
**Historic Zoning Commission
Special Called Meeting Minutes
January 22, 2019**

The Historic Zoning Commission held their regularly scheduled meeting on January 22, 2019 at 5:30 pm in the Commission Chambers at the Municipal and Safety Building.

Members Present: Mr. Hal Hunter, Chairman
Mr. Wesley Forsythe, Vice-Chairman
Col. Paul Williamson, Planning Commission Representative
Mr. Nathan Brand

Members Absent: Mr. Tom Mozen
Ms. Valda Jones
Ms. Liz Biosca

Staff Present: Preston Mitchell, Director, Development Services
Matthew Manley, Senior Planner, City of Johnson City
Nicole Lawrence, Recording Secretary, City of Johnson City

Chairman Hunter called the meeting to order at 5:30 p.m. A quorum was present.

Approval of the Johnson City Historic Zoning Commission agenda was put forth with the following changes; CoA 2019-231 – 420 W. Pine St. Chimney Demolition moved to be heard before CoA 2019-230 – 123 Commerce St. Go Burrito Sign application and CoA 2019-227 – 121 Spring St. Wonderland Lounge and Grill sign application, moved to the last item under New Business. The agenda was then approved as amended 4-0.

The minutes from the Historic Zoning Commission Special Called Meeting held on December, 2018 were approved with a motion from Vice-Chairman Forsythe and a second from Commissioner Williamson. The Minutes were approved vote 4-0.

New Business

The first item on the agenda was consideration of revisions to the Historic Zoning Commission By-Laws. After a detailed discussion between the commissioners and staff the decision was made to table this item until the end of the meeting, after the election of officers.

Motion to table this item until after the election of officers at the end of the agenda was put forth by commissioner Williamson with a second from commissioner Brand.

Motion to table, approved.

VOTE: 4-0

The next item on the agenda was CoA 2019-229 – 221 Cherry St. – Lotus Urban Farm and Garden sign approval. The request is for a 16"x14' Baked Aluminum Sign for L.O.T.U.S. Urban Farm & Garden Supply located at 221 Cherry St. The Design Guidelines state that Wall Signs will be considered depending on the architecture of the building. In this particular case, the building does lend itself to a wall sign that is no wider than that which is proposed (to sit between the top of the awning/windows and below the brick square design). The proposed sign will be located in the center of the building above the main doors.

Staff recommended Approval of the proposed sign. The proposed sign meets the basic requirements of the B-2 Sign Code. Wall signs are permitted according to the Design Guidelines. And the sign components will complement the overall character of the Historic District.

Public Hearing was opened; Andy Thewlis – 3105 Buckingham Dr. spoke in favor of the proposed sign.

Seeing no one else wished to speak, the public hearing was closed.

Motion to approve was put forth by commissioner Brand with a second from commissioner Williamson.

Motion approved.

VOTE: 4-0

The next item on the agenda was CoA 2019-231 420 W. Pine St. chimney demolition. The petitioner is proposing to remove a chimney and patch the roof. According to the petitioner: Originally, the house had two chimneys. Prior owners removed the chimney for the Living Room. The second chimney goes to a fireplace that was encapsulated in an interior wall. Mortar joints are deteriorating causing the bricks of the non-functioning chimney to become loose making the entire chimney unsafe. The flashing around the chimney has become separated from the house [and] has lead to leaks. The chimney has a lean to left if you are facing the house.

Want to remove the chimney as it serves no purpose and patch the hole in the roof once the chimney is removed and place shingles.

While the chimney is very visible from the street, it is an interior chimney and not as prominent as a chimney that is part of an exterior wall. That said, this structure and its chimneys were built in 1916. The house (and its elements) are contributing to the Tree Streets Historic District and National Register District. Chimneys are critical elements of the structures within the historic district and every effort should be made to preserve elements which contribute to the character and importance of the District. The status of the deteriorating mortar joints came from a roofing specialist. Staff advised the petitioner to get a second opinion from an expert in historic masonry to determine if the chimney could be salvaged. No report was provided to staff from a masonry expert. Staff recommends Denial of the proposed chimney demolition.

Public Hearing was opened; Perry Hodge – 1013 Grace Dr. spoke in favor of the demolition. Mr. Perry is one of the owners of the home and wanted the commission to know that this chimney has not been used in decades and is causing leaking issues in the home. He is concerned that by keeping the chimney it will create more damage and the renovations of the home will be delayed or impossible. Mr. Perry stated he had not contacted a historical mason because he was afraid of the extra cost this would incur.

Seeing no one else wished to speak, the public hearing was closed.

A discussion ensued between the commissioners regarding the need for a historic mason to evaluate the situation. Chairman Hunter stated he would like a historic mason to evaluate the chimney prior to any decision being made.

Commissioner Williamson made the Motion to deny the demolition; the motion failed. A motion to defer until the February meeting of the Historic Zoning Commission in order to give the applicant time to obtain a recommendation from a historic mason was put forth by commissioner Brand with a second from Vice-Chairman Forsythe.

