the first weekend in December, Saturday night and Sunday afternoon. Commissioner tickets (2 each) will be the Will Call window.

Action: Comm. Chair Busby moved to adjourn the meeting. The Motion was seconded by Comm. Woodle. The Motion carried unanimously and the meeting was adjourned.