

**CITY HISTORIC ZONING COMMISSION**  
**STAFF REPORT - CERTIFICATE OF APPROPRIATENESS APPLICATION**

MEETING DATE: 2/21/2013

► FILE NO.: 020713EDG

APPLICANT: Better Building Board City of Knoxville, Robert Moyers (Neighborhoods Code Enforcement)

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ADDRESS OF PROPERTY: 2106 Jefferson Ave 37917

HISTORIC DISTRICT: Edgewood-Park City H-1

TYPE OF WORK: Level IV. Demolition or relocation of contributing structure

► DESCRIPTION OF WORK: Demolition of building assessed by Neighborhood Code Enforcement Officer as public safety hazard.

PROPERTY DESCRIPTION: Folk Victorian (c. 1905)

One-story frame with asbestos siding and asphalt tile roofing. L-shaped plan with side-gabled main roof and intersecting front gable. Later-added battered stone porch columns. One-over-one double-hung windows. Two interior brick chimneys. Brick foundation with concrete slab front porch.

► APPLICABLE DESIGN GUIDELINES:

Edgewood-Park City Design Guidelines, adopted by the Knoxville City Council on July 29, 1997.

► STAFF RECOMMENDATION:

Approval to demolish severely deteriorated structure based on its assessed condition by Code Enforcement as a danger to the public safety of the adjacent property owners, surrounding neighborhood, and potentially to citizens at large.

COMMENTS:

STAFF FINDINGS

- 1) The deed for the property indicate that the property was purchased in 1996 by owner/occupants of another house on Jefferson Avenue. The house was owned by BCD Properties of Alcoa, TN from December 2011 and January 2012.
- 2) The owner/applicants who bought the property in February 2012 received COA approval from the HZC in that month to restore the house to original appearance as much as possible utilizing materials to match those of the main house or that are period-appropriate. Also, to re-enclose rear porch with siding and roofing to match main block of house. Conditioned as follows:  
Utilize asphalt roof shingles rather than corrugated metal roofing based on precedent in the streetscape and the neighborhood;  
Repair the original front door rather than replace as recommended by Entry Guidelines.
- 3) The issuance of a COA (for which the approval period is for 2 years ending 2-16-2014) facilitated the obtainment of a building permit to make needed repairs. The owner/applicant pulled a building permit in February 2012 for roof replacement only, but did not commence the work.
- 4) Under new ownership via a gift deed to an out-of-town recipient in May 2012, deterioration of the house has accelerated severely in the past year, given the lack of a sound roof contributing to that deterioration.
- 5) At some point over the last year, the non-original roofed porch on the rear was removed, and at the location of this porch, the back wall is missing and the interior is exposed.
- 6) The Better Building Board is requesting demolition based on the Neighborhood Code Enforcement Officer's Inspection Report dated 1-23-2012 (see attached) declaring that the structure is deteriorated, delapidated, damaged, unsound, and unfit for human habitation. The report states that "The building is a shell, the rear wall is missing, and the structural support damaged. The building is a danger."
- 7) The condition of this contributing structure had met the standard for application of the demolition-by-neglect ordinance, which is proactive preservation tool for allowing for the City's early intervention to save such structures. However, the City does not have the staffing or budget resources to implement this tool for every case that is warranted, and must prioritize which for structures limited resources are utilized.

# CITY OF KNOXVILLE

NEIGHBORHOOD CODES ENFORCEMENT  
 400 WEST MAIN STREET, ROOM #465  
 KNOXVILLE TN 37902

(865) 215-2119 – PHONE  
 (865) 215-2860 – FAX

## INSPECTION REPORT

Owner MARY Harris Address 301 Lambert Ln. Maryville 37805  
 Agent \_\_\_\_\_ Address \_\_\_\_\_  
 Location of Property 2106 Jefferson Type \_\_\_\_\_  
 Date: 11/23/13 Inspector Moxers

