



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

► **FILE #:** 5-B-21-SC **AGENDA ITEM #:** 7
POSTPONEMENT(S): 5/13/2021 **AGENDA DATE:** 6/10/2021

► **APPLICANT:** RICHARD CLARK

TAX ID NUMBER: 120 N/A [View map on KGIS](#)
JURISDICTION: Council District 2
SECTOR PLAN: Northwest City
GROWTH POLICY PLAN: N/A (within City limits)
ZONING: N/A
WATERSHED: Ten Mile Creek

► **RIGHT-OF-WAY TO BE CLOSED:** Glenmore Dr.
► **LOCATION:** Between its southeast terminus at West Hills Bynon Park and Bennington Drive

IS STREET:
(1) IN USE?: YES
(2) IMPROVED (paved)?: YES

► **APPLICANT'S REASON FOR CLOSURE:** Due to current corner lot codes (Article 10.3.1 Fence and Article 10.3.2 Pool Placement), the dead end street does not allow proper use of my property at 7916 Bennington Drive. Pool and fence applications were submitted but were denied due to current codes and street. Due to this hardship, I am asking for the closure of the dead end street of Glenmore Drive between 7916 Bennington and 8000 Bennington Drive.

DEPARTMENT-UTILITY REPORTS: The City's Engineering Department and KUB have requested to retain any easements that may be in place should this closure be approved.

STAFF RECOMMENDATION:

► **Deny closure of Glenmore Drive from its southern terminus point at West Hills and Bynon Park to its intersection with Bennington Drive since it provides public access to the park and leaves open the option for the park to develop in this area, possibly including a more defined public entry at this location.**

COMMENTS:

1. Glenmore Drive is a developed right-of-way that runs the length of one parcel and terminates at West Hills and Bynon Park. It is located midblock between Sheffield Drive and N. Winston Road and runs perpendicular to Bennington Drive.
2. Glenmore Drive is a developed right-of-way and provides a means of public access to the park.
3. Glenmore Drive also provides driveway access to both abutting properties. Should the right-of-way be closed, the paved portion would function as a shared driveway into those lots.
4. The application states the reason for the closure request is to allow the recently installed fence and pool to

remain. Neither meets the zoning ordinance requirements regarding corner lot setbacks and fence height, so the applicant hopes to close this right-of-way to add half its width to his property.

- a. Once the surrounding residents began to express opposition, the applicant expanded the reason to include public safety as a reason for the closure.
 - b. Once Planning notified the applicant of our recommendation to deny the closure request, the applicant expanded the reason for the closure to include flooding.
5. A brief history of the pool and fence installation:
- a. The City's Plans Review and Inspections Department has a record of an unpermitted pool being installed in 2015. It was an above ground pool that was removed, and the matter was resolved and closed.
 - b. In late July 2020, a Notice of Violation and a Stop Work Order were issued for unpermitted construction and/or installation of an above-ground pool, a fence and interior renovations.
 - c. In early August 2020, the applicant submitted site plans for the pool, but plans were denied because it was located in the corner-side yard and did not meet the required corner yard setback. Additionally, the fence height exceeds the maximum allowed and is located in the right-of-way.
 - d. In late August 2020, the applicant filed for a BZA variance to increase the height of the fence, but withdrew the application before the meeting. The notes for the BZA case state the application was being withdrawn so the applicant could pursue a ROW closure instead. To date, a variance has not been sought.
6. Staff has received multiple objections to this request, as neighbors use it to access the park. The park has official entries on its eastern boundary off of Sheffield Drive and its western boundary off of N. Winston Road. The park runs longer east to west, so these entries are located at the park's farthest points. There is no access from the south, as the park abuts the interstate. This right-of-way provides a closer point of entry for people living mid-block along Bennington Drive.
7. Mr. Clark has stated he would be willing to provide an access easement to allow pedestrian access for people to cross the property and access the park. He submitted drawings for review (see Exhibit B), and Planning met with the City's Engineering, Plans Review and Inspections, and Parks and Recreation departments on 5/21/2021.
- a. Option 1 would propose new signs. The drawings are not labelled with what the signage would say, but presumably, the signage would notify drivers it was a private right-of-way. However, since no other physical changes are proposed and the paved surface would remain the same, it would likely do little to dissuade drivers from using the right-of-way.
 - b. Option 2 proposes painted patterns to denote a crosswalk for pedestrians.
 - ADA has regulations regarding the cross-slope of the path, the slope along the path of travel, and the width of the surface, and revising the existing pavement from its current street standards to ADA standards would cost well into the tens of thousands of dollars.
 - The Engineering staff has submitted this statement in review of the various plans:
In evaluating the proposed options for the Glenmore Drive closure, we would not support the proposed layouts. To create a safe and functional pathway for pedestrians that meets ADA standards, the pathway would need to be physically separated from vehicular traffic/vehicular use areas (i.e. a sidewalk located behind a curb, typically with a 2' grass strip). Given the existing constraints in the area, it would be difficult and costly to build a sidewalk without significantly impacting adjacent properties.
 - c. Option 3 proposes bollards and Option 4 proposes a gate to prohibit vehicular travel past the driveways.
 - However, planning staff concludes it to be in the best interest of the community to leave the access to the park as is, which would preclude all options submitted.
8. Regarding the closure request, the following departments and organizations had these comments:
- a. Planning does not believe closure of the right-of-way is in the public's best interest, as it provides public neighborhood access to the park and leaves open the option for the park to develop in this area, possibly including a more defined access point at this location. Planning consulted with the Parks and Recreation Department on this closure.
 - b. The City Engineering Department does not object to the right-of-way closure since it costs the city to maintain the right-of-way. However, should this right-of-way be closed, the City will reserve easements for all drainage facilities and utilities if there are any current facilities located in or within five (5) feet of the property described herein. If any existing facilities or utilities are found not feasible to the site development or use, they may be removed and relocated, subject to City Engineering and/or other applicable easement holder review and approval.
 - c. The City's Fire Department had no comments.
 - d. TDOT had no Comments as this is not a state route.
 - e. KUB: We have reviewed our records and find that we have existing utility facilities located within the subject right-of-way. The approximate locations of these facilities are indicated on the enclosed prints. However, KUB does not release and hereby retains all easements and rights for existing utility facilities, whether or not shown on these prints. Should this right-of-way be closed, KUB will require the following permanent easements for its utility facilities.

- Sewer: 7.5 feet on each side of the centerline of the sewer line, 15 feet total width
- f. AT&T did not submit any comments.

If approved, this item will be forwarded to Knoxville City Council for action on 7/13/2021 and 7/27/2021. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



5-B-21-SC
CLOSURE OF PUBLIC RIGHT OF WAY

Name of Street or Alley: Glenmore Dr.
To be closed from: Bennington Drive
To be closed to: Dead end at John Bynon West Hills Community Park

Original Print Date: 4/7/2021
Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Clark, Richard

Map No: 120
Jurisdiction: City

0 100
Feet



APRIL 9, 2021

Knoxville Utilities Board
Steve Borden, Regional Director, TN Dept. of Transportation
Harold Cannon, Director, Department of Engineering
Steve King, Department of Engineering
Sonny Partin, Fire Marshall
Shannon Sims, AT&T
Ben Davidson, Department of Engineering
Charlotte Goforth, Department of Engineering

From: Michelle Portier, Senior Planner, Knoxville-Knox County Planning

RE: REQUEST CLOSURE OF GLENMORE DR. BETWEEN ITS TERMINUS AT WEST HILLS BYNON PARK AND BENNINGTON DRIVE. COUNCIL DISTRICT 2, NORTHWEST CITY SECTOR. (5-B-21-SC)

Please give us the following information in writing regarding this proposed closure if your agency has an objection, or any conditions you wish considered with this request:

- 1** Is there any present or anticipated future need for this street/alley which in your opinion would warrant retaining it for public use?
- 2** What present use does it serve?
- 3** What future use is anticipated?
- 4** Do you oppose closing (vacating) it?
- 5** If closed (vacated), would easements meet your needs?
- 6** If easement will meet needs, please state easements required.

This request will be considered by the Knoxville-Knox County Planning Commission on May 13, 2021. A map showing the street or alley in question is attached for your information.

PLEASE NOTE: Failure to reply to our office by Monday, April 26, 2021 will be considered as no objection by your agency.

C: Amy Brooks, Executive Director, Knoxville-Knox County Planning
Attachment: Application

a

April 26, 2021

Michelle Portier
Knoxville-Knox County
Metropolitan Planning Commission
Suite 403, City-County Building
Knoxville, Tennessee 37902

Dear Ms. Portier:

Re: Right-of-Way Closure Request 5-B-21-SC

We have reviewed our records and find that we have existing utility facilities located within the subject right-of-way. The approximate locations of these facilities are indicated on the enclosed prints. However, KUB does not release and hereby retains all easements and rights for existing utility facilities, whether or not shown on these prints.

Should this right-of-way be closed, KUB will require the following permanent easements for its utility facilities.

Sewer – 7.5 feet on each side of the centerline of the sewer line, 15 feet total width

If you have any questions regarding this matter, please call me at (865) 558-2483.

Sincerely,



Christian Wiberley, PE
Engineering

CGW



Dori Caron <dori.caron@knoxplanning.org>

Row closures for May 2021 5-A-21-AC, 5-B-21-SC, 5-C-21-SC and 5-D-21-SC

Sonny Partin <spartin@knoxvilletn.gov>

Mon, Apr 26, 2021 at 3:12 PM

To: Michelle Portier <michelle.portier@knoxplanning.org>

Cc: Dori Caron <dori.caron@knoxplanning.org>, Christian Wiberley <Christian.Wiberley@kub.org>, Shannon Sims <ss3775@att.com>, Steve Borden <steve.borden@tn.gov>, Levan King Cranston <levan.cranston@knoxplanning.org>, "amy.brooks@knoxplanning.org" <amy.brooks@knoxplanning.org>, Laura Edmonds <laura.edmonds@knoxplanning.org>

Michelle,

All four are approved by fire dept.

