



City of Yakima

Nonconforming Use or Structure

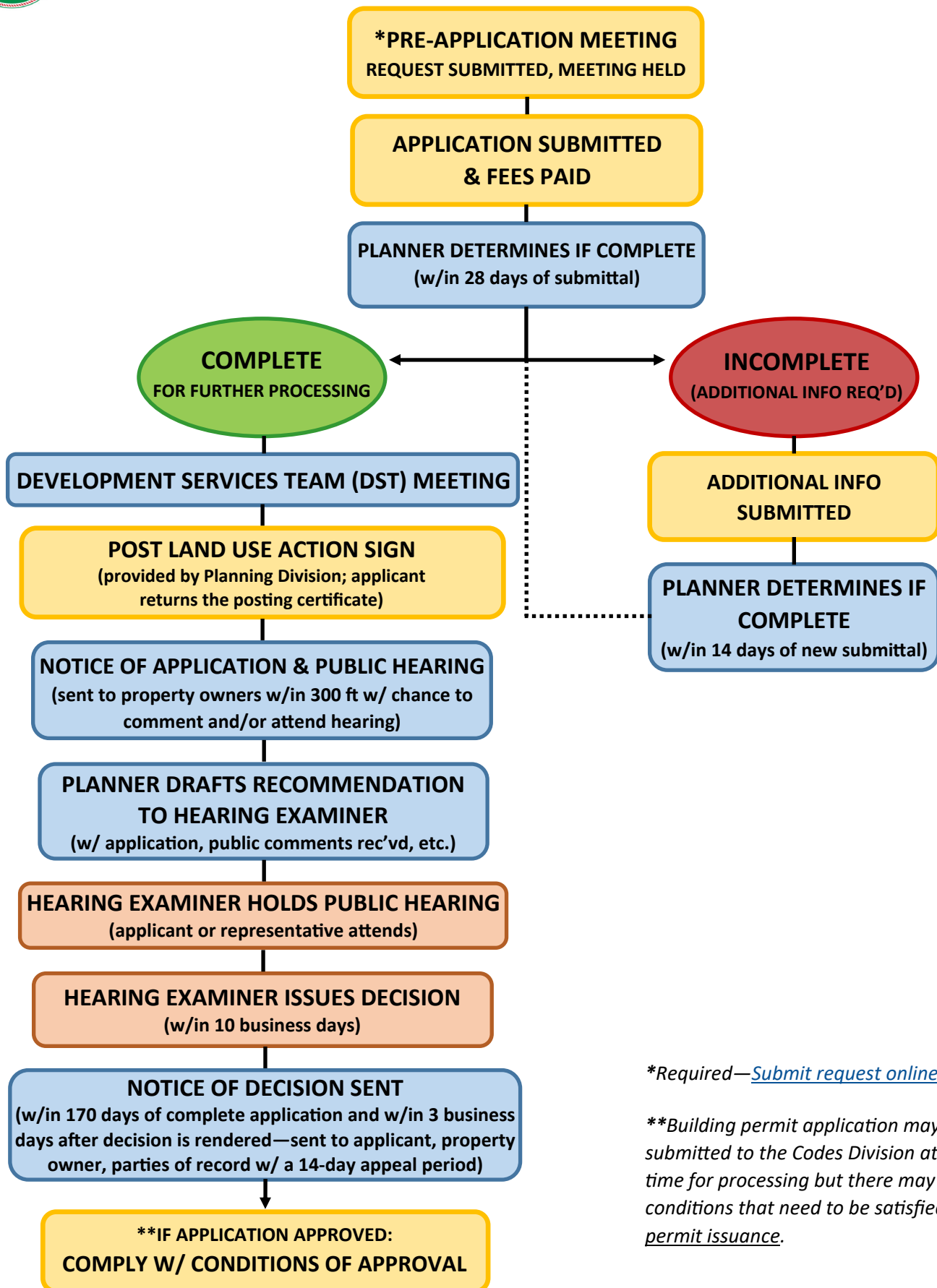
Application Packet

About this Application:

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.

City of Yakima, Planning Division
129 North 2nd Street, 2nd Floor, Yakima, WA 98901
Phone#: (509) 575-6183 Email: ask.planning@yakimawa.gov

Check <https://www.yakimawa.gov/services/planning/land-use-application-forms/>
for the most current version of this application form.



*Required—[Submit request online](#).

**Building permit application may be submitted to the Codes Division at the same time for processing but there may be conditions that need to be satisfied prior to permit issuance.



COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

129 N. 2nd St., Yakima, WA 98901

Phone: (509) 575-6183 Email: Ask.Planning@yakimawa.gov

NONCONFORMING USE OR STRUCTURE

LAND USE APPLICATION FORM ([YMC CH. 15.19](#))

Please complete this page and the attached forms. If you have any questions about this form or the application process, please ask to speak with a planner. All necessary attachments and the filing fee are required upon submittal. Filing fees are non-refundable.