R=Repair    M=Major Repair    I/R=Install/Replace    P=Paint    D=Dangerous

R   M   I/R   P   D

HOUSING VIOLATIONS (EXTERIOR)	R	M	I/R	P	D	REMARKS
<b>1. Accessory Structure(s)</b> <input type="checkbox"/> Deterioration <input type="checkbox"/> Damaged <input type="checkbox"/> Buckling <input type="checkbox"/> Chipping, peeling paint <input type="checkbox"/> Unstable <input type="checkbox"/> Unprotected						<input type="checkbox"/> Garage <input type="checkbox"/> Storage <input type="checkbox"/> Carport <input type="checkbox"/> Fence <input type="checkbox"/> Other
<b>2. Porches</b> <input type="checkbox"/> Deterioration <input checked="" type="checkbox"/> Damaged <input type="checkbox"/> Missing Components <input checked="" type="checkbox"/> Unstable <input type="checkbox"/> Column/Support					<input checked="" type="checkbox"/>	<input type="checkbox"/> Front <input type="checkbox"/> Rear <input type="checkbox"/> Side <input type="checkbox"/> Ceiling <input type="checkbox"/> Roof <input type="checkbox"/> Decking <input type="checkbox"/> Fixture
<b>3. Steps/Handrails</b> <input type="checkbox"/> Deterioration <input type="checkbox"/> Damaged <input type="checkbox"/> Missing Components <input type="checkbox"/> Unstable					<input checked="" type="checkbox"/>	
<b>4. Foundation</b> <input checked="" type="checkbox"/> Deterioration <input type="checkbox"/> Separation <input checked="" type="checkbox"/> Damaged <input type="checkbox"/> Cracks <input type="checkbox"/> Eliminate opening for water/rodents <input type="checkbox"/> Unsound <input type="checkbox"/> Leaning <input type="checkbox"/> Missing Components <input type="checkbox"/> Buckling <input type="checkbox"/> Untreated Materials <input type="checkbox"/> Not Enclosed <input type="checkbox"/> Loose Deteriorated Blocks, Stucco/Mortar					<input checked="" type="checkbox"/>	<input type="checkbox"/> Front <input type="checkbox"/> Rear <input type="checkbox"/> Left <input type="checkbox"/> Right
<b>5. Foundation – Doors/Frames/Piers/Beams/Sills/Columns</b> <input checked="" type="checkbox"/> Deterioration <input type="checkbox"/> Inadequate <input type="checkbox"/> Leaning <input checked="" type="checkbox"/> Damaged <input type="checkbox"/> Missing Components <input type="checkbox"/> Unsound <b>Ventilation/Crawl Space</b> <input type="checkbox"/> Inadequate <input type="checkbox"/> Standing Water <input type="checkbox"/> Litter/Debris <input type="checkbox"/> Improper Drainage <input type="checkbox"/> Moisture					<input checked="" type="checkbox"/>	
<b>6. Exterior Walls</b> <input type="checkbox"/> Deterioration <input type="checkbox"/> Missing Siding <input checked="" type="checkbox"/> Damaged <input type="checkbox"/> Not Weathertight <input checked="" type="checkbox"/> Unsound <input type="checkbox"/> Water Damage <input type="checkbox"/> Buckling <input type="checkbox"/> Chipping/Peeling Paint	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	<input type="checkbox"/> Front <input type="checkbox"/> Rear <input type="checkbox"/> Left <input type="checkbox"/> Right

