

**MINUTES  
KNOXVILLE HISTORIC ZONING COMMISSION  
KNOX COUNTY HISTORIC ZONING COMMISSION  
MEETING JUNE 16, 2016**

<b>Knoxville Historic Zoning Commission</b>				
<b>Commissioner</b>	<b>Present</b>	<b>Absent</b>	<b>Excused</b>	<b>Arrived</b>
Sean Bolen, Vice Chair			x	
Bart Carey	X			
Steve Cotham	X			
Faris Eid	x			
Lorie Matthews, Chair	X			
Melissa McAdams	X			
Sandi Swilley	x			
Stanton Webster	x			
Jason Woodle			x	

<b>Knox County Historic Zoning Commission</b>				
<b>Commissioner</b>	<b>Present</b>	<b>Absent</b>	<b>Excused</b>	<b>Arrived</b>
Bill Belser	N/A			
David Butler, Chair	N/A			
Mike Crowder	N/A			
George Ewart, Vice Chair	N/A			
Scott Smith	N/A			

<b>Staff/Others Present</b>	<b>Affiliation</b>
Crista Cuccaro	City Law Department
Marty Clay	City Plans Review and Inspections
Scott Elder	City Plans Review and Inspections
Kaye Graybeal	MPC
Dori Caron	MPC
Spencer Hall	Applicant
Arin Streeter	Fourth and Gill Neighborhood Representative
Kenn Davin	Applicant
Cody Farmer	Applicant
Angela Starnes-Anglea	Applicant
Fred McDonald	Citizen/interested party
Todd Flanders	Woodford and Associates
Steve Wise	Applicant
Donald Beeman	Owner
Nelson Meadors	Owner
Keith D. Stewart	Applicant
Randall DeFord	Fort Sanders Neighborhood Representative
Andy Basler	Neighbor/interested party

Knoxville Historic Zoning Comm. Chair Matthews called the meeting to order at 8:30 am. City roll call was

taken and it was noted there was a City quorum.

It was then noted there was no County business and the Knox County Historic Zoning Commission would not convene. Comm. Matthews stated that the meeting was being televised and recorded. She also asked that speakers limit their presentations to five minutes and to sign in when they reached the podium. She then noted that any appeals to Commission decisions can be taken to Chancery Court if appealed within 60 days. Comm. Matthews then swore in all Applicants and visitors that planned to speak on any Agenda item.

**Action: Comm. Cotham moved to approve the May 19, 2016 Historic Zoning Minutes. The Motion was seconded by Comm. Eid. The Motion carried unanimously.**

**Result: Approved.**

**Staff Reports:** Kaye Graybeal reviewed the Level 1 Certificates approved since the last meeting.

## **CERTIFICATES OF APPROPRIATENESS**

### **Edgewood-Park City H-1**

2032 Jefferson Ave - Construct rear addition (6-J-16-HZ)

**Discussion:** Ms. Graybeal reviewed the staff report. Owners Spencer Hall was present and had nothing further to add. There was no neighborhood representative present. There was no discussion.

**Action: Comm. Eid moved that the application submitted for 2032 Jefferson Avenue be approved based on the evidence submitted and the information provided in the staff report. The Motion was seconded by Comm. McAdams. The Motion carried unanimously.**

**Result: Approved.**

### **Fourth and Gill H-1**

808 N Fourth St - construct rear deck (6-F-16-HZ)

**Discussion:** Ms. Graybeal reviewed the staff report. Ms. Graybeal noted the rear of the deck would face commercial properties which front Broadway and not residential construction giving this proposal a somewhat different context. Owner Kenn Davin was present and noted the reason they want the deck attached to the house is to allow the new owners to have their children play outside in a more protected space. Mr. Davin noted that he and the new owners were fine with the 24ft. by 24ft. condition in the staff recommendation. Mr. Davin clarified that the carport/deck fencing (at 36 inches) would be the same type of metal for the spindles as the existing fence in the front of the house but would have a wood top and bottom as advised by staff, not what is shown in the Agenda package, and painted a color close to the trim on the house. He stated he would prefer a steel rail to match the existing rail on the stairs. It was clarified that the guidelines speak to porch flooring being tongue and groove but the Commission has approved either Trex wood or wooden flooring for decks. There was then significant discussion surrounding the overall size of the deck. Neighborhood representative Arin Streeter was present and noted the neighborhood has some question as to whether this is an accessory structure or an addition. Marty Clay clarified if it is attached to the building, it is an addition, if not, it would be considered an accessory structure, further noting the zoning ordinance states that it needs to be