Motion to defer until the February meeting of the Historic Zoning Commission meeting was approved.

VOTE: 4-0

The next item on the agenda was CoA 2019-230 123 Commerce St. Go Burrito! sign application. The application is for a projecting sign for Go Burrito! Restaurant. The policy encourages a simple design that includes fonts that are used elsewhere in the district. The policy discourages typefaces that are hard to read. The proposed sign includes the shape of a palm tree, tiki hut and surfboard with the name of the business on the surfboard. The sign colors will be the same as those found in the logo (green, brown & white). Staff recommends Approval of the proposed projecting sign. The proposed sign meets the basic requirements of the B-2 Sign Code. The projecting sign is a preferred sign type that will complement the character of the Historic District. The sign design, materials and colors are in line with the Design Guidelines.

Public Hearing was opened; no one from the Go Burrito! restaurant was present to speak about the sign. Seeing no one wished to speak, the public hearing was closed.

Commissioner Brand stated he was not comfortable with the little amount of detail associated with the sign application. He wanted to see how this sign would appear, exactly.

Staff cautioned the commissioners; the Historic Zoning Commission is only to regulate time, manner and place according to the Supreme Court of the United States rulings over First Amendment infringement.

Chairman Hunter proposed this item be deferred until the February meeting and ask the applicant to provide a more detailed rendering of the proposed sign and hopefully send a representative to the next meeting in order to answer questions from the commission.

A motion to defer until the February meeting in order to request more details about the proposed sign from the applicant was put forth by Chairman Hunter with a second from commissioner Brand.

Motion to defer approved.

VOTE: 4-0

The next item on the agenda was CoA 2019-227 121 Spring St. Wonderland sign approval.

The applicant is proposing to place a vinyl sign in the transom window space above the door. Staff recommends Denial of the proposed window signage.

Reasoning for denial is as follows:

Back – This vinyl sign was already installed by the applicant without a CoA. This existing vinyl sign for the back entrance has the same logo/text/font/color design as the front window. The Commissioners will need to take that into consideration and apply the Design Guidelines consistently. Upon first glance, this sign does not meet the basic 20% coverage restriction, however with additional field work staff was able to determine that the black material covering the transom window was placed prior to and separate from the vinyl sign. Beyond Policy H. (limit the number of colors), the rear sign is compliant with the Design Guidelines.

Public Hearing was opened; no one from the Wonderland Lounge and Grill was present. Seeing no one wished to speak, the public hearing was closed.

A motion to deny on the grounds that the proposed colors in the sign are not compatible with the Downtown Historic Guidelines was put forth by commissioner Brand with a second from commissioner Williamson.

Motion to deny as stated was approved.

VOTE: 4-0

The next item on the agenda was the election of officers for the 2019 Calendar year of the Historic Zoning Commission. Nominations for chairman were opened,

Commissioner Nathan Brand was nominated from the floor for Chairman.

Commissioner Brand accepted the nomination and was approved by a 4-0 vote. A nomination for Commissioner Paul Williamson to serve as Vice-Chairman was brought

forth from the floor. Commissioner Williamson accepted the nomination and was approved by a 4-0 vote.

Officers will serve from January 2019 until the next elections in January of 2020.

At this time Chairman Hunter passed the gavel to Commissioner Brand. From this point forward in the meeting Commissioner Brand began his term as Chairman and Commissioner Williamson began his term as Vice- Chairman.

The next item on the agenda was consideration of revisions to the Historic Zoning Commission By Laws. Several sections of the By-laws were open for revisions. They were revised and voted upon as noted below. Newly proposed language is emphasized in red. Text that is proposed to be eliminated is displayed with a strikethrough.

Section IV. Members Officers and Duties

A. **General** The Commission shall be composed of seven (7) members, including an architect (if available), a member of the Planning Commission at the time of his/her appointment, and a member of a local patriotic or historical group. The members shall be appointed by the Johnson City Board of Commissioners. The majority of the members shall have demonstrated special interest, experience, or education in history or architecture. All members shall reside within Johnson City.

Motion to approve as stated was put forth by Vice-Chairman Williamson with a second from commissioner Forsythe.

Motion approved as presented.

VOTE: 4-0

B. **Chairperson** A chairman shall be elected by the voting members of the Historic Zoning Commission. His/her term shall be for one (1) year, and he/she may serve for no more than two (2) ~~be~~ **reelected to** consecutive terms. The chairman shall decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Commission in session at the time. The chairman shall appoint any committees found necessary to investigate any matters before the Commission.

Vice- Chairman Williamson did not agree with these proposed changes. He feels term limits are vital in order to keep a board or organization vital and allow other people opportunities to serve in other capacities.

A motion to defer a decision on this recommended change to the February Historic Zoning Commission Meeting was put forth by Vice-Chairman Williamson and a second was put forth by commissioner Forsythe.

Motion to defer as stated was approved.