HOUSING VIOLATIONS (EXTERIOR)					REMARKS
<b>7. Roof, Rafters, Decking, Roofing</b>					
<input checked="" type="checkbox"/> Deterioration <input checked="" type="checkbox"/> Water Damaged <input checked="" type="checkbox"/> Inadequate Support					
<input type="checkbox"/> Damaged <input type="checkbox"/> Drainage <input type="checkbox"/> Loose/Unsecure					
<input type="checkbox"/> Leaking <input type="checkbox"/> Sagging					
<b>8. Chimney/Vents</b>					
<input type="checkbox"/> Deterioration <input type="checkbox"/> Stucco/Mortar Deterioration <input type="checkbox"/> Damaged					
<input type="checkbox"/> Missing Bricks/Blocks <input type="checkbox"/> Leaning <input type="checkbox"/> Inadequate					
<b>9. Cornice/Eaves/Trim</b>					
<input checked="" type="checkbox"/> Deterioration <input checked="" type="checkbox"/> Water Damaged <input type="checkbox"/> Missing					
<input type="checkbox"/> Damaged <input type="checkbox"/> Rotten/Decayed <input type="checkbox"/> Scrape					
<b>10. Gutters/Downspouts</b>					
<input type="checkbox"/> Deterioration <input type="checkbox"/> Broken/Missing Glass <input type="checkbox"/> Damaged <input type="checkbox"/> Drainage					
<input type="checkbox"/> Missing <input type="checkbox"/> Inadequate <input type="checkbox"/> Holes					
<b>11. Doors/Exterior</b>					
<input type="checkbox"/> Deterioration <input type="checkbox"/> Broken/Missing Glass <input type="checkbox"/> Damaged					
<input type="checkbox"/> Locks/Hardware <input checked="" type="checkbox"/> Rotten/Decayed <input type="checkbox"/> Chipping/Peeling					
<input type="checkbox"/> Unprotected <input type="checkbox"/> Door Missing					
<b>12. Windows/Screens</b>					
<input type="checkbox"/> Deterioration <input checked="" type="checkbox"/> Broken/Missing Components <input type="checkbox"/> Damaged					
<input type="checkbox"/> Chipping/Peeling Paint <input type="checkbox"/> Inadequate <input type="checkbox"/> Loose from Frame					
<input type="checkbox"/> Rotten/Decay					
<b>13. Electric Service</b>					
<input type="checkbox"/> Unsecured <input type="checkbox"/> Unprotected Wiring <input type="checkbox"/> Deterioration					
<input type="checkbox"/> Meter Base <input checked="" type="checkbox"/> Inadequate <input checked="" type="checkbox"/> Improper <input type="checkbox"/> Ungrounded					MISSING
<b>14. Plumbing Service</b>					
<input type="checkbox"/> Deterioration <input type="checkbox"/> Leakage <input type="checkbox"/> Damaged					
<input checked="" type="checkbox"/> Inadequate <input checked="" type="checkbox"/> Improper					MISSING
<b>15. Miscellaneous</b>					
Bldg is a shell, rear wall missing, structural support damaged.					
DANGEROUS Bldg.					



## BETTER BUILDING BOARD

### Public Officer

The Public Officer issues complaints to property owners regarding structures that are alleged to be unfit or dangerous. The Public Officer holds hearings and issues orders to property owners to make repairs or to demolish unfit structures. If the property owner does not comply with the order, the city may repair or demolish the structure and bill the owner for the service. A lien can also be placed against the property to recover expenses for repair or demolition. The Public Officer may also order an owner to alter, improve, secure, board, or vacate and close a structure. The property owner may appeal the Public Officer's order to the Better Building Board within ten (10) days of receipt of the order.

[Public Officer Hearing Agenda \[PDF\]](#)  
[Public Officer Hearing Results \[PDF\]](#)

### Better Building Board

The Better Building Board hears appeals of the Public Officer's orders. The Better Building Board holds hearings and may affirm or alter the Public Officer's order. If the property owner does not comply with the Better Building Board's order, the city may repair or demolish, alter, improve, secure, board, or vacate and close the structure and bill the owner for the service. A lien can also be placed against the property to recover expenses for repair or demolition. The property owner may appeal the Better Building Board's order to the Knox County Chancery Court.

