



City of Yakima

Non-Conforming Use / Structure

Application Packet

It is important to your land use review that all parts of this application packet be completed. All narratives, when requested, must be completed with each question being answered separately. All items requested on the site plan checklist must be shown on the site plan and the completed checklist submitted with your application. Any item not applicable should be so noted.

Don't forget to sign your application and site plan.

If you have any questions about your application, please ask to speak with a Planner.

City of Yakima, Planning Division
129 North 2nd Street, 2nd Floor, Yakima, WA 98901
Phone#: (509) 575-6183 Fax#: (509) 575-6105

CHANGE OR EXPANSION OF A NONCONFORMING USE OR STRUCTURE

Occasionally, a site may have a nonconforming use or structure on it or the property owner/lessee may wish to expand. In order to provide flexibility, certain development standards may be modified under a Type (3) review process due to the size of the expansion. Commonly modifications include additions to garages or houses, or the expansion of an existing business.

How do I get started?: The initial step is to determine if your project will need to go through a Change or Expansion of a Nonconforming Use. In some situations the expansion may qualify under the Administrative Modification procedures in YMC Ch. 15.17; provided, the structure is nonconforming only by reason of excessive building height or substandard setbacks, or is a nonconforming single-family dwelling when the alteration or expansion and meets the following requirements:

1. It does not increase the degree of nonconformity of the structure;
2. It complies with development standards of the district in which it is located;
3. It is occupied by a Class (1) or Class (2) use or is a single-family dwelling or duplex; and,
4. In the case of expanding a nonconforming single-family dwelling or duplex, the proposed expansion is fifty percent or less of the existing building area.

Submit Your Application: A completed application on the attached forms is required along with the application fee, a written narrative or explanation, and a general site plan. Once you have submitted an application, a Planner will be assigned to process your application. To expedite the process, be sure that all parts of the application package are completed. All narratives, when requested, must be completed with each question being answered separately. All items requested on the site plan checklist, must be shown on the site plan and the completed checklist submitted with your application. Any items that are not applicable should be noted. And, please don't forget to sign your application and site plan.

Development Service Team (DST): Representatives from City departments, State agencies, and private utility companies will review your proposal. Should significant concerns arise during the DST meeting, a conference may be scheduled between you and the appropriate agency in order to discuss possible application modifications. After the DST meeting, you may have an opportunity to change aspects of your proposal to address any concerns raised. To do this, submit your modifications to your Planner; a staff report will be prepared based upon the information provided. A staff report will be prepared for the Hearing Examiner who has the ability to approve, approve with conditions, or deny the request.

Additional Information: During the review process, the Administrative Official may request additional/more detailed information, which may delay the review process. A timely response will keep the project moving forward.

Notice of Application and Public Hearing: A copy of your application, written narrative, the preliminary site plan, and other pertinent information will be mailed to the applicant/owner and all property owners within 300 feet of the subject property. A notice of the application and hearing date will be published in the Yakima Herald Republic. The applicant must post the property with City supplied signs at least 20 days prior to the hearing. This notice provides the public an opportunity to submit written comments on the proposal during a 20-day comment period.

Attend Public Hearing: The Hearing Examiner will conduct the Public Hearing. Hearings are generally scheduled on the second and fourth Thursday of the month beginning at 9:00 AM in the City of Yakima Council Chambers. These hearings are televised on the Yakima Public Access Channel (YPAC). You or your representative must attend the hearing; however, representation by an attorney is not required.

Notice of Decision: Within ten working days after the close of the public hearing, the Examiner will issue a written decision. Notice of the Hearing Examiner's decision will be mailed to you and all parties of record.

Appeal the Decision?: For Decisions on a Change or Expansion of a Nonconforming Use or Structure, the Hearing Examiner's Decision is final unless appealed to City Council. If you are not satisfied with the decision, discuss your concerns with a Planner. Appeals of Hearing Examiner Decision must be filed within 14 days of the date of mailing of the Decision on forms provided by the City of Yakima along with a \$340.00 appeal fee. The Zoning Ordinance allows for appeals of all or part of the Decision.



LAND USE APPLICATION

CITY OF YAKIMA, DEPARTMENT OF COMMUNITY DEVELOPMENT

129 NORTH SECOND STREET, 2ND FLOOR, YAKIMA, WA 98901

VOICE: (509) 575-6183 FAX: (509) 575-6105

INSTRUCTIONS – PLEASE READ FIRST Please type or print your answers clearly.

Answer all questions completely. If you have any questions about this form or the application process, please ask a Planner. Remember to bring all necessary attachments and the required filing fee when the application is submitted. The Planning Division cannot accept an application unless it is complete and the filing fee paid. Filing fees are not refundable. This application consists of four parts. PART I - GENERAL INFORMATION AND PART IV – CERTIFICATION are on this page. PART II and III contain additional information specific to your proposal and MUST be attached to this page to complete the application.

