



Registration of a Nonconforming Use City of Washburn

Version: May 25, 2017

WASHBURN CITY HALL
119 Washington Avenue
Washburn, WI 54891

Overview: There may be now or in the future certain uses of land that are not in compliance with the City's zoning regulations, but which were legally established. These uses are referred to as "legal nonconforming uses," and are allowed to continue to operate as set forth in Article 21 of the City's zoning code. For this reason, it is necessary to document those uses that are considered legal nonconforming. Registration of a use as a nonconforming use provides documentary evidence establishing (1) when the use was first established; (2) that the use at the time of establishment was done consistent with the rules and regulations in effect at the time, if any; (3) that it has continued continuously, without cessation of more than 12 continuous months; and (4) the nature of the use.

As part of its review, the Plan Commission may determine that the use was not legally established, was illegally expanded, or was legally established but has ceased to operate continuously.

Governing regulations: The procedures and standards governing the review of this application are found in Article 6 of the City's zoning code.

General instructions: Complete this application and submit one copy to the City Clerk at the mailing address shown above. Before you formally submit your application, you may meet with the City Administrator who can answer any questions you may have. You may also ask the City Administrator to review your application before it is formally submitted to determine if it is complete and provides enough information to describe the circumstances related to this application. If you have any questions, do not hesitate to contact the City Administrator at (715) 373-6160 ext 4 or via e-mail at washburnadmin@cityofwashburn.org.

Office Use Only

Date Received: _____ Received By: _____ Fee Paid: _____

1. **Applicant and agent information** Include the names of the agent, if any, that helped prepare this application including the supplemental information. Examples include surveyors, engineers, landscape architects, architects, planners, and attorneys.

	<u>Applicant</u>	<u>Agent</u>
Name	_____	_____
Street address	_____	_____
City, state, zip code	_____	_____
Daytime telephone	_____	_____
E-mail address	_____	_____

2. **Subject property information**

Physical address _____

Tax key number(s) _____

Note: The tax key number can be found on the tax bill for the property or it may be obtained from the City Clerk.

- | | | | |
|---|---|--|---|
| Current zoning classification (check all that apply) | <input type="checkbox"/> R-1 Rural residential | <input type="checkbox"/> C-1 Cottage commercial | <input type="checkbox"/> MUW Mixed-use waterfront |
| | <input type="checkbox"/> R-2 Suburban residential | <input type="checkbox"/> C-2 General commercial | <input type="checkbox"/> L-1 Lakefront |
| | <input type="checkbox"/> R-6 Mixed residential | <input type="checkbox"/> C-3 Downtown commercial | <input type="checkbox"/> M Marina |
| | <input type="checkbox"/> R-7 Waterfront residential | | <input type="checkbox"/> I Industrial |

Is the subject property currently in violation of the City's Zoning Code as determined by the zoning administrator?

- No
 Yes

If yes, please explain.

Comment: Pursuant to Section 6-10 of the City's zoning code, the City may not issue a permit or other approval that would benefit a parcel of land that is in violation of the zoning code, except to correct the violation or as may be required by state law.

Are there any unpaid taxes, assessments, or other required payment that are specifically related to the subject property?

- No
- Yes

If yes, please explain.

Comment: Pursuant to Section 6-11 of the City's zoning code, the City may not issue a permit or other approval that would benefit a parcel of land where taxes, assessments, or other required payments are delinquent and due.

3. Nonconforming use description. Provide the following information for the nonconforming use:

- (1) the date, or approximate date, the use was first established or believed to be first established;
- (2) evidence showing that the use at the time of establishment was legally established;
- (3) the date, or approximate date, when the use became nonconforming;
- (4) the section of the zoning regulation causing the use to be nonconforming;
- (5) evidence showing that the use has continued from the date, or approximate date, of establishment to the current date without an interruption of more than 12 continuous months; and
- (6) the nature of the use and location on the property.

Sources of such information may be derived from any of the following:

- (1) written document (e.g., business license, meeting minutes, reports, planning documents, or a permit or other authorization) maintained by a local, state, or federal governmental body;
- (2) a newspaper article;
- (3) a dated photograph;
- (4) an aerial photograph;
- (5) a sworn affidavit supplied by the applicant or any other person; and
- (6) any other authoritative source as approved by the zoning administrator.

Attach a map to this application to clearly show where all of the existing land uses are located, including those that are conforming.

4. Attachments. List any attachments included with your application.

5. Other information. You may provide any other information you feel is relevant to the review of your application.

6. Applicant certification

- I certify that all of the information in this application, along with any attachments, are true and correct to the best of my knowledge and belief.
- I understand that the zoning administrator will review this application to determine if it contains all of the required information. If he or she determines that the application is incomplete, it will not be scheduled for review until it is deemed to be complete.
- I understand that this application and any written materials relating to this application will become a permanent public record and that by submitting this application I acknowledge that I have no right to confidentiality. Any person has the right to obtain copies of such written materials or view it online.
- I certify that I am the person identified below OR I am submitting this application on behalf the entity identified below.
 - property owner
 - Zoning administrator
 - Plan Commission
 - Mayor
 - Common Council

Applicant name:

Date:
