

Submitted in approval in favor of Case 5-B-21-SC Richard Clark

To the neighbors of West Hills, and others who have posted on this forum in opposition to the closing of Glenmore Drive, I give this statement as a means to satisfy all points made by the opposition.

Introduction

For those of you not aware of the situation, Richard Clark, the resident of 7916 Bennington Drive, is currently trying to close the dead end street that borders his property. As a resident of the Clark household for twenty years -living there for summer and winter breaks from college for the last three years-, I have the credibility to voice my own opinion on this matter of the street closure.

Being a student of History, English, and Law, it has come to my attention that nearly every single comment in opposition to the street closure is misleading (in an attempt to change the view of the law to support their false arguments) or a character attack against my family or my house. As we all know, a character attack (*ad hominem*) does not hold in a court of law, and is only used when the opposition's *factual* argument is non-existent. The slander and lies spread by the leader of the opposition, Joe Sitver, through the means of email and door-to-door campaigning, is nothing more than a character attack because his argument, and his points are non-existent.

I'm both confused and sad that it has come to this point. These lies told to everyone living on our two-block radius of Bennington Drive have gone beyond reason, and have made it seem that for the last twenty-one years of my family (the Clarks) living on Bennington, we have done nothing but trash, ruin, and mar the beauty of the West Hills neighborhood.

This is false.

Not only has Richard Clark been an upstanding member of the West Hills community by both organizing the yearly easter egg hunt, helping with Pumpkins in the Park, adopting one of the entry signs, and many other instances of community service. He also served on the executive committee for fifteen years where he tried to give everything he had to helping the West Hills neighborhood.

So, all this being said, both the character attacks against Richard Clark and family, and the opposition's argument against the closure of Glenmore Drive do not stand.

I will now refute every single claim laid against the street and the Clark household. These are direct quotes copy and pasted from the online forum.

Charles 37909

- **“Removing public care and maintenance of this road will also undoubtedly result in its falling into disrepair...”**
 - Every single member of my family has done the upkeep on this road for the last twenty years. I myself have mowed the grass, picked up trash bags full of garbage and waste, and cleared off the street every fall to make sure the dead end street looks amazing as can be
 - As for disrepair, the city hasn’t paved the street in 15 years, and through our upkeep, has remained as well kept as the day the city paved it.¹

- **“...being used as boat and vehicle storage, about where there have already been multiple issues.”**
 - The boat that my teenage brother bought was scrapped at the junkyard last month after being overwhelmed trying to restore it. The “multiple issues” stated here are unnamed because they do not exist other than being an *ad hominem*.

Joe and Anita Sitver 37909

The Sitvers get one section because their argument is the same, almost verbatim.

- **“Neighbors that live on the opposite side of the street currently must park their cars on Glenmore Dr. during hazardous black ice conditions.”**
 - Glenmore Drive is a designated “no parking/towaway” zone for the entire dead end. Also, the Sitver’s driveway currently sits at a little over 45 degree upward slope. With the combination of the slope, and that their driveway sits in direct sunlight, any ice that does form is almost immediately melted and water evaporated.² Plus, the last time the roads froze over to the degree Mr. Sitver is speaking about, was nearly a decade ago.

- **“law enforcement”**
 - I don’t feel the need to type out this entire nonsensical statement. Traffic calming hasn’t used Glenmore in over five years, they currently use North Winston Road (because of the Greenway crosswalk at the bottom of the

¹ [Link to photos of our upkeep](#)

² <https://www.cbs58.com/news/weather-whys-how-does-snow-melt-when-the-temperature-is-below-freezing>

hill). The speed study Mr. Sitver is referencing was done by Richard Clark with my Hot Wheels radar gun over ten years ago. Read Richard's statement for more against this fallacy.

