

From: Sarah Powell
To: Betty Jo Mahan
Date: 4/3/2008 1:35:53 PM
Subject: Fwd: comments on agenda item 4-A-08-UR April 10 meeting --Spring St. Powell, Tn.

>>> "Pat Grant" <gran102@bellsouth.net> 4/3/2008 1:22:24 PM >>>

I dropped out a package of info at your office this AM regarding the above item for the April 10 meeting. After leaving your office i stopped at Codes Administration where i received information that makes clear a misstatement in my cover letter. In the cover letter i stated that no codes citations had been issued to the salvage house on Spring St. in Powell. I based this statement on the response to telephone calls made to Codes Administration on at least three different occasions. After a personal meeting with Mr. Braden, i am now aware of two violation notices issued on this project. I believe that the inspector was misled by the Baileys into believing that the house was only there temporarily and that affected the way Codes has handled the matter. As evidenced by the plat obtained by the Baileys in Dec, 2007 they had no intentions of moving the house anywhere else. I have unfairly criticized Codes Administration . I wish my opposition to this whole project to be fair and factually accurate. Please attach this email to my package for presentation at the April 10 meeting. sincerely yours, Patrick Grant.

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Metropolitan Planning Commission
Suite 403 City/County Bldg.
400 Main Street
Knoxville, Tn 37902



Re: Objections and Comments Concerning Agenda Item 4-A-08-UR

Dear Sirs:

This request is another attempt by the Baileys to degrade this neighborhood for their own personal financial gain. Instead of spending 20-25 K to develop new lots of a desirable size in a new neighborhood, they have chosen to subdivide and resubdivide lots which have been in existence for eighty years in order to place salvage and undersize houses on them for rental purposes-houses which they don't maintain and which devalue a few stately and unique homes on the block. Some of these older homes are upwards of 100 years old and are structures which the owners have spent considerable sums of money updating and restoring and other older homes which would be likely candidates for restoring if the block remained stable in its values and appearance.

Spring street is the first block west of the main line of the Norfolk and Southern main line-a set of railroad tracks which sees 15 to 20 trains pass each twenty-four hour day. The decibel level on Spring Street which is 250-300 feet from the tracks is probably in excess of 100 decibels when these trains pass while the houses the Bailey s are proposing are barely 100 feet from the tracks. Who is going to want to live in such an environment, why maintain them if you have only a minimal investment in them, and what will they do to the rest of the neighborhood?

The Baileys first attempt at resubdivision or rezoning was four years ago, it was for about a dozen apartments and it was turned down because of a petition signed by nearly everyone in the neighborhood. This effort left a flag lot that was resubdivided off the back of lot 3-lot 3.01, and incidentally provided no sewer easement for lot 3. In December, 2007 they sneaked thru a further resubdivision of lot 3.01, 2, 2.01, and 1 and created yet another lot along the railroad tracks out of the back yards of lots 1, 2, 2.01. EACH of these four lots are EXACTLY 10,000 square feet and the effort further increased the size of lot 3.01 so that it would accommodate the house presently parked on it and which is the subject of this particular request. I say sneaked because no public notice was required other than a legal ad in the newspaper.

This only came to light on January 20,2008 when my son who lives at 1908 Spring Street received an address change notice because his house is next to the flag lot 3.01 which now had its own address.

Three months previous in October, 2007, a salvage house appeared on lot 3.01 -uprooted from either the Lovell or Emory road widening projects. Mrs. Sue Dagnan who lives at 1907 Spring Street and who promoted the petition four years ago immediately called the County Codes Department. They had no knowledge of the house and certainly had not issued any kinds of permits. They promised to visit the site.

Nothing more happened until the address change notice arrived. Mrs. Dagnan and I visited the MPC office and the Codes office around the end of January. Codes had never been back, had never issued any permits, and most importantly had never issued any violations, citations, stop work orders or anything. They, however, did promise to visit again. They incidentally CANT issue any building permits on the house because it is a nonconforming house as it is a duplex which is the subject of this request. Keep in mind the house has been sitting where it is at since October of last year.

We next visited with Mr. Dan Kelly in the MPC office who was very informative on the processes involving resubdivision and variances and seemed quite satisfied with his agency's handling of this whole matter. This all changed when we pointed out to him that there was a house already on the site with no permit, that this house was in fact a duplex in an RA zone, and far more importantly, lot 2 which had its

backyard surgically removed to help create the new lot contained a preexisting duplex which requires it to maintain a 12,000 square foot minimum. It is now only 10,000 square feet. He decided he would have to consult with the MPC attorney and would get back to us in a couple of weeks. If this 12,000 ft minimum had been met, it would be impossible to place a structure on the new lot anywhere because of its size and configuration. In its PRESENT configuration, the biggest structure that can be built is 20ft by 62ft. Yes, 20ft. Who wants that in their neighborhood?