PART I – GENERAL INFORMATION

1. Applicant's Information:	Name:							
	Mailing Address:							
	City:		St:		Zip:		Phone: ()	
	E-Mail:							
2. Applicant's Interest in Property:	Check One:	<input type="checkbox"/> Owner	<input type="checkbox"/> Agent	<input type="checkbox"/> Purchaser	<input type="checkbox"/> Other _____			
3. Property Owner's Information (If other than Applicant):	Name:							
	Mailing Address:							
	City:		St:		Zip:		Phone: ()	
	E-Mail:							
4. Subject Property's Assessor's Parcel Number(s):								
5. Legal Description of Property. (if lengthy, please attach it on a separate document)								
6. Property Address:								
7. Property's Existing Zoning:								
<input type="checkbox"/> SR <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input type="checkbox"/> B-1 <input type="checkbox"/> B-2 <input type="checkbox"/> HB <input type="checkbox"/> SCC <input type="checkbox"/> LCC <input type="checkbox"/> CBD <input type="checkbox"/> GC <input type="checkbox"/> AS <input type="checkbox"/> RD <input type="checkbox"/> M-1 <input type="checkbox"/> M-2								
8. Type Of Application: (Check All That Apply)								
<input type="checkbox"/> Administrative Adjustment	<input type="checkbox"/> Environmental Checklist (SEPA Review)	<input type="checkbox"/> Easement Release						
<input type="checkbox"/> Type (1) Review	<input type="checkbox"/> Right-of-Way Vacation	<input type="checkbox"/> Rezone						
<input type="checkbox"/> Type (2) Review	<input type="checkbox"/> Transportation Concurrency	<input type="checkbox"/> Shoreline						
<input type="checkbox"/> Type (3) Review	<input type="checkbox"/> Non-Conforming Use/Structure	<input type="checkbox"/> Critical Areas Review						
<input type="checkbox"/> Preliminary Short Plat	<input type="checkbox"/> Appeal to HE / City Council	<input type="checkbox"/> Variance						
<input type="checkbox"/> Final Short Plat	<input type="checkbox"/> Interpretation by Hearing Examiner	<input type="checkbox"/> Temporary Use Permit						
<input type="checkbox"/> Short Plat Amendment	<input type="checkbox"/> Modification	<input type="checkbox"/> Overlay District						
<input type="checkbox"/> Preliminary Long Plat	<input type="checkbox"/> Home Occupation	<input type="checkbox"/> Binding Site Plan						
<input type="checkbox"/> Final Long Plat	<input type="checkbox"/> Comprehensive Plan Text or Map Amendment	<input type="checkbox"/> Planned Development						
<input type="checkbox"/> Plat Alteration –Long Plat	<input type="checkbox"/> Short Plat Exemption: _____	<input type="checkbox"/> Other: _____						

PART II – SUPPLEMENTAL APPLICATION, PART III – REQUIRED ATTACHMENTS, & PART IV – NARRATIVE

9. SEE ATTACHED SHEETS

PART V – CERTIFICATION

10. I certify that the information on this application and the required attachments are true and correct to the best of my knowledge.

Property Owner's Signature _____
Date

Applicant's Signature _____
Date

FILE/APPLICATION(S)#			
DATE FEE PAID:	RECEIVED BY:	AMOUNT PAID:	RECEIPT NO:



**Supplemental Application For:
Change or Expansion of a Nonconforming Use or Structure
Yakima Urban Area Zoning Ordinance Chapter 15.19**

PART II - APPLICATION INFORMATION

1. TYPE OF PROPOSED ACTION: (✓check at least one)

Change from one nonconforming use to another nonconforming use. • Proposed Use _____

Expansion of a nonconforming use. • Nonconforming use being expanded _____

Expansion of a nonconforming structure. • How is the structure nonconforming _____

2. SIZE OR INCREASE OF EXPANSION:

3. EXISTING USE: (Must Be Taken From YMC Ch. 15.04, Table 4-1)

4. WILL THE PROPOSED CHANGE:

Yes No Increase residential density?

Yes No Increase the amount of required parking by more than 10% or 20 spaces?

Yes No Increase/decrease use/structure by more than 50% (includes previous modifications) of the existing use or structure?

Yes No Change or modify any special condition previously imposed under Class (1), (2), or (3) Review?

Yes No Increase the height of any structure?

Yes No Adversely reduce the amount of existing landscaping or the amount or location of required landscaping?

Yes No Add a drive-thru or include hazardous materials?

Yes No Expand an existing non-conforming use (except provided for in YMC § 15.19.080) or render a structure non-conforming?

Yes No Increase the degree of nonconformity of the structure?

Yes No Comply with all other development standards of the district in which it is located?

Yes No Create or materially increase any adverse impacts or undesirable effects?

5. IS THE NEW USE OR CHANGE IN USE PROPOSED

Yes No A nonconforming structure occupied by a Class (1) or Class (2) use or a single-family dwelling or duplex?

Yes No A Class (1) or (2) use in that particular district?

Yes No Similar in character and hours to the operation and the use approved or existing?

