

MINUTES

**KNOX COUNTY HISTORIC ZONING COMMISSION  
KNOXVILLE HISTORIC ZONING COMMISSION**

JANUARY 18, 2018

<b>Knox County Historic Zoning Commission</b>				
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
N/A	

There was no County business therefore the Knox County Historic Zoning Commission did not convene.

<b>Knoxville Historic Zoning Commission</b>				
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			
Dationa Mitchell			X	
Sandi Swilley			X	
Stanton Webster	X			

Staff/Others Present	Affiliation
Crista Cuccaro	City Law Department
Kaye Graybeal	MPC (arrived late: 10:27)
Mike Reynolds	MPC
Dori Caron	MPC
DeAnn Bogus	City Plans Review and Inspections
Scott Elder	City Plans Review and Inspections
James Pierce	Old North Knoxville Neighborhood Representative
Tricia Stuth	Applicant Architect
Ted Shelton	Applicant Architect
Peggy Hambright and Scott Carpenter	Owners/Applicants
Matt Hale	Owner

Knoxville Historic Zoning Comm. Chair Matthews called the meeting to order at 10.02 a.m. *The meeting time was delayed due to icy roads.* Roll call was taken and it was noted there was a quorum. 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. Applicants or members of the public who wished to speak on an Agenda Item were sworn in. She further noted that any appeals to Commission decisions can be taken to Chancery Court if appealed within 60 days. Comm. Matthews noted Mike Reynolds will be sitting in for Kaye Graybeal who has been delayed due to weather related travel issues.

### **Approval of Minutes**

**Action: Comm. Blackburn moved to approve the December 20, 2017 Historic Zoning Commission Minutes. The Motion was seconded by Comm. Cotham. The Motion carried unanimously.**

**Result:** Approved.

### **Staff Reports**

Ms. Reynolds reviewed the Level 1 Certificates approved since the last meeting.

### **Reports to Commission**

There were no reports to Commission.

## **CERTIFICATES OF APPROPRIATENESS**

### **Market Square H-1**

16 Market Square – Installation of awning (1-B-18-HZ)

**Discussion:** Mr. Reynolds reviewed the staff report and staff recommendation. The Applicant was not present. There was no discussion.

**Action: Comm. Blackburn moved that the application submitted for 16 Market Square be approved based on the evidence submitted, the information provided in the staff report and per staff recommendation with the following condition: 1) That the awning tiebacks be less than 2 inches in diameter and the finish be a low gloss. The Motion was seconded by Comm. Carey. The Motion carried unanimously.**

**Result:** Approved with condition.

### **Old North Knoxville H-1**

1403 Armstrong Avenue – Construction of a new primary building (1-D-18-HZ)

**Discussion:** Mr. Reynolds reviewed the staff report and staff recommendation. Applicant Scott Carpenter was present and noted they appreciate the thoughtful consideration of their application and noted they feel the large majority of their proposal does meet the guidelines. They are flexible on some of staff's suggestions/recommendations but would like to focus today on the overall building envelope meeting the guidelines and address the other issues at a later date. He then noted each of the 3 alternatives listed in the staff report are all imperfect as seen within the Old North Knoxville guidelines and described why in their opinion. Co-applicant Peggy Hambright also spoke on behalf of their application and noted they have a full appreciation for the power and nature of the guidelines that maintain our history and neighborhoods, and further, they appreciate the protection the guidelines affords their neighborhood. She noted they want to age in place in this home and enter at grade in the rear of the proposed house, and, additionally they designed the house to be most respectful to the neighbors. She also acknowledged there are multiple issues presented and they are willing to compromise on all of these areas.