VOTE: 4-0

F. **Elections** **Elections shall be held at the January Commission meeting.** Terms of officers shall begin in January 1st ~~at said the meeting, following elections.~~ Members shall be notified of the election of officers at least ten (10) days prior to the regular January meeting.

A motion to approve with the addition of the word “said”, removal of the word “the” and adding a comma (,) after the word “meeting” was put forth by Chairman Brand with a second from Vice-Chairman Williamson.

Motion approved as stated.

VOTE: 4-0

Section V. Meetings

A. Regular meetings of the Commission shall be held on the 4th Tuesday of each month at ~~5:00~~ **5:30 p.m.** in the ~~Administrative Conference Room~~ **City Commission Chambers of** in the ~~Safety & Municipal~~ **& Safety** Building; meetings may be held at some other convenient place in the City if directed by the Chairman in advance of the meeting.

Vice-Chairman Williamson suggested the Historic Zoning Commissioner consider having a pre-meeting similar to the Johnson City Regional Planning Commission either the day of the regular meeting or another day prior.

Chairman-Brand agreed this was a great suggestion and was in favor of this idea.

Staff stated that there may be regulations regarding the legality of such meetings for the Historic Zoning Commission since they were in a more judicial capacity than the Planning commission which is more of an advisory commission. Staff will look into this for the commissioners and report their findings at the February meeting.

A motion to approve the changes as presented was put forth by Chairman Brand with a second from commissioner Forsythe.

Motion approved as presented

VOTE: 4-0

D. Quorum A quorum shall consist of ~~three (3) members~~ **a majority of the appointed and eligible members of the** Commission. ~~For issues requiring a vote, a simple majority shall suffice.~~

A motion to approve as stated was put forth by Chairman Brand with a second from Vice-Chairman Williamson.

Motion approved as stated

VOTE: 4-0

F. Review Criteria In reviewing applications for certificates of appropriateness, the Commission shall take into account the **Secretary of the Interior's Standards along with** the historic and architectural significance of the structure. In its review, the Commission shall also take into account the following elements to ensure that the exterior form and appearance of the structure is consistent with the historic or visual character of the District:

- (1) The height of the building in relation to the average height of the nearest adjacent and opposite buildings.
- (2) The setback and placement on lot of the buildings in relation to the average setback and placement of the nearest adjacent and opposite buildings.
- (3) Exterior construction materials, including textures and patterns, excluding color.

- (4) Architectural detailing, such as lintels, cornices, brick bond, and foundation materials.
- (5) Roof shapes, forms, and materials.
- (6) Proportions, shapes, positioning and locations, patterns and sizes of any openings in the facade.
- (7) General form and proportions of buildings and structures.
- (8) Appurtenant fixtures and other features such as lighting, **signage and awnings**.
- (9) Structural condition and soundness.
- (10) Architectural Scale, in drawing refers to the proportion or ratio that defines the size relationship between objects in the proposed design.

A motion to approve the changes as presented was put forth by Chairman Brand with a second from commissioner Forsythe.

Motion approved as presented.

VOTE: 4-0

VI. APPLICATION PROCEDURES

A. A completed application must be turned into the Planning Department Office on or before the ~~fifteenth (15)~~ **tenth (10)** day of the month of the Commission meeting. Note: The Historic Zoning Commission does not need a complete set of plans, only those relating to the exterior of the structure and a site plan.

It is the sole responsibility of the applicant to obtain a Certificate of Appropriateness before beginning work. No building permit will be issued without a Certificate of Appropriateness. The applicant will be subject to fines for non-approved work.

B. The agenda for the Commission meetings must be posted with ~~the media~~ **on the City's website** three (3) days prior to the Commission meeting. The agenda must list all applications to be reviewed for the current Commission meeting. These serve as notification for property owners with adjoining properties.

A motion to approve the changes as presented was put forth by Vice-Chairman Williamson with a second from commissioner Forsythe.

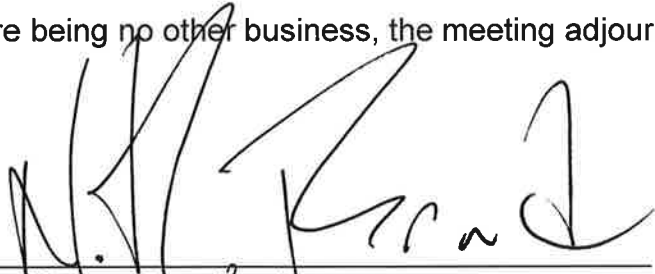
Motion approved as presented.

VOTE: 4-0

Additional Business

At this time staff gave an update on the staff approved CoA's since the last meeting, the enforcement update and then went on to discuss subcommittee reports. The Johnson City Development Authority (JCDA) is in need of a volunteer to sit on the design Committee and would like to have a representative from the Historic Zoning Commission. Commissioner Wesley Forsythe volunteered to sit on that committee as the HZC representative.

There being no other business, the meeting adjourned at 7:45 p.m.



Nathan Brand - Chairman