



Community Development
 110 South Main Street
 Springville, UT 84663

801.491.7861
 www.springville.org

CERTIFICATE OF NON-CONFORMITY APPLICATION

Review Fee \$90

Cash or Check Only (GL# 3-17)

A nonconformity is any use lawfully being made of land, buildings, or structures, which does not comply with the current Zoning Code which governs its use in the district in which it is located. This application is used to establish the rights to a nonconformity. The Right of Use of a nonconforming use, building, or lot shall be subject to the provisions found in Section 11-3-2 of Springville City Code, 1991.

APPLICANT INFORMATION (Please Print)			
Name:			
Street Address:			Phone:
City:	State:	Zip	Mobile:
Email:			
PROPERTY OWNER INFORMATION (If different from applicant above)			
Name:			
Street Address:			Phone:
City:	State:	Zip	Mobile:
Email:			
PROPERTY INFORMATION			
Property Address:			Parcel Serial #
Current Use of the Property:			
Intended Use of the Property:			
Number of Off-Street Parking Spaces	Number of Utility Connections:		
	Power:	Water:	Gas: Sewer:

The purpose of this form is to verify current zoning, and to provide occupancy restrictions and parking requirements for the subject property. **The information provided should not be interpreted to mean that current uses are or past uses were in compliance with the Springville City Code or to permit desired future uses.** Accuracy of the information is dependent upon records available at the time of the request. If additional records become available that are in conflict with the information provided, they will be considered carefully, and **the information listed on this form may change.**

I certify that all of the information provided is true and accurate to the best of my knowledge.

 Applicant Signature

 Date

CERTIFICATE OF NON-CONFORMITY APPLICATION SUBMITTAL REQUIREMENTS & REVIEW PROCESS

Please provide the following:

- Submission of a completed application and applicable fee, along with the following:
- Site plan drawing (*does not* have to be to scale) that illustrates dimensions and locations of any existing structures on the property with dimensions and setbacks noted and showing all existing driveways and parking stalls associated with the site;
- Please include any other information that might be helpful in researching the use of the property.

Procedure. The Zoning Administrator or the Administrator's designee shall determine the existence, expansion or modification of a nonconforming building, lot or use or other nonconformity as provided in the following procedure:

- (a) If a determination of the nonconforming status of a property is desired, the owner or his designee shall submit a completed application for a Certificate of Nonconformity with the Community Development Department. In all cases, the property owner shall have the burden of proving by a preponderance of evidence that a building, lot, use or other circumstance, which does not conform to the provisions of this Title, complied with the applicable ordinance requirements in effect at the time the current circumstances were originally created.
- (b) A preponderance of evidence is evidence which is more credible and convincing than evidence offered in opposition to it.
- (c) Evidence offered to prove a building, lot, use or other circumstance was legally created may include, but not be limited to:
 - (i) The date when the circumstance was created;
 - (ii) Copies of applicable zoning, building or other Code provisions in effect at the time of creation;
 - (iii) Documents showing the nonconforming circumstance was authorized, such as a building permit, letters, and meeting minutes of governmental bodies where the circumstance was discussed or authorized;
 - (iv) Property inspection reports which indicate the degree that the nonconforming circumstance complies with the applicable Codes in effect at the time of creation; and
 - (v) Affidavits of persons with personal knowledge of the circumstances of creation.
- (d) If no provision of a previously applicable zoning ordinance would have allowed a claimed nonconforming circumstance it shall be prima facie evidence that it was not legally established.

(e) If when established, a building, lot, use or other circumstance did not conform to the provisions of applicable zoning or other Code provisions, the fact of occupancy, use or existence for any period of time shall not be a factor in determining whether the circumstance should be deemed legally established.

(f) If a determination is made that the building, lot, use or other circumstances did conform to the applicable zoning or other Code provisions, a Certificate of Nonconformity shall be issued by the Community Development Department in accordance with the procedure defined above.

(g) Notice of the final determination may be appealed to the Board of Adjustment as provided in Section [11-2-305](#) of Springville City Code and shall state the date by which the appeal must be filed.

(3) Abatement or Compliance. If a property owner is unable to demonstrate that a building, lot, use or other circumstance was legally established, it shall be deemed illegal and not to be a nonconforming use. It shall be abated or brought into conformance with applicable provisions of Springville City Code. Abatement or compliance shall be achieved within thirty (30) days, unless the work which must be undertaken to achieve compliance cannot be accomplished in that time period. In such case, the owner of the property shall enter into a legally binding agreement with the City wherein the owner agrees to a schedule to achieve conformity as soon as reasonably practicable, so long as compliance is achieved within six (6) months. Failure to abate or remedy the illegal building, lot, use or other circumstance may be deemed a nuisance by the City.

(4) Expansions, Additions, or Changes to a Nonconforming Building. No building permit for expansions, additions or changes of a nonconforming building or use shall be issued unless and until a Certificate of Nonconformity has been issued. The proposed work shall be in accordance with the terms and conditions of said Certificate. Any violation of the terms or conditions of said Certificate may result in the building permit being revoked and the expansion, addition or changes be deemed illegal.