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ARTHUR G. SEYMOUR, JR.
(1945 - 2019)

March 24, 2022

Knoxville-Knox County Planning
City-County Building
400 Main Street, Suite 403
Knoxville, TN 37902

Re: 4-X-22-RZ, 4-M-22-SP, and 4-E-22-PA
4912 Rutledge Pike

Dear Knoxville-Knox County Planning,


Please note that I will be assisting the applicant, Tennessee Auto Salvage & Recycling Inc., related to these zoning and plan amendments.

As you know, this application is to change the zoning from I-G (General Industrial) to I-H (Heavy Industrial) and to amend the Sector Plan and One-Year Plan from LI (Light Industrial) to H-I (Heavy Industrial). The applicant also owns the contiguous property (5000 Rutledge Pike) to the property subject to this application (4912 Rutledge Pike) on the east and has been operating its auto-salvage and recycling business at that location prior to the recode change in zoning which was adopted in August 2019 and effective as of January 1, 2020. The attached zoning letter confirms that the existing operations are entitled to continue as a pre-existing/non-conforming use.

The zoning and plan amendment request is to allow the applicant to expand its pre-existing/non-conforming operations onto the adjacent property. The I-H zoning with the H-I plan designations are consistent with the uses on the surrounding parcels and consistent with what was allowed on the property prior to the 2020 recode zoning change.

Please let me know if you have any questions or concerns relating to this application that I can address prior to publishing staff's recommendation on these matters.

Sincerely,



Benjamin C. Mullins
FRANTZ, MCCONNELL & SEYMOUR, LLP

BCM:erl



Plans Review & Inspections Division

March 21, 2022

Benjamin Mullins
550 West Main Street, Ste. 500
Knoxville, TN 37902

RE: 5000 Rutledge Pike – Parcel ID #071HB004

Mr. Mullins:

The KGIS zoning map shows this property as currently zoned I-G (General Industrial Zoning District) & HP (Hillside Protection Overlay).

Salvage yard (Tennessee Auto Salvage & Recycling, Inc.) is not a permitted use in the I-G zoning designation. Tennessee Auto Salvage & Recycling, Inc. is considered a pre-existing nonconforming use under the current I-G zoning and subject to Article 17.1 Nonconforming Buildings, Structures and Uses of Land in the City of Knoxville zoning ordinance.

To the best of my knowledge, the information provided in this letter is correct, however if a more in-depth research is necessary, our records are available for public viewing.

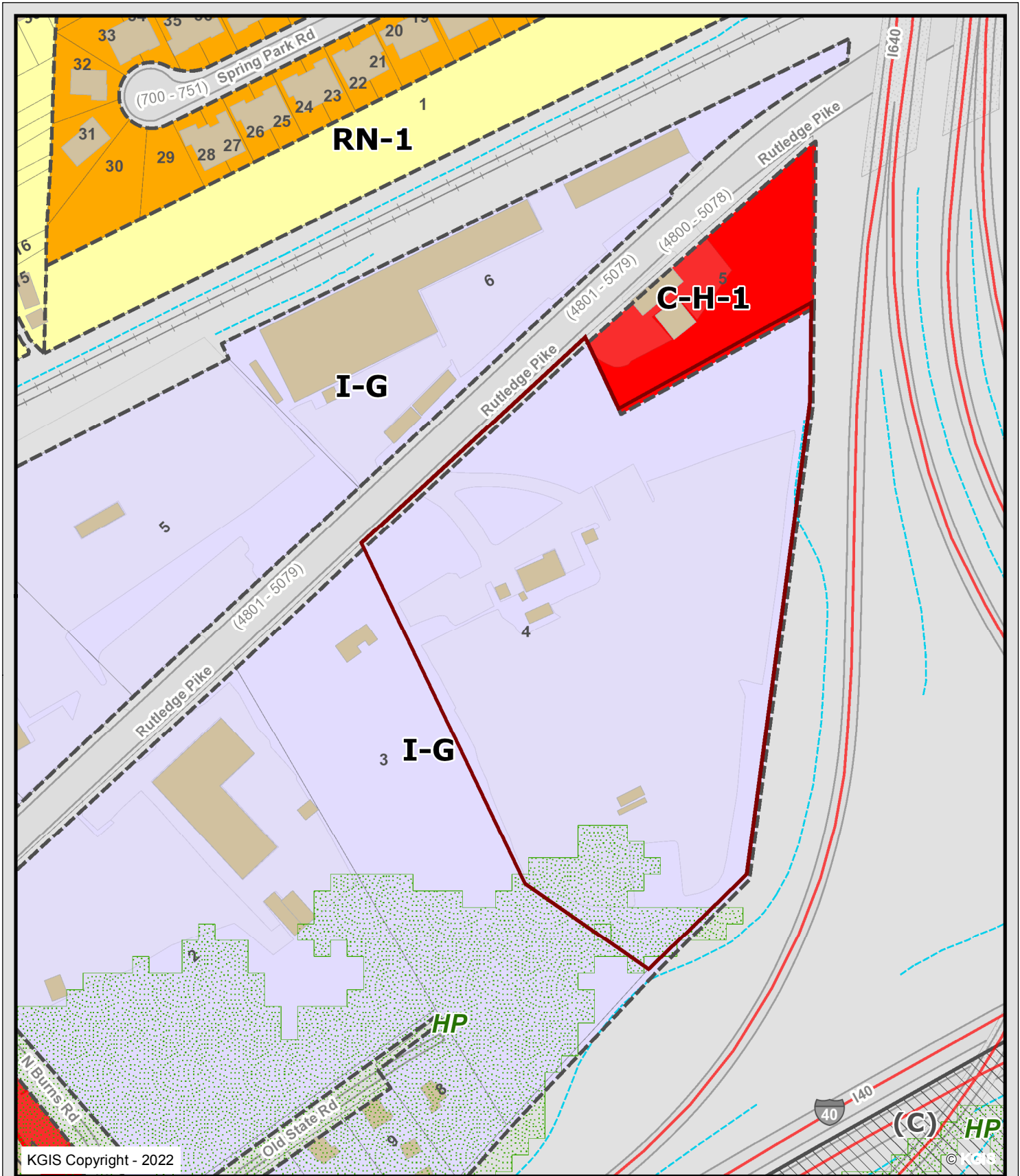
Please contact me at (865) 215-2863 if you have additional questions.