His response to Mrs. Dagnan in a couple of weeks was that the plat as recorded was erroneous, a violation of the minimum lot sizes and that the Bailey's engineering firm would revise and resubmit it. Instead of doing that however, they filed for a usage variance on salvaged duplex. Mr. Kelley said it would be on the agenda on April 10, 2008, a notification sign would be posted in the neighborhood two weeks in advance, and nothing would or could be done in the meanwhile.

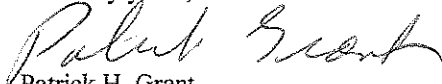
On March 17, 2008 a group of men appeared at the salvage duplex, Mrs Dagnan confronted them and they told her that they had permission from the County Engineering Dept. to set the house off its blocks. She called the County Engineering Dept and they told her they had no authority to permit any such thing. She called Codes Dept. No citations had been issued. On Thursday, March 20, 2008, a backhoe and a group of men reappeared, dug footers for the house, poured concrete in them, piled the excess dirt on the railroad's property and left. Mrs. Dagnan and I both called Codes Dept. The gentleman at Codes informed me that they did a lot of business with the Bailey's, that they were fine people and wouldn't do anything in violation of codes. Then he caught himself mid-character reference speech and promised to send someone out the next Monday as Friday was a holiday.

Throughout of this narrative there is a pattern of detached disinterest by Codes Dept and the MPC staff in the onsite activities. Let me give you a strong contrast in the conduct of the Codes Dept. in another matter. In March, 2007 my son and I were working on his house as it is one of those old stately house I earlier mentioned. It had a flat tar roof on part of it which leaked as they all do. We tore off the soffit and exposed the ceiling joists, placed two 2x6's in the exposed joists to try to figure a design to create a ridged roof that would drain. A building inspector pulled in the driveway with a "stop work order" already filled out, handed it to us at four o'clock on a Friday afternoon and told us to get a permit. Two boards and ten minutes and we had a stop work order. Next door and seven months later a 1700 square foot house appears and has remained there for five months with nothing happening.

Now, let me tell you why I think the difference. The Baileys are real estate agents/speculators, own at least 50 properties worth several million dollars and according to Mr. Kelley are both former members of your commission. I think that your staff has a corrupt and incestuous relationship with the Bailey's and probably this relationship extends to other slum landlords and members of the "rich and famous club" who know every detail of the zoning code and use it to their maximum financial advantage. I think this relationship also describes the Codes Dept's enforcement of their duties. It varies according to who you are and how much "pull and influence" you have.

I sincerely hope that if you have any honor and pride in your duties on the Commission you will turn this request down, make the Bailey's remove this illegal house, make the Bailey's withdraw their improper resubdivision and help maintain the neighborhood values of all the people who have lived here for years and years. I urge you to read section 6.50.06. It pretty well covers the situation.