Sonny

Asst. Chief Sonny Partin C.F.P.S.

Fire Marshal

City of Knoxville Fire Dept.

City County Bldg.

[400 Main St. Suite 539](#)[Knoxville Tn. 37902](#)

865-215-2283 Office

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Dori Caron <dori.caron@knoxplanning.org>

Row closures for May 2021 5-A-21-AC, 5-B-21-SC, 5-C-21-SC and 5-D-21-SC

Steve Borden <Steve.Borden@tn.gov>
To: Dori Caron <dori.caron@knoxplanning.org>

Thu, Apr 22, 2021 at 10:42 AM

Please find the following responses from TDOT District 18 Operations:

5-A-21-AC: No comment

5-B-21-SC: No comment

5-C-21-SC: No comment

5-D-21-SC: No comment



Steven M. Borden, P.E. | Director/Assistant Chief Engineer

TDOT – Region 1

[7345 Region Lane](#)

[Knoxville, TN 37914](#)

(865) 594-2400

Steve.Borden@tn.gov

tn.gov/tdot

From: Dori Caron <dori.caron@knoxplanning.org>

Sent: Friday, April 9, 2021 2:53 PM

To: Amy Brooks <amy.brooks@knoxplanning.org>; Ben Davidson <bdavidson@knoxvilletn.gov>; Charlotte Goforth <cgoforth@knoxvilletn.gov>; Christian Wiberley <Christian.Wiberley@kub.org>; Harold Cannon <hcannon@knoxvilletn.gov>; Laura Edmonds <laura.edmonds@knoxplanning.org>; Michelle Portier <michelle.portier@knoxplanning.org>; Shannon Sims <ss3775@att.com>; Sonny Partin <spartin@knoxvilletn.gov>; Steve Borden <Steve.Borden@tn.gov>; Steve King <sking@knoxvilletn.gov>; Levan King Cranston <levan.cranston@knoxplanning.org>

Subject: [EXTERNAL] Row closures for May 2021 5-A-21-AC, 5-B-21-SC, 5-C-21-SC and 5-D-21-SC

4/23/2021

Knoxville - Knox County Planning Mail - Row closures for May 2021 5-A-21-AC, 5-B-21-SC, 5-C-21-SC and 5-D-21-SC

***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****

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Michelle Portier <michelle.portier@knoxplanning.org>

Row closures for May 2021 5-A-21-AC, 5-B-21-SC, 5-C-21-SC and 5-D-21-SC

Curtis Williams <cmwilliams@knoxvilletn.gov>

Tue, May 25, 2021 at 2:25 PM

To: Michelle Portier <michelle.portier@knoxplanning.org>, Chris Howley <chowley@knoxvilletn.gov>

Michelle,

In evaluating the proposed options for the Glenmore Drive closure, we would not support the proposed layouts. To create a safe and functional pathway for pedestrians that meets ADA standards. The pathway would need to be physically separated from vehicular traffic/vehicular use areas (i.e. a sidewalk located behind a curb, typically with a 2ft grass strip). Given the existing constraints in the area, it would be difficult and costly to build a sidewalk without significantly impacting adjacent properties. Thanks for allowing us to provide input.

CW

From: Michelle Porer [mailto:michelle.portier@knoxplanning.org]

Sent: Tuesday, May 25, 2021 11:37 AM

To: Chris Howley <chowley@knoxvilletn.gov>

Cc: Curtis Williams <cmwilliams@knoxvilletn.gov>

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CITY OF KNOXVILLE

Engineering
Benjamin D. Davidson, PLS
Technical Services Administrator

April 21, 2021

Knoxville-Knox Planning
City-County Building, Suite 403
Knoxville, Tennessee 37902

SUBJECT: Closure of Glenmore Dr (dead-end)
MPC File # 5-B-21-SC; City Block 37909

The City Engineering Department has no objections to close the above described right-of-way area. However, should this right-of-way be closed, the City will reserve easements for all drainage facilities and utilities, **if there are any current facilities**, located in or within five (5) feet of the property described herein. No easements are reserved if there are no current facilities within the closure area. If any existing facilities or utilities are found not feasible to the site development or use, they may be removed and relocated, subject to City Engineering and/or other applicable easement holder review and approval.

Sincerely,

Benjamin D. Davidson, PLS, Technical Services Administrator
Technical Services/Department of Engineering
Ph: 865-215-2103

Knoxville Board of Zoning Appeals

I Brenda Miller residing at 8004 Bennington Dr. Knoxville TN 37909 have been notified about the application for the street closer of Glenmore Dr. and the variances that have been applied for. The variances will relieve the current difficulties and particular hardships that were caused by the current zoning. This will also help resolve current vehicle traffic issues that keeps increasing.

Brenda B. Miller

Signature:

5/5/2021

Date:

Brenda B. Miller

Printed Name:

Knoxville Board of Zoning Appeals

Candace Mark residing at
7905 Bennington Dr. Knoxville.TN 37909 have been notified
about the application for the street closer of Glenmore Dr. and the
variances that have been applied for. The variances will relieve the
current difficulties and particular hardships that were caused by the
current zoning. This will also help resolve current vehicle traffic issues
that keeps increasing.

Candace Mark

Signature of Property Owner:

4/5/21

Date:

Candace Mark

Printed Name:

Knoxville Board of Zoning Appeals

LORI M BAKER residing at
1908 Bennington Dr. Knoxville.TN 37909 have been notified
about the application for the street closer of Glenmore Dr. and the
variances that have been applied for. The variances will relieve the
current difficulties and particular hardships that were caused by the
current zoning. This will also help resolve current vehicle traffic issues
that keeps increasing.

Lori M Baker

Signature of Property Owner:

5/5/2021

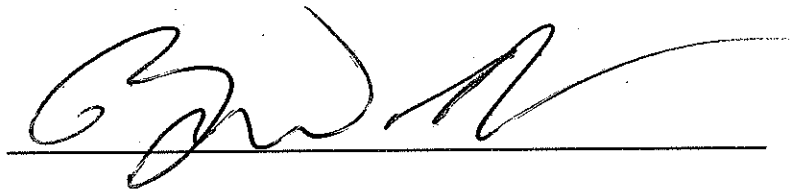
Date:

Lori M Baker

Printed Name:

Knoxville Board of Zoning Appeals

Ryan Webb residing at
4013 Bennington Dr. Knoxville TN 37909 have been notified
about the application for the street closer of Glenmore Dr. and the
variances that have been applied for. The variances will relieve the
current difficulties and particular hardships that were caused by the
current zoning. This will also help resolve current vehicle traffic issues
that keeps increasing.



Signature of Property Owner:

5/4/21

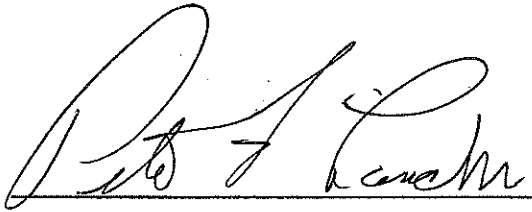
Date:

Ryan Webb

Printed Name:

Knoxville Board of Zoning Appeals

Peter F. Landrum residing at
8024 Bennington Dr. Knoxville, TN 37909 have been notified
about the application for the street closer of Glenmore Dr. and the
variances that have been applied for. The variances will relieve the
current difficulties and particular hardships that were caused by the
current zoning. This will also help resolve current vehicle traffic issues
that keeps increasing.



Signature of Property Owner:

5/4/21

Date:

Peter F. Landrum

Printed Name:

Statement from Richard Clark applicate of Case File #5-B-21-SC

I have been advised that I would have five minutes for a rebuttal to any opposition to my application to close Glenmore Drive in West Hills neighborhood. It will take more than five minutes to explain or give a rebuttal, so I am submitting this statement. In all honesty, I had no reason to expect opposition to the closing of the street, and I had no idea that my neighbors felt the way they do.

In this statement, I would like to list some of the issues that we have dealt with in the last twenty-one years living beside Glenmore Drive, and address any issues presented by the opposition. I can answer any additional questions the committee may have at the meeting on May 13th, 2021.

We bought the property at 7916 Bennington Dr. in April of 2000. It was a “fixer-upper” with all original 1957 décor and kitchen. Within weeks of moving in, we started noticing disconcerting issues and situations directly related to the dead-end street, Glenmore Dr.

Some of the issues were and currently are on going:

- Drug deals at the end of the street near the park boundary.
- Illegal parking on a daily basis at all times of the day.
- Trash being left up and down the dead-end street and in my yard.
- Vandalism of my private property.
- People having sex in parked cars.
- People driving over the high-pressure pipeline.

There are so many more issues and instances that I cannot list them all. But if you can think of a problem, it has probably happened.

While an active member of the West Hill Community Association, I started asking questions of our executive board to get help and advice on alleviating some of the issues listed. First, I contacted KUB and requested a streetlight be installed at the bottom of the dead-end street and park boundary to help eliminate any safety issues that were occurring at night. The streetlight took care of stopping the drug dealer from returning.

Another issue dealt with was the number of cars illegally driving across the park boundary where a highly pressurized gas pipeline is located along the entire length of the park and greenway. The continuous traffic into the park across the pipeline caused ruts up to two feet deep in places. The pipeline is approximately four feet deep in this particular location. After bringing the issue to the attention of the pipeline company,

they requested that the city install some type of deterrent to keep people from driving across it. The city installed a cable and post system across the dead-end street at the park boundary.