- **"If someone drives illegally into the park or through a neighbor's backyard or leaves their vehicle without permission on Glenmore Drive, the police can be called. If the road becomes private, that protection/jurisdiction is no longer available."**
 - There's nothing that needs to be said here. This statement speaks to the lunacy of the argument.
- **"the Clark's Junkyard"**
 - This entire statement is an *ad hominem*. If any would wish to view our "junkyard," use the last fourteen years of Google Street View³, or the twenty-plus years of arial photographs through KGIS, to show what the street looks like on a day-to-day basis. This evidence proves this statement wrong.
- **"overflow parking... has always been available on Glenmore Drive"**
 - No, it hasn't. Again, it's a "no parking/towaway" zone.
- **"Park access potentially being cut off..."**
 - We built a nice, landscaped, mulched path to make it easier for people to walk in and out of the park. I guess Mr. Sitver didn't notice.
- **"The public paid for the Glenmore Road creation and upkeep in taxes paid by our community."**
 - The company which developed the West Hills neighborhood paid for the roads, that's what developers do. Upkeep again is done by my family, not the city. The city hasn't paved it in fifteen years.
- **"These vehicles have been allowed to use the Glenmore Cul-de-sac [as parking] before as a city street"**

³ [Link to photos](#)

- Again, “no parking.” Second, Glenmore is not a cul-de-sac, it has no turn around, other than my backyard.

- **“park access being cut off”**
 - It isn’t. We, in detail, multiple times, explained and thought they understood that park access would not be going away.

- **“Security threats and neighborhood safety”**
 - Almost the exact same wording, see above statement

- **“Lowered property values”**
 - Again, an *ad hominem*. If the “Clark’s Junkyard” is so bad, how did a house adjacent to ours sell for thirty grand over asking price?

- **“Unfortunately, our home being across the street from the Clarks provides a full view [of the eyesores].”**
 - They cannot see these “eyesores” they are referring to, unless they stand at the end of our driveway. Where their house sits, down the street from ours, is fully out of sight from our covered patio.

- **“Clark’s junk yard”**
 - *Ad hominem* again.

- **“Our neighborhood should not have to pay for their shortcuts/mistakes by giving up our access to Glenmore Drive.”**
 - First, shortcuts or mistakes don’t mean the same thing as “ignorance” as we didn’t know replacing a rusted, chain link fence (in its exact location), with a wood privacy fence, was a code violation until the city zoning official came to the house to inform us. Second, no one is losing access, we very specifically made that clear.

Mark 37909

Before I begin with Mark's statement, I want to point out that Mark's property borders the city park, four houses away from the dead end street, and that he has no need for use of Glenmore Drive.

- **"This ROW provides public access..."**
 - It's not a right-of-way, it's a dead end street.
- **"It appears this closure is being sought as a remedy to address a fence and pool which were installed against city code."**
 - We've been trying to close Glenmore for much, much longer -before the fence was even replaced.
- **"The closure of this public area and its conveyance to a private property owner at no cost is not a proper remedy to address the applicant's issues."**
 - First, it cost us \$750 to submit the application, which costs more than the square footage we would have gained. Second, this is the only proper way to remedy this issue.

These next three statements are seemingly not residents of Bennington Drive, and the way they are presented suggests that they are young adults or teenagers.

Kelly 37909

- **"The upkeep of this road is paid for with taxpayer money and exists for community use."**
 - It's not, we do the upkeep.

Kacie 37909

- **"This road is meant to be for public use of the community. The neighborhood pays for it so it should remain public."**

- The neighborhood does not pay for it, and it's not even meant for the public. It will officially become a public access easement once the street is closed.

Lenore 37909

- **"why would a street be closed so one person living on this street can build/complete a pool. what about the right of the other neighbors living on this street. just think of this and let justice be heard"**
 - Besides the grammar, this statement is also false. We've been trying to close the street for safety concerns, not just for us, but for all the neighbors who wish to use the dead end street. Also, "let justice be heard," nothing has happened to warrant justice for the street to not be closed.
 - There are also, two families, not one that live on this street.

These next four statements were submitted separately -seemingly spread out to make the opposition appear larger-, but they all belong to the same households (Caitlin and Robert of the Ford household that live six houses away, and Michael and Rachel from the Pryfogle household who live across from the Fords).

Caitlin and Robert 37909

- **"I am opposed to closing Glenmore Drive. Public access to the park is central to our enjoyment of our neighborhood and I do not believe closing this street is in the best interest of West Hills."**
 - She barely even presents a reason behind her decision. Even so, the street being closed is for the benefit public.
- **"I would like to see this road remain open for public/community use and not privatized on the backs of the good tax paying citizens who enjoy its use in an unfettered manner."**
 - This statement honestly confuses me. Taxes didn't pay for the creation or the upkeep of Glenmore Drive, and it's use would become "unfettered" once it is closed.

