



Betty Jo Mahan &lt;bettyjo.mahan@knoxmpc.org&gt;

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**Fwd: Carol Phillips 10-D-12-UR**

1 message

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**Mark Donaldson** <mark.donaldson@knoxmpc.org>

Mon, Nov 5, 2012 at 8:09 AM

To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Buz Johnson <Buz.Johnson@knoxmpc.org>, Tom Brechko <Tom.Brechko@knoxmpc.org>, Dan Kelly <Dan.Kelly@knoxmpc.org>

----- Forwarded message -----

From: **Richard Rawe** <rawerc@comcast.net>

Date: Sun, Nov 4, 2012 at 8:22 PM

Subject: Fwd: Carol Phillips 10-D-12-UR

To: [bmoorman@benchmark-assoc.com](mailto:bmoorman@benchmark-assoc.com)Cc: Rawe Richard <rawerc@comcast.net>, [mark.donaldson@knoxmpc.org](mailto:mark.donaldson@knoxmpc.org), [tom.brechko@knoxmpc.org](mailto:tom.brechko@knoxmpc.org)

Didn't think that MPC file number looked quite right! Long day - too much football!

Begin forwarded message:

**From:** Richard Rawe <rawerc@comcast.net>**Date:** November 4, 2012 8:05:24 PM EST**To:** [bmoorman@benchmark-assoc.com](mailto:bmoorman@benchmark-assoc.com)**Cc:** [mark.donaldson@knoxmpc.org](mailto:mark.donaldson@knoxmpc.org), [tom.brechko@knoxmpc.org](mailto:tom.brechko@knoxmpc.org)**Subject:** Carol Phillips UR-D-12-UR

Sorry about the incorrect address and lack of reference to the MPC File No.

Begin forwarded message:

**From:** Richard Rawe <rawerc@comcast.net>**Date:** November 4, 2012 6:42:21 PM EST**To:** [bmoorman@benchmark-associates.com](mailto:bmoorman@benchmark-associates.com)**Cc:** [mark.donaldson@knoxmpc.org](mailto:mark.donaldson@knoxmpc.org), [tom.brechko@knoxmpc.org](mailto:tom.brechko@knoxmpc.org), WMHHA BOD, Hawthorne Bob <rehawthorne@comcast.net>, Krieg Dick <dkrieg@lewisking.com>, George Prosser <gprosser01@comcast.net>, Steve Hodges <tn1017@bellsouth.net>, Jerri Hodges <jhodges2193@bellsouth.net>, Greg Roth <groth120@gmail.com>, Susan Roth <susan.roth@lpnt.net>, Leslie Randle <randleleslie@gmail.com>, Butch Johnson <bjohnson@duofastknoxville.com>, Jennifer Goswitz <jbgoswitz@att.net>, "Len de Rohan (PERS)" <lenderohan@comcast.net>**Bcc:** Carey Bart <bartcarey@comcast.net>, Johnson Buz <BuzJohnson@comcast.net>**Subject:** Fwd: Westmoreland Hills Improvements

Your email of October 25, 2012 to Dick Krieg, and his response to you on that same date, was shared with Westmoreland Hills Neighborhood Association representatives. We continue to be disappointed by your lack of any response with respect to adverse effects to adjacent property owners and surface water runoff increases.

Furthermore, no complete plans for your Option 4, nor any plans for Option 5 have been presented to the

Association as required by recorded deed restrictions. Dick Krieg, as well as the rest of the Association, remain open to any reasonable dialogue that may provide a solution to this issue.

Geoff deRohan - Vice President Westmoreland Hills Homeowners Association

Richard Rawe - Property Chairperson & Director Westmoreland Hills Homeowners Association

Begin forwarded message:

**From:** "Krieg, Richard W." <[DKrieg@lewisking.com](mailto:DKrieg@lewisking.com)>

**Date:** October 25, 2012 9:04:43 PM EDT

**To:** Benjamin Moorman <[bmoorman@benchmark-assoc.com](mailto:bmoorman@benchmark-assoc.com)>

**Subject: Re: Westmoreland Hills Improvements**

Thank you for your email. I have passed it on to appropriate neighbors. I was NOT representing anyone but myself when I spoke, but am happy to further dialogue as requested by MPC. Thought should be given to the adverse effects to adjacent property owners and surface water runoff increases.