The solution created a new unforeseen issue of people being bold enough to drive over the curb and, up to 30 yards, onto my property to get around the posts, cables, and bushes to be able to drive into the park to the pavilion or other areas.

Having four small children growing up in this amazing location, in this amazing neighborhood, we noticed that people weren't just turning into the street but turning in at alarming rates of speed. This was very dangerous for our kids even when they were strictly supervised by me or my wife.

To address that issue, we used traffic cones toward the bottom of the dead end to make a safe zone for our, and all neighborhood, kids to ride their bikes. The cones were run over. We next tried the "kids at play" signs with flags attached. They were hit and destroyed.

After calling KPD with no results and no real actions taken, I thought there was nothing we could do.

Over the past 21 years I have picked up trash, dealt with speeders, asked illegally parked persons to move their cars to the appropriate park parking lots, and maintained and weeded the bottom of the dead-end street.

Myself and our previous neighbors, across the dead-end street, have personally dealt with these, and many other, problems and illegal activities.

At no time have any of the neighbors that are opposed to this street closure, dealt with these issues personally or offered any help. The main neighbor opposed to the street closing, lives across the street and down from Glenmore Drive. They had previously signed an acknowledgement and approval statement that was submitted with the original application.

That was a brief summary of some of the issues that have occurred in the last 21 years. These issues lead up to the current right-of-way issues. There are other issues such as the Postal Workers Union Picnic incident, and the West Hills Flood. If you would like more information on these instances, I can answer any questions at the meeting.

That gets us caught up to current and ongoing issues with zoning and hardships. As stated above, I have personally dealt with all of the issues on Glenmore Drive firsthand. We decided to put up a privacy fence around our backyard as a last resort solution. Phase I of the fence ran from the corner of the house, down the driveway, and

down the length of Glenmore to the park boundary. This was completed three years ago. This phase was done to stop people from driving across my backyard to enter the greenway, and to keep them from using my yard to turn around on the dead-end street. My previous neighbor, across the dead-end street, had installed a chain-link fence to stop cars from driving onto his property as well. Our fence had to be done in phases and be completed as money was available due to living on a budget and raising four kids, one in college and another starting college.

During Phase I of our fence project, I installed a sixteen-foot indented section of the fence at the bottom corner of my yard. This was done to ensure neighbors had a wide enough path to walk around the post and cable system installed by the city. The path was four feet wide, landscaped and mulched as a pedestrian walkway for our neighbors to continue utilizing it as a park entrance. This was done three years ago to allow neighborhood access to the greenway. I am now being accused of not allowing neighbors to use it as an entry to the park if the application for street closure is approved. This path and bumped in area of the fence can be seen on the bottom corner of the Glenmore Dr. aerial photograph in the application packet.

Last spring, due to Covid-19 and my eldest son being home from college because of campus closure, Phase II of the fence was completed across the rest of the back yard. During this time, my wife had found a great deal on a used, above ground pool. Since we had a fence and we were all stuck at home due to Covid regulations, we thought the pool would be a great addition for our family. There was only one location that the pool could be set up, due to KUB installing a clean-out pipe for the sewer system upgrade in the middle of my backyard.

On July 27th, 2020, a city zoning official arrived at my property to advise me that their office had received an anonymous tip about a fence and pool that could be in violation. After some investigation, it was determined that I had installed my fence and placed my pool in my front side yard. This was because the dead-end street, Glenmore Drive, was a named city street. Later, that same afternoon, a second zoning official arrived to inspect the fence and listed a few additions, such as self-closing gates. The items listed were completed immediately because he said he would return in 10 to 14 days for a second inspection.

At this time, I contacted a past HOA president to ask for advice on what to do. He suggested to call the current city councilman and county commissioner to discuss the zoning issues because it would most likely have to be addressed at a BZA (Building Zone Authority) meeting. After contacting Hugh Nystrom, the current county commissioner at that time, I was referred to Andrew Roberto, my district's city councilman. They both helped me get in contact with the correct officials in the zoning office for a street closure and variances application.

After putting the application packet together while working with zoning. The city departments involved were in agreement and signed off on the application. The packet included each of my neighbors that border my property signing an agreement statement that was about the variances and street closure. At that time, all neighbors were approving of the application. This included my new neighbors across the dead-end street, the West family. They are in full agreement with the application because after a few months living beside the dead-end street, they started noticing the issues as well.

Before filling my application officially, the zoning official called to inform me that his department would not actually be able to help. He said I needed to file for a right-of-way closure with the planning commission. Zoning and the BZA would not be able to help because it did not address the issue of the pool. There had to be a right-of-way closure filed.

After taking all the paperwork to the planning committee to be filed for the right-of-way closure, I was informed that it would be over \$1000 fee to get the application filed for the upcoming meeting. I had missed the deadline for that meeting's normal filing fee. I learned that the base fee for right-of-way closure was \$750. At that time in the fall, we did not have an extra \$750 in the budget for the fee. Last spring, after finishing "Phase II" of the fence and paying for my daughter's Covid wedding, money was tight. After finally closing on my deceased parent's house in March of 2021, I was finally able to pay the application fee that same month.

On the morning of 4/28/21, my neighbor Aaron West and I, placed the required information sign at the base of the Glenmore Drive street sign for best visibility. I was advised of opposition from a neighbor on the afternoon of 4/30/21 by Michelle Portier. After a brief conversation, she advised, and we agreed that including a permanent pedestrian, right-of-way easement should address most concerns by neighbors.

We soon learned that the neighbor in question Joe Sitver. He approached not only, the original 6 neighbors who agreed to the closure, but also continued to contact every neighbor on this 2 block stretch of Bennington Drive, who had nothing to do with the original application. After having to take off work multiple days late week to address Mr. Sitver's neighborhood campaign of misinformation and slander against myself and my family. My wife and I personally went door to door to answer questions or concerns and clarify the inaccurate information that had been given. This resulted in the support of 5 additional neighbors that border the original 6 signees. They signed the understanding and acknowledgement statement about the case and the statements were submitted. By answering questions of other neighbors along Bennington Dr. there was additional verbal support given. Some didn't feel comfortable giving written statements.

Now I would like to address the Sitver's opposition statements to clarify the incorrect information posted on the public comment section of this page and presented to our neighbors. I will start with Mr. Sitver's 8 points first.

1. Neighborhood safety:

Parking cars for neighbors across the street from Glenmore Drive has never been an issue. All we have ever asked is that our driveway not be blocked by our neighbors or their guests. Parking on Glenmore Drive is actually illegal as the entire street is a no parking zone. After 21 years of never having an issue with our neighbors parking on Glenmore, why would it change now?

2. Law enforcement:

KPD has not used Glenmore Drive in over 5 or more years to do any traffic calming. They have been using Winston Road for this purpose for the last several years because it is a main entry into West Hills with a crosswalk for the greenway.

The study that Mr. Sitver referenced regarding the speeding on Bennington was actually done by myself, in the front yard, using my son's Hotwheels radar gun about 12 years ago.

3. Security Threats and Neighborhood safety:

Because Mr. Sitver lives across the street and down from Glenmore, he has never dealt with anyone driving through his backyard or with the illegal parking on the dead-end street.

4. Neighbors living across from Richard Clark:

First of all, my property is not a junkyard and my deceased parents have never lived in a RV on the street and take offence of his accusation of them being homeless. My parents did visit my first-born son and parked their camper in my driveway while heading down to Florida. This happened 21 years ago this September. Yes 21 years ago and he is trying to make it a somehow current event. Following up on safety issues, during that visit my parents being light sleepers observed suspicious activity in the bottom of the dead-end street and stopped a drug dealer in the neighborhood. But I guess that does not matter to Mr. Sitver because their camper must have been an eyesore for their short visit. Also, I do not own a carport I do have a small 8x10 foot covered patio that does have some construction material under it stacked neatly. Those items were planned to be installed in an addition to the back of my home. The addition has been delayed because of covid. I would love to build a garage but after

researching zoning laws for past few months I discovered I cannot because of Glenmore Dr. To see the construction material, you have to stair directly down my driveway from Glenmore Dr. There was a delivery of wood chips that was delivered in the wrong spot on 4-23-21. I have sense relocated the pile of wood chips it my landscaping and flowerbeds in between rainstorms and working 60-80 hours a week.

5. The Churchill stub:

This is a completely different situation from Glenmore. It has addresses attached to the short 80ft section; Glenmore Drive is an oddity. After researching the street to put these applications together, I discovered that it is the only residential named dead-end street in Knoxville that does not have an address on it.

6. Overflow Parking:

Once again, parking has never been an issue. However, it has been done by Mr. Sitver for 20 years. No other residents beyond this small section of Bennington Drive have had the privilege of illegally parking their cars or guest's cars on Glenmore Dr. The other 80 plus Bennington Dr. residents have not had this privilege of an extra parking area. They just had to make do with what they have for parking on or at their property.

7. Park Access cut off:

A permanent public easement to the greenway has been requested by me to be included in the application. Glenmore Drive has never actually been an official entrance to the park or greenway. The bottom end of Glenmore Drive is simply a boundary for the park. Glenmore Dr. supposed to connect a parking lot and ball fields until opposition of the surrounding neighbors were addressed and being a flood plain area for the 3rd creek water shed.

8. Public paid for the Glenmore Drive creation:

Glenmore Drive was paid for by the developer of the West Hills subdivision in the late 1950's. As for upkeep and maintenance of Glenmore drive, the city has not paved the road for over 12 years because of the West Hills flood incident.