attached by a wall or a roof to be considered an addition. Ms. Graybeal clarified that for purpose of the Commission, the standard has been set that either an addition or an accessory structure not exceed 30% of the footprint of the house. Mr. Streeter also noted the neighborhood had concerns over the overall size and how it impacts the building. He noted the purpose of the design guidelines is to protect the historic structures in the neighborhood with a secondary purpose being to protect the character. They feel a separate structure that is right up against the building definitely impacts the historic character. They also have concerns over whether or not this is actually allowable. Referencing a National Park Service brief on additions, although noting they were somewhat subjective, he stated they basically reflect the size and proportions of accessory structures with respect to the original building and that they should not overpower it. Basically he stated the neighborhood objects to the location and how it is being proposed. Mr. Davin noted this property is zoned industrial and is on the fringe of the Fourth and Gill neighborhood. Mr. Streeter recognized that the neighborhood does have a lot of fringe as it backs up to the interstate but as a neighborhood they don't want the houses on the edge be treated differently. Comm. Eid stated he felt this was a carport with a rooftop deck and should be considered by the Commission as such. It was noted that decks are typically at floor level off the house and carports are not attached, therefore the challenge here is the duality of the project. Concern was also stated regarding the elevation change off the floor level as the proposed structure does not align with the floor level of the house. Discussion returned to the overall size of the structure and the height of the deck/carport in relation to the main floor level of the house.

**Action: Comm. Eid moved that the application submitted for 808 North Fourth Street be denied based on the evidence submitted and the information provided in the staff report and given that this proposal is really a carport that uses the rooftop as a deck as opposed to having an appropriate roof profile as mandated for an accessory structure in the Fourth and Gill neighborhood. The Motion was seconded by Comm. McAdams.**

**Further Discussion:** Presumptive owner Nelson Meadors stated their reasoning behind the design and asked if they lowered it to 7 ft. would that be OK. Comm. McAdams noted a change in elevation may help but felt a smaller deck on its own and then a standard carport behind that would be more appropriate. There was significant discussion on what could be constructed that would be able to be approved per the guidelines. Crista Cuccaro clarified potential options for the Commission at this juncture also offering the possibility of a postponement for the Applicant to resubmit a revised proposal that addresses the changes proposed at today's meeting.

**Action: Comm. Eid withdrew his Motion. With no opposition the Motion was withdrawn.**

**Action: Comm. McAdams moved that the application submitted for 808 North Fourth Street be postponed until the July 21, 2016 meeting based on the proposed design and height of a large deck on top of a carport and to allow the Applicant to work with staff to address all of the concerns.**

There was further discussion surrounding what would be approved and what might work for the Applicant. It was clarified that lot coverage is calculated per "under roof" for structures.

**The Motion fails from lack of a second.**

**Action:** Comm. McAdams moved that the application submitted for 808 North Fourth Street be approved based on the evidence submitted and the information provided in the staff report with the following conditions: the carport will be 24 ft. by 24 ft. or smaller, lowered approximately 2 ft. or 2 steps above the main floor level of the house, the retaining wall will be poured concrete, the deck floor will be a waterproof decking and the deck railing can be metal similar to the railing on the existing rear steps.

Further discussion ensued on allowable/maximum stair riser height.

**Action:** Comm. McAdams amended the conditions in her Motion to now read: the carport will be 24 ft. by 24 ft. or smaller, the top of the deck will be no higher than 14 inches above the main floor level of the house, the retaining wall will be poured concrete, the deck floor will be a waterproof decking and the deck railing can be metal similar to the railing on the existing rear steps. The Motion was seconded by Comm. Cotham. The Motion carried with Comm. Eid voting no.

**Result:** Approved with conditions.

910 Luttrell St - Window relocation and door replacement (6-K-16-HZ)

**Discussion:** Ms. Graybeal reviewed the modified staff report. The changes are as follows as italicized: 2) Window A (faces north) is not visible from Luttrell Street, *and is only somewhat visible from the alley.* (See submittal photos 2, 3, and 4). Staff believes the window opening may have been altered because it is a smaller size and a different proportion than others, and . . . *(Staff would like to modify this finding to say that it's difficult to tell whether the sills and frames are original since the sills are not of a typical design. They are the same throughout the house façade).*

3) Window B (faces east) is not visible from Luttrell Street, but is visible from the alley. Window *B does not appear to be original in staff's opinion,* based on its smaller size and horizontal orientation. (See submittal photo 4)

4) Window C (faces east) and is not visible from Luttrell Street, but is visible from the alley -- The window opening may have been altered because it is a smaller size and a different proportion than others, and again, *it's difficult to tell if the original frame and sills are in place.* (See submittal photo 4)

Added: *The included 1917 Sanborn Map indicates that the rear projection on the house is original and not an addition. The Sanborn map indicates that where Window C is located is an enclosed porch.*

Owner Cody Farmer was present and had nothing further to add. Neighborhood representative Arin Streeter noted the neighborhood is in agreement with staff recommendation but asks if staff can assess whether the door can be repaired rather than replaced as that is most likely the only original piece that this work is impacting. Ms. Graybeal noted Mr. Streeter has provided a Sanborn map and it appears that portions of the rear of the house are original except for where Window C is which appears to have been a back porch which is now enclosed, subsequently that window opening may be early but not original.