APPLICANT INFORMATION:

Name: _____ Company (if applicable): _____

Phone Number: _____ Email Address: _____

Mailing Address: _____ City: _____ State: _____ Zip Code: _____

Interest in Property: ☐ Property Owner ☐ Agent ☐ Purchaser Other: _____

PROPERTY OWNER INFORMATION (check if same as applicant ☐)

Name: _____

Phone Number: _____ Email Address: _____

Mailing Address: _____ City: _____ State: _____ Zip Code: _____

SUBJECT PROPERTY INFORMATION

Address: _____

Parcel Number(s) (if lengthy, attach on separate document): _____

Legal Description (if lengthy, attach on separate document): _____

Current Zoning Designation:

☐ SR ☐ R-1 ☐ R-2 ☐ R-3 ☐ B-1 ☐ B-2 ☐ HB ☐ SCC ☐ LCC ☐ CBD ☐ GC ☐ AS ☐ RD ☐ M-1 ☐ M-2

CERTIFICATION

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

STAFF USE ONLY:

File/Application #: _____

Date Paid: _____ Received By: _____ Amount Paid: _____

Receipt No.: _____



NONCONFORMING USE OR STRUCTURE

LAND USE APPLICATION FORM (CONT'D)

APPLICATION QUESTIONS:

1. Type of proposed action (check all that apply):

☐ 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. Existing land use (must be taken from [YMC Ch. 15.04](#), Table 4-1):

3. Will the proposed change:

Increase residential density?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Increase the amount of required parking by more than 10% or 20 spaces?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Increase/decrease use/structure by more than 50% (includes previous modifications) of the existing use or structure?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Change or modify any special condition previously imposed under Class (1), (2), or (3) Review?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Increase the height of any structure?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Adversely reduce the amount of existing landscaping or the amount or location of required landscaping?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Add a drive-thru or include hazardous materials?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Expand an existing non-conforming use (except provided for in YMC § 15.19.080) or render a structure non-conforming?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Increase the degree of nonconformity of the structure?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Cause nonconformance with any other development standards of the district in which it is located?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Create or materially increase any adverse impacts or undesirable effects?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

4. Is the new use or change in use proposed:

A nonconforming structure occupied by a Class (1) or Class (2) use or a single-family dwelling or duplex?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Dissimilar in character and hours to the operation and the use approved or existing?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

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

NONCONFORMING USE OR STRUCTURE

LAND USE APPLICATION FORM (CONT'D)

6. Explain how the expansion or change is not contrary to the public health, safety, or welfare:
7. Explain how the proposal will not significantly depress the value of nearby properties:
8. Explain how the use or structure was lawful at the time of its inception.
9. 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.

REQUIRED ATTACHMENTS:

1. SITE PLAN meeting the requirements of the attached site plan checklist.
2. FOR PREVIOUSLY APPROVED USES AND STRUCTURES: A copy of the Final Site Plan previously approved with proposed modification must be submitted.



CITY OF YAKIMA SITE PLAN CHECKLIST

For Land Use Review & Building Permits



Site plans required for land use review and building permits shall include the items listed below.

Sections from the Yakima Municipal Code are referenced by some items to help guide applicants. This is not a comprehensive list. View the full Yakima Municipal Code here: <https://www.codepublishing.com/WA/Yakima/>

- ☐ Property address, parcel number, and zoning designation;
- ☐ Legal description of the land;
- ☐ North arrow and scale of drawing;
- ☐ Name of applicant, phone number, signature of property owner and project name;
- ☐ Actual dimensions and shape of the lot to be built upon;
- ☐ Sizes and location of existing structures on the lot to the nearest foot;
- ☐ Location and dimensions of proposed structures and uses;
- ☐ All structure setbacks ([YMC § 15.05.030](#));
- ☐ Lot coverage calculations ([YMC § 15.05.020\(C\)](#));
- ☐ Clearview triangle ([YMC § 15.05.040](#));
- ☐ Size and location of proposed and existing utility easements and other easements;
- ☐ Location and size of required site drainage facilities including on-site retention;
- ☐ Adjacent Right-of-Way dedication and frontage improvements;
- ☐ Distance(s) of structures to property line and to the centerline of the Right-of-Way ([YMC § 15.05.030](#), Table 5-1);
- ☐ Location of ingress and egress, including curb cuts intersecting with streets and dimensions of proposed or existing driveways ([YMC § 15.06.065](#));
- ☐ Location and size of parking stalls with accessible parking spaces and aisles identified ([YMC Ch. 15.06](#));
- ☐ Location of electric vehicle (EV) infrastructure;
- ☐ Parking circulation plan with proposed landscaping and sitescreening ([YMC Ch. 15.06](#));
- ☐ Location and size of new or existing loading spaces ([YMC § 15.06.130](#));
- ☐ Proposed and existing signage ([YMC Ch. 15.08](#)); and
- ☐ Proposed or existing mailbox location.

A site plan for development in the floodplain overlay shall also include the following information:

- ☐ Size and location of floodplain and floodway on the lot;
- ☐ Elevation in relation to the one-hundred-year flood level of the lowest floor (including basement) of all structures;
- ☐ Elevation in relation to mean sea level of any structure that has been floodproofed;
- ☐ Certification by a registered professional engineer or architect that established floodproofing standards have been met;
- ☐ Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development; and
- ☐ Any other site plan requirements identified in [YMC Ch. 15.27](#) Part Four.

Additional information may be requested. Projects requiring work in the public right-of-way or involving city water main lines or sewer main lines will be required to submit civil plans to the Engineering Division for review.