

MINUTES
KNOXVILLE HISTORIC ZONING COMMISSION
KNOX COUNTY HISTORIC ZONING COMMISSION
MEETING
SEPTEMBER 21, 2017

Knoxville Historic Zoning Commission				
Commissioner	Present	Absent	Excused	Arrived
Rick Blackburn	X			
Bart Carey, Vice Chair	X			
Steve Cotham	X			
Faris Eid	X			
Dasha Lundy	X			
Lorie Matthews, Chair	X			
Melissa McAdams	X			
Sandi Swilley	X			
Stanton Webster	X			

Knox County Historic Zoning Commission				
Commissioner	Present	Absent	Excused	Arrived
Bill Belser	N/A			
Mike Crowder	N/A			
George Ewart, Chair	N/A			
Kim Isenberg	N/A			
Scott Smith, Vice Chair	N/A			

Staff/Others Present	Affiliation
Crista Cuccaro	City Law Department
Kaye Graybeal	MPC
Dori Caron	MPC
DeAnn Bogus	City Plans Review and Building Inspections
Scott Elder	City Plans Review and Building Inspections
Arin Streeter	Fourth and Gill Neighborhood Representative
James Pierce	Old North Knoxville Neighborhood Representative
Jim Klonaris	Applicant
Mike Caruthers	Applicant
Rickey and Betsy Joiner	Applicants
Mitch Miller	Applicant
Kennie Riffey	Homeowner - Citizen
David Nix	Homeowner - Citizen/PCO
Mike Anderson	Homeowner - Citizen

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. There was no County business therefore the Knox County Historic Zoning Commission did not convene. Comm. Matthews stated that the meeting is being televised and recorded. She also asked that speakers limit their presentations to five minutes and to sign in when they reach the podium. She further noted that any appeals to Commission decisions can be taken to Chancery Court if appealed within 60 days.

Approval of Minutes

Action: Comm. McAdams moved to approve the August 17, 2017 Historic Zoning Commission Minutes. The Motion was seconded by Comm. Carey. The Motion carried unanimously.

Result: Approved.

Staff Reports: Ms. Graybeal touched on the Level 1 Certificates approved since the last meeting. There were no comments or questions.

KNOXVILLE HISTORIC ZONING COMMISSION CERTIFICATES OF APPROPRIATENESS

E. Jackson Avenue – H-1

116 Jackson Ave – Reconstruct historic storefront (9-H-17-HZ)

Discussion: Ms. Graybeal reviewed the staff report and staff recommendation. Applicant Jim Klonaris was present and had nothing to add to the staff report. It was noted there was a discrepancy on the renderings regarding the actual width of the mullions on the storefront systems as related to the glass company specifications. Mr. Klonaris noted he was open to whatever the Commission wanted regarding the final width of the mullions. The Applicant clarified that the storefront would have an oil rubbed bronze colored aluminum frame. There were comments suggesting the storefront could match the upper story windows, which were clarified to be fairly new and also aluminum. Mr. Klonaris noted he could ask the glass company to match the upper windows for the storefront system, further noting that the specifications from the company were provided to him for estimate purposes only. Mr. Klonaris noted the bulkhead, not shown in any detail, would be of wood and trimmed out, not ornate and would resemble what is on the rendering provided. Ms. Graybeal noted she and the Applicant had discussed a recessed panel with a piece of molding around the inside panel. Comm. Eid suggested that the Applicant could return with a revised front elevation with details that would truly reflect the final design, to include the bulkhead and be drawn to scale. It was noted the upper windows and storefront systems are slightly recessed as are the proposed storefront systems. The Applicant stated there will not be any work done to the upper level façade. He also noted they are trying to match the downstairs as closely as they can with the upstairs [facades]. He further clarified that there will not be any exterior lighting added upstairs. He also clarified he is not the owner of the building itself. Comm. Eid noted as submitted the façade would be very simplistic and appear like a modern façade on an historic building. There was further discussion surrounding the Applicant's intended final design. He noted they did not bulk it up and make it more ornate because they are trying to bring it as close to what is was originally, a simple storefront, not a lot of detail on the bulkhead and standard mullions.