Sincerely yours,

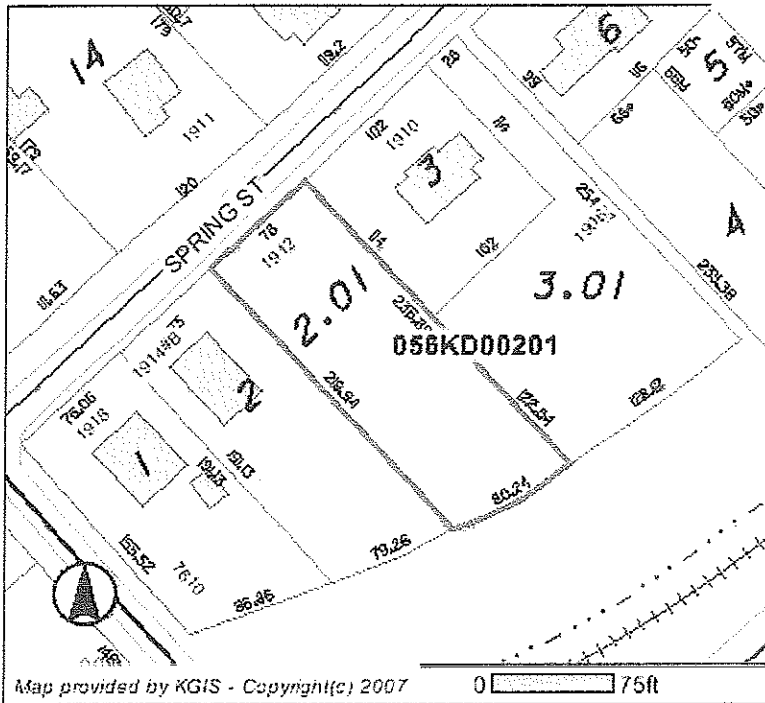


Patrick H. Grant
155 County Rd 286
Niota, Tn 37826
423-337-3846

Addendums Attached

Bailey's lots before 12/07 replat -
1, 2, 2.01, 3, 3.01

1912 SPRING ST - Property M



Parcel Information (last updated: 3/10/2008)

Location Address: 1912 SPRING ST
 CLT Map: 056
 Insert: K
 Group: D
 Condo Letter:
 Parcel: 00201
 Parcel ID: Q56KDQ0201
 Parcel Type: NORMAL
 District: E6
 Ward:
 Subdivision: LAURA G & LARRY V
 BAILEY
 Recorded Acreage: 0.00
 Calculated Acreage: 0.00
 Recorded Plat: N-101 - B
 Recorded Deed: 20030716 - 0006878
 Deed Type: WARRANTY
 Deed Date: 07/16/2003

Address Information (last updated: 3/10/2008)

Site Address: 1912 SPRING ST
 POWELL - 37849
 Address Type: RESIDENTIAL
 Site Name:

Owner Information (last updated: 3/10/2008)

BAILEY LARRY V & LAURA G TRUST
 723 CALLAHAN DR
 KNOXVILLE, TN 37912

The owner information shown in this section does **not** necessarily reflect the person(s) responsible for Last Year's property taxes. Report any errors to the Knox County Property Assessor's office at (865) 215-2365.

Jurisdiction (last updated: 1/5/2008)

County: KNOX COUNTY
 City / Township:

MPC Info (last updated: 10/25/2006)

Census Tract: 61.01
 Planning Sector: North County
 1990 Traffic Zone: 197
 2000 Traffic Zone: 197

Please contact Knox County Metropolitan Planning Commission (MPC) at (865) 215-2500 if you have questions.

Political Districts (last updated: 1/5/2008)

Voting Precinct: 73 Powell
 Voting Location: Powell High School
 2136 W EMORY RD
 TN State House: 19 Harry Brooks
 TN State Senate: 5 Randy McNally
 County Commission: 6 Robert F. Rountree
 Greg Lambert
 City Council:
 School Board: 7 Rex Stooksbury

School Zones (last updated: 5/9/2007)

Elementary: POWELL ELEMENTARY
 Middle: POWELL MIDDLE
 High (2007): POWELL HIGH
 High (2008): POWELL HIGH

Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

Please contact Knox County Election Commission at (865) 215-2480 if you have questions.

