

Nonconforming Clarification

WHAT IS NONCONFORMING?

There are three (3) types of nonconformities with regard to the Alganssee Township Zoning Ordinance, they are: Use, Structure, and Lot.

Nonconforming means that the use, structure, or lot does not conform to one or more of the provisions of the Township Ordinance; but were conforming prior to the adoption to the Ordinance, in this case November 2003.

Nonconforming Use

Is a use which was lawfully in existence as of the effective date of the Ordinance and which does not now conform to the use regulations of the Ordinance. For example, a commercial building in a residential zoning district would be a nonconforming use.

Nonconforming Structure

Is a structure or building or portion thereof that was lawfully in existence as of the effective date of the Ordinance and which does not now conform to the minimum building height, area, setback, lot coverage, or other provision of the Ordinance pertaining to buildings in the zoning district in which it is located. For example, a home was 980 sq ft and the ordinance now requires 1200 sq ft, the home would be nonconforming based on the new ordinance.

Nonconforming lot

Is a lot of record which was lawfully in existence at the effective date of the Ordinance, and which does not now conform to the lot size, lot width, or other provisions of the Ordinance pertaining to lots in the zoning district in which it is located. For example, an existing lot is one-half (0.5) acre and the ordinance requires one (1) acre, therefore this would be a nonconforming lot.

WHAT IF I HAVE A NONCONFORMING USE, STRUCTURE, OR LOT?

A nonconforming use that was lawful and fully permitted under a former ordinance may continue under the new ordinance provided it remains lawful and subject to the following provisions: One, it shall not be enlarged nor extended to cover a greater area of land than was occupied at the effective date of the Ordinance. Two, the nonconforming use runs with the land and as such shall not be moved in whole or in part to any other portion of the parcel. Three, if the nonconforming use of the land ceases for any reason for a period of 12 months then the use shall be null and void.

A nonconforming structure may be expanded or enlarged provided that any new construction complies with the minimum yard space, height, etc.. Should the structure be moved for any reason it shall be required to meet the new criteria. Repairs and maintenance deemed necessary by the County Building Official to keep a nonconforming building structurally safe are permitted.

A nonconforming lot may be used for any use permitted in accordance with the relevant zoning district regulations, provided that any building or structure to be constructed meets the minimum yard requirements.

WHAT ABOUT PERMITS?

All permits are to be obtained through the Township Zoning Administrator, Russ Jennings, at 517-639-3728. If what you are proposing meets all of the required setbacks and is allowed by right then he will be able to issue you a permit. If what you are proposing is allowed by special use, then a hearing will be held by the planning commission. If you do not meet the required setbacks and can not due to a hardship that your lot places on your property then the owner may request a zoning board of appeals hearing.

WHAT ABOUT A NATURAL DISASTER?

A nonconforming structure that is damaged by fire, flood, wind, or other natural means, where the cost of repairs is less than 50% of its true cash value, may be restored, provided that construction is started within one (1) year of the date of damage and completed within two (2) years. Any portion of the home that is conforming may be repaired as well.

If the cost to repair exceeds 50% then all necessary steps to meet the requirements of the ordinance and thus to bring the new structure into compliance will need to be made.

Any lot in existence prior to 1980, is allowed a home by right that meets the minimum square footage requirements, and thus would be allowed to rebuild in the case of a natural disaster.

WHAT ABOUT PROPERTY VALUES & THE RESALE OF MY HOME?

The law states that you must disclose a nonconforming use to a new buyer. A nonconforming use would be any property that is commercial or agricultural in nature that is now located in the residentially zoned areas. This will impact a small number of parcels, but the majority of the homes were residential and continue to be residential.

SPECIAL MEETING TO DISCUSS ZONING ORDINANCE CONCERNS

SATURDAY, DECEMBER 2, 2006

10:00 AM -- ??

PINE RIDGE CHURCH

GYMNASIUM

280 S RAY QUINCY RD

This will be a joint informal meeting with the planning commission and township board.

The contents of this document are intended as general information only and do not speak to the facts involved with any specific circumstances.