**Action:** Comm. Comm. Carey moved that the application submitted for 910 Luttrell Street be approved based on the evidence submitted and the information provided in the staff report. The Motion was seconded by Comm. McAdams. The Motion carried unanimously.

**Result:** Approved

### **Ft. Sanders NC-1**

1717 White Ave - Demolition (6-G-16-HZ)

Minutes – June 16, 2016

Knoxville Historic Zoning Commission

Approved July 21, 2016

**Discussion:** Ms. Graybeal reviewed the staff report. Owner representative and Applicant Steve Wise was present and introduced several colleagues also in attendance. He noted that in exploring options for this property which included demolition he obtained a list of criteria for demolition from Crista Cuccaro with the City Law Department. In their response to that list they have submitted 27 separate documents supporting demolition. Their submission also included a financial summary of the costs to make the structure structurally sound, which he reviewed, and then touched on additional information submitted in support of their request. Mr. Wise then went into some detail regarding the current condition of the building again stating that they feel they have submitted enough documentation to address the parameters laid out by the City Law Department to support their assessment that this property simply cannot be turned around to be financially viable. Neighborhood representative Randall DeFord was present and noting first that although they were unable to send a representative to today's meeting, he was in receipt of a text from Kim Trent, Executive Director of Knox Heritage, stating that Knox Heritage is opposed to the demolition. He noted 1717 White Avenue was purchased by the [current] owner with the overlay already on the property and the current owner should have been aware of those requirements and further that the current owner has neglected the property. He noted the building served well as a residence for several decades and was built well enough to withstand the heavy use as a bar/restaurant/nightclub for about the same amount of time. Mr. DeFord then stated that all buildings require regular maintenance and upgrades over time, particularly when the use of the building is changed. Mr. DeFord stated it is wrong to neglect a building and then claim an economic hardship to do the right thing which is to bring the building back to code and asked that the Commission not set a bad precedent by allowing demolition of this property. He then noted that the building is a contributing factor to not only the neighborhood but to the row of adjacent houses and does not believe it has been substantially altered. He noted any building in the neighborhood deemed contributing or noncontributing was done by the historic preservation planner at the time, not Mike Carberry with the MPC as noted on the submitted affidavit, this body and with opportunity for input from the public. He requested that the Commission deny demolition on this property. He further requested that the Commission request that the City enact the Demolition by Neglect ordinance on this building today, and that the Commission request that the Administration and City Council deny any financial incentives if this building is not preserved. It was clarified that the owner purchased the property on October 18, 2000, 35 days after the overlay was established.

Andy Bassler, owner of 12 houses in the neighborhood, was present and had 2 questions. If this is demolished what will be put back there and what would be the use, and asked for additional clarification on the financial statement regarding loss. Mr. Wise briefly repeated the financial summary to return the structure to code, to return it to an occupy-able single family residence and to return it to a single tenant office. Crista Cuccaro clarified that the neighborhood guidelines look at the structural problems and associated costs to address those problems and whether those warrant demolition and therefore, the focus should be on the structure and costs for renovation, further noting that the [value of] property [in its entirety] can certainly be taken into consideration by the Commission who can choose to factor that into its ultimate decision and give that the weight it feels is appropriate, and can look at the value of the property after renovation of the structure and/or after the proposed demolition. There was then discussion surrounding what are "reasonable" costs in returning this structure to occupancy. Crista Cuccaro clarified that the Commission does need to consider architectural integrity as well as physical

structure/condition further noting the memo she provided to the Commission is more in support of the physical condition as this is where cost is mentioned. Further, regarding redevelopment of the property, she clarified that the building and land under it are under NC-1 and the parking lot to the east is under the Form Code District [Cumberland] such that any redevelopment of the building would come before this body for consideration and any redevelopment of the parking lot would be considered under the Form Code guidelines for that sub-district. She also clarified that if the building is demolished, the Commission cannot require that anything be rebuilt there, and if it is paved, it would not have to come back before the Commission.