[Current Agenda \[PDF\]](#)  
[Current Hearing Results \[PDF\]](#)

### Appointment of Better Building Board Members

The Board consists of five members who are City residents. Each member is appointed by the Mayor and confirmed by City Council and serves a 3 year term.

### Meetings Schedule Better Building Board

The Better Building Board meets the last Thursday of each month, at 3:30 p.m., usually in the Small Assembly Room of the City County Building.

- January 31, 2013
- February 28, 2013
- March 28, 2013
- April 25, 2013
- May 30, 2013
- June 27, 2013
- July 25, 2013
- August 29, 2013

### Meetings Schedule Public Officer Hearings

The Public Officer Hearings are held on the Friday following each Better Building Board meeting, usually the last Friday of each month, at 9:30 a.m., usually in the Small Assembly Room of the City County Building.

- February 1, 2013
- March 1, 2013
- April 5, 2013
- April 26, 2013
- May 31, 2013
- June 28, 2013
- July 26, 2013
- August 30, 2013
- September 27, 2013
- November 1, 2013

September 26, 2013  
October 31, 2013  
December 5, 2013

December 6, 2013 (In Main Assembly Room)

**Board Membership**

**Gary W. Bentley**

701 Kenesaw Ave  
Knoxville, TN 37919  
Phone: 865-414-7224  
[gary.bentley@jbouchard.com](mailto:gary.bentley@jbouchard.com)  
*Term: 02/05/2013 - 01/01/2016*

**Dennis C. Murphy**

818 Sidebrook Avenue  
Knoxville, TN 37921  
865-237-9481  
*Term: 04/17/2012 - 01/01/2014*

**Terrell C. Patrick, Sr.**

2767 Linden Ave.  
Knoxville, TN 37914  
865-525-4833  
[tdpatrick@bellsouth.net](mailto:tdpatrick@bellsouth.net)  
*Term: 07/26/2011 - 01/18/2014*

**Cortney Piper**

1205 Sundew Rd  
Knoxville, TN 37914  
Cell: 865-789-2669  
[cpiper514@gmail.com](mailto:cpiper514@gmail.com)  
*Term: 05/03/2011 - 01/01/2014*

**Stephanie Welch**

2137 Hillsboro Heights  
Knoxville, TN 37920  
865-215-5297  
[stephanie.welch@knoxcounty.org](mailto:stephanie.welch@knoxcounty.org)  
*Term: 02/21/2012 - 01/01/2015*

**City Contact Information**

**Kathy Ellis, Project Specialist**

**Community Development**  
Phone: 865-215-2270  
[kdellis@cityofknoxville.org](mailto:kdellis@cityofknoxville.org)

**Robert Moyers, Manager**

**Codes Enforcement**  
865-215-2119  
[rmoyers@cityofknoxville.org](mailto:rmoyers@cityofknoxville.org)

## ARTICLE VI. - UNFIT BUILDINGS

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### Sec. 6-138. - Purpose and scope of article.

(a) *Purpose.* It is the purpose of this article to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the building code or housing code or otherwise available at law, **whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.**

(b) *Scope.* The provisions of this article shall apply to all dangerous buildings which are now in existence or may hereafter become dangerous in the city.

*(Code 1962, § 10-28)*

### Sec. 6-141. - Better building board.

(b) *Authority.* The board is hereby authorized to hold hearings, administer oaths and affirmations, examine witnesses, receive evidence and issue orders as a result of its findings. The authority and orders of the board shall be based on the standards and procedures set forth in this article and **the housing code and building code.** *(Code 1962, §§ 10-32, 10-33; Ord. No. O-176-91, § 2, 5-14-91)*

### Sec. 6-142. - Enforcing officer.

The mayor of the city shall designate a public officer to exercise the powers conferred under this article and enforce this article whenever the officer **determines that a building is dangerous or unfit or that conditions exist in such building which are dangerous or injurious to the health, safety or morals of the occupants of that building,** the occupants of neighboring buildings or the public pursuant to [section 6-143](#). *(Code 1962, § 10-34)*

### Sec. 6-143. - Buildings deemed unfit or dangerous.

(a) *Unfit dwellings.* An unfit dwelling shall be one existing in violation of the housing code and which is so **damaged, decayed, dilapidated, unsanitary, unsafe, vermin-infested or accessible or open to the public, including children, that it creates a serious hazard to the health and safety of the occupants or the public, or one which lacks illumination, ventilation or sanitation facilities adequate to protect the health and safety** of the occupants or the public.