Architect Ted Shelton was present and described the philosophy of their approach to architecture and design. He stated they strongly disagree with the staff report particularly with regards to the massing, placement and subdivision of elevations. He noted the proposed house is on the narrowest lot on that side of the street with some of the houses being 4 times the width. Widening the design would not make this house anywhere close to as wide as existing houses on that side of the street and would indeed crowd the streetscape between homes and destroy a large magnolia tree that is also part of the streetscape. If widened to the proposed width in the staff report it would still be the narrowest house on the street. He then reviewed their proposal in some detail, further emphasizing their strong commitment to respecting historic houses and the overall fabric of the neighborhood. He noted they are open to the exploration of changes with respect to the proposed porch design and use of wood windows. Comm. Chair Matthews clarified that the Applicant was only requesting consideration for the size and scale of the proposed house. Ms. Graybeal, now present, clarified that a Certificate of Appropriateness could not be issued for a building permit based on a partial approval.

Neighborhood representative James Pierce noted he has had significant input from the neighborhood, including a neighborhood meeting that the Applicants and Ms. Graybeal attended, and although there were 6 communications that were in support of this application, overall the majority of the communications he has received, including ONK Board members, lean towards supporting the design guidelines. He could not find anywhere in the neighborhood where this disproportion to scale between this proposed house and the adjoining houses exists and this would be a new condition within the neighborhood. They agree with the staff report that there are too many guidelines that this house does not comply with to let it move through as is, scale of course and massing being the most important ones. They would like to meet somewhere in the middle. They know there are limits that would prevent the design to meet all of the guidelines. He noted they want to support the Applicants but would like compromise on the massing as presented. He feels that previous and future applicants in Old North Knoxville are owed the Commission's standing behind the guidelines. He had not received any suggestions from the neighborhood specific to a compromise. Ms. Graybeal clarified that at the neighborhood meeting, one resident had suggested setting the house back so that it would appear more as an accessory structure.

Discussion ensued regarding what other options the Applicants might have with regards to an alternative design. Ms. Graybeal noted there were 3 options suggested in the staff report and reviewed them, noting that they would make it make the house more compatible with the streetscape. Ms. Hambright referenced a letter from their immediate neighbor to the north with whom they shared the guidelines and their proposal and the neighbor supports their design for multiple reasons which she shared, noting that he prefers a smaller house on the lot. Further, an increased height would block sun to their adjacent neighbors. She also noted the guidelines state the need for compatibility with the neighborhood, not the street, and this house is very compatible with their block.

Tricia Stuth was present and described how they came to their proposed design with regard to massing and scale. She reviewed several drawings they developed for understanding the massing and setbacks that exist currently and that would exist with the proposed house as it is now and also as a larger design suggested in the staff report. A brief discussion ensued with regard to the deed as conveyed and the neighborhood development plan. The lot was created in 1917. Mr. Carpenter gave a brief history of the lot conveyance. Mr. Pierce, referencing the 1917 Sanborn map, noted this lot does not exist on that map. He also noted that 5 of the 6 homes on that side of Armstrong do exist in 1917. He noted that the guidelines also reflect that new buildings must relate the size and proportion to the scale of the adjacent structures. Comm. Carey noted the adjacent house at 1365 Armstrong has been greatly modified.

Mr. Shelton noted scale is more than size and that proportion and spacing need to be considered as well and again presented the drawings. He felt that their proposal is a better negotiation of proportion and scale. Ms. Stuth further outlined other contributors to their proposed massing and scale. She pointed out that the guidelines are addressing a neighborhood with a variety of types of houses. Ms. Graybeal clarified that the Commission can wave a guideline based on a finding of fact. She again reviewed 3 alternative options as presented in the Agenda package. She noted there is room on the lot for a wider footprint.

Crista Cuccaro offered the suggestion that the Commission, assuming it is amenable to the Applicant, consider whether or not to give the applicants a “green light” for the scale and massing as the Commission’s stance on that is not necessarily clear at this point. She stated she thought it would be inappropriate to break out that piece and vote on it and that the best move forward would be to give the Applicant some clear indications on what the Commission would like to see if different from what they have submitted. She further suggested that the application be postponed to a later date, whatever that may be, and to have the Applicant tweak their application as to the Commission’s suggestions from today’s discussion, again, for consideration at a later date. Ms. Graybeal stated that the Commissioners’ recommendations need to be couched in terms of findings of fact about the lot and the design as presented, as well as the guidelines. Ms. Cuccaro clarified that the Commission would then not be voting on the full application. Ms. Graybeal stated the application needs to be complete for the Commission to vote on it. Ms. Graybeal noted that the Commission can just state which parts of the proposal meet the guidelines and are appropriate for the context and which do not, giving the Applicant some direction.

