

# Class A Nonconforming Uses

## Overview

### What are “nonconforming” uses?

Nonconforming uses are uses that were legally established but that no longer comply with Ordinance regulations due to the adoption or amendment of the Zoning Ordinance.

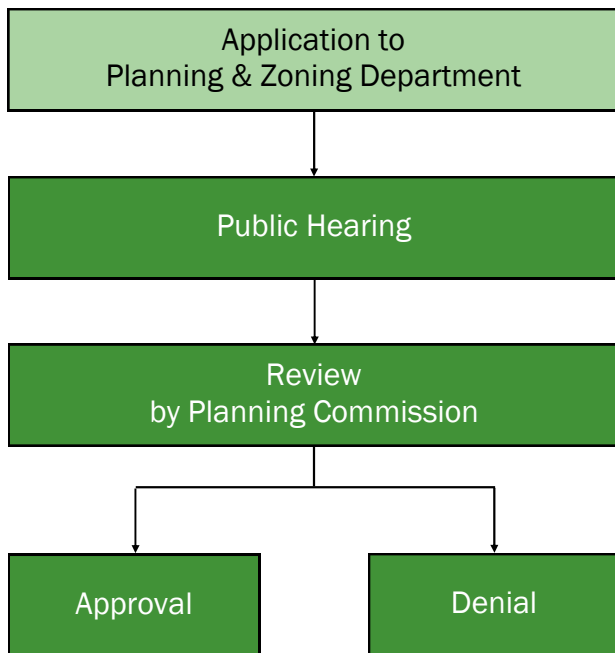
A nonconforming use may be continued; however, alteration and enlargement of the use depends upon whether it is designated as a Class A or a Class B nonconforming use.

Nonconforming uses that were not legally established shall not be permitted to continue.

### What are the procedures for obtaining Class A designation?

The Planning Commission has sole authority to grant Class A status to nonconforming uses.

Prior to its decision, the Planning Commission shall hold a public hearing on the request.



### How are nonconforming uses classified by the Zoning Ordinance?

The Shelby Township Zoning Ordinance establishes two classes of nonconforming uses:

- Class A are those that can be altered, restored, reconstructed, or changed.
- Class B are those that are not desirable and useful and that are only allowed to continue until they are removed or abandoned.

All nonconforming uses are designated as Class B unless specifically granted Class A status by the Planning Commission.

Refer to Section 7.15 of the Shelby Township Zoning Ordinance for the complete text of all procedures, regulations, and conditions that are applicable to nonconforming uses.

### What is the difference between Class A and Class B nonconforming uses?

Class A nonconforming uses:

- May be used, altered or enlarged, subject to any conditions imposed by the Planning Commission. (Enlargement of a Class A use may only be permitted if the Planning Commission specifically established the limits of enlargement at the time it was designated as Class A.)
- Shall be permitted to be restored if destroyed.
- May be changed to another nonconforming use subject to Planning Commission approval.

Class B nonconforming uses:

- Shall not be enlarged or extended, nor shall the structure it occupies be repaired or reconstructed if damaged by more than 50% of the replacement cost.
- Shall not be changed to a substantially different nonconforming use.
- Shall not be moved to any other portion of the property.

# Class A Nonconforming Uses

## Requirements for Class A Designation

### What are the application requirements for Class A designation?

The following must be submitted for consideration:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- One (1) completed Applicant Information Form with one (1) readable copy of both sides of the applicant's driver's license attached (fax copies will not be accepted).
- One (1) original notarized Affidavit of Ownership and supporting ownership documentation.
- One (1) copy of a plot plan.
- Written explanation of the request (description, drawings, and photographs, as appropriate).
- Review fee.

### What are the standards for Class A designation?

Prior to granting Class A status to a nonconforming use, the Planning Commission must find that all of the following conditions are met:

- Continuance of the use would not be contrary to the public health, safety or welfare, or the spirit and intent of the Zoning Ordinance.
- The use does not, and is not likely to, significantly depress the value of nearby properties.
- The use was lawful at the time of its inception.
- No useful purpose would be served by strict application of the provisions or requirements of this ordinance with which the use does not conform.

## Common Questions

### Do I need to attend any meetings?

You will be notified of all meetings with your Class A Nonconforming Use request on the agenda. It is strongly recommended that you have representation at all meetings at which your application will be discussed.

The Planning Commission may take action on an application whether the applicant is in attendance or not; however, action may be postponed if the applicant is not available to answer questions.

It is strongly recommended that you consult Section 7.15 of the Shelby Township Zoning Ordinance for the complete text of all procedures, regulations, and conditions that are applicable to nonconforming uses.

Specific conditions apply to the use, alteration, and abandonment of nonconforming uses.

### Can Class A status be revoked?

Yes. Any Class A designation shall be revoked, following the same procedures required for designation, upon a finding that, as a result of a change of conditions or circumstances, the use or structure no longer qualifies for Class A designation.

### Who do I contact if I have more questions?

Contact the Shelby Township Planning and Zoning Department at:

Phone: (586) 726-7243  
Email: [planning@shelbytwp.org](mailto:planning@shelbytwp.org)  
Address: 52700 Van Dyke  
Shelby Township, MI 48316