Now to address Mrs. Sitver's 5 points

1. Overflow parking:

This has been previously addressed. Glenmore Drive is NOT a cul-de-sac. That would imply that there is room to turn around. The turn around was my backyard before installing the fence. Now, the turn around is my neighbor's and my driveways.

2. Park access being cut off:

This has been addressed above.

3. Security Treats and Neighborhood Safety:

This has been addressed above.

4. Lowering Property Values:

The hurtful and slanderous reference to the "Clarks Junkyard" is used again. If my property is such an eyesore why the house 3 doors down reportedly sell for \$30,000 over full asking price with an all-cash offer. Why would my current neighbor pay what he did for his house to live next door to an eyesore junkyard? Why would Mr. Sitver tell his coworker and my current neighbor the West's about a house for sale next door to a eyesore junkyard? Why would I jeopardize the amount equity I have gained sense buying my home? All of what Mrs. Sitver is calling eyesores cannot even be seen in plain view without being on Glenmore Dr. Because they live across the street and down.

5. Loosing access to Glenmore Dr.: No access is being lost.

All the above issues could have or would have been addressed if the Sitver's had informed me or our HOA during the past 20 years of their concerns. Not sure of why they never addressed anything over the years while attending cookouts, ice cream socials, outdoor movie nights and other events on my property. None of this seemed to be an issue until they became opposed and think they are losing an illegal privilege of parking cars on Glenmore Dr. for the past 20 years.

I would like to address the commits left by Mark 37909.

Mark has never delt personally with any of the issues that have occurred on Glenmore Dr. or needing access to the park because his property backs up to the greenway. Sidewalks would be wonderful and have been proposed many times over the years. But as a city official stated in an HOA meeting that until a horrific accident occurs most things like sidewalks or low priority.

I would like to address the commits left by Charles 37909:

Including a Permanent Public Access Easement should take care of this concern. Becoming a Blight and multiple other issues seems to be just coping things Mr. Sitver has spread during his email campaign. Being a newer resident to the neighborhood they have not had to deal with the issued associated with living along Glenmore Dr.

I would like to address the commits left by Megan 37909:

Including a Permanent Public Access Easement should take care of this concern.

I could go on, but the most resent commits are just the same nonissues parroted by others from the misinformation spread by the Sitver's.

In summary after dealing with all the issues over the past 21 years and the new hardships that have occurred due to zoning issues with Glenmore Dr. I am asking for the Right of Way Closure with a Permanent Pedestrian Right of Way Easement to be approved by this committee.

Richard Clark

7916 Bennington Dr.

Knoxville, TN 37909

5-B-21-SC

Exhibit A. Contextual Images



5-B-21-SC

Exhibit A. Contextual Images

Street view of Glenmore Drive and Bennington Drive



View at end of Glenmore Drive to the park (prior to recent changes by resident)



5-B-21-SC
Exhibit A. Contextual Images

Existing view at dead end of Glenmore Drive following changes made by resident (*photo supplied by applicant*)



Applicant's property highlighted below

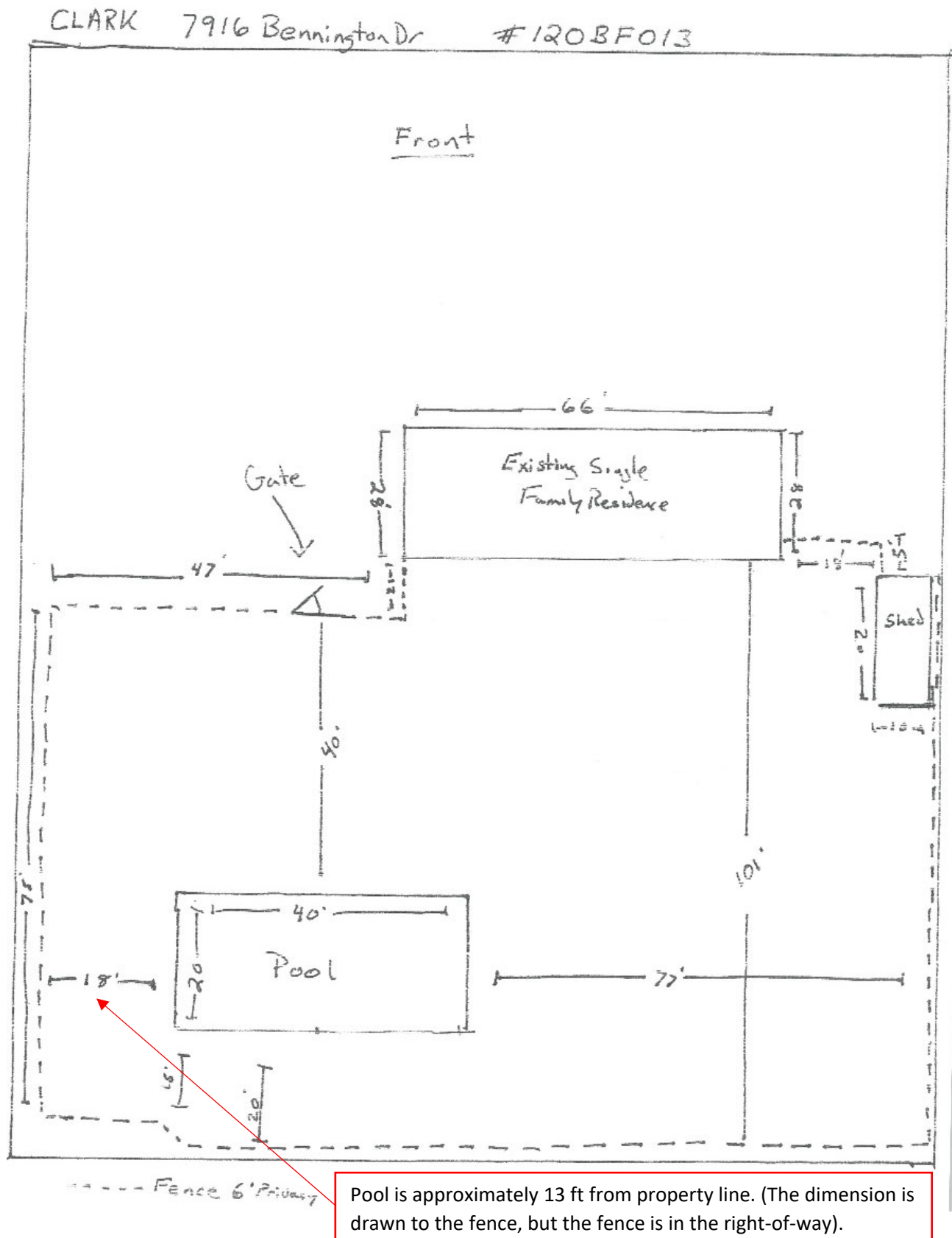


Newly constructed fence

Newly installed pool

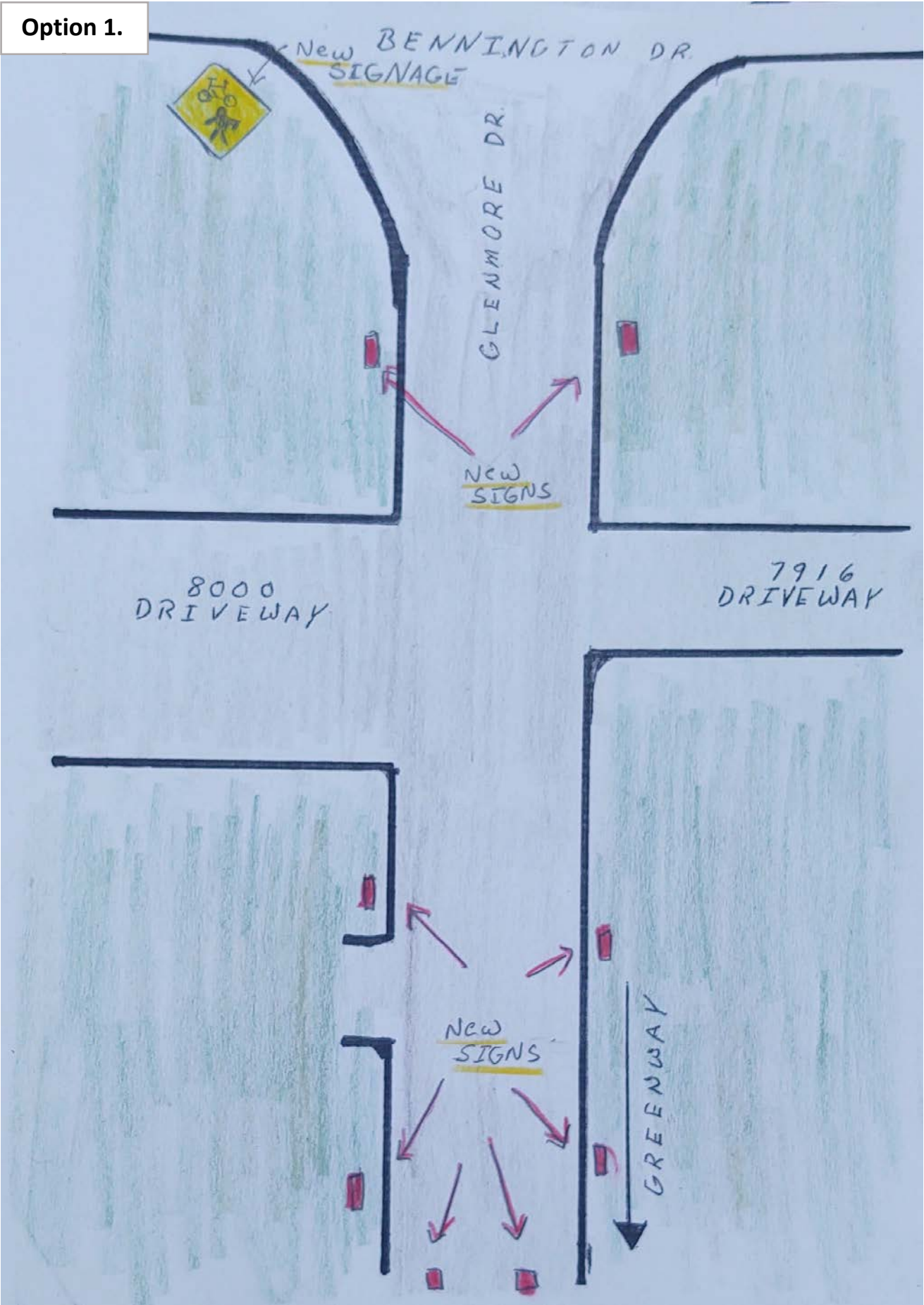
5-B-21-SC
Exhibit A. Contextual Images

Site Plan Submitted for Permits.



