

9018 Legends Lake Lane  
Knoxville, TN 37922  
January 22, 2024

Knoxville – Knox County Planning Commission  
400 Main Street, SW #403  
Knoxville, TN 37902

Re: Development Plan 2-B-24-DP; The Club at Gettysvue

Dear Commissioners:

I must respectfully submit my strong opposition to the amended proposal by Mr. Benjamin Mullins and Mr. Ron Watkins to change the nature of our area and now permit the construction of two large apartment buildings in the midst of our single home residential community.

This is now the second time writing to you regarding this matter, the first time in November to comment on the first proposal for adding three large apartments to the community. As I explained in my prior letter, almost ten years ago I undertook what I believed to be the necessary due diligence to ensure the security of our large investment, the purchase of our retirement home in Gettysvue. At that time I reviewed the restrictive covenants of the HOA, the plans and plat as well as the zoning for the area. The restrictive covenants established strict guidelines for the construction of homes. Consistent with that was the zoning for the area, limiting new construction in a similar fashion. The plans showed nothing to suggest that this would be contravened.

One of the arguments by those proposing this plan is that the prospective homeowners should have been aware of the “Golf Villa” plan of Mr. Watkins when purchasing their private homes in Gettysvue, as the plan was available and showed such and therefore the proposal here to construct multiple large apartment buildings should not be a surprise. Thus, this argument goes, any claim to the contrary must not be weighed heavily in these matters before you. I believe that this position is incorrect, and that the homeowners have a powerful and persuasive basis upon which to claim that they have been misled by Mr. Watkins regarding the future of The Club at Gettysvue.

Ironically, none of this should have happened. Mr. Watkins should have handed over the control of the HOA to the homeowners years ago. Had he done so when the property was well established, rather than relying on the wording of the original covenants and his continued ownership of a paltry amount of property within the facility to justify his muscling through this proposal, such an issue would have never been before us. Such a transfer of control would have been appropriate both from a logical basis (his interest in the future of Gettysvue at that

point was de-minimus given his paltry ownership of property here in comparison to the total number of homeowners within the community) and from a legal basis (given the changing law in the field of restrictive homeowner covenants, which now tends toward the view that those covenants drawn up by developers to ensure their full control of the community indefinitely should not be honored and rather such transfer of ownership is appropriate after a reasonable period of time).

Be that as it may, the owners here in Gettysvue have no interest in drastically changing the nature of the community. That is not to say we would oppose some type of villas – after all we already have villas in the community. Water Place has some well-established townhomes within the community. These are large townhomes that were built many years ago. Magnolia Villas are a group of homes attached at one wall, so two homes are attached. They also are well established in the community. Neither of those challenge the nature of the community; rather, they simply provide an alternative to the individual home plots by allowing these other homeowners to have their outside property cared for by the association.

So when the plan showing “Golf Villas” by Mr. Watkins showed up on the plans, the owners can rightly claim that prospective homeowners should have had reason to believe that further villa development was possible. Yet what is a “villa” and what should the homeowners have been expecting? Villas are reasonably expected to be detached or semidetached houses built on ground level. They are NOT defined as large (20 unit) multi story apartment buildings. So any homeowner having done his or her due diligence had every reason to believe that any further proposal by Mr. Watkins would have continued with properties similar in nature to Water Tower or Magnolia Villas. After all, Mr. Watkins, despite saying in the covenants that he had complete control of community and that his property was not to be governed by the limits of the HOA covenants, had spent great effort over the years to create the tenor of the community and set forth what his view of “villas” was. Nothing therein suggested to a prospective homeowner that Mr. Watkins would throw that view out the window and now interpret “villas” to be multiple large (many tens of thousands of square feet each) high rise apartment buildings. So any argument that the homeowners were “on notice” of such a possibility is, of course, ridiculous on its face.

At the earlier hearing, Mr. Mullins, counsel for Mr. Watkins, said that the Commission had already approved two large multistory apartment buildings years prior and that their plan in November for three buildings simply expanded on that concept. I am not aware of such prior approval by the Commission for two large high rise apartment buildings. Even were that so, I believe if such an approval exists, there is, more than ample basis for such decision to be corrected. Counsel appeared to imply that a prior 2 apartment approved plan, and thus any similar 2 apartment plan as well, fits within the parameter density requirements of 3 units per acre. By that, counsel suggests that Mr. Watkin’s parcel is somehow part of the Gettysvue HOA and community. To do so he must consider his plot part of the Gettysvue Community and it is

anything but that, since he has written his property OUT of the requirements of the entire HOA. Such an argument by Mr. Watkins would be both patently egregious and false. His property is not subject to the conditions of every home in existence in Gettysvue. To now say that he is not subject to Gettysvue limitations but nevertheless can use the Gettysvue community to cram 40 homeowners onto his small parcel of land to allow himself to be within the density limits of the total Gettysvue area defies the logic and spirit of zoning laws.

As such, this proposal by Mr. Mullins and Mr. Watkins is not only contrary to the spirit of the HOA covenants and their prior development of villas within Gettysvue, but should now require a dramatic change in the zoning for his community as well. Now, after requiring homeowners in Gettysvue over the years to have single family homes and even the largest individual homes to have no more than two and one half levels built above ground, Mr. Watkins now wishes to construct multiple multilevel apartment buildings rising well above the limit of units per acre and the height of buildings he demanded within the community. In order to permit this change, he should have to persuade you that this new community should now have a change to the zoning laws herein for his plot of land, which of course he cannot accomplish. Even without such change, the contravention of the nature of the community, not to mention the traffic created, makes such a proposal ill suited.

Finally I wish to make one subjective comment regarding our home property values. I suspect it might be difficult to assess the results of such construction for those of us on the far- east end of Gettysvue. I do not so believe for those homeowners living near the clubhouse or on the west side of the community. I believe they will suffer immeasurably.

In conclusion, the homeowners in Gettysvue have been put in an untenable position. The homeowners, led to believe that any further development would be consistent with the plans to date, and given no reason to believe the developer would, after all construction of single family homes, now be seeking to construct large high rise apartment buildings, seek to have such plan denied. Further, it cannot be any surprise that he has waited until virtually all lots have been built upon to announce a plan to move forward with this construction rather than building such apartments early on. Finally the proposal drastically changes the nature of the community, creating a far greater density and traffic flow problems not presently in existence within the community and the greater area. For all these reasons, this plan should be denied.

Sincerely,

William H. Gitlow