



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] Fwd: Case 12-G-19-UR

1 message

Tom Brechko <tom.brechko@knoxplanning.org>
Reply-To: tom.brechko@knoxplanning.org
To: Commission <commission@knoxmpc.org>

Thu, Dec 12, 2019 at 12:51 PM

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

From: **Tammi Radder** <tamradder@gmail.com>
Date: Thu, Dec 12, 2019 at 9:10 AM
Subject: Case 12-G-19-UR
To: <tom.brechko@knoxplanning.org>

Hello,

I am an owner in Cascade Villas, I live in the building next to the common area that Cascade Falls is applying to build on. There is currently on unapproved shed in that area, Terry Patton independently placed the structure there without owner/board approval or county approval. This land was found not buildable due to underground water, and is designated common area for our association. We have recently learned Terry had placed a lot number on this land and believes he can continue building in a completed condo association. I hope you can understand why it has many owners upset, now that they are aware of what he is applying for.

Many of us that live here are very concerned about Cascade Falls LLC's (Terry Patton) application to potentially build on our common area. Terry has lied to the condo owners about this land and his intentions for it. We have just learned recently that he is applying to build more units on our common area, in which he has not even removed the shed and debris in that common area that our board and resides have been requesting he clean up and remove for years now. The building phase is well over, although Terry Patton may think differently. He has dominated this development and treated it as his own personal land for years. Many of our owners are concerned of his actions and his intent to further control our common area and turn these units into more rentals- which he will retain and rent- lowering our owners quality for living. Terry has a track record of crafting issues and problems, changing documents and bylaws to benefit him. We are now in a situation where our association must hire a specialized attorney to repair what Terry has caused. No owner here wants Cascade Falls (Terry Patton)to conduct any more building in this condo development. Our development needs him to move on and stop causing issues for our residents.

I would like a chance to speak or write to the committee before any decisions are made or voted on, I'm not sure if they will be reviewing further today or waiting until January. Please advise on how I may be more involved on this case, I am willing to provide more information at your request.

Thank you!
Tammi Walter
8331 Tumbled Stone Way
847-912-2168

Sent from my iPhone

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Thomas Brechko, AICP
Principle Planner
865-215-3794



Knoxville-Knox County Planning | KnoxPlanning.org
400 Main Street, Suite 403 | Knoxville, TN 37902

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This message was directed to commission@knoxplanning.org



Dori Caron <dori.caron@knoxplanning.org>

[Planning Commission Comment] January 9, 2020 Planning Commission Meeting - Item 16 - File 12-SE-19-C and 12-G-19-UR

'Barbara Jordan' via Commission <commission@knoxplanning.org> Mon, Dec 30, 2019 at 6:16 PM
Reply-To: barbaraj247@yahoo.com
To: "commission@knoxplanning.org" <commission@knoxplanning.org>
Cc: "tom.brechko@knoxplanning.org" <tom.brechko@knoxplanning.org>

Please add the attached documents to this case file.

1) Minutes of the Cascade Villas HOA Annual Meeting from March 29, 2019. Under "INTRODUCTION OF DECLARANT" it states "Terry Patton introduced himself and Jim Racek of HOA Management. Terry announced that the purpose of the meeting was to turn the Cascade Villas HOA over to the membership". It had been under control of Cascade Falls LLC (Terry Patton) prior to that meeting.

2) Letter from Knox County Engineering and Public Works to Terry Patton dated February 7, 2018. The letter states that the structure under construction at 8337 Tumbled Stone Way is illegal and was to be removed on or before March 7, 2018.

3) Letter from Knox County Engineering and Public Works to Terry Patton dated April 24, 2018. In this letter, Knox County advised Mr. Patton that his appeals had been denied and that the address in question (8337 Tumbled Stone Way) includes a drainage easement purchased by Knox County in 2003 which would preclude building on this lot.

4) Plat Map for 8337 Tumbled Stone Way. This shows the area is recorded as "Common Area".

The above should serve to prove that Terry Patton/Cascade Falls LLC had no right to ownership of parcel 091JB018 (8337 Tumbled Stone Way). The building **for the most part** has since been removed. However, the basic foundation has not been removed. There is also a lot of construction debris left on the property as well as what looks to be a metal railroad car as shown in the attached photos.

I look forward to addressing this in person at the Planning Commission Meeting to be held on January 9, 2020 beginning at 1:30 PM.

Sincerely,
Barbara Berry

Board of Directors Member
Cascade Villas Homeowner Association

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This message was directed to commission@knoxplanning.org

18 attachments

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 **March 29, 2012 Meeting Minutes turning property over to HOA Associatin.pdf**
283K

 **County Letter of February 2018.pdf**
793K

 **Knox County Letter to Terry of April 24.pdf**
735K

 **Plat Map.pdf**
4195K



OFFICE OF COUNTY MAYOR TIM BURCHETT

Knox County Engineering & Public Works • 205 West Baxter Avenue, Knoxville, TN 37917

February 7, 2018

Mr. Terry Patton
Cascade Falls LLC
8118 Spice Tree Way
Knoxville, TN 37931
Via Hand Delivery

Dear Mr. Patton:

On April 19, 2017, you received a building permit, #17-1378, to construct a single family home at 8337 Tumbled Stone Way. According to the Knox County Register of Deeds, this parcel is a common area owned by the Cascade Villas Homeowner's Association. It is our understanding that you originally intended to apply for a building permit for a storage facility, but while in Codes Administration, opted to apply for a single family home permit instead.