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LOCATION SHALL BE
 ON THIS PROPERTY
 BY REGISTER

SHERRY MITT
 REGISTER OF DEEDS
 KNOX COUNTY

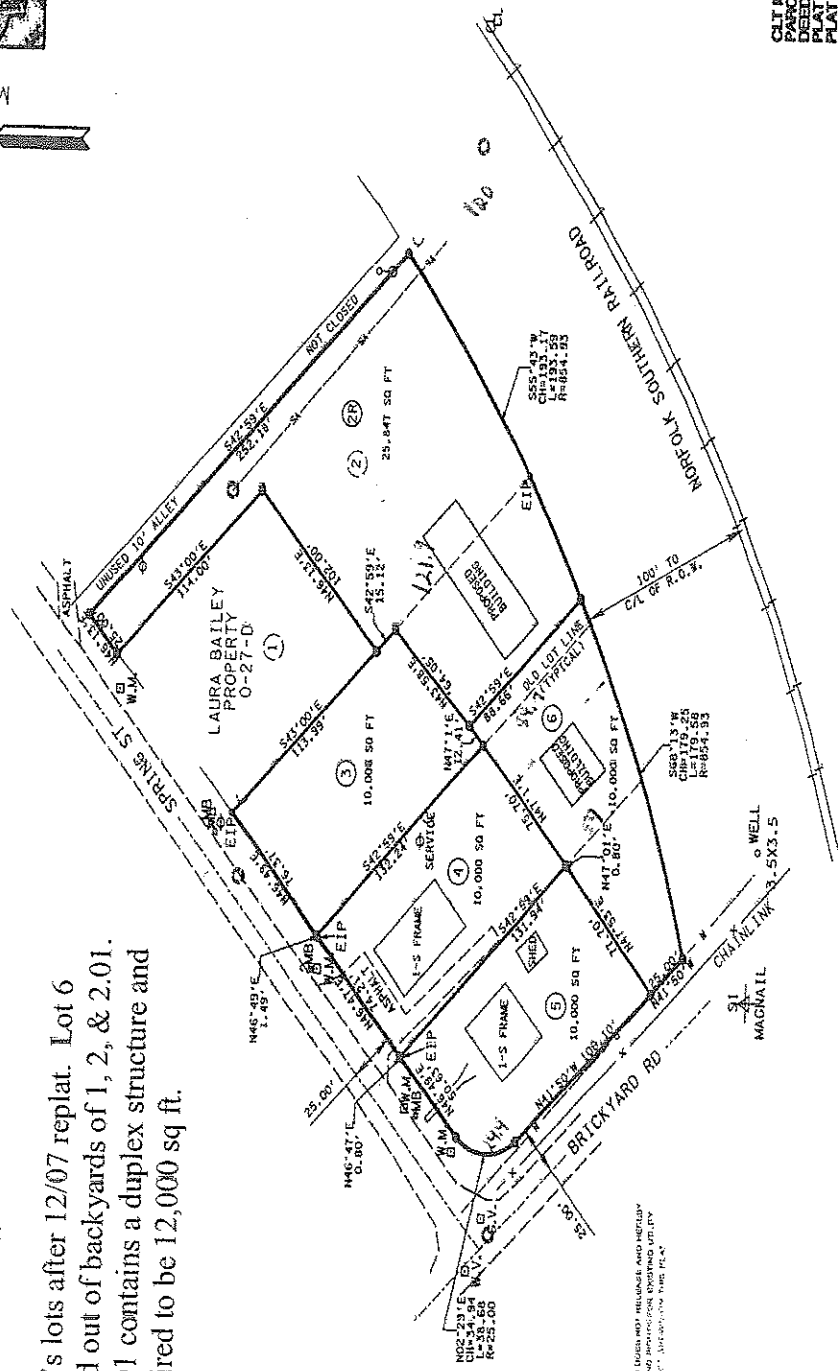
Bailey's lots after 12/07 replat. Lot 6
 Created out of backyards of 1, 2, & 2.01.
 Lot 2.01 contains a duplex structure and
 is required to be 12,000 sq ft.

- NOTES:
- 1) EXISTING MONUMENTS AS SHOWN.
 - 2) ALL OTHERS SET BY RCC&A.
 - 3) EXISTING DRAINAGE AND OR UTILITY EASEMENT EXISTS INSIDE ALL LINES ON LOT LINES AND ROADS, 5' EACH SIDE OF INTERIOR LOT LINES.
 - 4) A 15' UTILITY EASEMENT EXISTS, 7.5' EACH SIDE OF CENTERLINE OF SANITARY SEWER AS INSTALLED.

CERTIFICATE OF APPROVAL FOR RECORDING - FINAL PLAT
 THIS IS TO CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREIN HAS BEEN FOUND TO COMPLY WITH ALL REQUIREMENTS OF THE PLAT ACT OF KNOXVILLE AND KNOX COUNTY AND WITH ALL EXISTING ORDINANCES OF KNOXVILLE AND KNOX COUNTY. ANY VARIANCES AND STIPULATIONS NOTED ON THIS PLAT ARE IN FULL COMPLIANCE WITH ALL APPLICABLE ORDINANCES AND METROPOLITAN PLANNING COMMISSION. ON THIS DATE, THE KNOX COUNTY METROPOLITAN PLANNING COMMISSION HAS REVIEWED AND APPROVED THIS PLAT FOR RECORDING IN THE OFFICE OF THE KNOX COUNTY REGISTER OF DEEDS.
 DATED: 1-11-08



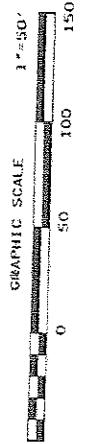
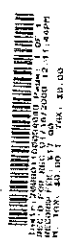
- LEGEND
- EXISTING IRON PIN
 - IRON PIN SET
 - GAS VALVE
 - WATER METER
 - MANHOLE
 - LIGHT POLE
 - SEIGN
 - WATER VALVE
 - FIRE HYDRANT
 - CATCH BASIN
 - PORE/TELEPHONE
 - MAIL BOX
 - BUNCH MARK



