

July 11, 2019

Charles W. Freeman, Esq.
Law Director, City of Knoxville
400 Main Street, Ste. 600
Knoxville, TN 37602
Tel: 865-215-2840

Re: Kasey Boatman, Bart Brady, David B. Hamilton, Esq., John Marshall, Bob McCullough

Charles:

Please be advised that the personal listed above own real property within the city limits of Knoxville. For various reasons, they oppose the current Revolve Knoxville Initiative. They consulted with me about their situations and the impact that Revolve Knoxville would have on them. At least one expressed concern, inter alia, over the permitted use of group homes in traditionally zoned residential areas with the exception of the Sequoyia Hills area. Some expressed concern over changes to the zoning of their business units, which would impact the future sale value of their land.

Regarding the individuals who are concerned about their business property, they are currently zoned C-4, and under Revolve Knoxville would be zoned to I-M-1. The consequence of this rezoning is that their current, permitted use would become a nonconforming use. These individuals have sought to communicate their concerns to the city, mostly to no avail. Those who have had some communication have been promised a grandfathering for their current use. But, the value of their real property in the market neighborhood will be affected, because the structures on the properties are conducive to the currently permitted use and will have diminished value to a potential future buyer, unless the potential buyer can continue with the current use. The city has given no assurances to these individuals that the grandfathering of their current permitted use would be passed on to a potential future buyer.

During my discussions with these individuals, I advised them of possible remedies. It is my opinion that the Knoxville Mayor and City Council will be acting ultra vires if the City Council continues with the adoption of the Revolve Knoxville ordinance, and then the ordinance would be declared void. Consequently, I am not able to advise them of any other remedies.