Sent from my iPhone

On Oct 25, 2012, at 8:32 PM, "Benjamin Moorman" <[bmoorman@benchmark-assoc.com](mailto:bmoorman@benchmark-assoc.com)<<mailto:bmoorman@benchmark-assoc.com>>> wrote:

Mr. Krieg:

Given the fact that you served as the spokesperson for the members of Westmoreland Hills who appear to be in opposition to the proposed improvements on the Phillips' property, I am forwarding you this e-mail. I trust you will address its contents with the members of your group timely.

You should be advised that Mr. de Rohan and I have had a few telephone conversations regarding various proposals. He was supposed to get with the group and report back, but I did not hear from him until late this evening. At that time this e-mail had already been drafted and was awaiting Carol's review.

I wish you to understand that Carol and I have no intention of bringing any harm to the neighborhood. However, we do wish to utilize her property within the confines of City Code and our interpretation of the Westmoreland Hills Restrictions. At this point, it is our position that the City Code is the most restrictive. I assure that our improvements will be tasteful and in compliance with City Code. However, I cannot assure you that they will be in compliance with your representative's view of the stated restrictions.

Therefore, in an effort to allow for all concerned to have input in the possible direction of those improvements; we are proposing the following options moving forward:

- 1) Someone can purchase the entire property for the purchase price Carol gave initially. This is offered even though she has made multiple additional investments in the property over time. Please note that this is the only option that eliminates us from making improvements suitable for our plans to merge two families and exist on the premises.
- 2) The Westmoreland Hills Homeowners' Association (WHHA) can purchase a portion of the subject property to be truly utilized as green space. We will not provide the required access to this newly created property, which is a requirement of the Metropolitan Planning Commission (MPC). That will have to come from another property owner. This assumes that this option is found to be in compliance with the stated restrictions. If this option is chosen, there can be no resistance to our plans to improve the existing residence to meet our needs by the WHHA or any neighborhood group. Also, my company will perform the required platting at a reasonable fee to the WHHA. In the event that the WHHA should ever cease to exist, the property will transfer back to the current owner of the parent property with no restrictions.

3) A Green Space Easement (GSE) be created on the subject property, insuring all concerned that this property will forever be preserved as green space. This space however cannot be trespassed upon by other members of the community, as it will only be a preservation easement. This option will come at a higher cost than option two, given the fact that maintenance and tax liabilities on the planned GSE fall upon the owner of the property. If this option is chosen, there can be no resistance to our plans to improve the existing residence to meet our needs by the WHHA or any neighborhood group. Also, my company will perform the required land surveying services at a reasonable fee to the WHHA.

4) We proceed forward with our plans to construct a detached garage maintaining a footprint of 1,500 square feet. This improvement will comply with everything currently under review by MPC and meet their conditions. If this option is chosen, there can be no further opposition by WHHA or any neighborhood group at any level. Both WHHA and the surrounding community will support our plans at the next scheduled MPC meeting and state in a supporting letter that there will be no appeals by either group to City Council.

5) We proceed forward with the construction of a detached garage maintaining a footprint of 1,100 square feet. This will require a different layout of the building to insure the three needed garage bays. As a result of the new building configuration, everyone needs to understand that the new improvement will lie 9 to 10 feet closer to the rear property line. It is our position that if none of the other options are chosen, this is our only avenue moving forward. We will not choose to move forward with the our MPC Use-on-Review associated with Option 4, only to have you appeal a favorable ruling to City Council.

Another term required for us considering any of the first four options is that the WHHA draft a timely newsletter to the entire neighborhood of 226 properties acknowledging that there were multiple misrepresentations concerning Carol and her planned improvements. Said letter will also apologize to Carol for any hardships previous letters have presented her within the community.

I will anxiously await your response. I feel that Friday, 02 November 2012 provides you ample time to consider our proposals. I can be reached for further discussions via e-mail or telephone at [865-567-1492](tel:865-567-1492).

Sincerely,  
Benjamin J. Moorman, RLS  
President  
Benchmark Associates, Inc.  
PO Box 23892  
Knoxville, Tennessee 37933  
Phone: [\(865\)692-4090](tel:8656924090)  
Facsimile: [\(865\)692-4091](tel:8656924091)

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