CLT MAP: C&S GROUP-D
 PARCELS: 001, 002, 003, 004, 005, 006, 007
 DEED INSTR: 200807160006078
 PLAT REF: N-101-B
 PLAT REF: N-101-C
 PLAT REF: O-27-D
 TOTAL NUMBER OF LOTS: 6
 TOTAL ACRES: 1.51 AC.
 ZONING: RA

SETBACKS:
 FRONT: 35'
 SIDE: 5' (SINGLE STORY)
 REAR: 25'

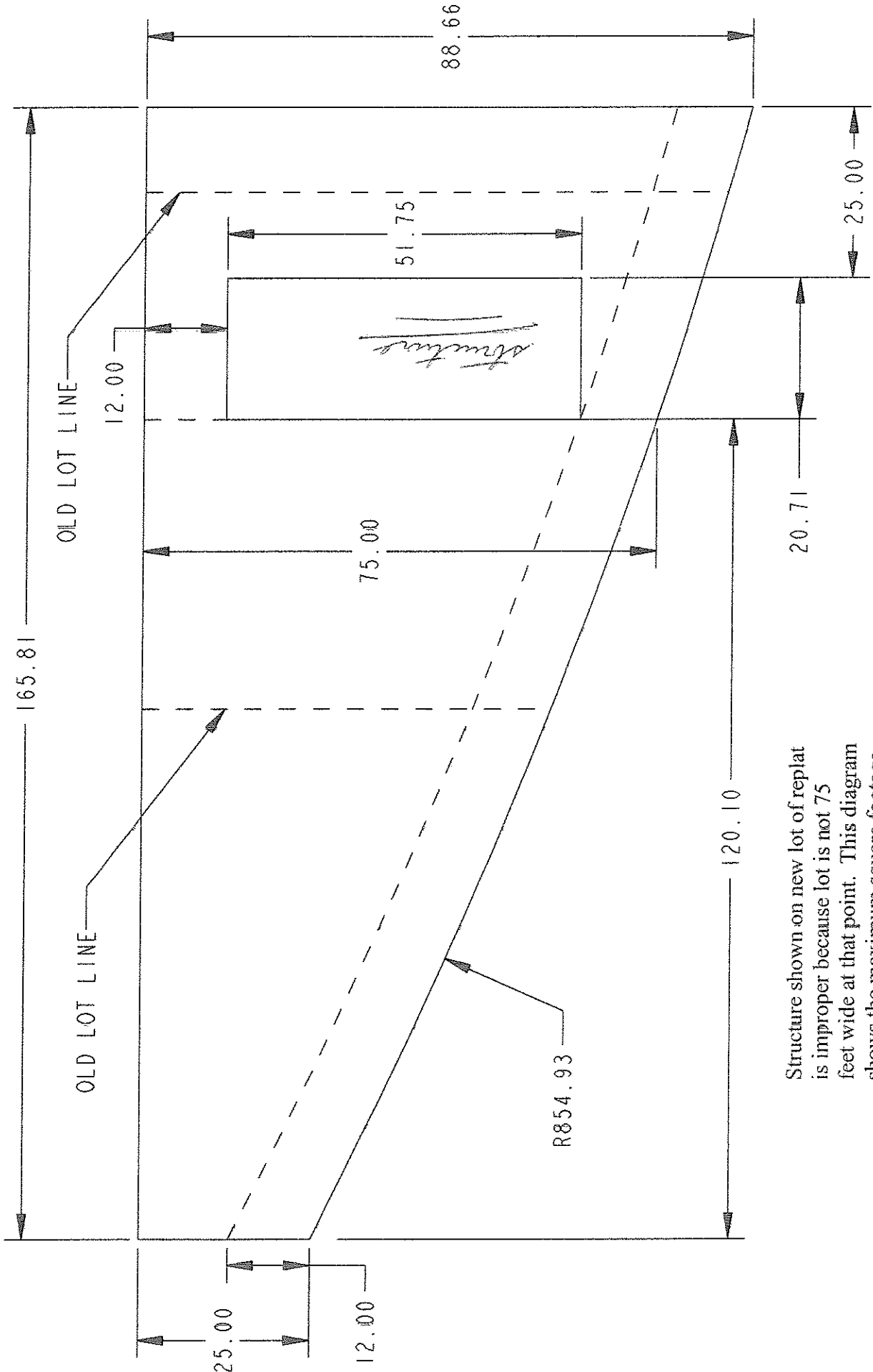
COUNTERSIGNED
 JAN 16 2008
 JAMES WHITEHEAD
 KNOX COUNTY
 PROPERTY ASSESSOR



12-SEE-07-F	
FINAL PLAT OF	
RESUB OF LAURA G & LARRY V BAILEY PROPERTY	
DIST NO. 001	SCALE 1"=80'
KNOX CO., TN	DRAWN BY DEB
SURVEYED BY	
ROBERT G. CAMPBELL & ASSOC., L.P.	
