



Nonconforming Uses

Enlargement or Increase

Change to Other Nonconforming Use



Enlargement or Increase.

1. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied when the use became nonconforming, except as may be permitted by the Board of Zoning Appeals.

Change to Other Nonconforming Use. Prior to a determination of abandonment, a nonconforming use may be changed to another nonconforming use provided the Board of Zoning Appeals makes all of the following determinations.

1. The proposed use is equally compatible, or more compatible, with the surrounding neighborhood, and that the use is equal to or more conforming to the uses allowed in the Zone District than the previous nonconforming use.
2. The proposed nonconforming use is not enlarged or increased, nor extended to occupy a greater area of land than the previous nonconforming use, except as may otherwise be permitted by this the Board of Zoning Appeals.
3. That buildings and area encompassing the expansion of the nonconforming use complies with all parking, landscaping, or other site development regulations applicable to the area affected by the proposed enlargement, increase or extension of use area as required by this Chapter.



Application

Nonconforming Use

A. PROPERTY INFORMATION

Property Address _____

Parcel Number _____ Zone District _____

Lot Size Frontage: _____ft Depth: _____ft Area: _____Acres/Sq Ft Rectangle Irregular

Current use of property _____

Proposed use of property _____

B. Applicant Information

1. Applicant

Identify the person or organization requesting the Special Land Use:

Name _____ Title _____

Organization _____ Cell Phone _____

Mailing Address _____ Business Phone _____

City _____ State _____ Zip _____ E-Mail _____

2. Applicant Interest

The applicant must have a legal interest in the subject property:

- Property Owner Purchaser by Option or Purchase Agreement
 Purchaser by Land Contract Lessee/Tenant

3. Property Owner Check here if Applicant is also Property Owner

Identify the person or organization that owns the subject property:

Name _____ Title _____

Organization _____ Cell Phone _____

Mailing Address _____ Business Phone _____

City _____ State _____ Zip _____ E-Mail _____

4. Representative

Identify any person representing the property owner or applicant in this matter:

Name _____ Title _____

Organization _____ Cell Phone _____

Mailing Address _____ Business Phone _____

City _____ State _____ Zip _____ E-Mail _____

C. ZONING ORDINANCE SECTION(S)



Application

Nonconforming Use

D. Enlargement or Increase (If applicable)

Description of Request

In determining if the proposed enlargement, increase, or greater area shall be permitted, the Board shall find that if approved, the use shall:

- a. Not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots;
Describe below:

- b. Comply with all parking, sign, or other applicable regulations for accessory uses for the area affected by the proposed enlargement, increase, or greater area;
Describe below:

- c. Not occupy an area larger than twenty-five (25) percent of the original nonconforming area.
Describe below:

If the request is granted, the Board of Zoning Appeals may impose reasonable conditions that are necessary to ensure that the proposed enlargement, increase, or greater area shall not prove detrimental to adjacent properties, the neighborhood, or the community.



Application

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F. Change to Other Nonconforming Use (If applicable)

- 1. The proposed use is equally compatible, or more compatible, with the surrounding neighborhood, and that the use is equal to or more conforming to the uses allowed in the Zone District than the previous nonconforming use.

Describe below:

- 2. The proposed nonconforming use is not enlarged or increased, nor extended to occupy a greater area of land than the previous nonconforming use, except as may otherwise be permitted by this the Board of Zoning Appeals.

Describe below:

- 3. That buildings and area encompassing the expansion of the nonconforming use complies with all parking, landscaping, or other site development regulations applicable to the area affected by the proposed enlargement, increase or extension of use area as required by this Chapter.

Describe below:



Application

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G. REQUEST AND AFFIDAVIT

The applicant must read the following statement carefully and sign below:

The undersigned requests that the City of Grand Rapids review this application and related required documents and site plans as provided in Article 13 of the Grand Rapids Zoning Ordinance. The applicant further affirms and acknowledges the following:

- That the applicant has a legal interest in the property described in this application.
- That the answers and statements contained in this application and enclosures are in all respects true and correct to the best of his, her or their knowledge.
- That the approval of this application does not relieve the undersigned from compliance with all other provisions of the Zoning Ordinance or other codes or statutes, and does not constitute the granting of a variance.
- That the applicant will comply with any and all conditions imposed in granting an approval of this application.
- If also the owner, the applicant grants the City of Grand Rapids staff and the Board of Zoning Appeals the right to access the subject property for the sole purpose of evaluating the application.

