

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

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