Michael and Rachel 37909

- **"I am opposed making this public road into a private drive. Keeping public access to the park is in the public's best interest."**

- There isn't an argument here, nothing to justify his resolve or claims. There are two other entrances with parking lots on either side of the park.
- **"As a Bennington Drive resident I feel it is in the best interest of the neighborhood to keep Glenmore drive open and am opposed to the rezoning of the street."**
 - Again, no backing for her claim to be found here. It also isn't in the "best interest" (see above rebuttals).

Esther 37909

Another member of the Sitver household who made a statement. Esther Sitver's came before Mr. Brown's, but I felt as though his needed to be addressed last.

- **"it was created [Glenmore Dr.] and maintained by tax payer funding."**
 - False, see above statements
- **"Residents of the other side of the street often cannot drive up their steep driveways safely in winter weather conditions and thus need to park on Glenmore. Street parking is not legal on Bennington Drive."**
 - Glenmore Drive is a "no parking/towaway" zone
- **"Closing down streets would make this neighborhood less welcoming to present and future residents."**
 - Over the years of our upkeep, we have made the street look nicer and more welcoming.
- **"FYI, many direct conversations have happened between all of the involved households about this issue, so none of it should be a surprise."**
 - No, they haven't, we first learned of the opposition from the Sitvers after a neighbor told us about his emails and door-to-door campaigning. None of the issues were brought to us directly, or by using the medium of the West Hills HOA.

Ken 37909

Mr. Kenneth Brown is now the official spokesperson for the opposition. Mr. Brown's statement is the most curious to me because it made nearly as much sense as the other arguments in opposition to the street closure. It was also curious for the wording. As claimed by Anita Sitver during the most recent West Hills HOA meeting, that "Mr. Brown is an attorney, and our official spokesperson." I would also like to state that Mr. Brown's property borders the West Hills Park, and that he has direct access to it. His property is also five houses away from Glenmore Drive, further away from the dead end street than Mark 37909.

- **"The applicant's reason for wanting this change is because he has been cited for code violations due to his above-ground pool and his fence."**
 - o That was not the reason for wanting the street closed, see above rebuttals. The fence and pool was the catalyst.

- **"...he now claims that the current code 'does not allow proper use of my property.' What an astonishing argument."**
 - o Alliteration aside, it is a very valid argument, as we did not know the city codes regarding Glenmore Drive before the zoning official arrived, since the street is such an oddity.
 - o This is also a very barebones, very implied, *ad hominem*. So, this proves his argument is already standing on broken glass.

- **"Those are the rules, and Mr. Clark knew those rules when he bought his property."**
 - o I would love to run a poll to the people of Knoxville, or other cities for that matter, that asks, "Did you know the property/city codes before you had to deal with them, or when you immediately bought your property."
 - o The answer, obviously (unless you're a zoning/code worker or enthusiast), is that almost everyone doesn't know city codes, or were trying to do some kind of renovation inside city limits. Homeowners of Knoxville are not given the city code book.
 - o I'm only speculating, but the only reason that Mr. Brown might know these codes is due to the renovations done to his property a few years back.

- **"Now he wants to change the rules because he wants to make improper use of his property."**

- He's not changing the rules, he filed for the closure of a street, paid the fee, and has let bureaucracy do its work. Nowhere along the way was he ever changing, or going to change, the rules.
 - Also, "improper" as if keeping a fence and above-ground pool is "improper" in any way

- **"Elderly residents and elderly visitors of Bennington Drive residents rely on nearby Glenmore Drive for parking..."**
 - Again, Glenmore is a "no parking/towaway" zone. This is a false argument.

- **"He [Richard Clark] may be a good person, but he certainly hasn't shown himself to be a very conscientious neighbor."**
 - *Ad hominem*. As stated above Richard Clark has been an upstanding member of this community.

- **"Glenmore Drive has been kept by him in a deplorable condition as a result of his stashing old boats, building materials, and other items in and around that area."**
 - This line obviously comes from Mr. Sitver's email campaign, as Mr. Brown lives five houses up the street, and cannot see our property from his own.
 - The issue regarding the boat and "deplorable" conditions are refuted above.