Sincerely,

Bryan Berry, AICP

Deputy Director of Plans Review & Building Inspections

Enclosures



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HP

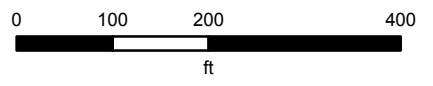
5000 Rutledge Pike

Zoning - I-G (General Industrial) & HP (Hillside Protection)
Parcel ID - 071HB004

Knoxville - Knox County - KUB Geographic Information System



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17.1 NONCONFORMING BUILDINGS, STRUCTURES AND USES OF LAND

Land uses which existed legally upon the effective date of a zoning change, but which are not in conformance with all the applicable provisions of the adopted or amended zoning regulation, shall be subject to the provisions of this section to the fullest extent permitted by state law.

A nonconforming building, structure or use of land lawfully existing at the time of the adoption or amendment of this ordinance may be continued and maintained as provided in this article; provided, however, that nothing herein shall be construed to authorize the continuation of any illegal or nonconforming use which was illegal prior to the adoption of this ordinance.

A. Alteration or enlargement of buildings and structures

1. Nonconforming use and/or structure/building. The board of zoning appeals may, in appropriate cases and after public notice and hearing, permit the extension of an existing building and the existing use thereof upon the lot occupied by such building, or permit the erection of an additional building. The addition or extensions shall be subject to the following requirements:
 - a. Yard requirements shall not be permitted which are less than those required for the district in which the nonconforming use is located.
 - b. Percentage of lot covered by building shall not be greater than the maximum stated for the district.
 - c. The architectural style of any new building or additions permitted under this section shall be similar to that which exists in the area.
 - d. Off-street parking shall be provided and shall be screened from adjacent property by landscaping or a solid screening fence or wall not less than five nor more than six feet in height.
 - e. Landscaping may be required where the board deems it necessary.
 - f. Signs used in conjunction with the nonconforming use shall be governed by the regulations of the district in which it is located.
 - g. These requirements shall be binding on the property regardless of succession of ownership, unless the use is changed to one generally permitted in the district, or the zoning is changed to make the use conforming. Performance bonds or other sureties acceptable to the city may be required where appropriate to the circumstances of the case.
 - h. Applications shall be accompanied by site and building plans, and photographs of present conditions of the property and surrounding property.
2. Nonconforming structures/buildings only. Where a building or structure is conforming as to use, but nonconforming as to yard, height, or off-street parking requirements, such building or structure may be enlarged or added to along existing building lines providing:
 - a. Addition or enlargement does not extend into any other required yard or exceed the existing height of the building or structure.
 - b. Existing building together with addition or enlargement does not exceed the maximum lot coverage permitted in the district in which it is located.
 - c. All off-street parking requirements for both existing building and addition or enlargement are complied with.

