



## Nonconformities

§122-350

Nonconforming "A"

This Fact Sheet is not a substitute for the ordinance, but addresses common questions about City ordinances. For further information, please call the Planning Department.

All permit applications are available from the Building Department and at [cityofypsilanti.com/permits](http://cityofypsilanti.com/permits).

Completed applications may be dropped off at the Planning Department.

### City Hall

One South Huron  
Ypsilanti, MI 48197

#### Building

3<sup>rd</sup> Floor, City Hall  
Phone: (734) 482-1025  
[cityofypsilanti.com/157](http://cityofypsilanti.com/157)

#### Planning

3<sup>rd</sup> Floor, City Hall  
Phone: (734) 483-9646  
[cityofypsilanti.com/planning](http://cityofypsilanti.com/planning)

#### Historic District

3<sup>rd</sup> Floor, City Hall  
Phone: (734) 483-9646  
[cityofypsilanti.com/hdc](http://cityofypsilanti.com/hdc)

All permits, fees, and factsheets can be found at [cityofypsilanti.com/permits](http://cityofypsilanti.com/permits).

**A nonconforming use is something that was legal at its inception under the zoning ordinance that was in effect at the time, but would no longer be permitted under the current zoning ordinance. There are two major types of nonconformities:**

- dimensional nonconformity: includes building setbacks, heights, lot coverage, parking, and other such things
- use nonconformity: a commercial use in a residential neighborhood, such as an ice cream shop in a residential neighborhood.

A nonconformity cannot be expanded and if a casualty (such as a fire) occurs it can only be rebuilt or resumed under very specific circumstances. A nonconforming use cannot be changed, unless it's changed to a less nonconforming use (with Planning Commission approval), or to a use that conforms with the current zoning ordinance.

A nonconformity runs with the land, meaning that it doesn't matter who owns the property; the nonconformity can remain until it is eliminated. This process ensures that properties gradually come into compliance with the zoning ordinance, while still treating the owners of nonconforming property fairly.

Cases exist where a nonconformity has become part of the landscape of a neighborhood, and there's an interest in keeping it as is, or making a "better version" of what exists. One way to accomplish that for commercial buildings/uses in residential neighborhoods is the Adaptive Re-Use Planned Unit Development; another tool to accomplish that for multifamily uses in less-dense residential neighborhoods is the designation of a special status- "**Nonconforming A.**" This status does not give the owner any right to expand, but it does grant them the right to rebuild in the case of a casualty. Although casualties are rare, many prospective investors in these properties find it challenging to buy (and existing owners, difficult to sell), as many mortgage companies will not finance the purchase of a nonconforming property. Similarly, significant upgrades to these properties can be difficult, as the owner cannot use the property as equity. Once the property has been granted the special nonconforming status, those barriers to selling/purchasing and maintaining the property are removed.

Many conditions must be met before a property can be granted a Nonconforming A status. These conditions include, but are not limited to:

- must be in good standing with the City, without any unpaid tax bills, liens, or citations
- the property has to be in good condition, conforming to the provisions of the Property Maintenance Code
- the designation has to conform to the intent of the Master Plan
- must be a multifamily residential use in the **CN-Mid** or **R-1** zoning districts
- must have begun legally (for instance, a two-family established without permits when in a single-family district would not generally be eligible)

For the full list, please review the text of the Zoning Ordinance. The decision is made by the Planning Commission, following a public hearing to which the public and all neighbors within 300' are invited. A Nonconforming A status runs with the land, but is revocable.





**City of Ypsilanti  
Planning & Development Department**

One South Huron • Ypsilanti, MI 48197  
Phone: (734) 483-9646  
www.cityofypsilanti.com

**APPLICATION FOR DESIGNATION OF SPECIAL NONCONFORMING STATUS**

"NONCONFORMING A" | §122-350  
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

**Applicant/Contact\***

Name		
Address		
City	State	Zip
Phone / Fax		E-Mail

\*If applicant is not the property owner: applicant must attach property owner's written, notarized authorization of application.

**Property**

Address	
List all parcel identification numbers included in development:	
Legal description of property (may be attached):	
Current Zoning:	Current Use:

Please complete and attach all of the items on the checklist below. Applications submitted without all the items listed, will be returned as incomplete.

- A mortgage survey that depicts:
  - all property lines and dimensions correlated with the legal description
  - the location and dimensions of all existing and proposed structures and uses on property
  - any roads, alleys, easements, or utilities which traverse or abut the property and the lot area and setback
- An accurate, scaled drawing of the floor plans for all units.
- A copy of the most recent rental inspection report.
- At least four current photos of the exterior of your property: front, rear, left, and right sides.

**Signature**

I hereby attest that the above information is accurate and complete. I am authorized to and grant permission to the City of Ypsilanti staff to access the subject property for the purposes of preparing staff reports and/or evaluating this application.

Signature:

Date:

Print Name:

**\*\*\*FOR OFFICE USE ONLY\*\*\***

Date:	Amount: <b>\$400</b>	Account: <b>101-4-7210-607-01</b>
<input type="checkbox"/> Cash	<input type="checkbox"/> Check payable to City of Ypsilanti <input type="checkbox"/> Credit (+ 3.0% surcharge)	Code: <b>178 Rezone</b>
		Signature of person receiving deposit:
Description of deposit:		