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.

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 Article 14 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.
- Seventeen (17) copies 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.

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.

It is strongly recommended that you consult Article 14 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.

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
Address:  52700 Van Dyke
Shelby Township, MI 48316
APPLICATION FORM
PLANNING COMMISSION REVIEW

I. TYPE OF REVIEW
☐ SITE PLAN  ☐ SPECIAL LAND USE  ☐ REZONING  ☐ CLASS A NONCONFORMING USE
☐ PUD PRELIMINARY  ☐ PUD FINAL  ☐ SITE CONDO PRELIMINARY  ☐ SITE CONDO FINAL
SUBDIVISION:  ☐ TENTATIVE PRELIMINARY PLAT  ☐ FINAL PRELIMINARY PLAT  ☐ FINAL PLAT

II. APPLICANT (A completed Applicant Information Form must accompany this application.)
APPLICANT'S NAME ______________________________________
ADDRESS _____________________________________________
CITY ___________________ STATE ___________ ZIP ___________
PHONE ___________________ EMAIL ___________________

III. PROPERTY INFORMATION
PROPERTY ADDRESS ______________________________________
GENERAL LOCATION ______________________________________
LEGAL DESCRIPTION  ☐ ATTACHED  ☐ ON SITE PLAN
PROPERTY IDENTIFICATION NO. _____________________________
PROPERTY SIZE (acres) ___________________ FRONTAGE (feet) ___________
EXISTING ZONING ______________________________________
PROPOSED USE _________________________________________
# OF UNITS PROPOSED: __________________________________
SIZE OF PROPOSED STRUCTURE(S) (square feet) ______________

IV. SITE PLAN INFORMATION
SITE PLAN PREPARED BY __________________________________
CONTACT NAME _________________________________________
ADDRESS _____________________________________________
CITY ___________________ STATE ___________ ZIP ___________
PHONE ___________________ EMAIL ___________________

V. SIGNATURES (This application form must be signed by both the applicant and legal owner of the property.)
The undersigned deposes that the foregoing statements and answers and accompanied information are true and correct.

_________________________________________________________  _________________________________________________________
SIGNATURE OF APPLICANT  SIGNATURE OF LEGAL OWNER

(Print/type name of applicant) (Print/type name of legal owner)
APPLICANT INFORMATION FORM

Office Use
Application No. ______________ Date Received ______________ Copy of driver’s license attached? □ Yes □ No

I. TYPE OF APPLICATION (The appropriate Application Form must accompany this form.)

☐ SITE PLAN  ☐ SPECIAL LAND USE  ☐ TREE PERMIT  ☐ CLASS A NONCONFORMING USE
☐ ZONING BOARD OF APPEALS  ☐ REZONING  ☐ MINOR TEMPORARY USE
☐ CONDOMINIUM SUBDIVISION  ☐ SUBDIVISION  ☐ SIGN PERMIT

II. APPLICANT INFORMATION

NAME ____________________________________________

ADDRESS __________________________________________

CITY ____________________________ STATE __________ ZIP __________

PHONE ____________________________ EMAIL ____________________________

DATE OF BIRTH ____________________________

DRIVER’S LICENSE NUMBER ____________________________

(A copy of both side of the applicant’s driver’s license must be attached. Fax copies will not be accepted.)

III. SIGNATURE

The undersigned deposes that the foregoing statements and answers and accompanied information are true and correct.

______________________________________________

SIGNATURE OF APPLICANT

______________________________________________

(Print/type name of applicant)
STATE OF MICHIGAN
COUNTRY OF

I/We __________________________________________________________
Name(s)

of

Address City State Zip Phone

the ________________________________________________ of

Title Name of Company

being duly sworn, depose(s) and say(s) as follows:

1. The owner(s) of the property described on the attached

☐ Warranty Deed ☐ Land Contract ☐ Other Document (specify)

is/are as follows:

Name Address

Name Address

This property is the subject of a ________________________________

Type of application

Application submitted to the Charter Township of Shelby.

2. I/We authorize ________________________________________________
Name(s)

the ________________________________________________ of

Title(s) Name of Company

of

Address City State Zip Phone

to be my/our designated representative(s) in the processing of the application and to make representations and commitments on my/our behalf in connection with obtaining approval of my/our request.

________________________________________ ______________________________
Signature of property owner Title of property owner (if applicable)

(Print/type name of property owner)

Subscribed and sworn to before me on

the _______ day of ________________________, 20______ .

________________________________________, Notary Public

________________________________________ County, Michigan

My commission expires: __________________________
