



Memorandum

To: City Council
From: Bill Mettee, Planning and Zoning Administrator
Date: September 29, 2020
Subject: Non-Conforming Structures

City Councilmembers:

This memo is in regards to the expansion of non-conforming structures – specifically homes that were built prior to zoning and setback regulations – proposing projects that technically expand the non-conformance and would ordinarily require a variance.

The mindset began to change a couple of assistant city managers ago, and staff supports this today – when a property owner who owns a home that does not meet current setback regulations proposes an addition or a porch – if that addition meets current setback regulations, the approval will be done administratively with no variance required.

This has been the strategy the City has taken since before I started in Knoxville, but we feel there needs to be language to support.

Regards,

Bill Mettee
Planning & Zoning Administrator



9-3-3: NONCONFORMING USES OF LAND:  

Where, at the effective date of adoption or amendment of the ordinance codified herein, lawful use of land exists that is made no longer permissible under the terms of this title as enacted or amended, such use may be continued, subject to the following provisions:

A. No such nonconforming use shall be enlarged nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance codified herein.

B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the ordinance codified herein.

C. If any such nonconforming uses of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this title for the district in which such land is located. (1983 Code § 11-1-8C)

D. If any property owner proposes an addition to any structure that does not meet current setback requirements, but the proposed addition meets all setback requirements, that proposal shall be permitted pending administrative review and approval.