Applicant Name (printed)

Applicant Signature

Date

If the applicant is not the property owner, the property owner must read and sign below:

The undersigned affirms and acknowledges that he, she or they are the owner(s) of the property described in this application, and:

- Is/are aware of the contents of this application and related enclosures.
- Authorizes the applicant to submit this application and represent the undersigned in the matter being reviewed by the City of Grand Rapids.
- Grants the City of Grand Rapids staff and the Board of Zoning Appeals the right to access the subject property for the sole purpose of evaluating the application.

Property Owner Name (printed)

Property Owner Signature

Date



Application Procedures

Nonconforming Use

1. General Information

The Zoning Ordinance is designed to ensure that development in Grand Rapids is harmonious with surrounding properties and does not endanger the health, safety or general welfare of the public. If you want to enlarge a nonconforming use or change nonconforming uses you will need to apply to the Board of Zoning Appeals (BZA) for approval.

2. Application

A complete application may be submitted to the Planning Department Monday – Friday, from 7:30am to 4:00pm. See www.grcity.us/planning for the schedule of BZA meetings. Following the staff review the application will be put on the next available BZA agenda slot.

3. Application Fee

The application fee is applied to the cost of processing your application. The application fee cannot be refunded in the event of a decision contrary to your request.

4. Staff Review

The application will be reviewed initially by the Planning Department staff prior to submission to the BZA. A staff person may contact you with questions or a request for additional information.

5. Notice of Public Hearing

Following staff review, the request will be forwarded to the BZA for a public hearing. A notice of the public hearing will be published in the Grand Rapids Press 15 days prior to the BZA meeting. Property owners within a 300' radius of the subject property will be notified of the public hearing by post card. Interested persons may submit a letter or speak at the public hearing.

6. Neighborhood Input

Applicants are strongly encouraged to meet with neighboring property owners and the neighborhood association or business association before the hearing to answer any questions or concerns they may have.

A list of associations and contact persons is available in the Planning Department and on its website, www.grcity.us/planning

7. Board of Zoning Appeals Meeting

All meetings of the BZA are held on the 2nd floor of 1120 Monroe Avenue NW. You will be notified of the date and time of the meeting. Each public hearing item for consideration is assigned an approximate start time. The Planning staff introduces and explains each request to the BZA. The applicant is then asked to present information on his or her request. The BZA may ask questions of the staff and/or applicant. The BZA deliberates on the request in open session.

8. Written Notice

The applicant will be provided with a letter that documents the decision of the BZA.

9. Decision

The decision of the BZA shall be final. However, any person being an aggrieved party affected by the decision shall have the right of appeal to the Kent County Circuit Court, as provided in the Zoning Act and Circuit Court procedures.



Application Checklist

Nonconforming Use

The following items are required for a complete Nonconforming Use application. Incomplete applications will be returned.

Signed Application Form

Complete pages 2 - 5 of the Nonconforming Use application form. If you need additional room to answer any question, attach additional sheets and identify the property address. Application must be signed by the applicant and the property owner (if different).

Dimensioned Site Plan from a Property Survey (1 copy & 1 digital PDF copy)

- Existing buildings or additions on the property.
- Number and location of all on-site parking spaces.
- Existing and proposed distances to adjacent property lines.
- Any other information relevant to the application.

Dimensioned Drawings and Plans (1 copy & 1 digital PDF copy)

- All existing buildings and additions.

Fee (FY2022): \$1,453

Payment options:

Check (payable to City of Grand Rapids)

Credit card in person at Development Center

Credit card by phone by calling (616) 456-4100

Additional Information

In the course of reviewing the application, the Planning Department staff may request additional information from the applicant.