



## APPLICATION TO DETERMINE LEGALLY EXISTING NONCONFORMING STATUS

290 NORTH 100 WEST, LOGAN, UTAH 84321  
 PHONE 435.716.9020 FAX 435.716.9001  
<http://comdev.loganutah.org>

A **nonconformity** in zoning is any use, structure, lot, or sign that exists but does not meet current zoning requirements. A nonconformity may be legally existing if it was created before zoning or it was granted a permit by the City. If determined to be legally existing, the property may be granted a permit commonly referred to as a Grandfathering Certificate. If not legally existing, the nonconformity is illegal because it was never legally permitted. A record of the result of this action will be filed with the County Recorder's Office. This application is designed to provide all available information to the City which will allow staff to determine the legally existing status of the property of the applicant.

### Items to include with a Nonconforming Application:

- Current Cache County Recorder's plat map
- Record of Ownership since the date of the original construction.  
*These documents must be retrieved from the Cache County Recorder's Office* (179 North Main St., Suite 101).
- County Assessor history of the property, which includes: copies of all documents, photographs, etc. within the property file, as well as copies of each side of the folder. This can be done by searching the property's file under the current Tax Identification Number. A copier is available in the Assessor's Office (a fee of 50 cents / copy will be required). *These documents must be retrieved from the Cache County Assessor's Office* (179 North Main St., Suite 205).
- Description of the nonconformity, include as much detail as possible. Include a statement, supported by facts and evidence, that the property has been "**continuously occupied** as a (type of use) since (date)." For example "The structure has been continuously occupied as two units since 1955."
- Any other written information proving the nonconformity was legally established and has been continuously occupied (such as rental contracts, lease agreements, utility bills, etc.).
- \$40.00 fee (This fee may be waived only if the application can be *Administratively* reviewed. An Administrative Review is granted only when an original building permit was issued for the use requested.

**The burden of proof that the nonconformity was established legally rests with the owner, not the City. (Land Development Code §17.59.040 B)** The applicant must provide all applicable information to the Department of Community Development. If the owner cannot provide information to prove the nonconformity was legally established or the Department of Community Development cannot find proof that the nonconformity was legally established, the property will not be granted legally existing nonconforming status. This may result in enforcement action being taken against the nonconforming property.

### Department of Community Development Contact Information:

Kristen Clifford, Planner I ... 716-9036 James Geier, Neighborhood Improvement Coordinator ... 716-9027

**(Shaded area for staff use only)**

Date Received	Received By	Receipt No.	Zone	Address (in reverse)
Type of Application (Check all that apply): <input type="checkbox"/> Use <input type="checkbox"/> Structure <input type="checkbox"/> Lot <input type="checkbox"/> Sign <input type="checkbox"/> Other _____				GF # _____
<b>APPLICANT: (MUST BE ACCURATE AND COMPLETE)</b>				<b>PHONE NUMBER:</b>
<b>MAILING ADDRESS, CITY, STATE ZIP (USED FOR MAILING ALL CORRESPONDENCE AND CERTIFICATE OF DECISION)</b>				
Property Owner of Record (Must be listed):				Phone Number:
Mailing Address, City, State, Zip (if different):				
<b>NONCONFORMING PROPERTY ADDRESS:</b>				Tax I.D. Number:
Current use of property (e.g., number of units):				
I certify that the information contained in this application and supporting information is correct and accurate.			<b>Signature of Applicant:</b>	<b>Signature of Owner:</b>

**Incomplete applications will not be accepted.**

LEGALLY EXISTING NONCONFORMING STATUS (Grandfather)