#### Sec. 6-144. - Declaration of nuisance; order to demolish or repair.

All buildings which **are unfit or dangerous** within the terms of [section 6-143](#) are hereby declared to be public nuisances, and **shall be repaired or demolished and debris removed** from the site as provided in this article. The following criteria shall be used by the public officer or the better building board in ordering repair or demolition:

(1) If the building can be **reasonably repaired** so that it will no longer exist in violation of the terms of this article or other ordinances of the city, **it shall be repaired.**

(2) In any case where a building is **fifty (50) percent damaged or decayed or deteriorated, it shall be demolished**; and in all cases where the building cannot be repaired so that it will no longer exist in violation of the terms of this article it shall be demolished. In all cases where a building is a **fire hazard** existing or erected in violation of the provisions of this article or any ordinance of the city or statute of the state, **it shall be demolished.**(Code 1962, § 10-31; Ord. No. O-47-2012, § 2, 4-3-12)

#### Sec. 6-145. - Enforcement procedures generally.

The **better building board and the public officer**, in carrying out the intent of this article, shall observe and comply with the following procedures and those procedures set forth in the housing code:

(1) Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupation or use or dangerous, or **whenever it appears to the public officer, on the public officer's own motion, that any structure is unfit for occupation or use or dangerous**, the public officer shall, if the public officer's preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest of such structure, **a complaint stating the charges in that respect and containing a notice that a hearing** will be held before the public officer, or the public officer's designated agent, at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the complaint . . .

(2) If, after such notice and hearing, the **public officer determines that the structure under consideration is unfit for human occupation or use or dangerous**, the public officer shall state in writing the public officer's findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

a. **If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure**, requiring the owner, within the time specified in the order, to repair, alter or improve such structure to render it fit for human occupation or use, safe and secure which may include boarding, and/or to vacate and close the structure as a place of human occupation or use. The order may include a provision requiring the owner to board or secure the structure through appropriate means necessary to prevent ingress or access by the public including children; and/or

b. **If the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure, requiring the owner, within the time specified in the order, to remove or demolish such structure.** The order may require the owner to keep the structure safe and secure which may include boarding and/or to vacate and close the structure as a place of human occupation or use. The order may include a provision requiring the owner to board or secure the structure through appropriate means necessary to prevent ingress or access by the public including children;

(3) If the owner **fails to comply** with an order to repair, alter, improve, secure, board or to vacate and close the structure, **the public officer may cause such structure to be repaired, altered, improved, secured, boarded, or to be vacated and closed**, the public officer may cause to be posted on the main entrance of any structure so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful";

(4) **If the owner fails to comply with an order to remove or demolish the structure, the public officer may cause such structure to be removed or demolished; . . .**

## ARTICLE II. - BUILDING CODE <sup>141</sup>

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(Ord. No. O-149-99, §§ 1, 13, 5-4-99; Ord. No. O-39-03, § 1, 2-4-03; Ord. No. O-248-07, § 1, 11-06-07)

### **Sec. 6-32. - Amendments.**

#### *103.5 Unsafe Buildings or Systems.*

All buildings or structures which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings. All such unsafe buildings or structures are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition.

## **Chapter 1 - GENERAL PROVISIONS**

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### **Sec. 1-8. - Conflicts.**

In case of conflict between any provision of this Code and any code adopted herein by reference, the more restrictive provision shall apply.