DATE 11-05-07	PROJECT NUMBER 07104
REVERSED 12-09-07	

ENGINEER
 ROBERT G. CAMPBELL & ASSOC., L.P.
 4100A HUNTER LN., #202
 KNOXVILLE, TN 37922
 PHONE: 615-947-5996

CURTIS V & LAURA G BAILEY TRUST
 P.O. BOX 5
 KNOX COUNTY
 PHONE: 615-947-5900



Structure shown on new lot of replat is improper because lot is not 75 feet wide at that point. This diagram shows the maximum square footage and placement of any structure on the new lot. It can be 8 ft longer if side set backs are 8 ft, but no wider.

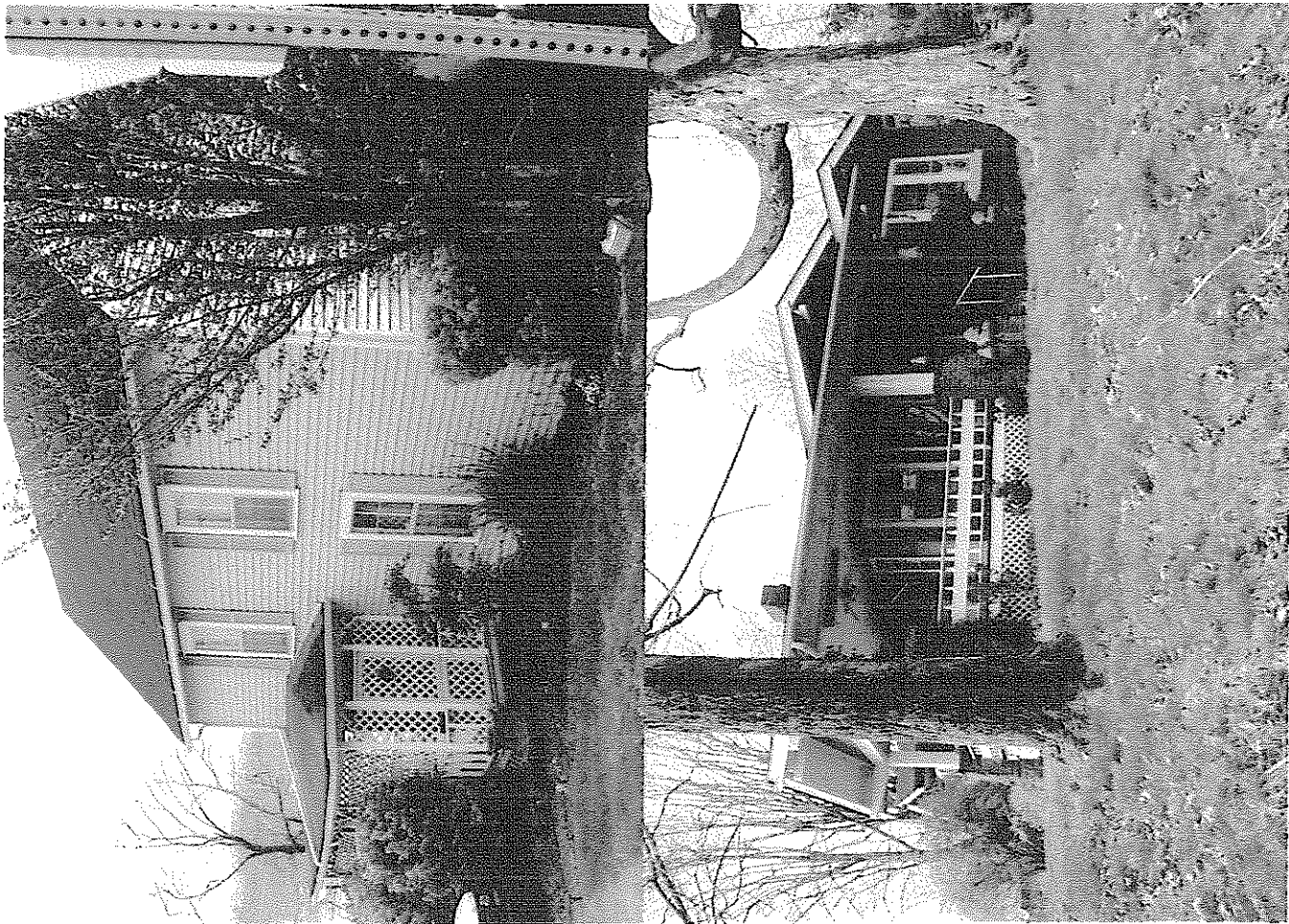
Houses at 1907 Spring Street &
1901 Spring Street