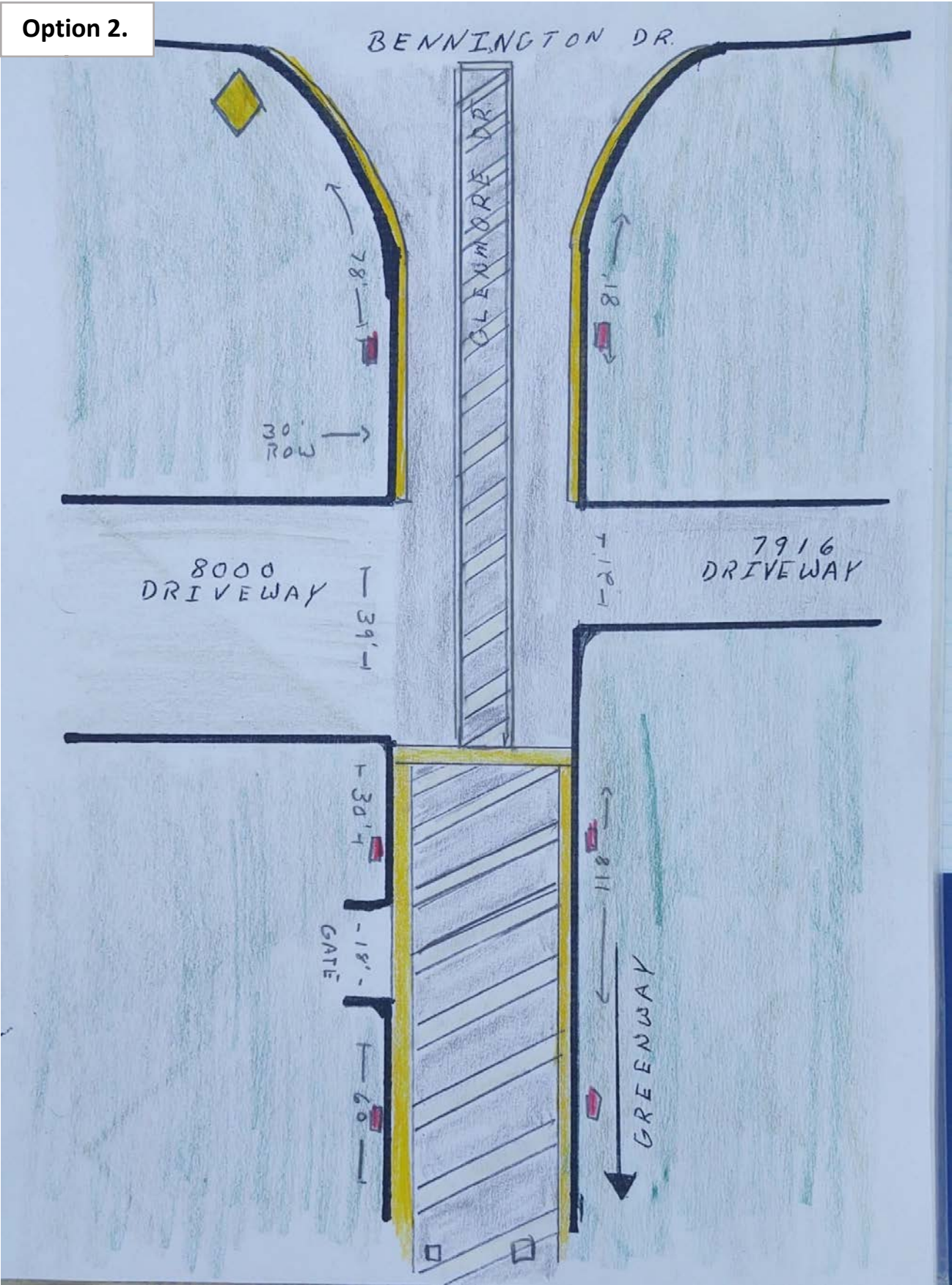
5-B-21-SC
Exhibit B. Site plans showing options for pedestrian access

Option 1.



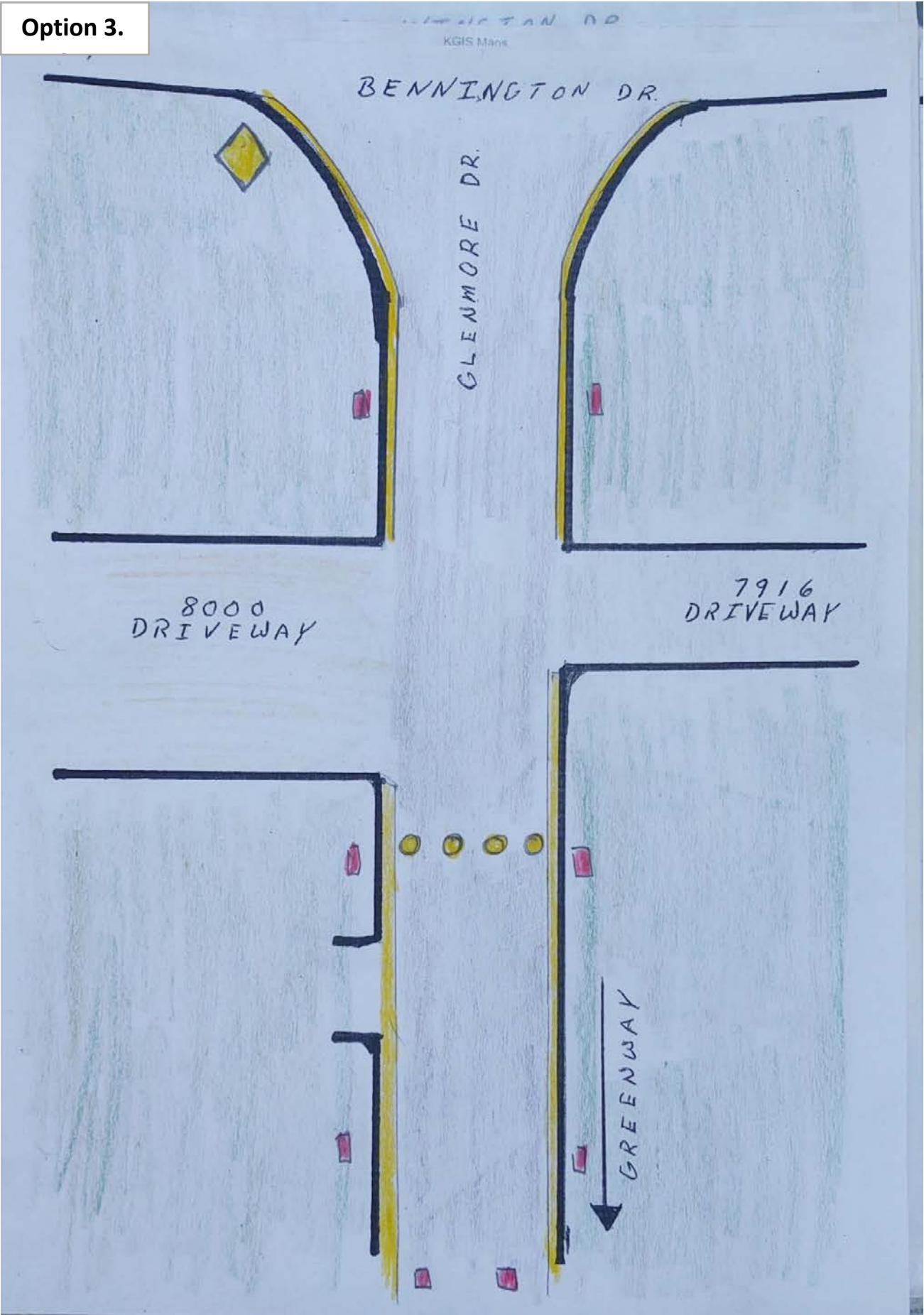
5-B-21-SC
Exhibit B. Site plans showing options for pedestrian access

Option 2.