Action: Comm. Eid moved that approval for the application submitted for 116 Jackson Avenue be deferred to staff, who is authorized to consult with whomever resources she deems appropriate to come up with the final design, further clarifying that his concept is that the final design is not too modern, is appropriate to the general architecture of the building and that era, and that the storefront could be more ornate in character such as more ornate bulkheads and trim. The Motion was seconded by Comm. Blackburn. The Motion carried unanimously.

Result: Approval deferred to staff with clarifications.

Fairmont-Emoriland NC-1

2000 Fairmont Blvd – Rear addition (9-K-17-HZ)

Discussion: Ms. Graybeal reviewed the staff report and staff recommendation. Applicant Mike Caruthers was present and clarified the house has aluminum siding and had nothing further to add to the staff report. He clarified the foundation will be stuccoed block painted to match the rest of the foundation. He also clarified that there is an offset between the existing house that is one foot. He also noted the painted CMU I will be stucco faced CMU.

It was clarified vinyl siding is approvable in this district per staff who also confirmed that with the neighborhood liaison.

Action: Comm. Eid moved that the application submitted for 2000 Fairmont Boulevard be approved based on the evidence submitted, the information provided in the staff report and per staff recommendation clarifying that the CMU is to be painted and stucco faced. The Motion was seconded by Comm. Swilley. The Motion carried unanimously.

Result: Approved with clarification.

Fourth and Gill H-1

605 Caswell St – Screened-in rear porch; architectural element replacement (9-)-17-HZ)

Discussion: Ms. Graybeal reviewed the staff report and staff recommendation. She stated that she and the Applicant should visit the final spacing of the balustrade so it does not appear solid. The Applicant was not present. Neighborhood representative Arin Streeter was present and noted the neighborhood is in agreement with staff recommendation and would also be in agreement with staff's above noted clarification regarding the final balustrade spacing. It was noted that the screen porch submittal did not include any specifications and would need to come back before the Commission. The Applicant intended to be present however, was not.

Action: Comm. Blackburn moved to table consideration of this application to end of meeting to see if Applicant arrives as it was her intent to be here. The Motion was seconded by Comm. Eid. The Motion carried unanimously.

Result: Tabled until the end of the meeting.

Mechanicsville – H-1

1012 Oak Ave – Construct garage (9-L-17-HZ)

Discussion: Ms. Graybeal reviewed the staff report and staff recommendation. She clarified the 12/12 pitch depicted on the submittal is a typographical error and should read 10/12, with the house [roof] actually having an 8/12 pitch. Applicant Ricky Joiner was present and had nothing to add to the staff recommendation. Ms. Graybeal noted she had been in contact with the neighborhood representative who noted the neighborhood is happy with the design and had no issues with it. Mr. Joiner clarified that the corner trim boards will be 4 ½ inches wide, matching those on the house. Mr. Joiner noted the wall height of the garage will be 12 ft. tall, and that the overall height of the structure would be 22 ft. with a 10/12 roof pitch. The top height of the main house is 31 plus feet. There was some discussion surrounding the roof pitch of the garage being greater than that of the existing house with overall consensus being that there were enough mitigating factors such that this would not be an issue. Mr. Joiner noted the 10/12 roof pitch would meet the height requirement.

Action: Comm. Eid moved that the application submitted for 1012 Oak Avenue be approved based on the evidence submitted, the information provided in the staff report and per staff recommendation with the following conditions: 1) the maximum height of the roof from the ground at the front doors of the garage to the ridge of the roof is 22 feet high, and 2) the maximum roof pitch is 10/12, and 3) the trim boards will match those on the existing house (as opposed to the 8 inches shown on the submittal), and 4) the windows are sized and positioned in the gable ends so as the upper corners of the surrounding trim are not cut off. The Motion was seconded by Comm. Carey. The Motion carried unanimously.

Result: Approved with conditions.

Olds North Knoxville H-1

1115 Kenyon St – Enclose attached carport (9-N-17-HZ)

Discussion: Ms. Graybeal reviewed the staff report and staff recommendation. Applicant Mitch Miller was present and had nothing further to add to the staff report. Neighborhood representative James Pierce was present and noted the neighborhood was in support of staff recommendation. He wanted to emphasize that the proposed work is only approvable because it is a pre-existing, non-conforming structure and this should not set any precedent for any other changes to the front of any home within the historic district. Ms. Graybeal noted a correction that the windows were 132 inches, not feet, across. It was noted that the pressured treated wood needs to be dried before it is painted or it will warp quickly. Pre-dried pressure treated wood was suggested.

