

To Whom it May Concern:

In regards to the Planning Commission meeting on January 13, 2022, Use on Review 1-F-22-UR for the property located at 7506 Gibbs Road, I do not support the approval of the variance to the building code regarding the back yard setback.

I own a residential property adjacent to 7506 Gibbs Road, and I apologize for not being able to be present at the meeting.

The original building permit was issued to Mr. Hicks for the purpose of a single family dwelling (permit file no. 21-1612). Mr. Hicks proceeded to excavate the property, including an approximately 8 ft drop at the back of the property, rendering the neighboring property unstable at the property line. He was informed of such, and proceeded to install a retaining wall. While this was ongoing, he also installed a large metal building on the property, and per the images provided to the Knox Co. Codes Administration, as well as the inspector's notes in the permit file, did not have any of his building inspections completed during the construction process.

In the Knox Co. Board of Zoning Appeals meeting on 12/15/2021 (file no. 21-B02868), he was denied a variance to the setback. Per the inspector's notes, and statements made at that meeting which I was present for, the property setbacks are printed on the building permit when issued to Mr. Hicks. He did not have the building footers, foundation, plumbing, or electrical inspected during his construction process. He also has no engineer's letter for the retaining wall, the slab prep, or the slab plumbing.

In Mr. Hicks' application to the commission, under the "Variances Requested" section, he specifically states that "a soil map indicates that we have a low and wet spring on our property." A look at the soil map, which states that it's use "is to evaluate the site for a subsurface sewage disposal system only," does not, in any area or place on the document provided, mention a spring on the property, or have any regards to the site that his building is sitting on.

Mr. Hicks has repeatedly changed the purpose of the property, when applying for permits and variances. He states that the property will be used for the storage of business and personal items, yet he has proceeded to add a bedroom and a bathroom to the interior of the building. If he had no intention of this being a dwelling, why has he added those?

Mr. Hicks presents himself as a licensed contractor, of which a licensing search only shows "Application in Process" (License # 9942) for a home improvement contractor,

the 7506 Gibbs Rd property is listed as "Hicks Remodeling and Excavation, LLC." It seems to me that, per his statements provided in his Planning Commission application, that the use of this property will be contractor's storage yard and indoor contractor storage. Even if it is not zoned as such, that will more than likely become its purpose.

In short, Mr Hicks has misrepresented himself and the use of this property to the Knox County Departments of Building Code and Fire Prevention, as well as the Knox County Planning Commission. He applied for a building permit for a type of building that was never his intended use of the property. He proceeded to excavate and construct a building without getting the proper inspections and without following the setback guidelines on his permit. He was denied a variance already from the Board of Zoning Appeals, and is now in front of you to misrepresent himself again. His intended purpose of the property located at 7506 Gibbs Road is not in line with the Code of Ordinances.

Per Code 4.10.15, "The use is in harmony with the general purpose and intent of these zoning regulations," the property is not. This is agricultural zoning, and yet he intends to use it for indoor contractor storage, which could very easily turn into a contractor's storage yard.

Per Code 4.10.16, "The use is compatible with the character of the neighborhood where it is proposed, and with the size and locations of buildings in the vicinity," it is not. This is the center of a residential neighborhood, with private residential homes on three sides of the property, and a field behind. A business warehouse is not in the character of this neighborhood.

Per Code 4.10.17, "The use will not significantly injure the value of adjacent property by noise, lights, fumes, odors, vibration, traffic congestion or other impacts which may detract from the immediate environment," it will. We now have a commercial metal warehouse in the middle of residential homes. Mr. Hicks owns an excavation company, which I can only assume that the moving of large machinery on a daily basis will create a noisy environment and vibration at the neighboring homes. Gibbs Road is also a one lane, unpainted line road, which will now need to handle large trucks and equipment trailers on a daily basis, which will impede the flow of traffic.

Per Code 4.10.18, "The use is not of a nature or so located as to draw substantial additional traffic through residential streets," it is. As stated above, Gibbs Road is a one lane, unpainted line road, which will now need to handle large trucks and equipment trailers on a daily basis, which will impede the flow of traffic to residents.

While I know that Mr. Hicks is only asking for a variance due to hardship, it is abundantly clear that he has intended to circumvent regulations and governmental authority at every step by misrepresenting his use, failing to follow Knox County building codes, and failing to have his construction steps inspected. After being denied a variance once, he is now coming to the Knox County Planning Commission to ask for that variance, while misrepresenting his use of the property yet again. I am requesting that the variance be denied by the Planning Commission, and that Mr. Hicks be required to follow the building codes he should have abided by in the first place.

Michael Lett  
7603 Clapps Chapel Road  
Corryton, TN 37721  
865-266-4069