(Code 1962, § 1-7)

# CERTIFICATE OF APPROPRIATENESS

File Number: 020412EDG

A Certificate of Appropriateness is hereby granted for the following property by the City Historic Zoning Commission:

**Address of Property:** 2106 Jefferson Ave 37917  
**Type of Work:** Level II. Replacement/repair  
**Historic District:** Edgewood-Park City H-1  
**Name of Owner:** Tina and Dorn Brinker , Knoxville, TN 37917  
**Name of Applicant:** Tina and Dorn Brinker Gibson, Knoxville, TN 37917

## Work Items:

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Architectural feature | <input type="checkbox"/> Masonry cleaning, tuckpointing, or painting            | <input type="checkbox"/> Security grilles on windows and doors |
| <input type="checkbox"/> Awning or canopy                 | <input checked="" type="checkbox"/> Material changes (wood, brick, metal, etc.) | <input type="checkbox"/> Shutters                              |
| <input type="checkbox"/> Curb cut                         | <input type="checkbox"/> Mechanical system unit                                 | <input type="checkbox"/> Sidewalks                             |
| <input type="checkbox"/> Deck                             | <input type="checkbox"/> Parking lot (paving, entrance drives, landscaping)     | <input checked="" type="checkbox"/> Siding                     |
| <input checked="" type="checkbox"/> Door                  | <input checked="" type="checkbox"/> Porch (columns, cornice, trim, etc.)        | <input type="checkbox"/> Signs                                 |
| <input type="checkbox"/> Fence                            | <input type="checkbox"/> Retaining wall   | <input type="checkbox"/> Solar collectors                      |
| <input type="checkbox"/> Guttering                        | <input checked="" type="checkbox"/> Roof (change in shape, features, materials) | <input checked="" type="checkbox"/> Storm windows or doors     |
| <input type="checkbox"/> Light fixture                    | <input type="checkbox"/> Satellite dish   | <input checked="" type="checkbox"/> Windows, skylights         |
|   |   | <input checked="" type="checkbox"/> Other: Addition            |

## Description of Work:

Replace existing damaged asphalt tile roofing (damaged by fallen tree) with asphalt shingles. Replace deteriorated asbestos and remaining wood weatherboard siding to match original wood siding evident on the house. Replace severely deteriorated windows (all) with wood one-over-one light to match originals. Fill in twin window opening on the west side of the house and create two new window openings of the same proportions, but spaced a few feet apart. Repair existing original half-light over one-panel wooden front door which is somewhat rotted. If not repairable, replace with in-kind wooden door but with two vertical panels below the half-light. Replace/replicate the porch design utilizing asphalt shingles. Replace late-added battered stone porch columns with simple Doric-style round-in-section porch columns, similar to the middle porch column at 2306 Jefferson . Reconstruct exterior wall framing of former rear screened porch damaged by fallen tree to create enclosed rear addition (not visible from r-o-w). The rear porch had been previously enclosed and the damaged wallboard has been removed as indicated by the submitted photos. Sheath rear addition walls with horizontal wood siding to match original on main house and construct shed roof sheathed with asphalt shingles. Construct foundation with distressed brick for rear addition.

**All roofing to be asphalt shingles.**

## ***THIS CERTIFICATE IS NOT A BUILDING PERMIT.***

Any change in the work described on this Certificate requires additional review and approval by the historic zoning commission. The Knoxville and Knox County Historic Zoning Commissions do not review interior work unless it affects the exterior portions of the building or is visible from the outside.

**This certificate expires on 2/16/2012 (two years from the date of issue).**

**Approved By:** Graybeal

**Date:** 2/16/2012



2106 Jefferson – Demolition



2106 Jefferson - Demolition



2106 Jefferson – Demolition



2106 Jefferson - Demolition



2106 Jefferson - Demolition



**2106 Jefferson 2-2012**



**2106 Jefferson 2-2012**



**2106 Jefferson 2-2012**



**2106 Jefferson 2-2012**