Action: Comm. Carey moved that the application submitted for 1115 Kenyon Street be approved based on the evidence submitted, the information provided in the staff report and per staff recommendation. The Motion was seconded by Comm. Swilley. The Motion carried unanimously.

Result: Approved.

OTHER BUSINESS – CITY OF KNOXVILLE

Consideration of and vote on the adoption of updates and revisions to current Design Guidelines to apply to the existing Edgewood-Park City H-1 Zoning Overlay and to the proposed expansion area of said overlay (9-A-17-OA). The Draft Guidelines are available online and can be found here: <http://knoxmpc.org/edgewood-parkcity>

Discussion: Kaye Graybeal reviewed the updates made to the design guidelines since the August meeting noting those are highlighted in the now approved August 2017 minutes. The changes are highlighted in the PowerPoint originally presented at the September 13 workshop at the Cansler YMCA for the Edgewood-Park City stakeholders along with Knox Heritage, the workshop sponsor, with additional changes as a result of the September 13th workshop:

- A map will be added to the design guidelines.
- Fiber cement board exposure is now noted to be “historically appropriate exposure”, not a specific measurement of 4.5 inches (Existing or typical exposure on houses in the neighborhood of the same era). Look for documentation to support what is appropriate for any given house.
- Revised to: If a chimney stack is destroyed or the height reduced or due to due to an act of nature, then retain at least any remainder of the stack and cap off the chimney. Retain and store loose bricks for possible future reconstruction. Extensive scaffolding is not a good measure to determine chimney repair- remove from guidelines. Small chimneys that originally served as enclosures for stove pipes may be removed if determined to be of no architectural or historical significance.
- Pressure-treated tongue and groove porch flooring is now appropriate.
- Replacement of non-original windows may be made of any material as long as the size, style and muntins configuration is appropriate for the style and era of the house. A simpler window would be acceptable as long as it is appropriate for the era and style of the building.
- The Commission will consider alternative materials on a case-by-case basis in reference to the following criteria: appearance (texture, finish, profile) of the proposed new material; architectural and historical compatibility with the building and district; and degree of architectural significance and visibility of the windows proposed for replacement.
- Regarding preserving historic building materials, Ms. Graybeal noted that the first choice and preference will always be to replace in-kind, however, the guidelines do contain the provision for alternative materials to be considered on a case-by-case basis depending on the building feature and compatibility of the proposed material. Alternatives to traditional materials other than wood may be utilized on new construction, additions and contributing historic structures, if the HZC determines that the alternative material adequately simulates the traditional or original material.

- Flexibility of design guidelines: “It is the intent of the Knoxville Historic Zoning Commission (HZC) and its staff to work together with applicants toward design solutions that are both feasible for the owner and do not unnecessarily destroy existing historic materials. The design guidelines are developed and written with this goal in mind. They offer opportunities to utilize a wide variety of materials and design options at differing price points. Applications for a Certificate of Appropriateness (COA) are considered on a case-by-case basis with regard to the particular physical circumstance of each property. In their review of the COA application, the HZC will take into consideration certain findings such as the degree of deterioration, the presence of intact historic materials, and the visibility of features. The siting characteristics and orientation of the building are also factors in considering a range of design solutions for any given project.
- Economic feasibility. Staff and the law department have developed a statement to be included in the design guidelines: "Economic feasibility considers whether the application of particular guidelines would require a disproportionate cost relative to the value of the property. Disproportionate cost will be considered on a case-by-case basis, but a typical threshold is 20 percent of the assessed value of the property. Consideration and determination of economic feasibility shall not take into account the financial circumstances of the property owner."
- In an effort to assist property owners who may have difficulty in affording a preferred material per the guidelines:
 - The neighborhood proposes to allow vinyl siding and windows to be utilized where wood windows/siding are not existing.
 - If the original front door is no longer present, a painted door of fiberglass or other composite material may be appropriate.
 - Board porch flooring is allowed where tongue-and-groove flooring does not currently exist.
 - The guidelines do not require review of any project that cannot be viewed from the public street right-of-way.
 - The neighborhood and Knox Heritage are proposing development of a gap fund to assist qualifying low-income property owners in installing wood versus vinyl materials where the cost for wood is greater. Knox Heritage will also cover the costs of a Certificate of Appropriateness application fee for qualifying low-income property owners.
 - Knox Heritage can offer discounts on anything from their Salvage Shop for anyone with an Edgewood-Park City address.