- **"The place usually looks like a junk yard in the making, although I noticed recently that it is suddenly all cleaned up, no doubt because of this application."**
 - Stating once again, it has been clean for the last twenty years. Images from Google Street View from the last fourteen years and twenty years of arial photographs through KGIS, will tell you that it does not look, in any way, like a junk yard.

- **"If his application is granted, I have no doubt that this public eyesore will return and likely get worse."**
 - *Ad hominem*.

- **"It's not right for Mr. Clark to be granted this request when the rest of us stay within the City's codes even when it may be inconvenient and more expensive for us to comply, as happened a few years ago when my wife and I did a major renovation of our home."**
 - o The street closure proposal was submitted at a cost to us so we could stay within city code. This statement is false. Also, Mr. Brown is attempting to use *ad hominem* again in the mentioning of his renovations, by making himself appear to be a better, model citizen.

- **"It's not fair under any circumstances, especially when you consider that part of the taxes we pay have been channeled into the creation and upkeep of Glenmore Drive."**
 - o Again, taxes didn't pay for the creation of Glenmore or its general upkeep.

- **"Why should something we helped pay for be handed over to Mr. Clark?"**
 - o If Mr. Brown, and any other neighbor who has claimed that they "helped pay for Glenmore Drive's upkeep," we would like them to come forward so we can personally thank them.

- **"It's especially galling to grant such an exception to someone who has already violated the City code with his above-ground pool and who has for many years demonstrated his indifference to the basic neighborhood values of keeping one's property in order and adding to--rather than detracting from--the physical beauty of West Hills."**
 - o Besides this being a run-on sentence, and a serious case of *ad hominem* through slander, this is the furthest statement from the truth that Mr. Brown has put forward. If any neighbor from West Hills would like a complete list of the deeds Mr. Clark has done to make West Hills a better, more beautiful, neighborhood, we will gladly send it to them.

Conclusion

As stated previously in my argument, the oppositions arguments do not stand. They are both non-factual, and slanderous towards my family, the Clarks. We told each and every neighbor that surrounded our property that by "closing the street" all we

wanted to do was remove the street from the map system. After working with zoning, each and every neighbor who understood that fact, signed off on the application sent to zoning, then to the planning committee. One of the original neighbors, who signed off on the application, has begun this campaign of slander and misinformation as a means to degrade the character of, not only Richard Clark, but the other members of my family, including my deceased grandparents.

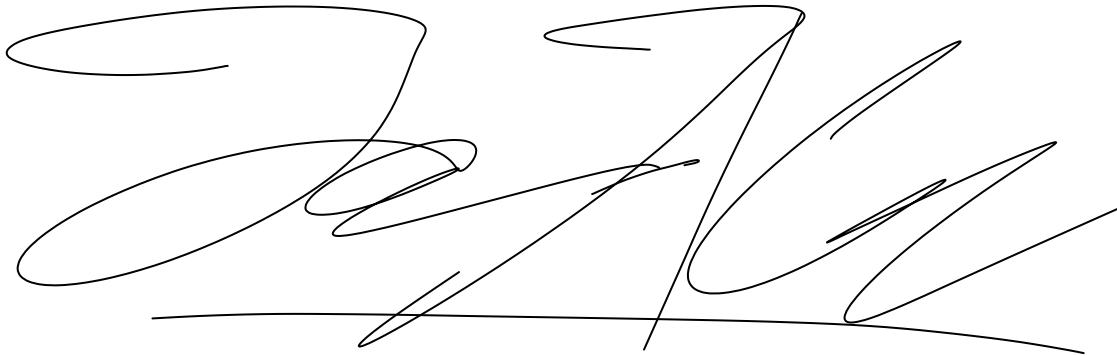
After I publish this statement (and I can attest for some of the members of my family), I do not want to ever have dealings with these neighbors who slandered our name and tried their damndest to hurt us however they saw possible.

To the Sitvers directly, was the loss of illegal parking worth losing any respect and admiration you held with a majority of the people living on our street?

I ask that the committee moves forward with the street closure, and for them to not adhere to the arguments of the opposition. These arguments are not only fallacies and have no factual base for them to be credible, but part of a slanderous campaign to smear our characters and our family name.

Thank you.

Joseph A. Clark

A handwritten signature in black ink, appearing to read 'Joseph A. Clark', written over a horizontal line.