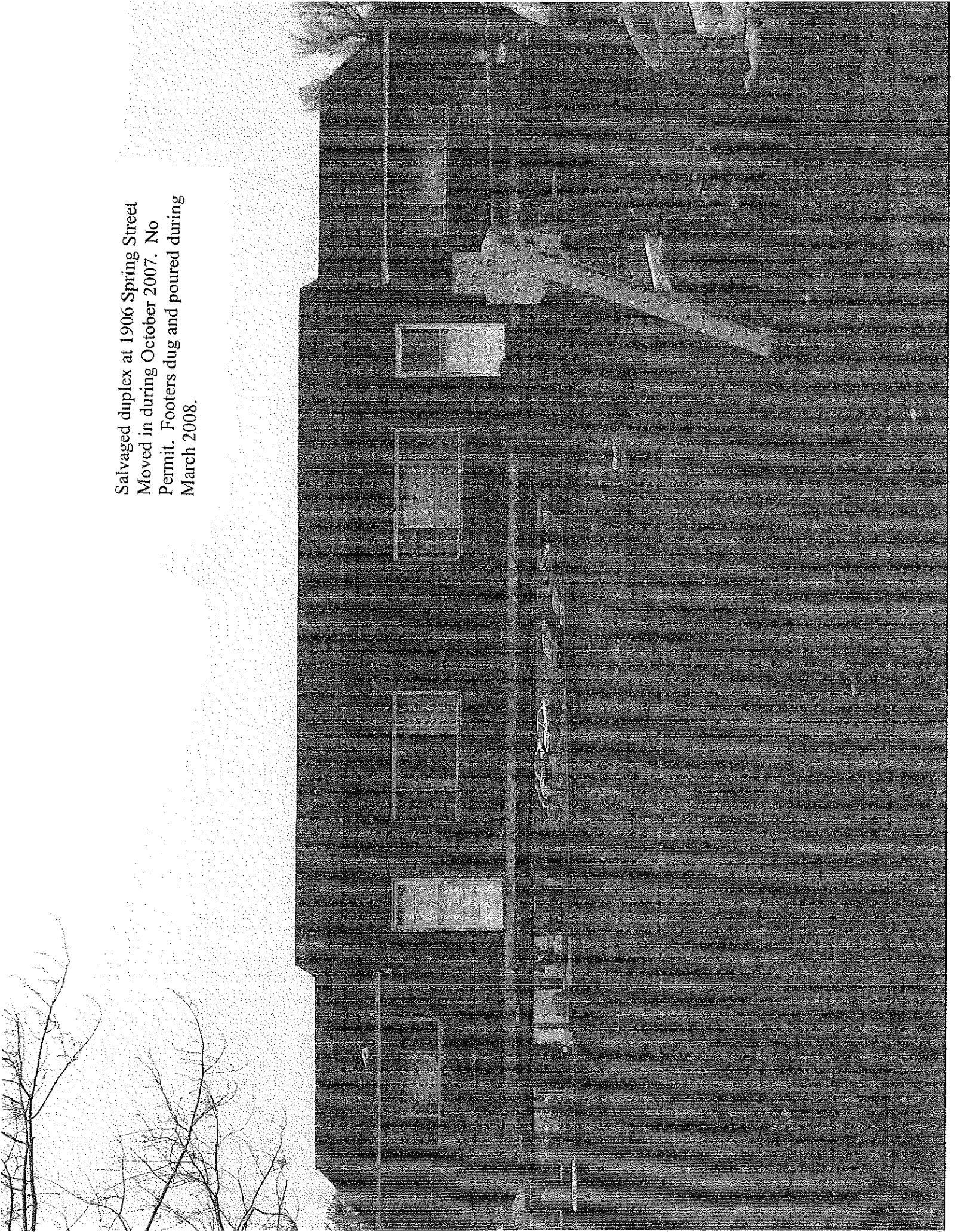
Houses at 1904 Spring Street &
1905 Spring Street



Houses at 1900 Spring Street &
1725 Spring Street



Salvaged duplex at 1906 Spring Street
Moved in during October 2007. No
Permit. Footers dug and poured during
March 2008.