Per the Zoning Ordinance of Knox County, a structure built in a common area is typically a clubhouse (or similar) for the community, and is a commercial structure. A single family home is not permitted in a common area. Further, the address in question includes a drainage easement purchased by Knox County in October, 2003, which would also preclude building on this lot. Unfortunately, this permit was issued in error, and contrary to the laws and ordinances of the County.

On August 30, 2017, a "Stop Work" order was issued to you, advising that no further work was to be completed on this building. It is unclear if this is some form of storage facility, or a single family home. Neither would be allowable in this location.

Please be advised that the structure under construction at 8337 Tumbled Stone Way is illegal, and must be removed on or before March 7, 2018. If it is not removed, Knox County will have no choice but to pursue all administrative and legal remedies available to us to bring the property into compliance with the Zoning Ordinance.

Sincerely,

Dwight Van de Vate
Senior Director, Engineering & Public Works

CC: Daniel Sanders, Esq.
Jim Snowden, P.E.
Randy Lilly
Sarah Fansler



OFFICE OF COUNTY MAYOR TIM BURCHETT

Knox County Engineering & Public Works • 205 West Baxter Avenue, Knoxville, TN 37917

February 7, 2018

Mr. Terry Patton
Cascade Falls LLC
8118 Spice Tree Way
Knoxville, TN 37931

Mr. Patton:

Please sign below that you are in receipt of the letter from Mr. Dwight Van de Vate for
Knox County Engineering and Public Works


Signature and Date



OFFICE OF COUNTY MAYOR TIM BURCHETT

Department of Engineering & Public Works

Codes Administration • Fire Prevention • Fleet Services • Highway Maintenance • Planning & Development
Soil Conservation • Solid Waste • Stormwater Management • Traffic Engineering

April 24, 2018

Mr. Terry Patton
Cascade Falls LLC
8118 Spice Tree Way
Knoxville, TN 37931
Via Certified Mail

Dear Mr. Patton:

On March 21, 2018, a meeting was held at Knox County Engineering & Public Works, at your request, in response to correspondence from Knox County issued December 21, 2017. In this correspondence, you were notified that a building under construction at 8337 Tumbled Stone Way was illegal, and must be removed.

The building in question sits entirely within a drainage easement purchased by Knox County to accommodate a stream impacted by a road improvement project, the Schaad Road extension. The top of a proposed cut slope associated with this project appears to be within a corner of this building. Additionally, the building is located within a common area, in violation of the Zoning Ordinance of Knox County.

You provided a Letter of Concurrence from the Tennessee Department of Environment & Conservation (TDEC) supporting a determination of wet weather conveyance made by Geos Services, LLC, and requested relief from further action by Knox County to remove the building in question. As we discussed in the meeting, the Geos finding is contrary to previous hydrologic determinations made on the same water feature.

It was agreed that Knox County would review the information provided, and in addition, retain the services of its own appropriately qualified consulting firm to determine if they concurred with Geo Services findings. Knox County retained S & ME, Incorporated, for this purpose.

I have enclosed a copy of the report provided by S & ME. It is the professional opinion of S & ME that the water feature in question is a stream, and not a wet weather conveyance. TDEC has concurred with this finding, and in addition, the U.S. Army Corp of Engineers has issued a Preliminary Jurisdictional Determination (PJD) noting the area may be a stream.

Mr. Terry Patton
April 24, 2018
Page 2:

Knox County desires to proceed with construction of the Schaad Road extension as quickly as possible. To avoid unnecessary delays, The Corps of Engineers has recommended we proceed with permitting using this PJD, as outlined in the attached Regulatory Guidance Letter, section 4a. The Corps of Engineers is the penultimate authority on jurisdictional matters involving waters of the United States.

We can find no basis to change or amend our request of December 21, 2017 that this building be removed. Please make arrangements for its removal on or before June 15, 2018. If it is not removed by this date, Knox County will pursue all administrative and legal remedies available to us to effect its removal and bring the property into compliance with the Zoning Ordinance of Knox County. You do have the right to appeal this decision to the Knox County Board of Zoning Appeals within 30 days of receipt of this notice.

Sincerely,



Dwight Van de Vate
Senior Director, Engineering & Public Works

CC: Daniel Sanders, Esq.
Ken Holbert, Esq.
Christie Renfro, TDEC
Jim Snowden, P.E.
Chris Granju, P.E.
Randy Lilly
Brad Warren, P.E.

Enclosures (3)