Discussion ensued regarding the determination of the 20% of the assessed property value threshold for economic feasibility.

Crista Cuccaro, City Law Department, noted as written this is at the discretion of the Commission and is another flexibility factor for the Commission to take into account when it is considering an application. The 20% figure was developed after review of potentially large projects (roofs, siding, windows, porches), looking at typical cost ranges for those types of projects in comparison to property values. Continuing, she noted the tax accessor values a property, there is an appraised value and then an assessed value (determines tax payments for a property owner), which is typically a lower value than an appraised value. Assessed value is the more typical measurement in other ordinances. It was then noted that if a project hit/exceeded the 20% assessed figure, at this point economic feasibility can be considered in the development of a solution for the property owner. Concern was expressed that the HZC be the one to deem a work project as hitting the 20% threshold in addition to there being inconsistencies in tax assessments. Ms. Graybeal noted “economic feasibility” is not codified. Also, the HZC cannot mandate repairs, but can offer some options to implement the repairs. She noted this provision applies to owners that need to make repairs to keep their properties habitable, and would help them derive a solution that is implementable for them.

Comm. Eid suggested language be added to clarify when a review under economic feasibility would be appropriate, for example, safety/habitability vs. decorative/enhancement types of projects; in other words, consider it when an owner has to make some type of repair.

Comm. Chair Matthews called for input from the public.

Arin Streeter noted that tax assessments are valued at typically 25% of the tax appraisal value which would really lower the dollar amount when considering the proposed 20% threshold for economic feasibility and would actually make it a 5% threshold, potentially excepting most projects that could be considered under economic feasibility.

Kennie Riffey, property owner in the proposed expansion area, was sworn in by Comm. Chair Matthews. She noted if passed this would be the largest overly in the City of an area of typically lower income residents.

Her general concerns:

- Knoxville code states that a permit is not required for general repairs. Is a COA going to be required then? She noted that is true of gutters so do they require approval from the HZC?
- Placement of medical equipment/air conditioners. Accessibility/safety concerns surrounding the guidelines.
- The varying use of the word “may”
- Clarify public right-of-way.
- Ms. Riffey noted she has never signed a petition for this initiative, referencing the Administrative Rules and Procedures for the HZC.

Ms. Graybeal noted gutters are reviewed as a Level 1. If they are existing historic half-round gutters staff will want to encourage restoration. These are relatively rare anymore. She noted staff also want to assist property owners with placement of gutters on Craftsman style homes with exposed rafters. She noted there is no requirement to install half round gutters. Staff works with property owners on how to best install gutters on homes with exposed rafters, but historic half-round or boxed gutters are not required. However, the requirement for review of gutters can be eliminated.

She then clarified that public right-of-way is what can be seen from publicly owned streets and sidewalks. Over the years some people have taken this to just mean only that which is viewable from the front, but that is not correct. For these guidelines, it has been proposed to remove alleys from this definition. Corner properties would have a determination of visibility from two streets.

Regarding air conditioners, the HZC has never denied anyone the installation of an air conditioner, they have just worked to identify the least obtrusive placement possible other than the front. Staff can revisit this language. The guideline can be waived if there is not another placement other than the front of the house. Ms. Riffey’s additional concern was a delay in the ability to install one. The HZC agreed to remove review of window air conditioners.

Regarding vinyl windows, Ms. Graybeal clarified that if wood windows are existing, the guidelines encourage restoration and repair. If wood windows are not existing, and with the guidelines written with a “do-no-harm policy,” they stress that the property owner not make the house any less conforming than it already is, there are options: assistance finding salvaged windows, only replacing windows visible from the public right-of-way, or finally, consider vinyl windows.

Also, with consideration given to accessibility ramps, again, the intent is to assist with the least obtrusive placement, and these are also a staff approval at Level I.

Staff will further clarify language to ensure that any language on “permissibility” is clear.

Further clarification: A City building permit is required for any general repair project for \$100 or more in materials and labor. This is a policy-generated threshold by the City and is not codified. Ms. Cuccaro noted building code is specific on when a permit is /is not required (and reviewed this in detail). Certificates of Appropriateness are required under zoning code regulations as noted there.

