

Class A Non-Conformities Checklist

Description:

There are two types of nonconformities within a city: uses and structures. When the city amends a zoning ordinance, it sometimes creates nonconforming uses and structures. Nonconforming uses and structures are authorized at the time the use/structure was created but are no longer allowed due to changes made in a zoning ordinance.

Generally, it is the intent to eliminate nonconforming uses and structures because they are incompatible with permitted uses in the district and are likely to have a negative impact on neighboring properties. However, the city recognizes that certain non-conforming uses are not necessarily contrary to the public health, safety, and welfare of the community and that no useful purpose would be served by eliminating the use or structure. Therefore, the city establishes two classes of non-conformities, being class A and class B. All non-conforming uses and structures are classified as class B unless designated as class A. The Planning Commission has the authority to designate uses as Class A.

Review Team:

Planning Commission, City Planner

Submission Requirements:

1. A complete signed application and paid fee.
2. A complete Class A Non-Conformities checklist and attachment of short answers.
3. One sketch plan.

Deadline and Meeting Requirement:

Since a public hearing is required by State of Michigan law, the application deadline is one month before the next Planning Commission meeting. Planning Commission is the final approval authority for Class A Non-Conformities. The Planning Commission hosts a public hearing regarding the request. Per State of Michigan law, the public hearing is within the local newspaper. Members of the public are welcome to attend the public hearing and voice their thoughts/concerns about the project.

Checklist Requirements:

The applicant must complete this checklist and submit with the application. The applicant must provide responses that address how the project meets or exceeds the approval standard within the checklist. Feel free to use additional sheets of paper. **The application will be considered incomplete if answers are not provided.** For assistance, contact the Planning Department (planningandzoning@eastpointecity.org).

STANDARD A

Protect the Health, Safety and Welfare of Community from Nuisances. The proposed use must not generate activities that are detrimental to the public health, safety, and welfare. Are there any detrimental effects or nuisances involved in project and how are these nuisances mitigated? Consider the production of traffic, noise, vibration, smoke, fumes, odor, dust, glare, light, etc.

Applicant Response.

STANDARD B

Protect Adjacent Property Value. Continuance of the non-conforming structure or use does not and is not likely to significantly depress the value of nearby properties.

Applicant Response.

STANDARD C

Recognize Lawful Structures and Uses. The structure or use was lawful at the time of its inception and is non-conforming as defined in this Ordinance.

Applicant Response.

STANDARD D (FOR USE NON-CONFORMITIES)

Promote Alignment and Conformity with Community and Zoning Ordinance. The proposed use will have less of a negative impact on neighboring properties than the existing land use and will bring the site into greater conformity with the zoning ordinance. For example, to conform with the zoning ordinance, the applicant must meet landscaping and screening device requirements. To protect the community from a potential negative use impact and to reach greater conformity with the zoning ordinance, the Planning Commission may require appropriate conditions and safeguards.

Applicant Response.

STANDARD E (FOR STRUCTURE NON-CONFORMITIES)

Promote Alignment and Conformity with Community and Zoning Ordinance. The proposed alteration/extension/expansion/replacement will not have a negative impact on neighboring properties and will bring the site into greater conformity with the zoning ordinance. For example, to conform with the zoning ordinance, the applicant must meet landscaping and screening device requirements. To protect the community from a potential negative impact and to reach greater conformity with the zoning ordinance, the Planning Commission may require appropriate conditions and safeguards.

Applicant Response.