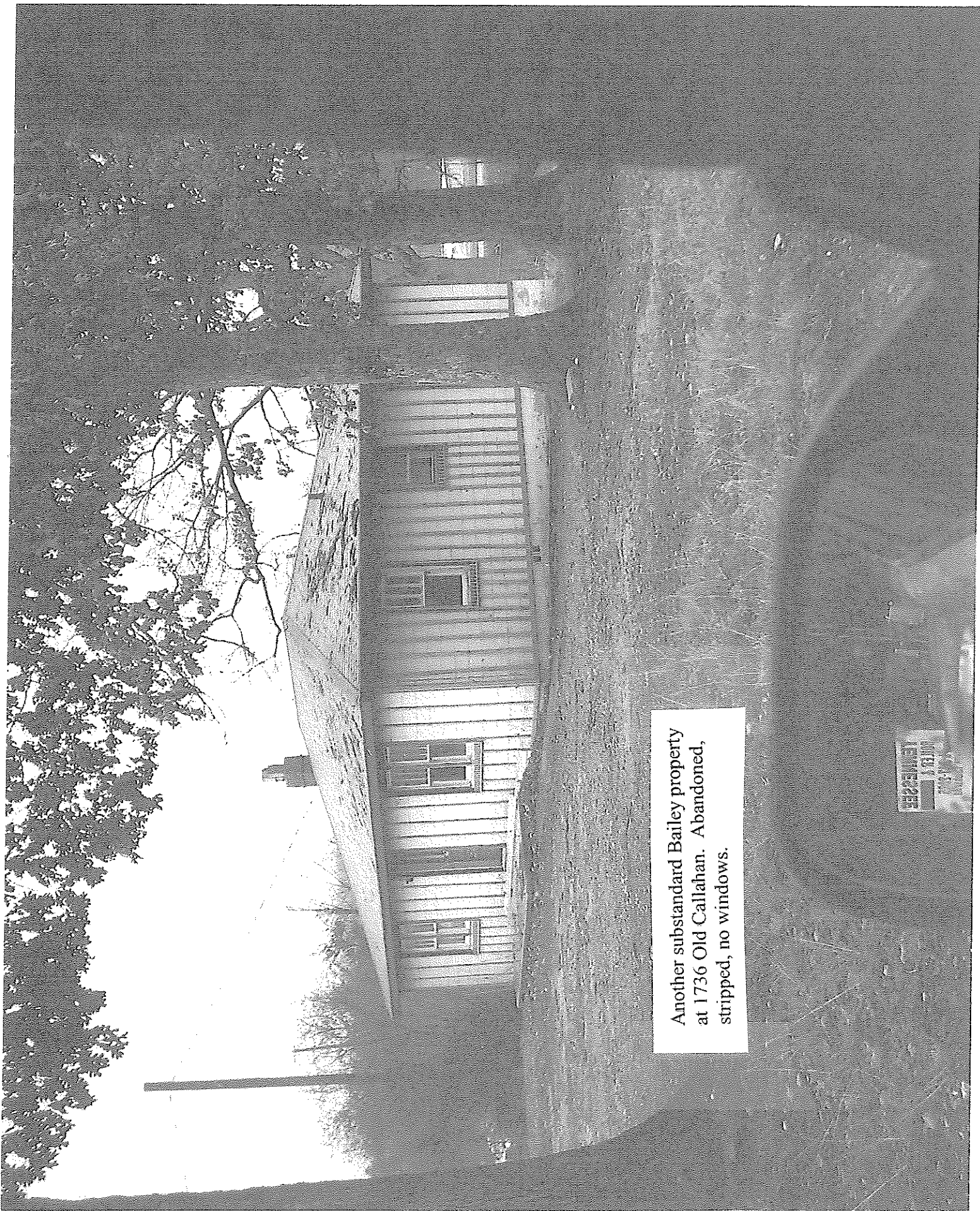






Bailey duplex at 1914A & 1914B
Spring Street





Another substandard Bailey property
at 1736 Old Callahan. Abandoned,
stripped, no windows.

BAILEY
PROPERTY