



Nonconforming Alteration Application

(Please complete the questions below for either a residential or non-residential alteration, as applicable)

Detached or Semi-Detached Single Unit Residential

According to the Zoning Ordinance, alterations, expansions, and enlargements may be made to a nonconforming building or structure only if they do not expand or extend the development standards nonconformity. Improvement of the facade or structure so as to enhance its appearance and alterations necessary to comply with the Americans with Disabilities Act are two areas where the Chief of Planning may grant a Nonconforming Alteration Application approval for structural modifications to a building containing a Development Standards Nonconformity. Answers to the following must be provided in order for the application to be considered. **If more space is needed, please attach additional pages.**

1. Please provide documentation of the existence and extent of the nonconforming development standard(s) being requested.

2. Please explain how the proposed Nonconforming Alteration does not exceed the amount reasonably necessary to accomplish the purpose of the alteration.

3. Please explain how the proposed Nonconforming Alteration is compatible with the general character of the surrounding neighborhood or zone.

4. Please explain how the proposed Nonconforming Alteration will not have negative impacts on the public health, safety, aesthetics, and welfare of the nearby properties.

5. Please explain how the proposed Nonconforming Alteration will be consistent with the purpose and intent of the zone.

Non-Residential Use or Structure

According to the Zoning Ordinance, alterations, expansions, and enlargements may be made to nonconforming buildings or structures only if they do not expand or extend the development standards nonconformity. Additionally, a nonconforming use may be extended throughout those parts of a building or structure specifically designed or constructed for such use prior to the adoption of the current regulations and standards.

- ☐ Alteration of a Nonconforming Use – Acted on by the Chief of Planning, review is limited to the expansion of the nonconforming use into those parts of the building or structure which were substantially constructed prior to the change in permitted uses which caused the nonconformity and which were specifically designed or constructed but not occupied by such use.

- ☐ Alteration of a Development Standards Nonconformity – Acted on by the Planning Commission, review is limited to maintaining the building or structure in safe repair, improvement of the facade or structural improvements so as to enhance its appearance, and alterations necessary to comply with the Americans with Disabilities Act. Alterations, expansions, and enlargements to the building or structure may be permitted as long as they do not expand or extend the development standards nonconformity.

In evaluating and approving a Nonconforming Alteration application, the following findings must be addressed. **If more space is needed, please attach additional pages.**

1. Please provide documentation of the existence and extent of the nonconforming development standards being requested.

2. Please explain how the proposed Nonconforming Alteration does not exceed the amount reasonably necessary to accomplish the purpose of the alteration. _____

3. Please explain how the proposed Nonconforming Alteration is compatible with the general character of the surrounding neighborhood or zone. _____

4. Please explain how the proposed Nonconforming Alteration will not have negative impacts on the public health, safety, aesthetics, and welfare of the nearby properties. _____

5. Please explain how the proposed Nonconforming Alteration will be consistent with the purpose and intent of the zone. _____

6. For Nonconforming Alteration approvals that trigger conformance with current parking requirements pursuant to Article 16, the Planning commission may waive the current parking requirement and allow the maintenance of the existing nonconforming parking entitlements through the grant of the Nonconforming Alteration approval, if the Commission finds that:
 - a. It is not practicable to provide the required parking onsite in a manner that preserves neighborhood character;
 - b. Preserving the nonconforming parking entitlements is the best solution to provide consistency with the goals, policies, and intent of the Plan.

Please address, if applicable, how this finding is met.

Please acknowledge that you have read and understand the following information by signing below.

Posting of Sign:

A sign must be posted on the property to provide notification of the application to the community. The City provides this sign to the applicant within 3 days of receiving the sign from the City. It must remain posted until the Chief of Planning takes final action on the application. An affidavit of posting must be completed to certify that the sign was posted for the required time.

Inspection of the Property:

City staff members must be given the opportunity to physically inspect the subject property to help them reach a decision on the application. This access must be granted provided a reasonable notice is given for said inspection.

The Decision:

Submission of this application with the filing fee is not a permit. The Chief of Planning will make the final decision (Approval/Denial/Dismissal) on this application.

The Chief of Planning may not grant approval of a Nonconforming Alteration application for an alteration or expansion that exceeds the amount reasonably necessary to accomplish the purpose of the alteration or expansion. The Chief of Planning has 30 days from when the notices are sent to approve the application, approve the application with conditions, or to deny the application. Nonconforming Alteration applications requiring Chief of Planning review are processed like a Level 1 Site Plan. Decisions by the Chief of Planning may be appealed to the Planning Commission.

Nonconforming Alteration applications requiring Planning Commission review are processed like a Level 2 Site Plan application. Decisions of the Planning Commission may be appealed to the Circuit Court.

Refunds:

The filing fee is not refundable regardless of whether the application is approved or denied.

Signature of Applicant _____ Date _____