Ms. Cuccaro further clarified that the Administrative Rules and Procedures gives the authority to petition (make application) to rezone (to initiate an overlay process.) not only to the property owner(s) but also to the

City Mayor and the Historic Zoning Commission.

David Nix, property owner and VP of the Parkridge Community Organization noted these are guidelines, not law. We have been reviewing them over the last 3 years and now with the proposed expansion, we are nitpicking. He stated he hopes the Commission will vote today.

Discussion returned to economic feasibility. Ms. Cuccaro suggested that for the 20% threshold, the Commission use the "appraised property value as determined by the Knox County property assessor's office".

Further discussed was perhaps in the instance of a notice of a violation of the international property maintenance code, economic feasibility can be considered by the Commission.

Mike Anderson, property owner in the existing overlay, spoke and noted the district was created to preserve George Barber homes. Expansion appears to encourage property owners to maintain their homes. To water down the design guidelines and standards is encouraging the loss of historic fabric. It is not a whole neighborhood thing but a handful of individuals that want to further their individual initiatives. Ms. Graybeal clarified that they are written in a "do-no-further harm" context. Mr. Anderson feels these are extremely watered down and will encourage further loss of historic fabric. He would not support them like this.

Ms. Cuccaro clarified that City Council will vote on the expansion (rezoning) and guidelines as two separate items. "appraised property value as determined by the Knox County property assessor's office". The guidelines if approved by Council will apply to the existing and proposed expansion area. If the expansion is not approved, the neighborhood would likely not request that Council vote on the guidelines as they are now. If they did not move forward with the expansion, Ms. Graybeal noted that staff would likely revisit some of the language added to the guidelines update generated as a result of the proposed expansion.

Ms. Graybeal briefly reviewed the proposed changes discussed today [See below].

Action: Comm. Eid moved to recommend approval of the Edgewood-Park City Design Guidelines Update, as presented today and with the revisions discussed at today's meeting [as outlined immediately below] to City Council. Comm. Eid further moved that staff present the differences in the guidelines update as they were originally written and as now proposed with the additional language changes including what was discussed today, to the MPC and City Council. The Motion was seconded by Comm. McAdams. The Motion carried with Comm. Lundy abstaining.

Changes to the Edgewood-Park City as discussed today and as noted [and included] in the above stated Motion, per Kaye Graybeal:

Under the heading "Economic Feasibility" on page 3:

Last sentence: *"In the instance of a notice of violation of the property maintenance code as adopted by the City of Knoxville, economic feasibility can be considered."*

In place of "assessed value of the property" - *"appraised value of the property as determined by the Knox County Property Assessor."*

Clarify that standards for rehabilitation are *"supplemental"* to the guidelines" (also on p. 3)

page 32 - *remove guideline 1H* which states that "It is not appropriate to install window air conditioning units that are visible from the public street right-of-way."

page 23 - *remove guidelines for "gutters" and remove "gutters" from page 7 list of projects requiring a COA*

Under Accessibility and Safety on page 33:

Introductory statement:

. . . ensure that work minimizes the impacts on the historic material and character of a building *while still accommodating accessibility and safety needs.*

Add: "wherever possible"

A. Locate ramps and other means of access along secondary elevations *wherever possible.*

Change "*may*" to "*can*" when it is the intent to be permissive

Result: Recommendation of approval to City Council with changes as outlined today.

605 Caswell St.

It was noted the Applicant for 605 Caswell Street was not present.

Action: Comm. Blackburn moved to unable the application for 605 Caswell St. (9-O-17-HZ). The Motion was seconded by Comm. Carey. The Motion carried unanimously.

Result: Untabled.

Action: Comm. Blackburn moved to postpone the application for 605 Caswell St. (9-O-17-HZ) until the October meeting. The Motion was seconded by Comm. Carey. The Motion carried unanimously.

Result: Postponed to the October 2017 meeting.

Comm. Melissa McAdams was presented with a Certificate of Appreciation and heartily thanked for her 10 years of service to the Knoxville Historic Zoning Commission. Comm. McAdams is terming off the Commission.

Action: Comm. Eid moved to adjourn the Historic Zoning Commission meeting. The Motion was seconded by Comm. Cotham. The Motion carried unanimously and the meeting was adjourned.