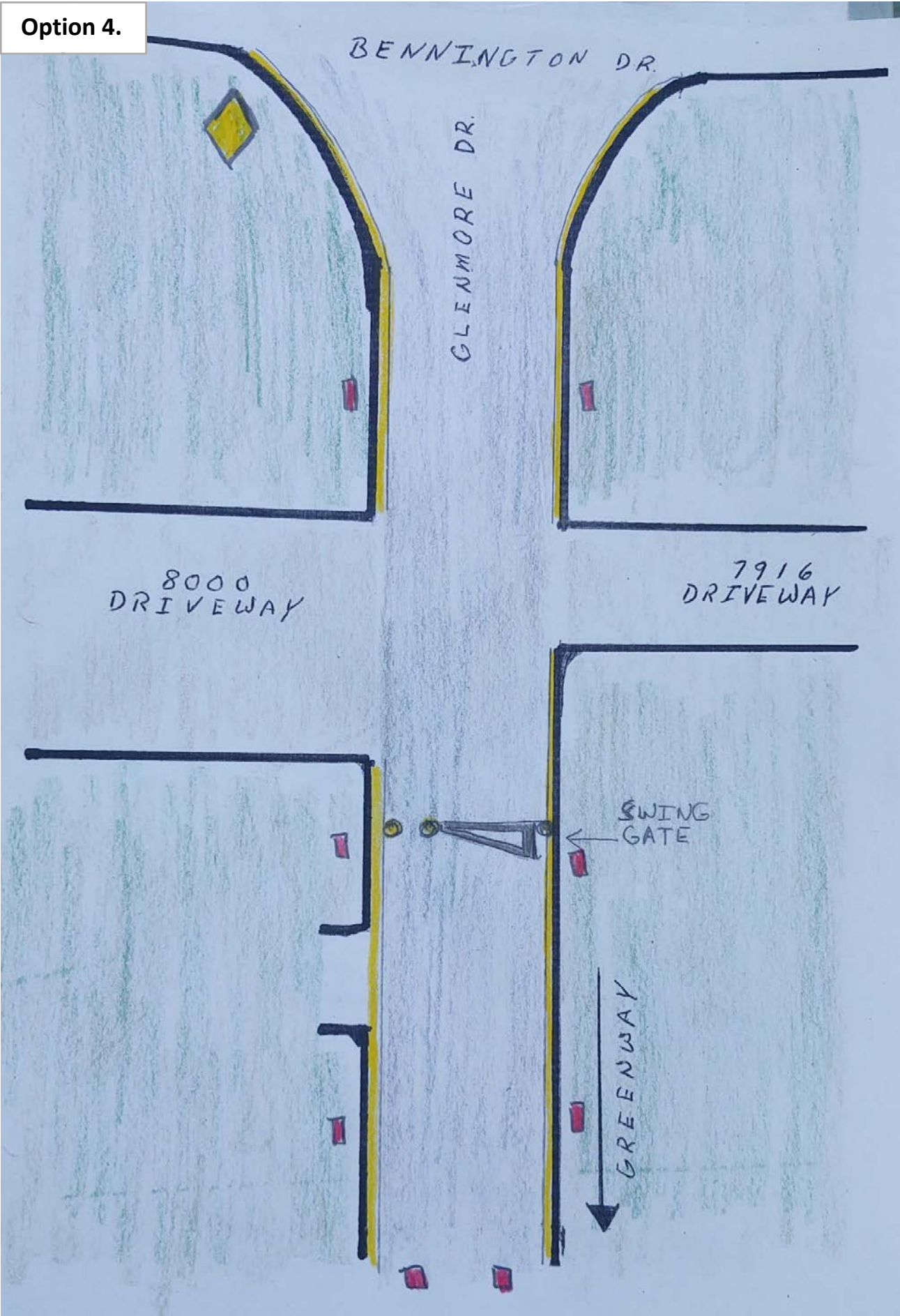
5-B-21-SC
Exhibit B. Site plans showing options for pedestrian access

Option 3.



5-B-21-SC
Exhibit B. Site plans showing options for pedestrian access

Option 4.





RIGHT-OF-WAY CLOSURE

Name of Applicant: Richard Clark
Date Filed: 3/26/21 Fee Paid: \$7500 File Number: 5-B-21-SC
Map Number: 120 Zoning District: RN-1 ☒ City ☐ County Sector: Northwest City
Jurisdiction: ☒ City 2 Council District

INFORMATION:

Name of Right-of-Way: Glenmore Dr Dead end Street
Type of Right-of-Way: ☒ Street ☐ Alley
Location of Right-of-Way:
BETWEEN (City Block or Lot where appropriate) 7916 Bennington Dr Knoxville TN 37909
AND (City Block or Lot where appropriate) 8000 Bennington Dr Knoxville, TN 37909
Right-of-Way is: In Use ☒ Yes ☐ No Improved (example: paved) ☒ Yes ☐ No
Reason for Closure: Due to Current Corner Lot Code (Artid 10.3.1 Fence) & (Artid 10.3.2) Pool
placement. The dead end Street does not allow proper use of my Property at 7916
Bennington Dr. Pool & Fence Applications were submitted but were denied
Due to current codes & Street. Due to this hardship, I am asking for the
closure of the Dead end Street of Glenmore Dr. and domain the Street between
7916 Bennington & 8000 Bennington Dr.

TO BE CLOSED:

From: (Street, Alley, Other)

Bennington Dr

To: (Street, Alley, Other)

Dead end into greenway

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Richard Clark 7916 Bennington Dr Knoxville TN 37909 865-607-5964 f3spartan@gmail.com
Name: (Print) Address City State Zip Phone Email

AUTHORIZATION OF APPLICATION:

I hereby certify that I am the authorized applicant, or representing the applicant and ALL property owners involved in this request or holders of option on same.

Signature: [Signature]

Richard Clark 7916 Bennington Dr Knoxville TN 37909 865-607-5964 f3spartan@gmail.com
Name: (Print) Address City State Zip Phone Email

APPLICATION ACCEPTED BY:

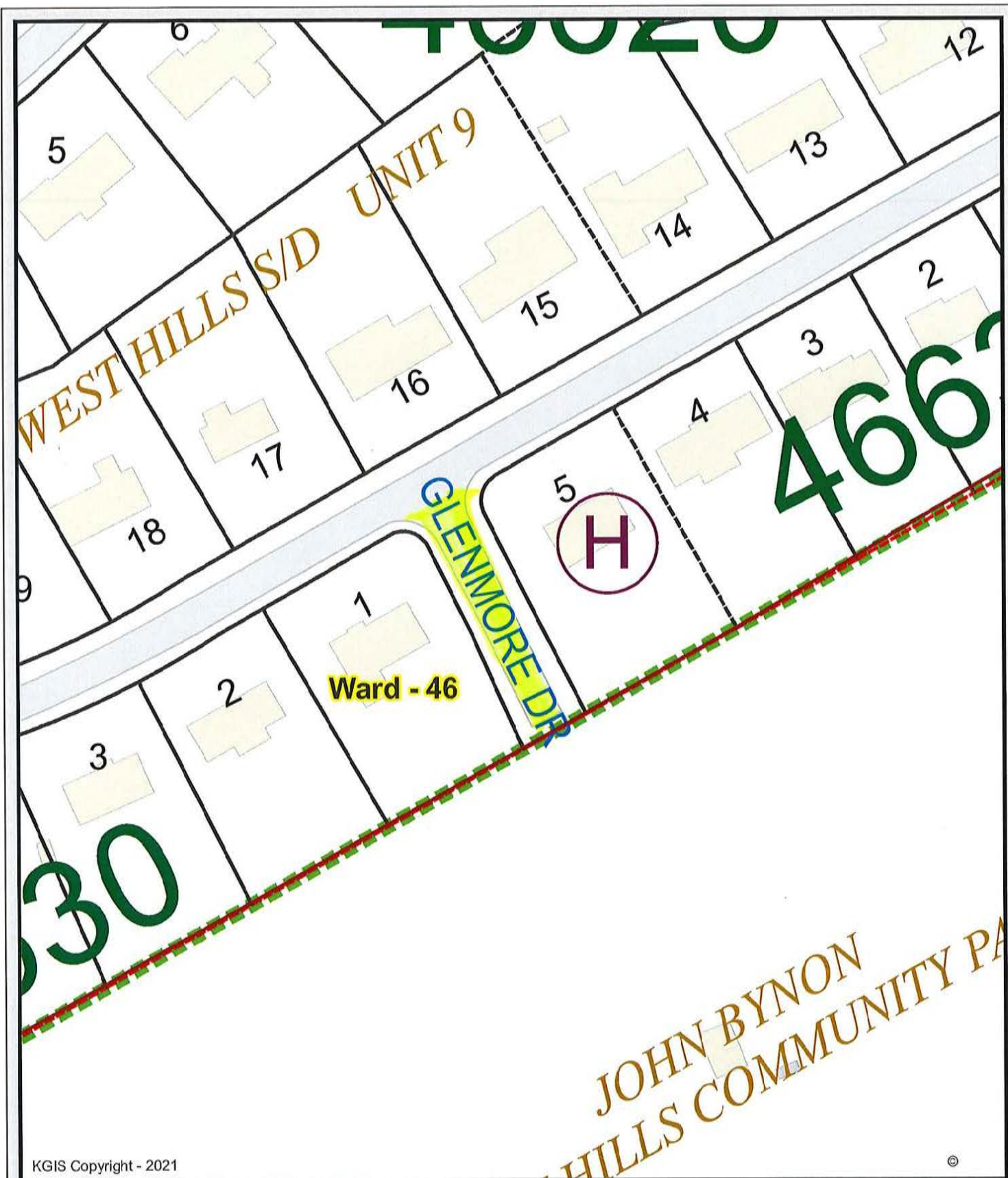
Sherry Michienzi

3/26/2021

RIGHT-OF-WAY CLOSURE CANVASS FORM			
All owners and holders of option on property abutting the proposed closure must sign the list below and express their opinion about this closure. A map showing the location and addresses of these properties must accompany this application.			
ADDRESS	SIGNATURE	Agree	Disagree
Attached in Signed Forms from each person around the location of the closure. They all agree to the closure			
8000 Bennington	Aaron West	✓	
7917 Bennington	Melody Fugate	✓	
7913 Bennington	Anita Sitver	✓	
7909 Bennington	Marilyn Moore	✓	
8001 Bennington	Kenneth Spafford	✓	
7912 Bennington	Mike Atkins	✓	
Note: Ms. Melody Fugate and Ms. Anita Sitver have since rescinded their approval; see public comments record.			

