



# NONCONFORMING STRUCTURE AND USE / SUBSTITUTION

## Board of Zoning Appeals – Nonconforming Use / Substitution

Please complete the following form and submit all requested material with your application. Materials submitted as part of this application are retained as part of the public record for this case. Applicants are encouraged to keep a copy of all materials for their own records.

Property and Owner Information		STAFF USE ONLY
PROPERTY ADDRESS – OR PARCEL NUMBER(S) IF NO ADDRESS		FILE INFORMATION
Applicant Contact Information		
APPLICANT NAME		RECEIVED AMOUNT / CHECK #
APPLICANT ADDRESS		
PREFERRED CONTACT METHOD	APPLICANT EMAIL	CASE NUMBER (S)
<input type="checkbox"/> EMAIL PREFERRED <input type="checkbox"/> PHONE PREFERRED	APPLICANT PHONE	MEETING DATE

Please attach an extra page should you need more space to answer any of the questions. Remember to attach the owner's affidavit along with any required plans to your application.

Plot Plan Requirements and Elevation Drawings
<p>In addition to the completed application, please provide a digital PDF or (2) copies physical paper plans (<i>11x17 preferred</i>) illustrating the following requirements:</p> <ol style="list-style-type: none"> <li>1. The property boundaries and dimensions of the entire lot.</li> <li>2. Elevation drawings illustrating the height and façade measurements.</li> <li>2. The size, location, and dimensions of all existing and proposed structures</li> <li>3. The proposed use of all parts of the lot and structures, including access ways, walks, off-street parking and loading spaces and landscaping.</li> <li>4. The relationship of the requested variance to the standards set by the Zoning Resolution.</li> <li>5. The use of land and location of structures on adjacent property</li> </ol>

### Supporting Application Questions and Materials

Please describe the facts upon which this appeal or application are based on the following pages. You may attach an additional sheet of paper if more room is needed.

I/we hereby request the Board of Zoning Appeals to authorize issuance of a Zoning Certificate for:

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# Board of Zoning Appeals – Nonconforming Use Modification

List and describe all types of easements and other restrictions recorded with Montgomery County, which concern this Appeal or application:

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If any previous appeal or application has been filed in connection with this property, state date or dates:

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## Supporting Application Questions

1. Description sufficient to identify the property, including a reference of the volume and page of the last recorded deed or plat.

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2. The Board may permit extension, enlargement, or substitution only for structures or uses lawfully existing at the time of adoption of the zoning resolution. Please provide the date that the subject structure or use was constructed or commenced.

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3. Statement describing proposed expansion of a nonconforming building or structure, or substitution of nonconforming use. The Board of Zoning Appeals may permit either an expansion of a structure or substitution of use, but not both.

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4. Gross floor area, in square feet, of any nonconforming structure proposed for enlargement or extension. This figure cannot exceed 25% of the gross floor area of such nonconforming structure lawfully existing at the time of adoption of the zoning resolution.

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## Board of Zoning Appeals – Nonconforming Use Modification

5. Will such extension or enlargement of the nonconforming structure occupy ground space suitable and otherwise available for meeting the off-street parking requirements of the zoning resolution?

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### Additional Conditions

Please refer to subsections 3604 and 3604.07 for a complete description of the conditions upon which the Board of Zoning Appeals may grant said extensions, enlargements, or substitutions.

- A nonconforming use of land (as opposed to a building or structure) may not be extended enlarged or increased in intensity.
- A nonconforming use of land (as opposed to a building or structure) may not be changed.
- No structures devoted to a nonconforming use may be moved to any other location on the lot and no nonconforming land use may be relocated to any other portion of the lot. (See subsection 3604.06 Moving for more information.)



## Property Owner Affidavit

### Property and Application Information

Property Address or Parcel Number(s) Associated with this Application	Type of Application (or Case#)
Applicant's Printed Name or Company	Applicant's Phone
Applicant's Signature	Date

### Property Owner(s) Affidavit - Owner(s) signatures must be notarized.

I (we),

\_\_\_\_\_

Owner(s) Printed Name

hereby certify that I (we) are the owner(s) of the above property. I (we) attest to the accuracy and truthfulness of the statements and any exhibits provided on this application to be true to the best of my (our) knowledge. We understand that our application will be considered and processed in accordance with the regulations set forth by the Miami Township Zoning Resolution. I (we) understand that the materials provided within this document are subject to public record and will be considered in rendering a decision on this request. I (we) authorize Miami Township to place a Public Hearing Notification sign on the property as needed during the proceedings of this hearing.

Owner Signature #1	Date	Owner Signature #2	Date
Owner #1 Printed Name		Owner #2 Printed Name	
Owner #1 Mailing Address		Owner #2 Mailing Address	
Owner #1 Phone		Owner #2 Phone	

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

Notary Stamp

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
My Commission Expires