**Action: Comm. Comm. McAdams moved that the application submitted for 1717 White Avenue be denied based on the fact that this community, the City and the State have placed a value on preserving cultural and historic neighborhoods, and while this is on the edge of one, and we [the Commission] determined back in May of 2015 that there is still architectural integrity there, and that it may be expensive to bring back but apparently nothing has been spent on it in decades, so it can be done, and the value of the complete property would be much improved, maybe not that 0.2 acre [parcel] or just that structure alone by making it structurally sound. She again stated It can be done, the neighbors have done it and they have relied on the NC-1 [overlay] to help protect them and that is what we are here to do, to try to prevent neighborhoods like this being chipped away at. She stated she would move for denial based on staff findings and the evidence presented. She then stated the physical condition is poor but it is not totally unfixable and while it would be expensive it would make sense. Lastly, this is not a person that owns it that does not know that they need to meet those criteria. The Motion was seconded by Comm. Cotham.**

**Further Discussion:** Comm. Carey noted the evidence submitted the last time demolition of this building was reviewed (2015) was significantly less than this full blown assessment by architects, structural engineers and real estate appraisers. He again expressed his question of what would be considered “reasonable” costs to re-establish this building, noting he realized the value of the property is not the footprint of the house but the comprehensive lot and possibly the value the adjacent lot. His question was how much of a loss of money could be considered reasonable. There was then further discussion around what is considered reasonable cost. Ms. Graybeal clarified that the condition of the house does meet the criteria for Demolition by Neglect but as mentioned in the staff report, the house is not officially under that process. She noted the guidelines for Fort Sanders do allow for consideration of cost at looking at demolition, giving the Commission that avenue to justify making that assessment. Discussion ensued regarding the potential value of the property as a whole and what would be a reasonable return. Mr. Wise stated he does not believe it is fair to assert that this property has been neglected. He noted it has been well taken care of and to insinuate that [the owner] has failed to take care of the building for the last 16 years is just not true. He takes umbrage to the statements that they have known about it and have let it fall down which is not true at all. He then touched on many of the poor condition issues that have resulted from poor choices/damages that were made likely back in the 60’s and 70’s to maximize the value of the property, shortening the life span of the structure, not from neglect. He also noted that the historic preservation planner at the time told him that she in fact had nothing to do with the overly, which is why he spoke to Mr. Carberry, who was actively involved in the overlay. He again noted he objected to the stated neglect. It was noted that the construction costs provided includes costs that are not structurally related.

**Action: Comm. Matthews called for a roll call for a Motion on the floor [to Deny demolition].  
Commissioners Voting Yes: Cotham, Eid, Matthews, McAdams, Webster  
Commissioners Voting No: Carey, Swilley  
The Motion carried.**

**Result: Denied**

**Scenic Drive NC-1**

800 W Blows Ferry Rd - Replace existing front porch with two-level porch (6-I-16-HZ)

**Discussion:** Ms. Graybeal reviewed the latest submittal by the Applicant and described the proposed scope of work noting staff would have recommended denial of the originally proposed porch which was what was included in the packet. Ms. Graybeal stated that this new submittal for the porch is more in character to the house. She reviewed the still applicable guidelines and staff findings noting there is no photographic evidence of what may have been there originally. She clarified that removal of the 2<sup>nd</sup> story middle window to allow for a door is the only change to the historic fabric of the house. She then noted the neighborhood was not in favor of the original submission. However, neighborhood representative, Nancy Bills as well as the president of the Homeowners Association, Robin Porter have both noted via email that they support approval of the latest submittal and that it would improve the look of the house. Further, staff recommends that that the columns be wood, not PVC. The Applicant, Keith Stewart, was present and clarified that the porch will actually be narrower than what is there and more in proportion to the house, further noting that it will be more like 13 feet wide and about 12 deep. He also clarified they have no intention of using PVC. He then noted they plan to use metal or steel bolted to the house to attach the porch such that if removed there would be minimal damage to the house with 2 of the support posts being ornamental only and not structural. He further noted the porch will be 1 ½ ft. deeper and again, much narrower. There was discussion around what would be an appropriate floor material for use on the second story floor of the porch. The Applicant stated he has no preference for this flooring. He clarified that it is their intent that whatever goes down on the floor will not be seen unless you walk out on the deck. Ms. Graybeal noted she can verify that the final drainage system will not affect the appearance of the porch once she receives the drawings from the Applicant's architect. Ms. Graybeal requested that the Applicant work with his architect to minimize the appearance of the required 36 inch top rail.

**Action: Comm. Comm. Carey moved that the application submitted for 800 Blows Ferry Road [the second and final submission presented and reviewed at today's meeting] be approved based on the evidence submitted and the information provided in the updated staff report and staff recommendation with the condition that the Applicant bring options for the floor of the second story of the porch back to staff for approval, and further that the final dimensions of the porch be 12 ft. deep with the width not to exceed 14 ft. The Motion was seconded by Comm. Eid. It was clarified that the above-stated width is reflective of the foundation footprint of the porch. The Motion carried unanimously.**

**Result: Approved with conditions.**

**Other Business:**

Ms. Graybeal noted the property referred to as Hilltop, located at 5617 Lyons View Pike, has

been officially nominated by the National Park Service to be included in the National Register.

**Action: Comm. Carey moved to adjourn the meeting. The Motion was seconded by Comm. Cotham. The Motion carried unanimously and the meeting was adjourned.**