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7917 Bennington	Melody Fugate	✓	
7913 Bennington	Anita Sitver	✓	
7909 Bennington	Marilyn Moore	✓	
8001 Bennington	Kenneth Spafford	✓	
7912 Bennington	Mike Atkins	✓	
Note: Ms. Melody Fugate and Ms. Anita Sitver have since rescinded their approval; see public comments record.			



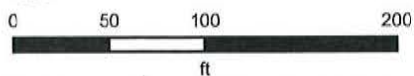
Letter Portrait

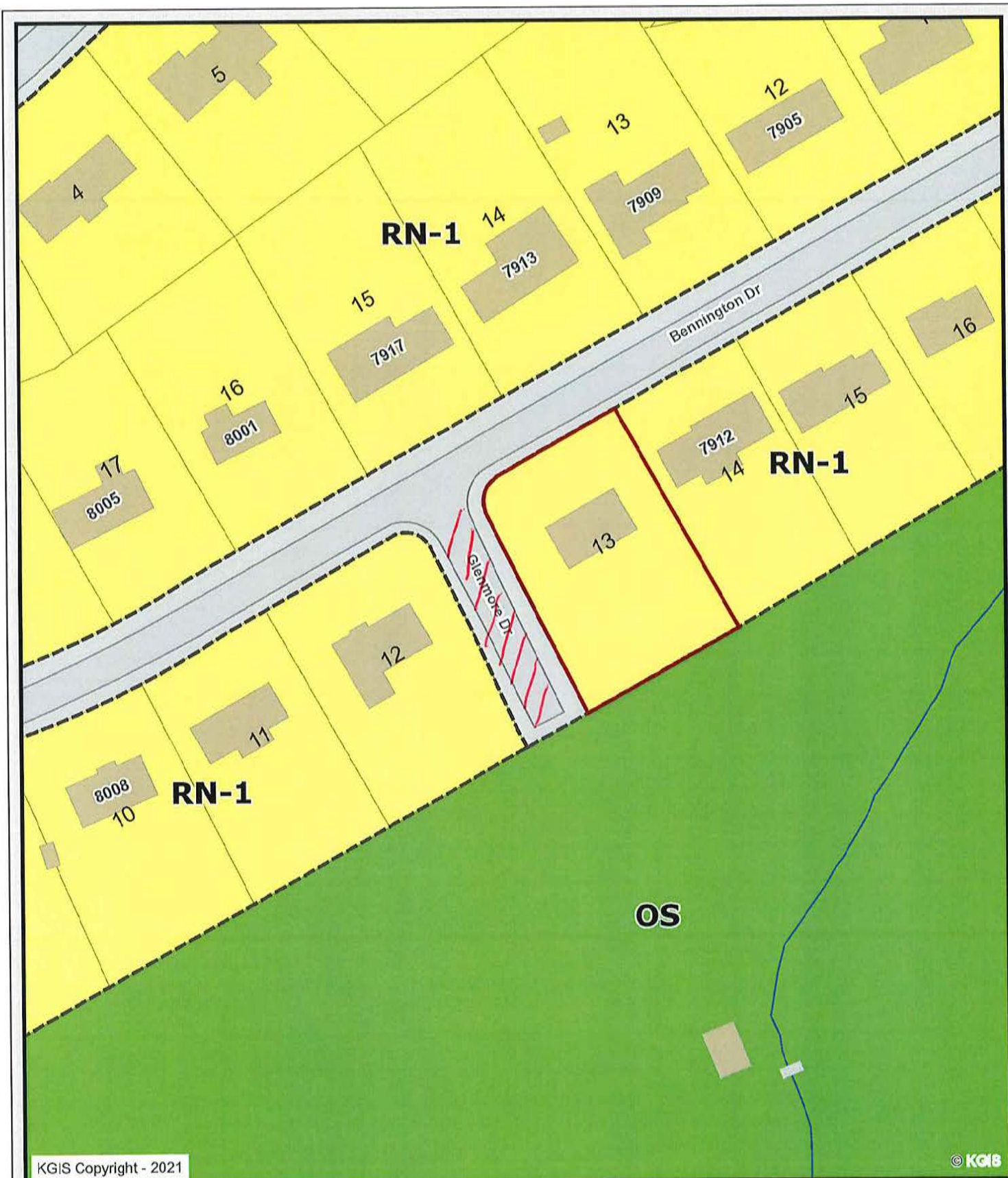
Knoxville - Knox County - KUB Geographic Information System

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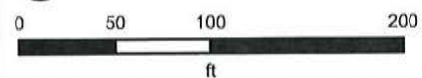


Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



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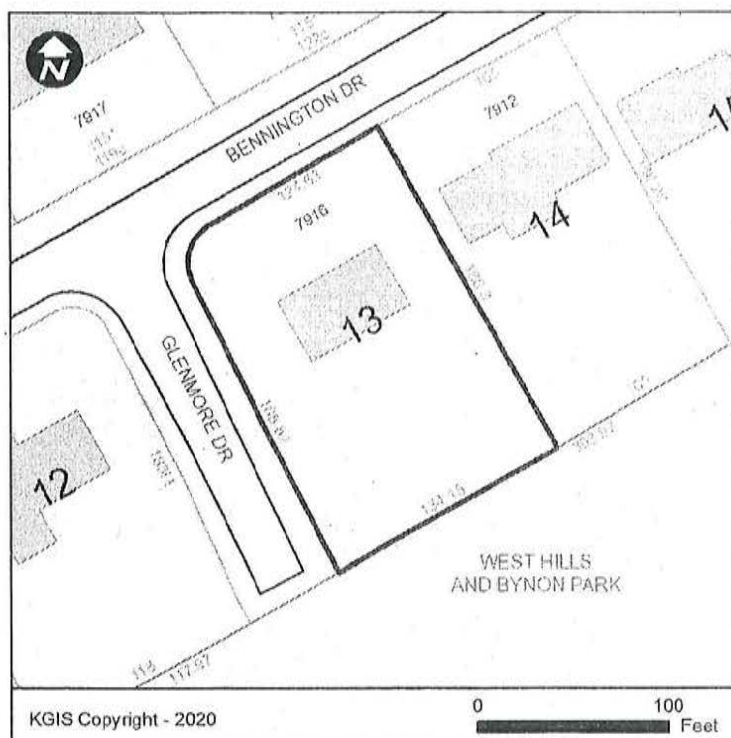


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KGIS Maps
a Kgis website



Richard
+ Dawn**Parcel 120BF013 - Property Map and Details Report****Property Information**

Parcel ID: 120BF013
 Location Address: 7916 BENNINGTON DR
 CLT Map: 120
 Insert: B
 Group: F
 Condo Letter:
 Parcel: 13
 Parcel Type: NORMAL
 District:
 Ward: 46
 City Block: 46632
 Subdivision: WEST HILLS UT 9
 Rec. Acreage: 0
 Calc. Acreage: 0
 Recorded Plat: 23 - 136
 Recorded Deed: 20050517 - 0092227
 Deed Type: Legal Document:
 Deed Date: 5/17/2005

Address Information

Site Address: 7916 BENNINGTON DR
 KNOXVILLE - 37909
 Address Type: DWELLING, SINGLE-FAMILY
 Site Name: WEST HILLS

Owner Information

CLARK RICHARD A & DAWN M
 7916 BENNINGTON DR
 KNOXVILLE, TN 37909

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 Information

County: KNOX COUNTY
 City / Township: Knoxville

MPC Information

Census Tract: 45
 Planning Sector: Northwest City
 Please contact Knox County Metropolitan Planning Commission (MPC) at (865) 215-2500 if you have questions.

Political Districts

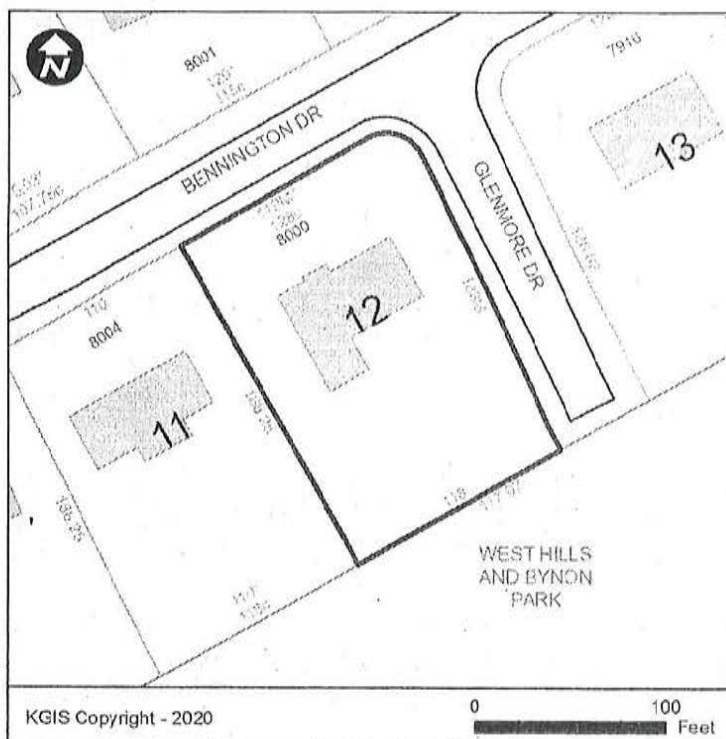
Voting Precinct: 46
 Voting Location: Knoxville 1st Church of Nazarene
 538 VANOSDALE RD
 TN State House: 18 Martin Daniel
 TN State Senate: 7 Richard Briggs
 County Commission: 4 Hugh Nystrom
 (at large seat 10) Larsen Jay
 (at large seat 11) Justin Biggs
 City Council: 2 Andrew Roberto
 (at large seat A) Lynne Fugate
 (at large seat B) Janet Testerman
 (at large seat C) Amelia Parker
 School Board: 4 Virginia Babb
 Please contact Knox County Election Commission at (865) 215-2480 if you have questions.