It was clarified that the Applicant would like guidance with respect to massing, scale and placement today such that these elements of the project would be “off the table” for further discussion. It was clarified that this proposal would not be setting a precedent. Discussion continued regarding the overall size and placement of the proposed house and alternatives to be considered, including the Applicant’s intent to keep the large magnolia tree which is part of the streetscape and which they do not want to damage or remove. It was noted that this proposal is really an anomaly to the neighborhood with no options to repeat it. The importance of maintaining the existing spacing was also again noted. The discussion continued with several Commissioners expressing support for the project’s scale and placement as proposed. Mr. Pierce noted the most negotiable piece of this design is the footprint of the house on the lot, the setbacks and width of the house. Further discussion ensued. Ms. Cuccaro clarified that given the focus of today’s discussion the Commission was not really contemplating the other aspects of the project and that it would be inappropriate to have a partial approval of a Certificate of Appropriateness and that the project needs to be considered as a whole. Further if that project was to change between now and its next consideration that would be the time to vote on it as a whole. In addressing the Commission Chair, Ms. Cuccaro requested that with the absence of the other Commissioners who may be present at the next time [the application is considered], for her to ask that they give deference to any decision [direction] made today.

Comm. Blackburn stated he felt the neighbors would be compromised with a larger house and that it would impact the streetscape negatively by impacting the magnolia tree. Comm. Cotham stated he felt the massing of the house, as it is such a rectilinear structure, does not quite work. Comm. Matthews stated she believes there is agreement among the 5 commissioners present that the setbacks as presented are appropriate given the challenges and anomaly of the lot, keeping the eaves in line [as presented] is also appropriate as is the height and as it would be staying in the same plane as the other houses on the street. Ms. Graybeal clarified that as presented the relationship to the other houses is actually a compromise [average] with regard to the front façade staying in the same plane. Comm. Carey again suggested the Applicant consider adding some massing to the side, a porch or courtyard, to offset the rectilinear nature of the structure. There was further discussion on how to best move forward.

After review of the Administrative Rules and Procedures it was later identified by Ms. Cuccaro that under Section 8, *Forms of Motions*, there is an allowance for partial approval. The Applicant has noted they would be more comfortable if the Commission would express support of the setbacks, scale and placement of the proposal. She stated she was unsure of where the Commission was on massing. She further stated that under the Administrative Rules [a partial motion] can be done, and although not common is not “illegal”. She noted the Commission could move to approve a part of the application conditioned on additional approvals needed at the next meeting, and to move a second time to postpone the remaining elements of the application to that next meeting. Ms. Cuccaro also stated the Commission does not have to take any Action today.

**Action:** Comm. Blackburn moved to approve a portion [partial approval] of the Application submitted for 1403 Armstrong, based on discussion today and the evidence submitted for the following application elements as presented: the side setbacks, the size – width, height and length, and the location on the lot, conditioned on there being consideration of all the remaining elements of the application at the next meeting. The Motion was seconded by Comm. Webster.

There was further discussion. It was clarified that massing was not part of the Motion. It was clarified that the Motion is to basically approve the footprint as presented.

**Comm. Matthews called for a Motion on the floor. The Motion carried unanimously.**

**Result:** Partial approval and further consideration of the remaining elements of the application at the February meeting.

**Action:** Comm. Carey moved that consideration of the remaining elements of the application submitted for 1403 Armstrong Avenue be postponed to the February 15, 2018 meeting based on discussion today, the evidence submitted and the information provided in the staff report. The Motion was seconded by Comm. Matthews. The Motion carried unanimously.

**Result:** The remaining elements of the Application are postponed until February 15, 2018 meeting.

#### **Other Business**

There was no other business.

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