PART III - REQUIRED ATTACHMENTS

6. SITE PLAN: (Please use the City of Yakima Site Plan Checklist, attached)

7. DESCRIPTION: A description of the location, size, and type of modification is required.

8. WRITTEN NARRATIVE: (Please submit a *separate written response* to the following questions)

A. Explain how are the proposal and associated improvements compatible with neighboring land uses.

B. Explain how the expansion or change is not contrary to the public health, safety, or welfare.

C. Explain how the proposal will not significantly depress the value of nearby properties.

D. Explain how the use or structure was lawful at the time of its inception.

E. Explain how the significance of the hardship on the applicant is more compelling than, and reasonably overbalances, any benefit the public may derive from denial of the relief requested.

9. FOR PREVIOUSLY APPROVED USES AND STRUCTURES: A copy of the Final Site Plan previously approved with proposed modification must be submitted.

Note: if you have any questions about this process, please contact us, City of Yakima, Planning Division, 129 N. 2nd St., Yakima, WA or 509-575-6183

SITE PLAN CHECKLIST & INSTRUCTIONS

In Order For Application To Be Determined Complete, A Site Plan Must Be Completed And Returned.

A Detailed Site Plan Is Required: On August 8, 1996, the City Council passed a resolution (No. R-96-91) adopting a requirement that all site plans submitted in conjunction with my building permit application, land use application, and environmental application shall contain certain information and be approved by the appropriate Division Manager. All information that is applicable to your proposal shall be checked off and clearly displayed on the site plan. It is in the applicant's best interest to provide a carefully drawn and scaled site plan with all required information. The decision on whether or not to grant approval of your development proposal is largely based on the information you provide. An application cannot be processed until an adequate site plan is submitted.

Please complete this checklist and include it with your site plan. The site plan must contain all pertinent information. Items not applicable to the proposed project shall be noted.

- 1) **Use Ink:** Use blue or black permanent ink. It may be helpful to draft the site plan in pencil then trace over in ink. Ink is necessary for adequate duplication.
- 2) **Use A Straight Edge:** All lines must be straight and done with the aid of a ruler or other straight edge. Use a compass when delineating circular drawings such as cul-de-sacs. Computer drafted site plans are acceptable.
- 3) **Draw To Scale:** Site plans shall be drawn to scale. The site plan template has a suggested map scale of one inch equaling twenty feet (1"=20'). Distances on the map must be as representative of reality as possible. For example, if the distance from a structure to a property line is 20 feet, the distance on the site plan will be 1 inch.
- 4) **Use Site Plan Checklist:** Use the site plan checklist and provide all applicable information on the site plan.
- 5) **Fill In Information On The Site Plan Template Available At The City Of Yakima Or Attach The Information Below To Your Site Plan:** Complete all information requested on the bottom of the site plan template. If you use a different medium, provide the requested information on the alternative paper.

Note: You may benefit from the aid of a professional in the preparation of a site plan.

Check all boxes as: Included or - Not Applicable

<input type="checkbox"/>	The site plan shall be legibly drawn in ink on paper of sufficient size to contain the required information, but not less than 8.5" X 11" for Class (1) projects and 11" X 17" for Class (2) and Class (3) projects.
<input type="checkbox"/>	All site plans shall be drawn to a standard engineering scale and indicated on the site plan. The scale selected shall best fit the paper. Planning staff recommends 1"=20'.
<input type="checkbox"/>	Site address, parcel number(s) and zoning designation of subject property.
<input type="checkbox"/>	Property boundaries and dimensions.
<input type="checkbox"/>	Names and dimensions of all existing streets bounding the site.
<input type="checkbox"/>	Dimensions, location and use of proposed and existing structures including loading docks.
<input type="checkbox"/>	Structure setbacks.
<input type="checkbox"/>	North Arrow.
<input type="checkbox"/>	Lot coverage with calculations shown on site plan.
<input type="checkbox"/>	Location and size of any easements.
<input type="checkbox"/>	Location and type of existing & proposed landscaping including landscaping within the public right-of-way.
<input type="checkbox"/>	Location and size of existing and proposed side sewer and water service lines.
<input type="checkbox"/>	Adjacent land uses and zoning designations.
<input type="checkbox"/>	Location and size of all parking spaces shown on the site plan.
<input type="checkbox"/>	Location and dimensions of proposed or existing driveway approaches.
<input type="checkbox"/>	Vision clearance triangles at street intersections and where driveways and curb cuts intersect with streets. SEE 15.05.040 – Vision Clearance attached with Sample Site Plan
<input type="checkbox"/>	Location and size of proposed or existing signs.
<input type="checkbox"/>	Location and size of required site drainage facilities including on-site retention.
<input type="checkbox"/>	Location, type, and description of required sitescreening.
<input type="checkbox"/>	Location and size of existing or proposed public sidewalks that are within 200-feet of the subject property.
<input type="checkbox"/>	Proposed frontage improvements located within the public right-of-way.
<input type="checkbox"/>	Name, address, phone number, and signature of the owner or person responsible for the property.

Note: Planning Division or reviewing official may require additional information to clarify the proposal, assess its impacts, or determine compliance with the YMC and other laws and regulations.