

# **CERTIFICATE OF LEGALLY NON CONFORMING USE OF LAND APPLICATION**

## **South Bend Plan Commission**

227 W. Jefferson Blvd - 14th Floor County City Bldg

South Bend, IN 46601

574-235-7627

### **APPLICATION INSTRUCTIONS**

1. Call or visit the St. Joseph County Assessor's Office to:
  - a. Get copies of all assessor cards from 2019 to now
  - b. Get copies of all assessor cards prior to 2019 if use was not allowed with previous zoning
2. Visit South Bend Code Enforcement for copies of any violations on the property.
3. Take current photos of property
4. Gather supplemental proof that use has not ceased for 12 months or more since the use was legally established. Not required for single family use.
5. Gather supplemental proof if to support establishment of the use. If you need building permits or other information from the Building Department, please contact them at (574) 235-9554 (option #2)
6. Complete application form
7. Have current property owner sign and notarize application form
8. Submit application form along with all other items in the checklist below to the South Bend Plan Commission for review.

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### **REVIEW AND APPEAL**

The Zoning Administrator will review the application, including any and all supporting documentation provided. A Certificate of Legal Nonconforming Use of Land will be issued where such use has been determined by the Zoning Administrator to be in compliance with all ordinances.

In review of this application, the Zoning Administrator may also solicit any additional information that may come to his or her attention such as permits, contacts with existing tenants, and any citizen comments.

Denial of the application by the Zoning Administrator may be appealed to the South Bend Board of Zoning Appeals.

### **NOTICE TO PETITIONER**

The Certificate of Legal Nonconforming Use, if approved, may be rescinded if the information provided by the applicant is discovered to be false, or new information is brought forward. In addition, the issuance of the Certificate does not limit or restrict the right of the Zoning Administrator to initiate zoning enforcement if the nonconforming use is abandoned, enlarged or otherwise destroyed in a manner recognized by applicable or State law; or if zoning violations occur upon the real estate.

### **USEFUL LINKS**

- Building Department - [southbendin.gov/zoning](http://southbendin.gov/zoning)
- South Bend Plan Commission - [southbendin.gov/zoning](http://southbendin.gov/zoning)
- Assessor's Office - <http://www.stjosephcountyindiana.com/departments/SJCAssessor/index.htm>
- South Bend Code Enforcement - [southbendin.gov/code](http://southbendin.gov/code)
- South Bend Zoning Ordinance and Zoning Map- [southbendin.gov/zoning](http://southbendin.gov/zoning)
- MACOG GIS Site - [http://maps.macog.com/Html5Viewer/Index.html?configBase=http://maps.macog.com/Geocortex/Essentials/Ess443/REST/sites/MACOG\\_HTML5/viewers/MACOG/virtualdirectory/Resources/Config/Default&run=MACOG-StJosephParcelSearch](http://maps.macog.com/Html5Viewer/Index.html?configBase=http://maps.macog.com/Geocortex/Essentials/Ess443/REST/sites/MACOG_HTML5/viewers/MACOG/virtualdirectory/Resources/Config/Default&run=MACOG-StJosephParcelSearch)
- APRA Information - [southbendin.gov/legal](http://southbendin.gov/legal)
- City of South Bend - [southbendin.gov](http://southbendin.gov)

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CHECKLIST**

- 1. Completed application, signed and notarized by current property owner
- 2. Non Refundable Filing fee (confirm the current fee in the most recent fee schedule)
- 3. If seeking to certify anything other than the use, provide a site plan showing location of all buildings and structures and their setbacks, parking spots (if not single family residential), landscaping (if not single family, or duplex). **If lot is less than 3 acres site plan must be to scale.**
- 4. Assessor property cards from 2019-to now
- 5. If use was not allowed in 2019 all available assessor cards prior to 2019. If this is provided the supplemental proof may not be required.
- 6. Current photographs of property
- 7. Code Enforcement Records for the property
- 8. Supplemental proof – provide at least 1 additional item from the list below that supports a legal non-conforming use of land:
  - a. **Assessor Property Cards.**