School Zones

Elementary: WEST HILLS ELEMENTARY
 Intermediate:
 Middle: BEARDEN MIDDLE
 High: BEARDEN HIGH
 Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

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Parcel 120BF012 - Property Map and Details Report**Property Information**

Parcel ID: 120BF012
 Location Address: 8000 BENNINGTON DR
 CLT Map: 120
 Insert: B
 Group: F
 Condo Letter:
 Parcel: 12
 Parcel Type: NORMAL
 District:
 Ward: 46
 City Block: 46630
 Subdivision: WEST HILLS UNIT 9
 Rec. Acreage: 0
 Calc. Acreage: 0
 Recorded Plat: 23 - 136
 Recorded Deed: 20200720 - 0005432
 Deed Type: Deed: Full Coven
 Deed Date: 7/20/2020

Address Information

Site Address: 8000 BENNINGTON DR
 KNOXVILLE - 37909
 Address Type: DWELLING, SINGLE-FAMILY
 Site Name: WEST HILLS

Owner Information

WEST AARON MATTHEW & WEST TONIA
 8000 BENNINGTON DR
 KNOXVILLE, TN 37909

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Google Maps 8000 Bennington Dr NW

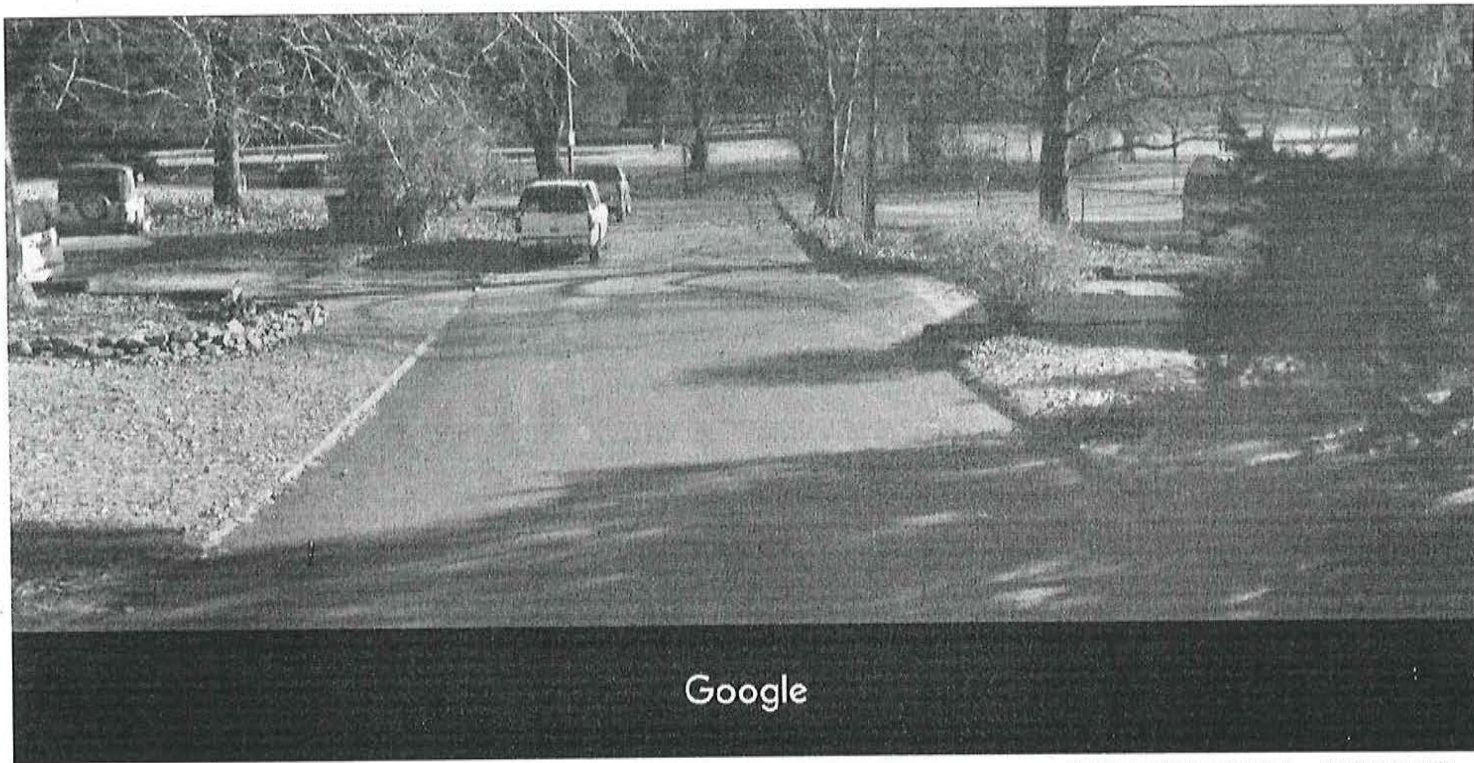
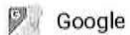
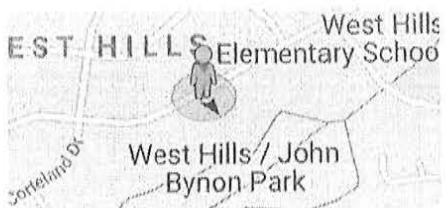


Image capture: Jan 2018 © 2020 Google

Knoxville, Tennessee

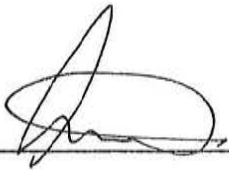


Street View



Knoxville Board of Zoning Appeals

I Aaron and/or Tonia West residing at 8000 Bennington Dr. Knoxville TN 37909 have been notified about the application for the street closer of Glenmore Dr. and the variances that have been applied for. The variances will relieve the current difficulties and particular hardships that were caused by the current zoning. This will also help resolve current vehicle traffic issues that keeps increasing.



Signature:

8/11/2010

Date:

Aaron W. West

Printed Name:

Knoxville Board of Zoning Appeals

I Kent and/or Melody Fugaate residing at 7917 Bennington Dr. Knoxville TN 37909 have been notified about the application for the street closer of Glenmore Dr. and the variances that have been applied for. The variances will relieve the current difficulties and particular hardships that were caused by the current zoning. This will also help resolve current vehicle traffic issues that keeps increasing.

Melody Fugate

Signature:

8-16-20

Date:

Melody Fugate

Printed Name:

Knoxville Board of Zoning Appeals

I Joe and/or Anita Sitver residing at 7913 Bennington Dr. Knoxville TN 37909 have been notified about the application for the street closer of Glenmore Dr. and the variances that have been applied for. The variances will relieve the current difficulties and particular hardships that were caused by the current zoning. This will also help resolve current vehicle traffic issues that keeps increasing.

Anita Kay Sitver

Signature:

5/16/20

Date:

Anita Kay Sitver

Printed Name:

Knoxville Board of Zoning Appeals

I James and/or Marilyn Moore residing at 7909 Bennington Dr. Knoxville TN 37909 have been notified about the application for the street closer of Glenmore Dr. and the variances that have been applied for. The variances will relieve the current difficulties and particular hardships that were caused by the current zoning. This will also help resolve current vehicle traffic issues that keeps increasing.

Marilyn Moore

Signature:

8-16-2020

Date:

Marilyn Moore

Printed Name:

Knoxville Board of Zoning Appeals

I Kenneth Spafford residing at 8001 Bennington Dr. Knoxville TN 37909 have been notified about the application for the street closer of Glenmore Dr. and the variances that have been applied for. The variances will relieve the current difficulties and particular hardships that were caused by the current zoning. This will also help resolve current vehicle traffic issues that keeps increasing.



Signature:

8-16-20

Date:

Kenneth Spafford

Printed Name:

Knoxville Board of Zoning Appeals

I Michael and/or Lisa Atkins residing at 7912 Bennington Dr. Knoxville TN 37909 have been notified about the application for the street closer of Glenmore Dr. and the variances that have been applied for. The variances will relieve the current difficulties and particular hardships that were caused by the current zoning. This will also help resolve current vehicle traffic issues that keeps increasing.

Mike Atkins

Signature:

8-16-20

Date:

Mike Atkins

Printed Name:

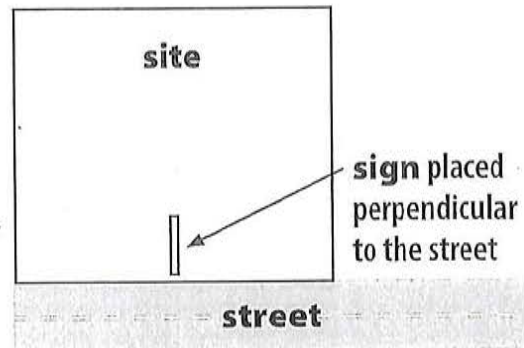
REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted Administrative Rules and Procedures.

At the time of application, staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the Planning offices. The applicant will be charged a fee of \$10 for each replacement sign.

LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.



TIMING

The sign(s) must be posted 15 days before the scheduled Planning Commission public hearing and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted 15 days before the next Planning Commission meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

April 28th (Wed) and May 14th (Fri)
(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: [Signature]

Printed Name: Rodney Clark

Phone: 865-607-5964 Email: F3Spartan@gmail.com

Date: 3/26/2021

File Number: 5B215C