B. Outdoor advertising signs and structures

No outdoor advertising sign or outdoor advertising structure which, after the adoption of this ordinance, exists as a nonconforming use in any Residential Neighborhood zoning district, shall continue, as herein provided for nonconforming uses, but every such sign or structure shall be removed or changed to conform to the regulations of said district within a period of two years.

When the building inspector finds that a portable or movable business or advertising sign is not in conformance with these regulations, he shall notify the owner or lessee of the sign, whose business or service is benefitted by the sign. If the violation is not corrected within 24 hours, the building inspector shall have the sign removed from the premises at the expense of the owner or lessee thereof.

C. Discontinuation or Abandonment

If a nonconforming use is discontinued for a continuous period of 24 months, and is not actively marketed, the nonconforming use terminates automatically. Any subsequent use of such land or structure must comply with all regulations of the zoning district in which the structure or land is located.

D. Nonconforming uses of land

1. A nonconforming use of land, where the aggregate value of all permanent buildings or structures is less than \$1,000.00, existing at the time of adoption of this ordinance, may be continued for a period of not more than three years therefrom, provided:
 - a. Said nonconforming use may not be extended or expanded.
 - b. If said nonconforming use or any portion thereof is discontinued for a period of six months, or changed, any future use of such land shall be in conformity with the provisions of the district in which said land is located.
2. The following regulations shall apply to any automobile wrecking, junk or salvage yard, building material storage yard, contractor's yard, or any similar, more or less temporary, use of land when located as a nonconforming use in any residential district.
 - a. Any such use is hereby declared to be a public nuisance in any residential district established by this ordinance and shall be abated, removed or changed to a conforming use within a period of one year after the date of passage of this ordinance.
 - b. Whenever any district shall have been changed to a residential district from any other district, the date of abatement, removal or change of such nonconforming use shall be within a period of one year after the date of change of such district.
3. Any nonconforming automobile wrecking, junk or salvage yard in any nonresidential district shall be, after the adoption of this ordinance, abated, removed or changed to a conforming use within three years.
4. Notwithstanding other provisions of this ordinance any automobile wrecking, junk or salvage yard, lawfully existing in an I-H Heavy Industrial District (previously zoned I-2, or I-3t) on January 17, 1964, may be continued and maintained as a nonconforming use provided that:
 - a. Such nonconforming use shall be subject to all the requirements of this section relating to extension or expansion of use, and discontinuance of such use for a period of six months.
 - b. Such nonconforming use shall be subject to all applicable requirements of this article.
 - c. Within 90 days from the effective date of this amendment, all such nonconforming uses shall be brought into full compliance with all applicable requirements of this ordinance not herein excepted.

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5. Nonconforming parking areas may be continued and counted towards the total parking requirements for any new activity, addition or extension placed on the site; provided, however, that the existing parking design does not pose a threat to traffic safety. The department of engineering may require redesign of such areas if a traffic safety hazard can be eased or eliminated. Loss of parking spaces resulting from the required redesign will be considered by the building inspection department in determining the minimum parking requirements.

E. Pending applications for building permits.

Nothing herein contained shall require any change in the overall layout, plans, construction, site or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of this ordinance, the construction of which, conforming with such plans, shall have been started prior to the effective date of this ordinance, and completion thereof carried on in a normal manner within the subsequent six months' completion except for reasons beyond the builder's control.

F. Damage or Destruction of Nonconforming Structure

A legally-existing nonconforming structure shall be allowed to be rebuilt if damaged by unplanned casualty or act of God; provided, that:

- (A) The replacement structure shall not create any new nonconformities or increase the degree of any nonconformities in existence prior to the damage caused by unplanned casualty or act of God;
- (B) The construction of the replacement structure shall commence within 30 months of the date of the damage caused by unplanned casualty or act of God; and
- (C) There is a reasonable amount of space for the replacement structure on the property within the area that is affected by the adoption of the land use restrictions or an amendment of the restrictions, so as to avoid nuisances to adjoining landowners.

This section applies only to land owned and in use prior to the damage caused by unplanned casualty or act of God to a nonconforming structure, and does not operate to permit the relocation of a legally-existing nonconforming structure on additional land acquired after the structure is rendered nonconforming.

This section applies only to damage by unplanned casualty or act of God to nonconforming structures occurring on or after the enactment of this provision.

(Ord. No. O-78-2020 , § 1, 5-19-20)