Assessors have cards from assessments from previous years. Submit cards for all years available. Contact the County Assessor at (574) 235-9523. This may not be enough supplemental proof.
  - b. **Affidavits.** Written affidavits from neighbors, present or past property owners or tenants, or anyone who may have knowledge of the non-conforming use, may be used to supplement primary evidence. These affidavits must be legible, include the telephone number and address of the affiant, and must be notarized.
  - c. **Polk Directory / Haines Directory Pages.** Reproduce information found in Polk Directory pages and/or Haines Directory pages pertaining to the address of the property under consideration. Highlight or underline the information, and include the year.
  - d. **Variance/Rezoning petitions (Zoning History).** Information on variances may be obtained through the records of the South Bend/St. Joseph County Building Department. Information on rezoning petitions may be obtained through the records of the South Bend Plan Commission.
  - e. **Improvement Location Permits/Building permits.** Past permits issued may be obtained at the South Bend/St. Joseph County Building Department. (Note that permits and associated documents older than 12 years may no longer be available.)
  - f. **Floor or Building Plan(s).** (Original/as-built, historic, current) with verifiable date. Required if therequest for the Certificate Of Legally Established Non-Conforming Use Of Land is for uses or expansion of uses. (Note that permits and associated documents older than 12 years may no longer be available.)
  - g. **Historic Preservation Commission documents.** For properties within a locally designated Historic Preservation District, the records and collections of the Commission may provide useful historical information regarding the use of the property or its improvements.
  - h. **Recorded Documents.** Recorded documents are located in the Office of the St. Joseph County Recorder, 3rd Floor County-City Building. Include any documents that relate to the history of the use of the property, such as contracts and liens.
  - i. **Sanborn Fire Insurance Maps.** The Sanborn maps are available only for properties located within the original city limits of South Bend. These maps give detailed information about lots and land use. These maps are available in the offices of the South Bend Plan Commission.
  - j. **Licenses (Liquor, Merchant, etc.).** Include any documents that relate to transactions that have occurred on, or in regard to, the affected property at any time since the use began.
  - k. **Business / Financial Records.** Such as rent receipts, financial records, tax statements and property insurance statements. IRS tax filings may be an important source of information. Financial amounts may be blackened out for privacy.
  - l. **Utility Bills** (such as utility, construction, etc.). This information may give insight as to when a non-conforming use began and may be available from utility companies, current or former tenants, or creditors. Financial amounts may be blackened out for privacy.
  - m. **Photographic evidence.** This may include newspapers, periodicals, publications, aerial photographs, or other image documentation. Photographs have limited value unless a verifiable date is included.

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**APPLICANT INFORMATION**

**APPLICANT:**

*Must be current property owner* \_\_\_\_\_

**PHONE:** \_\_\_\_\_

**EMAIL:** \_\_\_\_\_

**ADDRESS:**

\_\_\_\_\_ Address

\_\_\_\_\_ City

\_\_\_\_\_ State

\_\_\_\_\_ Zip

**PROPERTY INFORMATION** *If applying for multiple properties in a single application they must all have the same ownership information, same zoning, same use, be located in the same jurisdiction and be adjacent to each other.*

Parcel ID# (e.g. 006-1007-007002) \_\_\_\_\_ Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
Legal Description \_\_\_\_\_

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Legal Description \_\_\_\_\_

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Legal Description \_\_\_\_\_

Parcel ID# (e.g. 006-1007-007002) \_\_\_\_\_ Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
Legal Description \_\_\_\_\_

**ZONING** *For current zoning visit the South Bend Plan Commission web page. For previous zonings contact South Bend Plan Commission at 245-6022*

**CURRENT ZONING:** \_\_\_\_\_ **ZONING IN 2019:** \_\_\_\_\_ **OTHER PREVIOUS ZONING:** \_\_\_\_\_

**VARIANCE, SPECIAL USE/ EXCEPTION APPROVALS**     N/A     YES    Date of Approval \_\_\_\_\_

**Description of variance and/or special exception/use**

**CURRENT USE** *To verify if the current use is permitted, requires special use/exception approval or is not permitted visit the Area Plan Commission web page and access the applicable zoning ordinance for the property.*

**Start Date for Current Use** \_\_\_\_\_ **Has the use ceased for 12 (twelve) months or more since the start date?**     YES     NO    **Has the use ceased for 6 (six) months or more since the start date?**     YES     NO

**The Current use is:**     PERMITTED IN CURRENT ZONING     SPECIAL EXCEPTION/USE IN CURRENT ZONING     NOT PERMITTED IN CURRENT ZONING

**Type of use:**  
 COMMERCIAL (E.G. RETAIL)     BUSINESS (E.G. OFFICE)     INDUSTRIAL  
 MULTI-FAMILY     SINGLE FAMILY     DUPLEX

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**CURRENT DEVELOPMENT STANDARDS** *To verify if the existing development standards meet the zoning requirements visit the South Bend Plan Commission web page and access the applicable zoning ordinance for the property.*

**Property Development Date** \_\_\_\_\_

**Meets developments standards for**

Set backs	<input type="checkbox"/> YES	<input type="checkbox"/> NO	Parking	<input type="checkbox"/> YES	<input type="checkbox"/> NO	Landscaping	<input type="checkbox"/> YES	<input type="checkbox"/> NO	Building sq/ft	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Building height	<input type="checkbox"/> YES	<input type="checkbox"/> NO	Fencing	<input type="checkbox"/> YES	<input type="checkbox"/> NO	Lot coverage	<input type="checkbox"/> YES	<input type="checkbox"/> NO	# of Buildings	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Frontage	<input type="checkbox"/> YES	<input type="checkbox"/> NO	Lot Size	<input type="checkbox"/> YES	<input type="checkbox"/> NO	OTHER	<input type="checkbox"/> YES	<input type="checkbox"/> NO	_____ Describe		

**REQUEST**

**This application seeks a Certificate of Legally Established Nonconforming Use of Land for (check one only):**

- USE ONLY       DEVELOPMENT STANDARDS ONLY       USE AND DEVELOPMENT STANDARDS

**Oath:** The above information, to my knowledge, is true and correct.

STATE OF INDIANA            )  
  ) SS:  
COUNTY OF ST. JOSEPH )

I, *(print name)* \_\_\_\_\_, being first duly sworn, deposes and says that I am the owner of the aforementioned property, and that the information set forth in, and attached to, this application, is/are true and correct to my best knowledge.

Signature of Affiant(s) \_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to me before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Date Commission expires

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
County of Residence

\_\_\_\_\_  
Printed Name of Notary